

AGENDA

Central Area Planning Sub-Committee

Date: **Wednesday 16 September 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 Chairman of Planning Committee
Councillor RV Stockton Vice-Chairman of Planning Committee

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A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

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AGENDA

	Pages
<p>1. APOLOGIES FOR ABSENCE To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST To receive any declarations of interest by members.</p>	
<p>3. MINUTES To approve and sign the minutes of the last meeting.</p>	1 - 10
<p>4. ITEM FOR INFORMATION - APPEALS To be noted.</p>	11 - 12
<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>5. DCCE0009/1661/F - 21 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1HR Proposed extension to provide private accommodation, change of use from single dwelling to bed and breakfast and replacement access and parking area. Painting of external render.</p>	13 - 18
<p>6. DCCE0009/1361/F - LAND AT LUCKSALL CARAVAN PARK, MORDIFORD, HEREFORDSHIRE, HR1 4LP Siting of a mobile storage unit adjacent to the River Wye.</p>	19 - 26
<p>7. DCCW0009/1406/F - 253 WHITECROSS ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LT Erection of four dwellings.</p>	27 - 36
<p>8. DCCW0009/1414/F - 255 WHITECROSS ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LT Conversion and change of use of existing garage to communal bin store.</p>	37 - 42
<p>9. DCCW0009/1654/F - DISUSED PUBLIC TOILETS, THE OVAL, HEREFORD, HEREFORDSHIRE, HR2 7HG Demolition of derelict public toilet building and erection of two storey building for hot food takeaway on ground floor and storage on first floor.</p>	43 - 50
<p>10. DCCW0009/1390/F - LAND ADJACENT TO DINHAM, RYELAND STREET, HEREFORD, HR4 0LA Proposed new dwelling.</p>	51 - 56

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| 11. DCCW0009/1321/F - 152 EIGN STREET, HEREFORD, HEREFORDSHIRE, HR4 0AP | 57 - 62 |
| Erection of two semi-detached dwellings with associated parking. | |
| 12. DCCW0009/1402/F - HOLMER COURT RESIDENTIAL HOME, ATTWOOD LANE, HOLMER, HEREFORD, HEREFORDSHIRE, HR1 1LJ | 63 - 68 |
| Extension to existing care home providing 12 en-suite bedrooms, day rooms, dining room, staff facilities, new car park and landscaped gardens. | |
| 13. DATE OF NEXT MEETING | |
| 14 October 2009 | |

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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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- The nearest bus stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

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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 19 August 2009 at 2.00 pm

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

Councillors: WU Attfield, DJ Benjamin, AJM Blackshaw, PJ Edwards, DW Greenow, MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, AM Toon, NL Vaughan and WJ Walling

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

36. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors PA Andrews, ACR Chappell, SPA Daniels, H Davies, GFM Dawe, KS Guthrie, MAF Hubbard, AP Taylor, DB Wilcox and JD Woodward.

37. DECLARATIONS OF INTEREST

None.

38. MINUTES

RESOLVED:

That the minutes of the meeting held on 22 July 2009 be approved as a correct record and signed by the Chairman.

39. DCCW2008/2946/F - CHURCH HOUSE FARM, WELLINGTON, HEREFORD, HEREFORDSHIRE, HR4 8AZ [AGENDA ITEM 4]

Residential development of 20 houses comprising 13 open market houses and 7 affordable houses (amended access).

The Central Team Leader gave a presentation on the application and the following updates / additional representations received following the publication of the agenda were provided as follows:

- An additional representation had been received from Mr. McKay, requesting further enhancement of the access road to the recreation car parking area together with a pedestrian link from the development site to the recreation area.
- It was reported that the Transportation Manager had assessed the enhanced access details to the recreation parking and play area and was satisfied that a safe access could be achieved with the additional land now proposed.
- An additional condition requiring pedestrian access to the new play area from the development site was recommended.
- It was also reported that, shortly before the meeting, the Environment Agency had confirmed that it had no objections to the scheme.

Councillor AJM Blackshaw, the Local Ward Member, drew attention to a number of points, including:

- Consultation on the proposal had been considerable and adjustments had been made in response to issues raised by stakeholders.
- The proposal complied with the Herefordshire Unitary Development Plan and the Parish Plan.
- The site was in a central and important location in the village and the design approach proposed was sympathetic to the surroundings.
- A concern about potential overloading of the public sewerage system had been overcome through the provision of private treatment works and surface water would be disposed of via soakaways.
- It was noted that, subject to conditions, no objections had been raised by the Traffic Manager, the Conservation Manager (Historic Buildings), the Conservation Manager (Landscape), the Conservation Manager (Archaeology), or by Strategic Housing.
- The concerns of Wellington Parish Council, Wellington Community Association and Wellington Primary School had been largely addressed, with discussions ongoing between the officers and the applicants regarding access to the pavilion and the new play area.
- It was noted that one of the principal objectors no longer lived in the village.
- Highway safety considerations had been addressed, with all dwellings have private parking areas.
- In conclusion, Councillor Blackshaw welcomed the application and concurred with the officer recommendation as amended. He also noted the substantial contributions to local infrastructure improvements that would be secured through the proposed planning obligation agreement.

Councillor RI Matthews commented that the proposal would remove several steel framed farm buildings which would greatly enhance the area. He noted the need for appropriate and sustainable development in villages and supported this proposal. He also noted the value of the correspondence received which had led to further improvements to the scheme.

In response to a question from Councillor NL Vaughan, the Central Team Leader advised that strict adherence with every Unitary Development Plan policy was not always achievable with some developments and a balanced judgement was required, hence a statement in the report that 'the proposal complies with the main thrust of that policy' when referring to policy H4 (Main Villages: Settlement Boundaries).

A number of Members supported the application, some noted that initial concerns had now been addressed.

Councillor PJ Edwards drew attention to the recommended landscaping conditions and, referring the challenges of redeveloping the site, commented on the need for special care to ensure that the landscaping was successful.

Councillor MD Lloyd-Hayes considered this to be a sensitive and appropriate form of development. In response to a question, the Central Team Leader outlined the distribution of social housing through the site. Councillor Lloyd-Hayes, referring to the proposed planning obligation agreement, noted that improving local bus services could be difficult and said that monies should be directed to other initiatives if an improvement could not be secured with the relevant operator. She also suggested that a contribution towards the provision of cycle racks at Wellington Primary School could reduce the number of car trips in the locality.

Councillor Blackshaw said that the proposal would contribute to the viability and vitality of the village.

RESOLVED:

1. **The Legal Practice Manager be authorised to complete a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional matters and terms that he considers appropriate.**

2. **Upon completion of the aforementioned Planning Obligation the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by Officers.**

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

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

2. **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.

3. **C01 (Samples of external materials).**

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

4. **D05 (Details of external joinery finishes).**

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policies HBA1 and HBA3 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 safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policies HBA1 and HBA3 of Herefordshire Unitary Development Plan.

6. **E01 (Site investigation – archaeology).**

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

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

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

8. G02 (Retention of trees and hedgerows).

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

9. 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.

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. Prior to occupation of the 6th open market dwelling the recreation area to the south as identified in Policy RST5 of the Herefordshire Unitary Development Plan shall be brought forward for development.

Reason: In accordance with Policy RST5 of the Herefordshire Unitary Development Plan.

13. H05 (Access gates).

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

14. 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.

15. H09 (Driveway gradient).

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

16. 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.

17. H17 (Junction improvement/off site works).

Reason: To ensure the safe and free flow of traffic on the highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

18. 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.

19. Notwithstanding the submitted drawings the footpath to the front of the site shall be completed to a minimum width of 2 metres.

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

20. 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.

21. I17 (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.

22. I21 (Scheme of surface water regulation).

Reason: To prevent the increased risk of flooding and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

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

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

24. 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.

25. Notwithstanding the submitted plans a pedestrian access shall be provided direct from the development site to the new play area details of which shall be submitted for approval prior to any works commencing on site. The pedestrian link shall be completed in accordance with the approved detail.

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

Informatives:

- 1. HN01 - Mud on highway.**
- 2. HN05 - Works within the highway.**
- 3. HN07 - Section 278 Agreement.**
- 4. HN21 - Extraordinary maintenance.**

5. N19 - Avoidance of doubt - Approved Plans.

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

40. DCCE0009/1417/O - PATESHALL, HOLYWELL GUTTER LANE, HEREFORD, HEREFORDSHIRE, HR1 1XA [AGENDA ITEM 5]

Proposed erection of four dwellings.

The Principal Planning Officer gave a presentation on the application and the following updates / additional representations received following the publication of the agenda were provided as follows:

- Two additional e-mails had been received, one from Mrs. Roberts of Corporation Farm withdrawing an objection and a new objection from Mrs. Lawson of 7 Holywell Gutter Lane. It was noted that this repeated objections already covered in the report regarding increased traffic and associated highway and pedestrian safety concerns.
- It was reported that an additional ecological survey was in the process of being carried out and a site had been identified for new orchard planting to compensate for the loss of fruit trees on the site.
- It was also reported that, in terms of the required alterations to Holywell Gutter Lane, further scaled plans had been provided but it was still unclear whether the full extent of highway works were achievable due to land ownership restrictions.
- It was recommended that if the applicant was unable to demonstrate that the alterations to Holywell Gutter Lane were achievable to the satisfaction of the Traffic Manager and were also visually acceptable by 25 August 2009, the application be refused under delegated powers. If this matter could be resolved satisfactorily by 25 August 2009, delegated authority was sought in line with the original recommendation but to include the requirement for the completion of a Section 106 Agreement requiring the planting and management of a new Orchard at Field Farm, Hampton Bishop.

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

In response to matters raised by the objector, the Principal Planning Officer advised that: indiscriminate parking in the widened section of the access could be prohibited through a Traffic Regulation Order, to provide for double yellow lines and / or appropriate signage; a condition could be added to ensure that no business use could take place from the new dwellings without prior permission; and Welsh Water had no objections subject to conditions.

Councillor MD Lloyd-Hayes, a Local Ward Member, considered the application to be premature. She commented on traffic speeds in the locality and expressed concerns about the safety of the access on Hampton Dene Road. She also questioned the drainage arrangements and sought clarification about the ownership of nearby allotments. The Principal Planning Officer advised that: subject to the applicant demonstrating that the alterations were achievable, the Traffic Manager's objection could be overcome; as there was no objection from Welsh Water, connection to the mains drain should be possible; and there should be no impact on the use of the allotments, as they were accessed from the other side of Holywell Gutter Lane. Councillor Lloyd-Hayes commented on the public value of the lane and considered that more information was required before planning permission could be granted. Therefore, she proposed that the application be refused as the proposal would compromise road safety and have a detrimental impact on residential amenity.

Councillor WJ Walling considered the principle of development to be acceptable and, subject to the widening of the access and suitable parking restrictions, supported the application.

Councillor NL Vaughan commented on traffic problems in the locality and considered the access to be inadequate in its present form.

Councillor AM Toon expressed concerns about the limitations of the drainage and highways infrastructure in the area but considered that delegation to officers to resolve the issues was acceptable, subject to the involvement of the Chairman and the Local Ward Members. Councillor RI Matthews also commented on infrastructure issues in the area and the consequential impact on future developments.

The Central Team Leader advised that connection to the mains drain should be achievable given that system was located a relatively short distance from the site in Hampton Dene Road.

Councillor AT Oliver drew attention to the comments of the Conservation Manager, particularly that 'an area of orchard planting on the site will need to be removed to accommodate plots 4 and 5. Orchards are an important resource for wildlife, they are both a local and a UK BAP Priority habitat'. Councillor Oliver felt that the orchard planting should not be lost and that the proposal should be amended, with fewer dwellings, to ensure that this habitat was retained.

Councillor PJ Edwards sought reassurance that, as part of any delegation to officers, conditions would be included to prevent business use, to require parking restrictions at the access, and to provide an element of orchard replacement.

Councillor DW Greenow felt unable to support the application given the potential impact on highways safety and the loss of the orchard.

The Principal Planning Officer commented that the fruit trees could be removed at any time and, therefore, compensatory planting elsewhere as a consequence of this application could result in a betterment of the situation.

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

RESOLVED:

- A) If the applicant is unable to demonstrate that the alterations to Holywell Gutter Lane were achievable to the satisfaction of the Traffic Manager and were also visually acceptable by 25 August 2009, the application be refused under delegated powers.**
- B) If the above matter can be satisfactorily resolved by the 25 August 2009 and subject to:**
- **the Conservation Manager's requirements being satisfied with regard to additional ecological surveys;**
 - **a condition to ensure that no business use could take place from the new dwellings or outbuildings without prior permission;**
 - **a condition to facilitate parking restrictions and/or signage to prevent indiscriminate parking; and**
 - **the completion of a Section 106 Agreement requiring the planting and management of a new orchard at Field Farm, Hampton Bishop;**

the officers named in the Scheme of Delegation to Officers, in consultation with the Chairman and the Local Ward Members, be authorised to issue the planning permission subject to the following conditions and any additional conditions considered necessary by officers:

Conditions

1. **A02 (Time limit for submission of reserved matters (outline permission)).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
2. **A03 (Time limit for commencement (outline permission)).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. **A04 (Approval of reserved matters).**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with policy DR1 of the Herefordshire Unitary Development Plan.
4. **A05 (Plans and particulars of reserved matters).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
5. **C01 (Samples of external materials).**
Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.
6. **F15 (No windows in side elevation of extension).**
Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.
7. **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.
8. **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.
9. **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.

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. H27 (Parking for site operatives).

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

14. H29 (Secure covered cycle parking provision).

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

15. I56 (Sustainable Homes Condition).

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

16. 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.

17. 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.

18. I16 (Restriction of hours during construction).

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

Informatives:

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

2. N19 - Avoidance of doubt - Approved Plans.

41. DCCE0009/1340/F - ADJACENT TO THE COTTAGE, WEST LYDIATT, HEREFORD, HR1 3PY [AGENDA ITEM 6]

Proposed barn for agricultural purposes.

The Principal Planning Officer gave a presentation on the application.

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

Councillor DW Greenow, the Local Ward Member, advised that Withington Parish Council had requested that attention be drawn to their comments reproduced at paragraph 5.1 of the report. Councillor Greenow felt that the Sub-Committee would benefit from a site inspection, as he considered that the setting and surroundings were fundamental to the determination or to the conditions being considered.

The Chairman commented that the plans and photographs shown as part of the officer's presentation appeared to provide sufficient information.

Councillor RI Matthews supported a site inspection and noted that agricultural buildings and stables of similar dimensions on relatively small plots of land had been approved in the past.

A motion in support of a site inspection failed.

In response to questions from Councillor Greenow, the Principal Planning Officer provided doorway measurements and confirmed that the proposed plans did not show any access directly from the field to the proposed building.

Councillor AM Toon did not consider that satisfactory agricultural justification had been demonstrated by the applicant, particularly as the building would be disconnected from the land it was to serve, and supported the officer's recommendation of refusal of planning permission. Other Members supported this view.

RESOLVED:

That planning permission be refused for the following reason:

- 1. The local planning authority is not satisfied that the proposed building located within the open countryside is reasonably necessary for the purposes of agriculture within the unit. In the absence of any satisfactory agricultural justification it is not considered that this is an appropriate form of development and it is therefore contrary to Policies S1, LA2 and E13 of the Herefordshire Unitary Development Plan and PPS7: Sustainable Development in Rural Areas, which aim to safeguard the countryside.**

42. DATE OF NEXT MEETING

16 September 2009

The meeting ended at 3.20 pm

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCCE2009/0809/F**

- The appeal was received on 28 August 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. A. Taylor.
- The site is located at Chestnut House, Shucknall Hill, Hereford, Herefordshire, HR1 3SL.
- The development proposed is Proposed alterations and extensions to the rear of the property - amendments to previously approved DCCE2008/0815/F.
- The appeal is to be heard by Written Representations (Householder Procedure).

Case Officer: Rebecca Jenman on 01432 261961

APPEALS DETERMINED**Application No. EN2009/0016/ZZ**

- The appeal was received on 27 April 2009.
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice.
- The appeal is brought by Mr. C.H. Markham.
- The site is located at Warham Oak, Breinton, Hereford.
- The breach of planning control alleged in this notice is 'Without the benefit of planning permission the material change of use of the land, buildings and the dwelling house at Warham Oak, Breinton, Hereford to that of a mixed use of a domestic dwelling house and grounds and as a meeting place.'
- The requirements of the notice are: Permanently cease the use of the dwelling house, known as Warham Oak, Breinton, Hereford, its curtilage and associated buildings as a meeting place.

Decision: The appeal was WITHDRAWN on 4 June 2009.

Case Officer: Peter Clasby on 01432 261947

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

5 DCCE0009/1661/F - PROPOSED EXTENSION TO PROVIDE PRIVATE ACCOMMODATION, CHANGE OF USE FROM SINGLE DWELLING TO BED AND BREAKFAST AND REPLACEMENT ACCESS AND PARKING AREA. PAINTING OF EXTERNAL RENDER. 21 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1HR

For: Mr. K. Lancett per D.A. Forrest, Court Cottage, Bartestree, Hereford, Herefordshire HR1 4DA

Date Received: 6 August 2009

Ward: Aylestone

Grid Ref: 51824, 40525

Expiry Date: 1 October 2009

Local Members: Councillors NL Vaughan and DB Wilcox

1. Site Description and Proposal

- 1.1 The site is located on the northern side of Aylestone Hill, north east of the junction with Penn Grove Road. A two storey detached dwelling occupies a central position within the site with garden to the front and rear and is constructed from rendered elevations under a part hipped tile roof. The site is surrounded by predominantly detached two storey dwellings with bungalows to the rear (north). The property immediately to the east and adjacent is grade II listed and the site falls within Aylestone Conservation Area.
- 1.2 Planning permission is sought for the change of use of the property to create five bed and breakfast rooms, construction of a two storey rear extension to create accommodation for the applicants, closure of the existing access and construction of a new vehicular access and creation of a new parking area to the frontage.

2. Policies

Herefordshire Unitary Development Plan

S2	-	Development Requirements
S7	-	Natural and Historic Heritage
S8	-	Recreation, Sport and Tourism
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
H18	-	Alterations and Extensions
T7	-	Cycling
T11	-	Parking Provision
HBA4	-	Setting of Listed Buildings
HBA6	-	New Development Within Conservation Areas
RST1	-	Criteria for Recreation, Sport and Tourism Development
RST12	-	Visitor Accommodation

3. Planning History

3.1 None.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager - No objection subject to conditions concerning the new access and parking provision.

4.3 Conservation Manager - In principle the proposal would be acceptable as it would have a relatively minimal impact on the character of the conservation area and would appear to be in keeping with the appearance of the building. However, minor changes are required to increase the roof overhang, provide further details of the hard landscaping to the frontage and explore the retention of the chimney. Subject to the above we raise no objection subject to conditions regarding materials, rainwater goods and landscaping.

4.4 Head of Environmental Health and Trading Standards - Comments awaited.

5. Representations

5.1 Hereford City Council - No objections.

5.2 Two letters of objection have been received from the occupants of 4 Penn Grove Road and 23 Aylestone Hill. The main points raised are:-

- The extension will overlook the living/bedroom areas and gardens of 4 and 4A Penn Grove Rd.
- The introduction of a business use will set a precedent having an adverse impact on the Conservation Area and surrounding properties.
- The new parking area will increase noise and is contrary to this part of the Conservation Area.
- The development will devalue local properties.
- The additional traffic will add to congestion in the area and create an additional hazard for pedestrians.
- The extension will block light to the primary windows serving the dining room and bedroom at 23 Aylestone Hill.

5.3 Conservation Advisory Panel - This is a good development with extra beds for tourism.

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 Policy RST12 of the Unitary Development Plan supports visitor accommodation within the city subject to the proposal being in scale within its surroundings, of an appropriate design and

not harming the amenity of neighbours. As such the principle of the B&B use in this location is acceptable subject to the above criteria being satisfied.

- 6.2 The existing property is relatively large, detached and set within a reasonable size curtilage. It is therefore considered that the property and site is sufficiently large to accommodate the proposed scale of B&B use and this scale of use will not materially harm the amenity of neighbouring properties. In terms of the character of the Conservation Area, it is not considered there will be any tangible adverse impacts on the Conservation Area warranting refusal of the application.
- 6.3 The extension has been designed to ensure it is subservient in scale and appearance to the original dwelling which has not been extended previously. The design also minimises the impact in the immediate neighbour. This has been achieved through creating a mansard roof for the extension thereby keeping the height down to the minimum. The extension will have an impact on the light received within neighbouring ground floor windows but this is already restricted by existing boundary wall and fence. The first floor windows will be obscure glazed which can be safeguarded through a condition and sufficient separation distance exists between the site and properties to the rear so as not to harm their amenity. Minor design changes to the extension have been requested but this element of the proposal is generally considered acceptable.
- 6.4 The new access will achieve a significant improvement in visibility and consequently highway and pedestrian safety will be enhanced. The parking area is sensitively designed with an informal gravel surface proposed surrounded by new and existing landscaping. In addition, the frontage with Aylestone Hill is to be enhanced through the removal of the existing timber fence and construction of a traditional dwarf brick wall with railings above.
- 6.5 The existing parking provision is limited with no turning area and therefore the need for additional parking is recognised. Whilst the removal of part of the lawn is unfortunate the parking area is a necessary accompaniment to the business use. Several other properties in the area have frontage parking and therefore subject to the new boundary enclosure and landscaping, the parking area will not harm the Conservation Area. As an aside, a parking area could be created under permitted development rights in any event.
- 6.6 The proposal will create additional serviced visitor accommodation in the city which remains in short supply whilst preserving the amenity of neighbouring properties and the character of the Conservation Area and is therefore considered acceptable. As the consultation period has not expired at the time of writing the report, the recommendation is for delegated authority.

RECOMMENDATION

Subject to no further objections raising additional material planning considerations by the end of the consultation period, the officers names in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any additional conditions considered necessary by officers:

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

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

2. **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. **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.

4. **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.

5. **H08 (Access closure).**

Reason: To ensure the safe and free flow of traffic using the adjoining County highway 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.

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

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

9. **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.

10. **F17 (Obscure glazing to windows).**

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

11. **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.

12. **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.

Informatives:

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

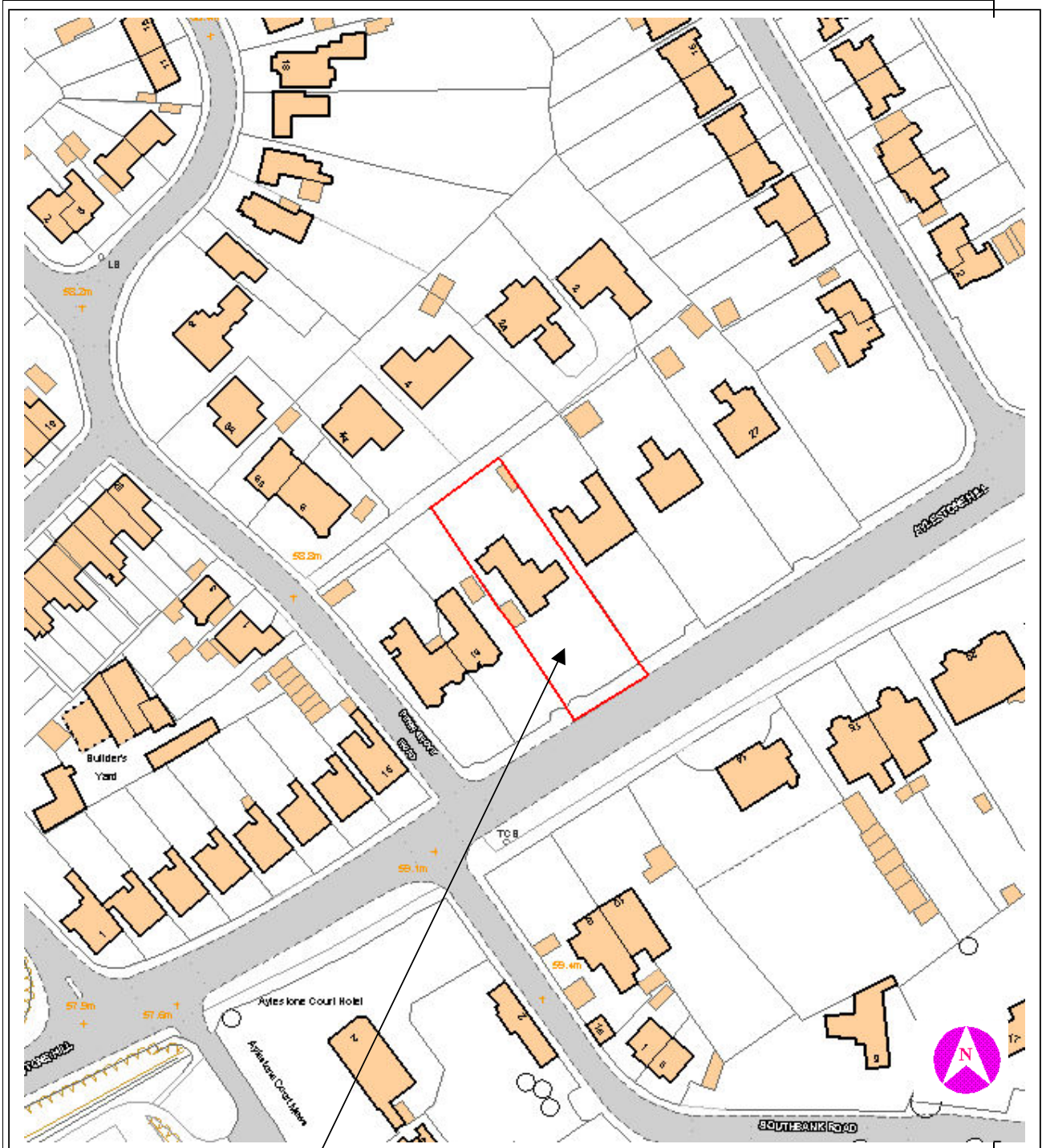
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE0009/1661/F

SCALE : 1 : 1250

SITE ADDRESS : 21 Aylestone Hill, Hereford, Herefordshire, HR1 1HR

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

6 DCCE0009/1361/F - SITING OF A MOBILE STORAGE UNIT ADJACENT TO THE RIVER WYE LAND AT LUCKSALL CARAVAN PARK, MORDIFORD, HEREFORDSHIRE HR1 4LP

For: Mr. A. Watts, Hereford Canoe Hire, The Bullbox, Hope Springs Farm, Mordiford, Hereford, HR1 4LT

Date Received: 17 June 2009

Ward: Backbury

Grid Ref: 56754, 35828

Expiry Date: 12 August 2009

Local Member: Councillor JE Pemberton

1. Site Description and Proposal

- 1.1 This application seeks permission for a mobile storage unit to provide a storage facility for canoeing activity, life-jackets etc. at Lucksall Caravan Park, Mordiford. The application site is located in the open countryside and is within a designated Area of Outstanding Natural Beauty. The site is found to the west of the B4224, north of Fiddlers Green, and south of the river crossing and the junction with the B4399. The River Wye is a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC).
- 1.2 The location of the proposed storage unit is to the south of the existing camping and caravan site, adjacent to the River Wye. The application seeks to secure permission for a mobile storage unit on site to provide a protected facility for life jackets and other canoeing activity in connection with Hereford Canoe Hire who operate from the site. Lucksall Caravan Park provided the only access point between Hereford and Hoarwithy, a distance of 16 miles. The canoes are only available for hire to persons staying at the site. The pontoon and associated steps are immediately to the west of the proposed storage unit and provide river access to campers and caravanners hiring canoes on site, as well as a formalised landing and launching area for visiting organisations.
- 1.3 The proposed storage building measures 3.4 x 3.5 metres with a height of 3 metres and will be constructed from timber under a felt roof. Hereford Canoe Hire has operated from the Lucksall Caravan site for the last 8 years and has previously used temporary buildings and structures on site during the summer months to store the life jackets and other canoe equipment. The proposed building is mounted on a wheeled chassis, and is fully mobile in the event of flooding.

2. Policies

2.1 Planning Policy Guidance:

PPS1	-	Delivering Sustainable Development
PPS7	-	Sustainable Development in Rural Areas
PPS9	-	Biodiversity and Geological Conservation
PPG21	-	Tourism

2.2 Herefordshire Unitary Development Plan 2007.

S1	-	Sustainable Development
S2	-	Development Requirements
S6	-	Transport
S7	-	Natural and Historic Heritage
S8	-	Recreation, Sport and Tourism
DR1	-	Design
DR2	-	Land Use and Activity
DR7	-	Flood Risk
T11	-	Parking Provision
LA1	-	Areas of Outstanding Natural Beauty
LA2	-	Landscape Character and Areas Least Resilient to Change
RST1	-	Criteria for Recreation, Sport and Tourism Development
RST2	-	Recreation, Sport and Tourism Development Within Areas of Outstanding Natural Beauty
RST14	-	Static Caravans, Chalets, Camping and Touring Caravan Sites
NC1	-	Biodiversity and Development
NC2	-	Sites of International Importance
NC3	-	Sites of National Importance
NC4	-	Sites of Local Importance

3. Planning History

- 3.1 DCCE2007/0283/F - Retention of existing pontoon, steps and storage area for max. 30 canoes. Approved 25 April 2007.
- 3.2 DCCE2007/0286/F - Improvement to existing access, re-use of existing storage building and store as office, sales and cafe. Approved 25 April 2007.
- 3.3 DCCE2006/3365/F - Proposed park vehicle access way - part retrospective. Approved 4 December 2006.
- 3.4 DCCE2006/0351/F - Repositioning of existing caravans and addition of 13 static caravans to include change of use of part of land. Approved 31 May 2006.
- 3.5 DCCE2005/2119/F - Repositioning of existing caravans and addition of 13 static caravans to include change of use of part of land. Withdrawn 24 August 2005.
- 3.6 DCCE2004/2207/F - Low level lighting. Approved 26 August 2004.
- 3.7 DCCE2004/2208/A - Fascia sign. Approved 27 August 2004.
- 3.8 SH931333PF - Change of use of part of barn to form reception area. Approved 5 January 1994.
- 3.9 SH930192PF - Septic tank. Approved 6 December 1993.
- 3.10 SH911310PF - Change of use to extend park and erect a toilet block. Approved 9 June 1992.
- 3.11 SH780187PF - Use of land as a holiday camping and caravan site. Approved 10 May 1975.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: 'Considering the scale and nature of the development we would class the proposal as 'minor development' within floodzone 3. On this basis we would raise no objections to the proposed development.'

Internal Council Advice

- 4.2 PROW Manager: 'The proposed siting of the mobile storage unit adjacent to the River Wye would not appear to affect any recorded public right of way and the PROW manager has no objection to this application'.
- 4.3 Conservation Manager (Ecologist): No response at the time of writing report.

5. Representations

- 5.1 Fownhope Parish Council: No response at the time of writing report.
- 5.2 One letter of objection has been received from the neighbour at Fiddlers Green Cottage, Fownhope.

The comments raised can be summarised as follows:

1. Application is retrospective;
 2. Occupies their centre view to the river;
 3. Adverse impact upon the visual amenities of the locality;
 4. Adverse impact upon AONB;
 5. Adverse impact upon public right of way;
 6. Building is too large;
 7. Doubts into the capability of the building being moved.
- 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 considered that the principle issues for consideration in this application are as follows:
- Principle of Development
 - Residential Amenities
 - Visual Amenities
 - Ecology

Principle of Development

- 6.2 Herefordshire Unitary Development Plan 2007 Policy S8 considers recreation, sport, and tourism. The enhancement of existing facilities is offered broad support, subject to consideration of the site-specific factors. Policy RST1 considers these matters in more details and advises that proposals will be permitted where it is appropriate for the location, will not harm the amenities of neighbouring properties, respects the environment, and is accessible by a choice of transport modes. Policy RST2 specifically considers new

development such as that proposed in this application and which falls within an AONB. In such circumstances, development must have particular regard to the landscape impact, be small in scale and of appropriate materials, and make a positive contribution to the understanding and quiet enjoyment of the natural beauty of the area.

- 6.3 On the basis of the above it is considered that the principle of this development can be accepted, with the acceptability or otherwise of the proposal resting upon the details of the application.

Residential Amenities

- 6.4 In the context of disturbance to residential amenities the nearest properties are located over 250 metres to the east, with the objector's property located almost 300 meters to the east. Although none of the neighbouring residential curtilages run down to the river, the position of the canoe storage unit, particularly in the summer months, is of concern in this context and a degree of disturbance will inevitably result from groups using the storage unit to obtain life jackets. Previously visitors have obtained lifejackets and canoe equipment from the other end of the site close to the reception building, before making their way across the site to the launching/landing point. However, the impact of disturbance is considered to be minimal and overall the impact would be no greater than already exists as the landing/launching point next to the storage building has been long established.
- 6.5 The Lucksall Camping and Caravan Site is a long established business, which, although expanded notably over time, will always have had certain amenity uses associated with it. The canoeing activity at the site is also long established. The use of the river, as an asset to the county's tourism economy, is an appropriate rural tourist activity. The amenity implications of the proposed storage unit are considered minimal, and given the distances to neighbouring properties, on balance it is considered that the impact will be within acceptable limits.

Visual Amenities

- 6.6 The scale of the storage unit is considered to be modest with the design ensuring the character and appearance of the area are not disturbed. The countryside, more specifically the river, is the primary resource for the proposal. Overall the building and proposed use are considered to be an appropriate form of development for a riverbank location such as this, where the facility relates to a wider tourist facility. The building is considered to be ideally located next to the launching pad and overall the proposal is considered to make a positive contribution to the understanding and enjoyment of the natural beauty of the AONB. The high quality of the landscape is maintained.

Public Right of Way

- 6.7 The neighbour's comments have been considered. There is not considered to be an impact to the public right of way and furthermore the PROW officer has raised no objection. There is a long established launching pad, which leads down from the footpath, therefore any impact the canoeing business has on the footpath, has long been established and it is not considered that the building will add to this impact. The use of the building as a storage building in connection with the canoe business is considered appropriate in this location.

Flooding

- 6.8 The Environment Agency has raised no objection to the proposal as it is considered to be of such a scale and nature to be classed as minor development. The building has been designed and constructed to be transportable and therefore in the event of flooding can be moved out of the way of floodwater.

Conclusion

- 6.9 The application is considered to comply with the relevant policies contained within the Herefordshire Unitary Development Plan and is therefore recommended for approval subject to the conditions set out below.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **B02 (Development in accordance with the approved plans).**

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.

2. **F06 (Restriction on use).**

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

Informatives:

1. **N01 - Access for all.**
2. **N03 - Adjoining property rights.**
3. **N04 - Rights of way.**
4. **HN02 - Public rights of way affected.**
5. **N11A - Wildlife and Countryside Act 1981 (as amended) - Birds.**
6. **N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 - Bats.**
7. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
8. **N19 - Avoidance of doubt - Approved Plans.**

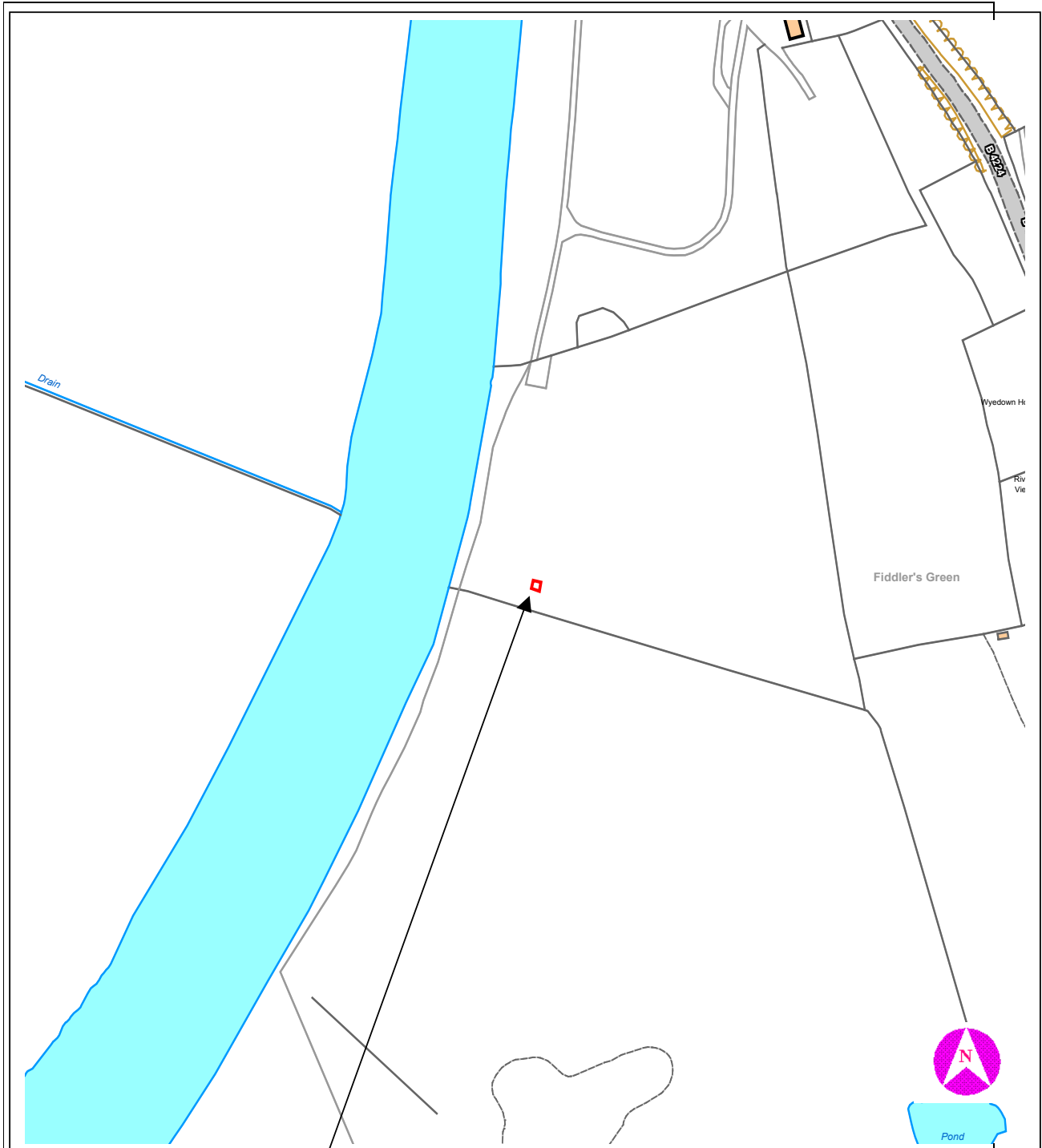
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE0009/1361/F

SCALE : 1 : 2500

SITE ADDRESS : Land at Lucksall Caravan Park, Mordiford, Herefordshire HR1 4LP

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**7 DCCW0009/1406/F - ERECTION OF FOUR DWELLINGS AT
253 WHITECROSS ROAD, HEREFORD, HR4 0LT**

**For: Mr. C. Sanderson per Colin Goldsworthy, MCIAT,
MaPS, 85 St Owens Street, Hereford, HR1 2JW**

Date Received: 25 June 2009

Ward: St Nicholas

Grid Ref: 49377, 40562

Expiry Date: 20 August 2009

Local Members: Councillors DJ Benjamin and JD Woodward

1. Site Description and Proposal

- 1.1 This application, together with application ref. no. DCCW0009/1414/F on this agenda for the conversion and change of use of existing garage to communal bin store at No. 255 Whitecross Road, are mutually dependent. It is important, therefore, that both these proposals are considered in conjunction with each other.
- 1.2 No. 253 Whitecross Road is a large, double bay fronted, Victorian detached house facing the south west side of the road at its western end towards the Whitecross roundabout. Adjoining to the west is No. 255 Whitecross Road, a semi-detached house set further back from the road frontage and also owned by the applicant to the south east is No. 251 Whitecross Road, a large two storey house partially attached to an attractive run of other Victoria houses of diverse architectural styles. The long rear garden of No. 251 extends the full length of the rear garden of No. 253. Immediately to the rear are tennis courts forming part of the Whitecross Tennis Club facilities. Adjoining the rear section of the north west boundary of the garden and the rear boundary of No. 255 is the corner of a single storey housing development fronting Marlowe Drive to the north. The two pairs of bungalows in this corner face away from the application site.
- 1.3 The application site itself has an area of 0.10 hectares, the bulk of it being formed from the rearward section of the long garden which extends from the rear of the existing dwelling to the boundary with Whitecross Tennis Club. It would have a length of some 37.00 metres leaving a residual length of some 13.00 metres as rear gardens for the existing dwelling. The overall width would be some 24.00 metres at its widest and some 19.00 metres at its narrowest.
- 1.4 The existing garden is an attractive landscaped area which includes dense and mature shrub planting around most of the perimeter.
- 1.5 The site includes a contiguous margin of land within the present boundaries of No. 255 Whitecross Road. This would enable the widening of the existing driveway which currently serves a double garage to the rear of No. 254.
- 1.6 The site and its immediate surroundings apart from the tennis club may be described as a mature and established residential area displaying an attractive Victorian aura.
- 1.7 The proposal is for a two storey block of four terraced houses sub-divided into pairs based on a staggered arrangement. The orientation of the houses is roughly parallel to the rear boundary so that the front elevation faces the rear of the existing dwelling at a distance of some 29.00 metres and the rear elevation faces the tennis club boundary at a distance of

some 9.00 metres. The side gable walls would be 1.20 metres from the garden boundary with No. 251 Whitecross Road and between 1.00 metres and 1.60 metres from the boundaries with the Marlowe Drive dwellings. Four individual gardens are provided between the rear elevation and the tennis club boundary.

- 1.8 The applicant's Design and Access Statement states the proposed elevations are traditional in appearance which was deemed to be an appropriate design solution within an area with a mixture of building styles. The large areas of glazing facing the rear gardens are shielded by the porches to prevent solar gain. The porch on the front elevation protects the front door from the weather. The angled kitchen window provides a clear view of the porch recess for security reasons.
- 1.9 Facing materials would be red brick walls and reconstituted slate tiled roofs. The porches would be clad in lead roll.
- 1.10 A new vehicular access would be formed by using a strip of adjacent land currently within the curtilage of No. 255 Whitecross Road, to expand the width of the existing driveway space. The new 4.50 metres wide driveway would lead to a car parking and turning courtyard between the front of the proposed houses and the new rear boundary for the existing dwelling.
- 1.11 The parking layout indicates 10 spaces based on a provision of six spaces for the new houses, two for the existing dwelling and two displaced spaces for No. 255 Whitecross Road. The two displaced spaces would compensate for the loss of parking space due to the proposed conversion and use of the existing garage, at No.255, to a communal bin store for this development. (Application ref. no. DCCW0009/1414/F). The edge of the parking and turning courtyard would be 5.00 metres away from the boundary with No. 251 Whitecross Road. In the Design and Access Statement it is stated that it would be surrounded with a mixture of existing mature trees and shrubs and proposed planting bed and lawn.

2. Policies

2.1 National:

- PPS1 - Delivering Sustainable Development
PPS3 - Housing

2.2 Herefordshire Unitary Development Plan 2007:

- S1 - Sustainable Development
S2 - Development Requirements
S3 - Housing
DR1 - Design
DR2 - Land Use and Activity
DR3 - Movement
DR4 - Environment
DR5 - Planning Obligations
H1 - Hereford and the Market Towns: Settlement Boundaries and Established Residential Area
H2 - Hereford and the Market Towns: Housing and Land Allocation
H13 - Sustainable Residential Design
H14 - Re-using Previously Developed Land and Buildings
H15 - Density
H16 - Car Parking

- T8 - Road Hierarchy
- T11 - Parking Provision
- LA5 - Protection of Trees, Woodlands and Hedgerows

2.3 Supplementary Planning Document - Planning Obligations

3. Planning History

- 3.1 DCCW2009/0125/F Erection of four dwellings. Withdrawn 15 April 2009.

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: Recommends conditions and comments that in view of the good transport links in the area, the provision of six spaces for the four new dwellings, two for No. 255 and two for No. 253 is acceptable.

5. Representations

- 5.1 Hereford City Council: No objection. Please ensure entrance splay is wide enough for two vehicles.
- 5.2 Letter from E.R. White, Vice-Chairman, Hereford Whitecross Club: No objection in principle to this application, but ask that, if you are minded to approve it, a condition is made to erect a two metre high fence along the boundary of the site which adjoins the club's tennis courts area. This would improve security and privacy of the new houses and reduce the likelihood of rubbish and other items coming onto club land.
- 5.3 Three letters of objection have been received from Mrs. D.M. Davies, 257 Whitecross Road, Hereford, Mr. P.C. and Mrs. J.E. Hardiman, Whitecross Lodge, 251 Whitecross Road, Hereford and Mr. Lance Marshall and Mrs. Janet Marshall, Bank House, 249 Whitecross Road, Hereford.

The main points raised are as follows:-

1. Four existing parking spaces will be eliminated by the proposed access road.
2. Telegraph pole serving seven lines will have to be moved.
3. One of the fence lines is not in the applicant's ownership.
4. The four new houses, not affordable houses, are likely to generate two cars each using a side road close to a pedestrian crossing and roundabout will exacerbate traffic congestion in Whitecross Road.
5. Excessive density is unjustifiable and inappropriate to the area.
6. Proposed houses are below Parker Morris standards.

7. Rubbish collection will cause problems.
8. Noise and light pollution to existing house.
9. 'Nature corridor' alongside Whitecross Tennis Club will be obstructed. Tree survey required.
10. The Design and Access Statement declares that the existing houses do not overlook the application site. This is not true as the houses and car parking area will clearly be overlooked from the rear aspect of No. 251 Whitecross Road.
11. No consultation, by the applicant, with neighbours or community organisation.
12. The applicant has no authority to change the composition or line of the party boundary with No. 251 Whitecross Road.
13. Applicant states that the site cannot be seen from other public land. Whereas the site is visible from the public footpath to the eastern side of No. 253.
14. Reference to a legal dispute concerning the alleged use of a footpath outside the rear gardens of properties in Whitecross Road.
15. Front windows of the proposed houses will result in intrusive overlooking of No. 251 Whitecross Road.
16. Use of the proposed car park is likely to result in a high level of intrusive noise, disturbance and pollution.
17. Impact on the residents of the elderly people's bungalows in Marlowe Drive.
18. The proposal could set a precedent for further development from 253 Whitecross Road resulting in loss of amenity and be detrimental to the Victorian features of the area.
19. Application fails to address objections to the previous withdrawn application.
20. Contrary to development plan in that the proposal is not using previously developed land.
21. Contrary to development plan - small dwellings not required 3 and 4 bedroom properties are needed.
22. Proposal will not integrate harmoniously with the surrounding built environment. No other houses behind houses in Whitecross Road where there is not access from another road. Any building will spoil the garden of any property.
23. Design out of character with the local pattern of streets, spaces, building traditions and materials - as such contrary to development plan.
24. Housing in addition to planned sites in Whitecross Road will lead to an unacceptable increase in traffic deterring people from using Hereford resulting in economic impact on the city and making trade harder for the businesses positioned in Whitecross.
25. Question the infrastructure capacity for coping with more people.

26. Question the car parking provision and refers to development plan policy requirements.
27. Question the capacity of the driveway access for emergency services.
28. Use of access will be a risk to pedestrian safety and the free flow of traffic using Whitecross Road.
29. Overlooking of garden area at the rear of No. 257 Whitecross Road.
30. Use of garage as a bin store will prejudice the saleability of No. 255 Whitecross Road as a separate unit.
31. Conversion of garage to bin store contrary to original permission granted in mid 1970's.
32. Contrary to development plan policies for provision of plan space public open space and amenity area.
33. Negative consequences of vacant properties.
34. Undesirable precedent for development of other large gardens in Whitecross Road.

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

6. Officer's Appraisal

- 6.1 The site is located in an established residential area within the settlement boundary for Hereford City. It is also within the curtilage of existing dwellings so it can be classified as previously developed land (often referred to as brownfield land). The Unitary Development Plan policies and the Government guidance within Planning Policy Statement 3 support the principle of residential development within identified settlements particularly on brownfield land. Accordingly, subject to compatibility with housing design, site planning and other policies in the Unitary Development Plan, the principle of new residential development on this site is acceptable.
- 6.2 As for the type of housing accommodation proposed, this is a reasonable provision and is likely to make a contribution to the broad mix of house types in the area. Bearing in mind the small scale of this windfall site proposal, it is considered inappropriate to test it against the strategic planning needs assessment.
- 6.3 The representations include comments relating to the Parker Morris Report. The Parker Morris report on housing space standards was produced nearly 60 years ago and whilst it was influential in the design of public housing it is no longer mandatory. The spatial layout of this proposal is judged to be satisfactory for 3/4 person dwellings.
- 6.4 From an urban design perspective, restricted glimpsed views of the development may be possible from a couple of locations in Whitecross Road. However the proposed building would not have a discernible presence in the attractive Victorian streetscape. The immediate townscape context of the site is found in the mature rear gardens of the Victorian houses, their rear elevations, the open space of the tennis courts and, to a limited extent, the single storey housing in Marlow Drive.
- 6.5 In terms of its scale, mass and siting it is considered that the proposed building will not appear out of place or overdominant. The detailed design including the elevational treatment

may be described as fairly traditional with some Victorian influence. It incorporates some modern elements such as the full width of glazing to the rear facing the proposed rear gardens and the integral front entrance porches. A welcome feature is the inclusion of chimney stacks which have a surprisingly positive visual effect in this sort of mature urban context. Overall it is considered that this is a sustainable design approach which respects the character of the surrounding area.

- 6.6 The proposed car parking and turning courtyard to the front of the building would take up a significant proportion of the site area. The overall length of the neighbouring rear garden boundary with No. 251 Whitecross Road is in the order of 45.00 metres. The south east edge of the parking area will be some 5.00 metres away from the length boundary which encloses the half of the garden closest to the rear of the house. Within the site alongside this length of boundary there is a strip of mature planting including a prominent Yew tree. It is proposed to augment the existing planting including new beds and lawn areas surrounding the car parking area. Subject to a well designed and sensitive landscaping scheme that provides for the retention of existing planting including the Yew tree, it is considered that the parking area will be absorbed into the surrounding area without undue visual impact.
- 6.7 With regard to residential amenity the disposition of neighbouring properties in relation to this backland site has been given due consideration. The building to building distances from the proposed dwellings to existing dwellings and their relative orientation are considered to be of a reasonable standard and should not result in an unacceptable loss of privacy. As with most housing estate layouts there would be a degree of potential overlooking of existing gardens and amenity areas, however taking into account their lengths and relative positions it is not considered that it would be unreasonable in this instance.
- 6.8 The parking area will generate a degree of additional activity into the area at the rear of neighbouring properties in Whitecross Road. However in the urban context of the site and taking account of the proposed amenity/landscaped strip between the edge of the car park and the boundaries with Nos. 251 and 255 Whitecross Road and the Marlowe Drive dwelling, and the number of passing spaces, it is not considered that the level of disturbance will be unacceptable. A condition regulating external lighting is recommended.
- 6.9 In view of the good public transport links in the area the car parking and turning provision is considered acceptable.
- 6.10 The proposed vehicular access has an acceptable width and will accommodate emergency vehicles and passing cars. Visibility at the junction with Whitecross Road is satisfactory so there are no objections from the Traffic Manager concerning highway safety.
- 6.11 Bearing in mind that additional traffic movements will only be generated by four houses, it is considered that the level of vehicle activity will have no significant impact on the free flow of traffic into and out of Hereford.
- 6.12 The proposal for the conversion and use of the existing garage in front of No. 255 Whitecross Road as a communal bin store would provide an acceptable solution for the convenient storage and collection of refuse generated by the proposed development. The existing garage would be adjacent to the new access road and the only physical alterations would involve blocking up an existing window, sealing the existing front entrance and the provision of a side entrance adjacent to the proposed driveway. The implementation of this provision would need to be secured by an appropriate planning condition.
- 6.13 The representations also include concerns relating to housing density and precedent issues.

- 6.14 The application site has an area of 0.10 hectares. This would indicate a proposed density of 40 dwellings per hectare. There are no specific guidelines in the Unitary Development Plan for sites of under one hectare. However Policy H15 requires new housing developments should make the most effective and efficient use of the site area available, consistent with housing provision policies and the characteristics of the area. Having regard to the previous appraisal comments on site, it is considered that the proposed density is not excessive and does not conflict with Policy H15.
- 6.15 With regard to precedent, each application is to be considered on its merits having regard to the development plan and other material considerations.
- 6.16 The application has been submitted without a Section 106 Agreement but on condition that any permission will be subject to a condition requiring commencement of the development within one year of the grant of the permission.
- 6.17 On balance, having due regard to the provisions of the Herefordshire Unitary Development Plan, material considerations and representations received, it is considered that the proposal is acceptable subject to conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

Reason: To comply with the provisions of Section 91(1)(b) of the Town and Country Planning Act 1990 (as amended) and to reflect the decision of the local planning authority on 4 March 2009 to suspend (effective from 1 April 2009) the requirements of the Authority's Planning Obligations Supplementary Planning Document (February 2008) in relation to all employment developments falling within Classes B1, B2 and B8 of the Town and Country Planning Use Classes Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, the employment element of any mixed use development and residential developments of five dwellings or less.

2. **C01 (Samples of external materials).**
3. **F15 (No windows in side elevations of building).**
4. **F14 (Removal of permitted development rights).**
5. **G02 (Retention of trees and hedgerows).**
6. **G09 (Details of boundary treatments).**
7. **I51 (Details of slab levels).**
8. **I32 (Details of external lighting).**
9. **G10 (Landscaping scheme) (including site clearance works).**
10. **G11 (Landscaping scheme – implementation).**
11. **G15 (Landscape maintenance arrangements).**

- 12. H06 (Vehicular access construction).
- 13. H09 (Driveway gradient).
- 14. H13 (Access, turning area and parking).
- 15. H29 (Secure covered cycle parking provision).
- 16. H27 (Parking for site operatives).
- 17. L01 (Foul/surface water drainage).
- 18. L02 (No surface water to connect to public system).
- 19. L03 (No drainage run-off to public system).
- 20. I16 (Restriction of hours during construction).
- 21. Prior to the occupation of any of the dwellings hereby permitted the communal bin store shall be implemented in accordance with the details submitted and permitted under planning application ref. no. DCCW0009/1414/F the bin store shall thereafter be permanently retained and available in perpetuity to serve the refuse storage and collection needs of the occupants of the development hereby permitted.

Reason: In order to ensure satisfactory provision for the storage and collection of refuse, in the interests of amenity and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

Informatives:

- 1. N03A - Adjoining property rights.
- 2. N03C - Adjoining property rights.
- 3. N14 - Party Wall Act 1996.
- 4. N19 - Avoidance of doubt - Approved Plans.
- 5. N15 - Reason(s) for the Grant of PP/LBC/CAC.

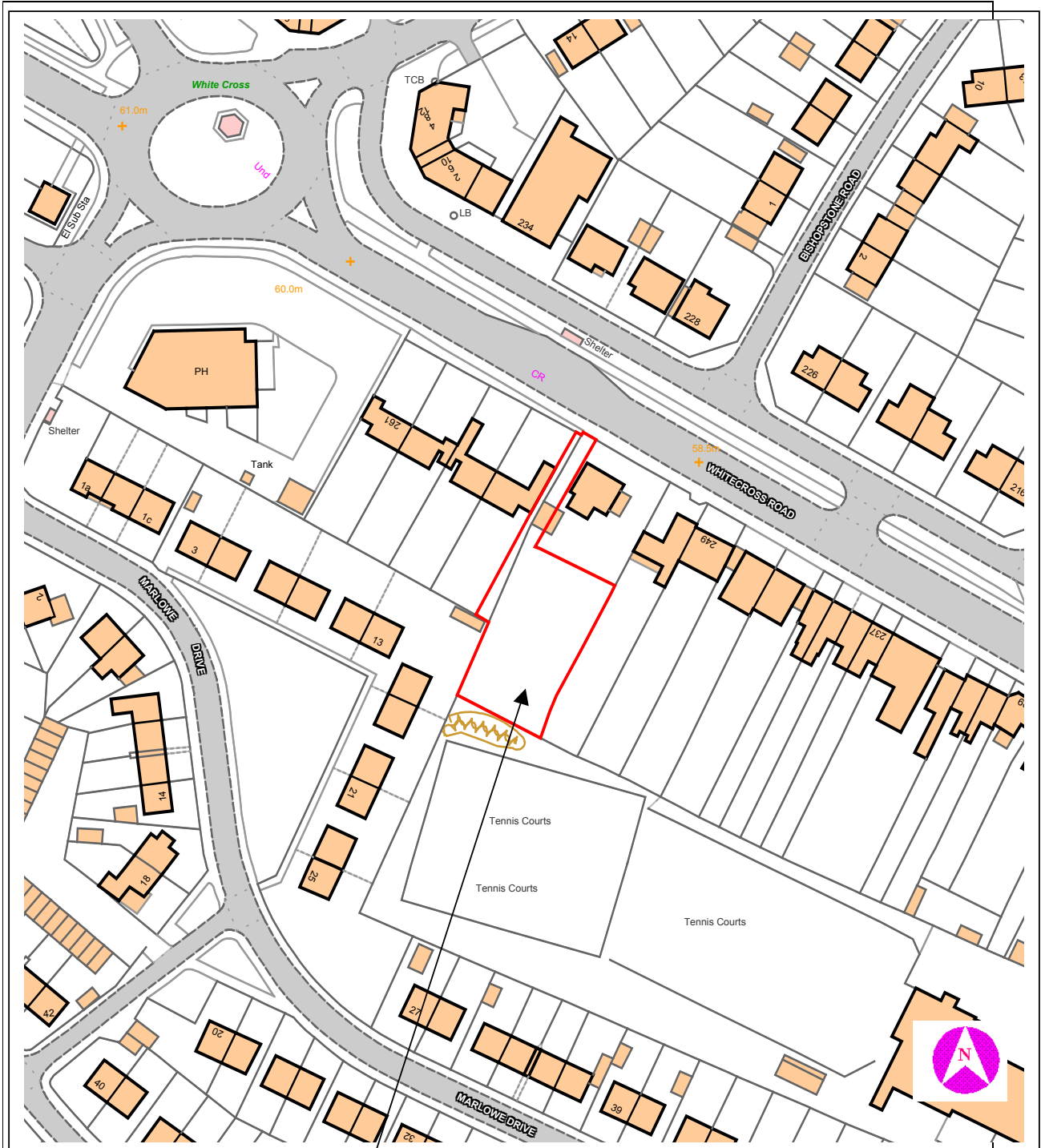
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW0009/1406/F

SCALE : 1 : 1250

SITE ADDRESS : 253 Whitecross Road, Hereford, HR4 0LT

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8 DCCW0009/1414/F - CONVERSION AND CHANGE OF USE OF EXISTING GARAGE TO COMMUNAL BIN STORE. 255 WHITECROSS ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LT

**For: Mr. C. Sanderson per Colin Goldsworthy MCIAT
MaPS 85 St Owens Street, Hereford, Herefordshire, HR1 2JW**

Date Received: 29 June 2009

Ward: St. Nicholas

Grid Ref: 49379, 40586

Expiry Date: 24 August 2009

Local Member: Councillors DJ Benjamin and JD Woodward

1. Site Description and Proposal

- 1.1 This application, together with application ref. no. DCCW0009/1406/F on this agenda for the erection of four dwellings at no. 253 Whitecross Road, are mutually dependent. It is important, therefore, that both these proposals are considered in conjunction with each other.
- 1.2 No. 255 Whitecross Road is a two storey semi-detached house facing the west side of this road adjacent to the western boundary of No. 253 the subject of application ref. no. DCCW0009/1406/F. An existing flat roof single garage projects forward of the house in a position immediately adjacent to the access road for the proposed four dwellings on the adjoining site.
- 1.3 It is proposed to convert and use the garage as a communal bin store to serve the adjoining development. The only physical alterations would involve blocking up an existing window, sealing the existing front entrance and the provision of a side entrance adjacent to the proposed access driveway.
- 1.4 The existing access to Whitecross Road would be sealed up and alternative parking for two cars would be provided in the proposed car parking area for the four dwellings on the adjacent site.

2. Policies

2.1 National

- PPS1 - Delivering Sustainable Development
PPS3 - Housing

2.2 Herefordshire Unitary Development Plan 2007.

- S1 - Sustainable Development
S2 - Development Requirements
DR1 - Design
DR3 - Movement
DR4 - Environment

H13	-	Sustainable Residential Design
H16	-	Car Parking
H18	-	Alterations and Extensions
T11	-	Parking Provision

3. Planning History

- 3.1 0A/16518 Garage at front of house and formation of vehicle access - Permitted 26/10/1972
- BP/17063/D Erection of garage - Permitted 18/05/1973
- SC980798PF Erection of conservatory to rear - Permitted 05/11/1998

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager - Recommends condition H10 (provision of two parking spaces).

5. Representations

- 5.1 Hereford City Council: No objections.
- 5.2 Letter of objection received from Mrs. D. M. Davies, 257 Whitecross Road, Hereford.
- 5.3 Objection concerning refuse collection also received from Mr. Lance Marshall and Mrs. Janet Marshall, Bank House, 249 Whitecross Road, Hereford, in response to Application ref. no. DCW2009/1406/F for the erection of four dwellings on the adjacent site.

The main points raised are as follows:-

1. Garage was built in the early to mid 1970's for the sole purpose of parking a car. Proposal would be contrary to permitted use and associated conditions would be ignored.
2. Proposal will result in the non-saleability of No. 255 as a separate unit.
3. Precedent for the use of borrowed land for other properties in Hereford.
4. The nature of No. 255 will be changed from a separate dwelling to one servicing the needs of a neighbouring property.
5. Telegraph pole would need to be removed, this would cause unacceptable disruption to the neighbours.
6. Cannot see how cars wishing to access 255's driveway will continue to do so. If parking is restricted it will result in further cars being parked on Whitecross Road and further increasing traffic problems.

7. Ill thought out solution to a poorly thought out development.
8. Rubbish collection will cause problems.

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 proposal has been submitted to provide dedicated refuse and recycling bin storage for the development subject of application ref. no. DCCW0009/1406/F also on this agenda and nos. 253 and 255 Whitecross Road.
- 6.2 The physical alterations and use would enable a convenient and viable refuse collection point adjacent to the proposed access approximately 12.50m from its junction with Whitecross Road.
- 6.3 It is considered that the alterations are low key and would have little impact on the character of the surrounding area.
- 6.4 It is also considered that the degree of activity associated with the use would be unlikely to harm the residential amenity of occupiers of neighbouring residential properties.
- 6.5 From a highway safety point it is unlikely that there would be any negative consequences. Furthermore, it could be argued that the removal of the existing access and the inclusion of two dedicated parking spaces on the access, parking and turning arrangements for the adjacent development would be marginally beneficial. The Traffic Manager raises no objection. In order to ensure that satisfactory access and parking is available for No. 255 it will be necessary to include a condition to ensure implementation only in conjunction with the development subject of application ref. no. DCCW0009/1406/F.
- 6.6 With regard to the representations received, the original planning permission for the garage contained no conditions restricting its use. It is not considered that other comments, including those relating to amenity issues, character of the surroundings, parking, precedent and telegraph pole, represent overriding factors in the determination of this application.
- 6.7 Having regard to the relevant Unitary Development Plan policies and other material considerations, it is considered that the proposal is acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 (Time limit for commencement (full permission)).**
- 2. This permission shall only be implemented in conjunction with the development permitted under application ref no. DCCW0009/1406/F.**

Reason: The development hereby permitted is an integral part of the development permitted under planning application ref. no. DCCW0009/1406/F and in order to ensure that a satisfactory standard of parking provision is available for No. 255 Whitecross Road, having regard to the requirements of Policy T11 of the Herefordshire Unitary Development Plan.

- 3. B02 (Development in accordance with approved plans and materials).
- 4. On the completion of the development hereby permitted and the completion of the parking and turning area for the development permitted under planning application ref. no. DCCW2009/1406/F the existing vehicular access shall be sealed up. Details of the works and materials for the sealing up of the access shall be submitted to and approved in writing, prior to the commencement of the development.

Reason: In the interests of highway safety, the streetscape character of the surrounding area and the requirements of policies DR1 and DR2 of the Herefordshire Unitary Development Plan

Informatives:

- 1. N03 - Adjoining property rights.
- 2. N03C - Adjoining property rights.
- 3. N04 - Rights of way.
- 4. N15 - Reason(s) for the Grant of PP/LBC/CAC.
- 5. N19 - Avoidance of doubt - Approved Plans.

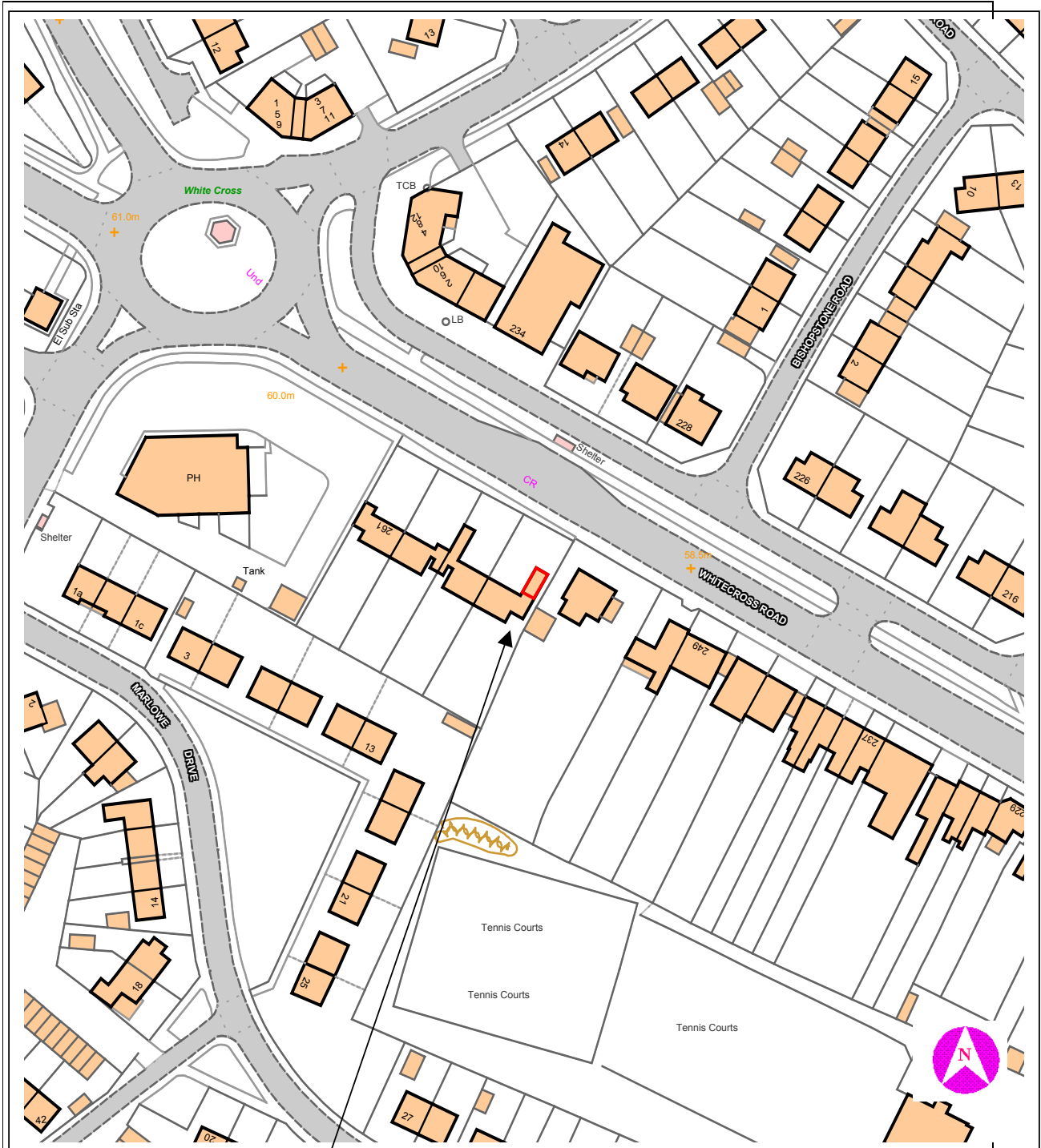
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW0009/1414/F

SCALE : 1 : 1250

SITE ADDRESS : 255 Whitecross Road, Hereford, Herefordshire, HR4 0LT

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9 DCCW0009/1654/F - DEMOLITION OF DERELICT PUBLIC TOILET BUILDING AND ERECTION OF TWO STOREY BUILDING FOR HOT FOOD TAKEAWAY ON GROUND FLOOR AND STORAGE ON FIRST FLOOR. DISUSED PUBLIC TOILETS, THE OVAL, HEREFORD, HEREFORDSHIRE, HR2 7HG

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

Date Received: 20 July 2009

Ward: Belmont

Grid Ref: 50010, 38583

Expiry Date: 14 September 2009

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

1. Site Description and Proposal

- 1.1 The application site is comprised of a redundant single storey purpose built public toilet, situated at the eastern end of 'The Oval' which is a neighbourhood centre providing a general stores, post office, beauty salon, hairdressers, fish and chip shop, residents information centre, betting office and a sandwich bar. The upper floors are occupied by residential flats.
- 1.2 The application seeks to demolish the existing building and erect a two storey building, comprising a purpose built hot-food take away on the ground floor with ancillary accommodation above. The application has been submitted following negotiations with your Officers to ensure that the previous grounds for refusal were properly addressed.

2. Policies

Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
TCR15	-	Hot Food Takeaway Outlets
T11	-	Car Parking
TCR13	-	Local and Neighbourhood Shopping Centres
CF1	-	Utility Services and Infrastructure
CF2	-	Foul Drainage

3. Planning History

- 3.1 DCCW2008/2781/F - Demolition existing public toilet convenience and replace with three storey building, hot food takeaway on ground floor, storage on first floor, staff living accommodation on second floor - Refused April 2009.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water - No objection, but suggest the use of standard conditions.

Internal Council Advice

- 4.2 Environmental Health & Trading Standards Manager - No objection.
- 4.3 Traffic Manager - No objection, there is adequate parking in the neighbourhood to serve the proposed development.

5. Representation

- 5.1 Parish of Hereford City Council - No objection, but concerned about passage to the rear and security measures needed to make it safe.
- 5.2 Herefordshire Housing Ltd - I would advise you that Herefordshire Housing Ltd, considers that this revised proposal for a two storey building is more in scale with the surroundings and no longer objects to the design. Whilst appreciating the need to re-use or replace the current eyesore of the former toilet block, is concerned about and objects to this proposal as another takeaway use here could have an adverse effect on our tenants in the flats above the shops at The Oval and also on our tenants and leaseholders of the shops themselves. There are also issues of selling competing products with our shops in the vicinity, as there already a fish and chip shop and Chinese takeaway at No. 24 The Oval with which this proposal would be in direct competition, a situation which would not, I believe, have been allowed by Herefordshire Council had they still been the Lessors of these shops, as they were prior to transfer to Herefordshire Housing Ltd. Further the proposed development does little to address the existing problems with the existing problems with the alleyway (being a path forming part of the adopted public highway and not, therefore, in our ownership) between the former conveniences and the blocks former our premises, which another building taller and larger than that currently on site, would only tend to exacerbate. If arrangements could be made for closure (stopping-up) of this pathway so that it could be blocked off then this would allay our concerns on this point, although we see no proposals relating to this in the application.
- 5.3 Two letters of objection have been received from Colin Goldsworthy on behalf of his client of Mrs. Helen Yau, and Mr. Wong, The Mermaid, 24 The Oval, which are summarised as follows:
- There is no need for another hot food outlet in this area.
 - The plan for the first floor refers to it being storage, but also mentions a flat.
 - The bin stores are overly dominant within the design.
 - The omission of the staff flat will not help the security of the area.
 - The new take-away will give rise to unacceptable levels of traffic generation.
 - Proposed ventilation ducting would surely pollute the existing residents, or create the need for a 20ft high shaft over the top of the roof.
 - The existing alleyway will be hidden where crime may occur.

- There is nowhere for the storage and remove waste, creating smells and attracting vermin.
- The building will obstruct the vision of drives using the adjoining highway.
- The occupier of 24 The Oval intends to take legal action if this development is permitted, as they believe that their tenancy agreement prohibits any form of competition being allowed to operate anywhere within the wider locality.

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 application site forms part of an existing neighbourhood centre, and the nature of the proposed use is considered to be acceptable in this context. Therefore, the primary issues in determining this application are considered to be:

- Design and Layout of the Development
- Residential Amenity
- Vitality and Viability of the Neighbourhood Shopping Centre
- Access and Highways Issues

Design and Layout of the Development

- 6.2 Following the refusal of planning application DCCW2008/2781/F, this revised scheme has omitted the 2nd floor, which results in a reduced the height and massing in response to the original grounds of objection.
- 6.3 The siting, scale and design of the proposed development are considered to be acceptable, and they have taken appropriate account of the position, orientation and massing of the adjoining properties.
- 6.4 Consequently, the proposed development would not appear out of character with the urban grain of wider locality. However to ensure the satisfactory appearance of the development it is considered expedient to recommend conditions requiring the prior approval of external materials and the bin storage areas.

Residential Amenity

- 6.5 Whilst it is noted that the Environmental Health and Trading Standards Manager has raised no objection to the proposal in general including the erection of ducting on the rear of the building no details of the actual units to be installed have been submitted. Therefore in order for retain a proper degree of control over the completed development an appropriate condition is recommended to secure prior approval of the ventilation plant.
- 6.6 Having consideration for the existing level of activity in and around the neighbourhood shopping centre, the proposed development will not materially intensify this level of activity, to an extent whereby refusal could be sustainably defended in terms of the impact on the residential amenity enjoyed by the surrounding dwellings.
- 6.7 However in order ensure that the amenity of the surrounding area is subsequently protected conditions controlling the hours that the business can trade as well as restricting the use of the property to a hot-food takeaway (A5) are recommended.

- 6.8 In order to protect the general environmental quality of the locality a condition requiring the submission of a litter management plan is recommended, together with a condition to control the hours of operation during the demolition and construction phases.

Vitality and viability of the neighbourhood shopping centre

- 6.9 In terms of the continued vitality and viability of the neighbourhood shopping centre, whilst the comments raised in the letters of representation from a neighbouring business are noted, competition in itself is not a material planning consideration and therefore does not substantiate grounds for refusal in this instance.

Access and Highways Issues

- 6.10 In principle the Traffic Manager has no objection to the proposed development as there is sufficient capacity in the availability of on-street parking serving the neighbourhood centre to accommodate the proposed use.
- 6.11 Whilst the comments raised in the letters of representation about the perceived unacceptable increase in traffic generation are noted, in the absence of any objection from the Traffic Manager, it is not considered that the concerns can be substantiated as a basis for refusal on highway safety grounds.

Planning Obligation

- 6.12 The proposed development falls within the terms of the adopted Planning Obligations SPD and as such is liable for a range of Section 106 contributions. However, in accordance with the decision of the Cabinet Member for Environment and Strategic Housing to relax the requirement for residential schemes for five dwellings or less which came into effect on the 1 April 2009, the proposed development is exempt subject to the planning permission being limited to 12 months.

Conclusion

- 6.13 Overall the proposal complies with the Development Plan, and as such, approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 (Time limit for commencement (full permission)).**
- 2. F06 (Restriction on use).**
- 3. B01 (Development in accordance with the approved plans).**
- 4. C03 (Matching external materials (general)).**
- 5. F04 (Restriction on hours of opening (restaurants and hot food takeaways)).**
- 6. G09 (Details of boundary treatments).**
- 7. The building hereby permitted shall not be used as a hot-food takeaway until suitable extraction and ventilation plant/equipment, which will effectively control the emission**

of fumes or smell and obviate any other nuisance from cooking or any other processes carried out in the premises, has been installed and commissioned in accordance with detailed drawings/specifications to be submitted to and approved in writing by the Local Planning Authority. The equipment/plant shall thereafter be operated and maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure that the approved use is carried out in such a way that no undue nuisance is caused through smell or from any other source to the detriment of the occupiers of adjoining properties, or the area generally.

8. The building hereby permitted shall not be used as a hot-food takeaway until, a litter management plan shall be submitted to and approved in writing by the local planning authority. The management plan should include the provision of litter bins on the premises and infrastructure relating to regular litter patrols, and once approved the premises shall thereafter be operated in accordance with the management plan.

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

9. I16 (Restriction of hours during construction).
10. I33 (External lighting).
11. I37 (Details of shields to prevent light pollution).
12. The developer shall provide a suitable grease trap to prevent entry into the public sewerage system of substances likely to interface with the free flow of sewerage, or which would prejudicially affect the treatment and disposal of such sewerage.

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

13. L01 (Foul/surface water drainage).
14. L02 (No surface water to connect to public system).

Informatives

1. N01 - Access for all.
2. N04 - Rights of way.
3. N08 - Advertisements.
4. N12 - Shopfront security.
5. N19 - Avoidance of doubt - Approved Plans.
6. N15 - Reason(s) for the Grant of PP/LBC/CAC.

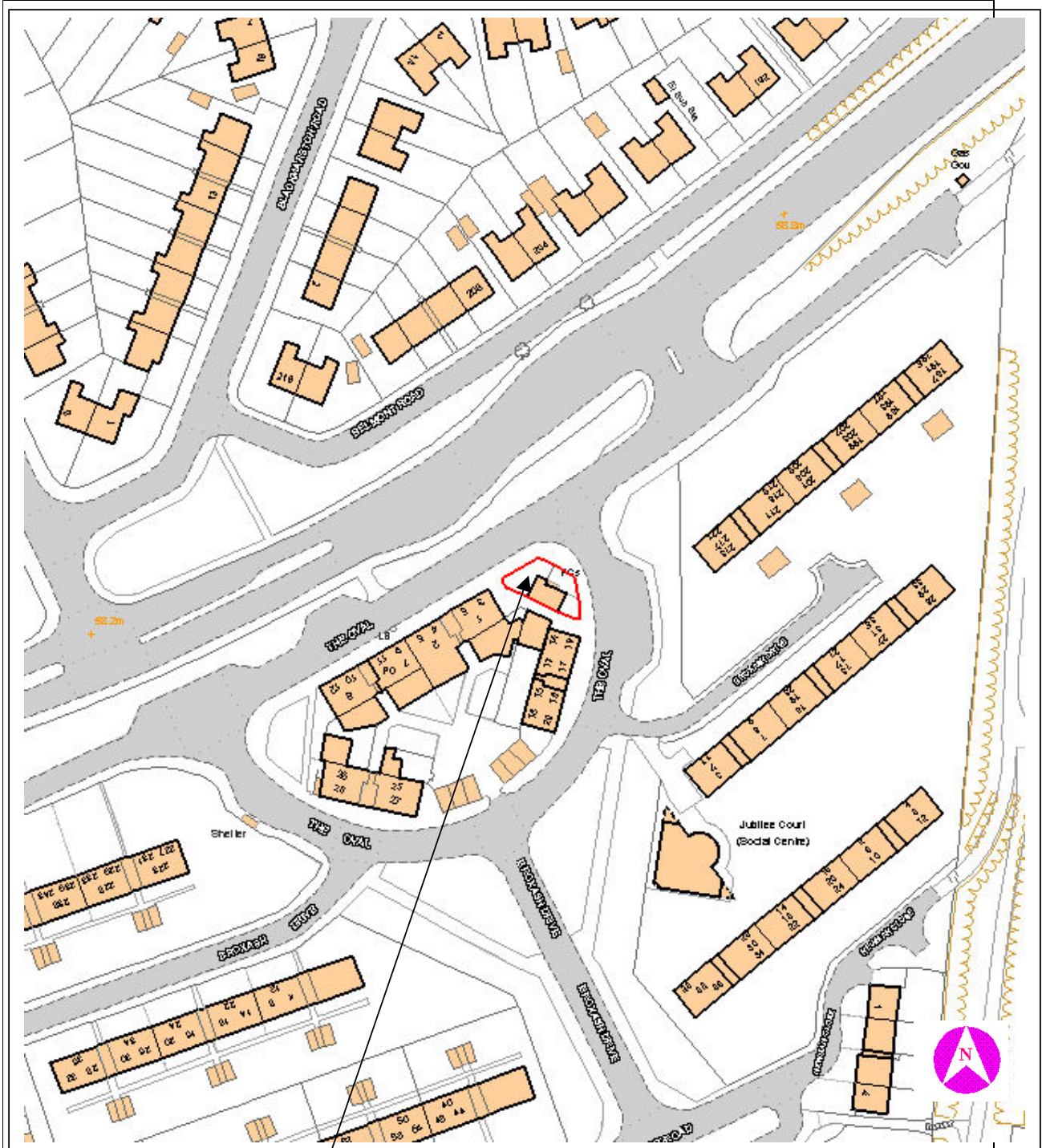
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW0009/1654/F

SCALE : 1 : 1250

SITE ADDRESS : Disused public toilets, The Oval, Hereford, Herefordshire, HR2 7HG

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Further information on the subject of this report is available from Mr. P. Clasby on 01432 261947

10 DCCW0009/1390/F - PROPOSED NEW DWELLING LAND ADJACENT TO DINHAM, RYELAND STREET, HEREFORD, HR4 0LA

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

Date Received: 24 June 2009

Ward: St. Nicholas

Grid Ref: 50316, 40087

Expiry Date: 19 August 2009

Local Members: Councillors DJ Benjamin and JD Woodward

1. Site Description and Proposal

- 1.1 The application site is comprised of a parcel of land situated on the eastern side of Ryelands Street just to the south of its junction with Whitecross Road. The property presently comprises two garage blocks and associated hard standing fronting onto Ryelands Street.
- 1.2 The application seeks permission to erect a single storey 2 bedroom dwelling, served by a pair of off-street parking spaces at the front, and private amenity space to the rear. The proposed development will result in the demolition of the existing garages.

2. Policies

Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
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

3. Planning History

DCCW2008/2658/F - Proposed dwelling - Refused December 2008.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection, but suggest the use of standard conditions.

Internal Council Advice

- 4.2 Traffic Manager: No objection, subject to the use of standard highway conditions and suggests that secure cycle parking also be provided.

5. Representations

- 5.1 Parish of Hereford City Council - Objection - This application should be refused. Proposed dwelling is of an inappropriate design with a Victorian street scene.

- 5.2 Three letters of objection have been received from Mr. Pritchard, 31 Copsewood Drive, Mrs. Hancock, Marivale and Gordon Lutton Solicitors on behalf of Mr. Breakwell who occupies Winston which are summarised as follows:

- The proposed development is to the front of our property not the side.
- We will suffer a substantial loss of air and light.
- We will lose our views.
- The resultant development will be overbearing.
- What's different about this application to the one refused.
- If approved the building works could affect the health and safety of children walking to Lord Scudamore Primary School.
- Connecting the property to mains services will be dangerous, because of the need to dig up the road near to Whitecross Road.
- We will not allow scaffolding to be erected on our property, and want assurance that any damage will be repaired.
- Our property will be devalued.
- The existing garages contain asbestos, and need a specialist to remove them.
- The amount of light entering the fenestration of Winston will be seriously diminished. As a matter of law easements for rights to light have been acquired for the benefit of our clients which cannot be taken away.
- A court can enforce by an injunction this right to light, by prohibiting the development from being constructed.
- In the opinion of Nicholas Craddock Estate Agents our clients property will be lose at least 30% of its value.
- There is no comparable building in the locality, and it is out of keeping.
- The amenity and privacy of our clients will be seriously affected.

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 application lies within a designated settlement boundary and the Herefordshire Unitary Development Plan 2007 recognises that there is scope for appropriate residential development within this area providing that the character and appearance of the wider locality is not adversely affected by the proposed development. Therefore, the primary issues in determining this application are considered to be:

- Design and Layout of the Development
- Residential Amenity
- Access and Highways Issues

Design and Layout of the Development

- 6.2 Following the refusal of planning application DCCW2008/2781/F, the applicant's agent has comprehensively redesigned the scheme, omitting the 1st floor element to the rear, and reduced the overall height, massing and bulk, in order to overcome the original grounds of objection.
- 6.3 Having regard to the size and shape of the application site, the design, scale and massing of the proposed development are considered to be acceptable, whilst the siting takes appropriate account of the position and orientation of the adjoining properties.
- 6.4 More specifically the proposed development takes the form of a single storey linear structure which incorporates a barrel roof to reduce the ridge height in order to minimise the impact on the neighbouring properties, particularly those to the south.
- 6.5 Although its design and appearance will be different to that of its neighbours, there is no defining architectural style within the southern section of Ryelands Street which contains a diverse and sporadic mix of older terraced properties, modern flatted developments and commercial properties.
- 6.6 Consequently, the proposed development would not appear out of character with the urban grain of wider locality. However to ensure the satisfactory appearance of the development it is considered expedient to recommend conditions requiring the prior approval of external materials.
- 6.7 The comments of the Hereford City Council are noted but for the reasons set out above it is not considered that the proposal represents an unacceptable form development having proper regard for the mixed architectural character of the wider locality.

Residential Amenity

- 6.8 The application site is flanked on either side by existing two-storey dwellings, one to the north and two to the south. The two properties to the south were historically a single large property which was subdivided, with one property fronting the road, the second occupying the rear and being accessed via a passageway on the southern flank.
- 6.9 Whilst it is acknowledged that the proposed development will inevitably altered their setting and outlook, having consideration for the pattern of development in the wider locality, it is not considered that the proposal will result in an unacceptable level of overlooking or overbearing impact.
- 6.10 To the east the rear of the application site abuts the gardens of properties in Melrose Place, however given the separation distance involved and the modest scale of the proposed development, there will be no material impact on the levels of residential amenity presently enjoyed by those properties.
- 6.11 With regard to the concerns raised in the letters of representation about overlooking and loss of privacy, the orientation of the proposed dwelling means that only its flank walls will face the adjoining properties, and these flank elevations contain no windows, save for the front door on the southern elevation, light ingress being afforded via a lantern in the roof.
- 6.12 However, to ensure the continued satisfactory relationship between the proposed dwelling and its neighbours it is considered expedient to recommend a condition removing permitted development rights to erect extensions or insert any new windows or doors.

- 6.13 As to the loss of existing view, this is not a material planning consideration, and therefore these concerns do not give rise to sustainable grounds for refusal.
- 6.14 In respect of the comments raised by Gordon Lutton Solicitors on behalf of their client, the grant of planning permission in this instance would not prevent them from taking civil proceedings to protect any easement they may have in terms of a right to light, and in that respect whether or not the neighbour does in law enjoy such a right to light is not a material planning consideration.
- 6.15 More specifically in planning terms the proposed development is set back on average 2.5 metres from 'Winston' and its low roofline affords a greater than 45 degree line of sight to the sky, therefore it is not considered that the proposed development will unacceptably impact on the adjoining property.
- 6.16 Overall the proposed development is not considered to give rise to such a degree of harm to the residential amenity of the wider locality, as to give rise to sustainable grounds for refusal in this instance. However in order to protect the amenity of the area during the construction phase, standard conditions are recommended to control the hours of operation during the demolition and construction phases.

Access and Highways Issues

- 6.17 In principle the Traffic Manager has no objection to the access and parking arrangements, but comments that standard conditions are required to control the design and construction of the access and parking arrangements. These comments are considered reasonable and the appropriate conditions are recommended. However whilst the comments about secure cycle parking are noted, in this instance it is not considered either reasonable or necessary to impose a condition requiring the formal provision of cycle storage for a single dwelling.
- 6.18 Whilst the comments raised in the letters of representation about the perceived risk from any possible road works needed to connect the site to mains services are noted, in the absence of any objection from the Traffic Manager, it is not considered that the concerns can be substantiated as a basis for refusal on highway safety grounds.

Planning Obligation

- 6.19 The proposed development falls within the terms of the adopted Planning Obligations SPD and as such is liable for a range of Section 106 contributions. However, in accordance with the decision of the Cabinet Member for Environment and Strategic Housing to relax the requirement for residential schemes for five dwellings or less which came into effect on the 1 April 2009, the proposed development is exempt subject to the planning permission being limited to 12 months.

Conclusion

- 6.20 Overall the proposal complies with the Development Plan, and as such, approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

2. B01 (Development in accordance with the approved plans).
3. C01 (Samples of external materials).
4. F14 (Removal of permitted development rights).
5. G09 (Details of boundary treatments).
6. H13 (Access, turning area and parking).
7. I16 (Restriction of hours during construction).
8. L01 (Foul/surface water drainage).
9. L02 (No surface water to connect to public system).

Informatives

1. N01 - Access for all.
2. N14 - Party Wall Act 1996.
3. N19 - Avoidance of doubt - Approved Plans.
4. N15 - Reason(s) for the Grant of PP/LBC/CAC.

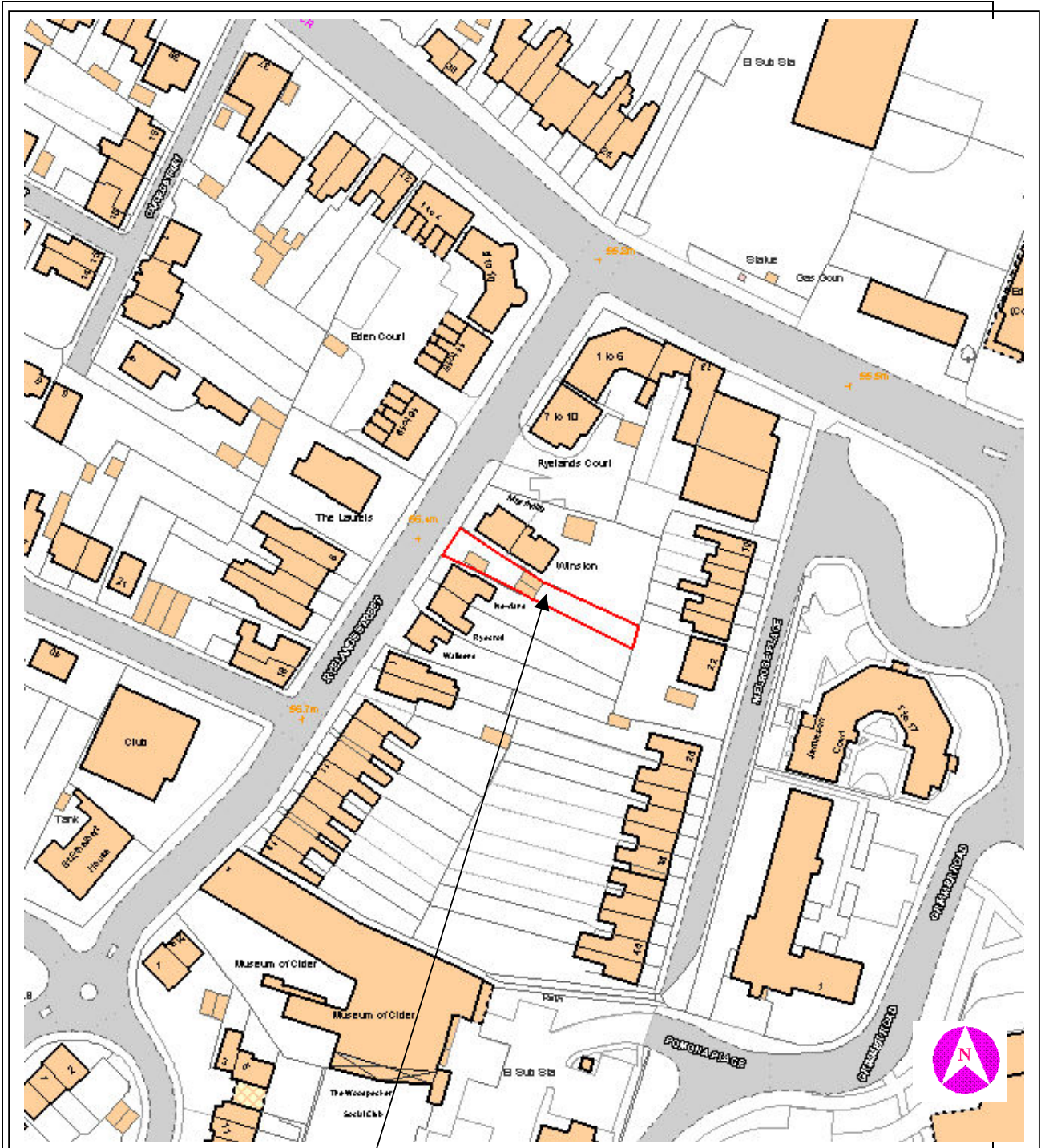
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW0009/1390/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent to Dinham, Ryeland Street, Hereford, HR4 0LA

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Further information on the subject of this report is available from Mr. P. Clasby on 01432 261947

11 DCCW0009/1321/F - ERECTION OF TWO SEMI-DETACHED DWELLINGS WITH ASSOCIATED PARKING. 152 EIGN STREET, HEREFORD, HEREFORDSHIRE, HR4 0AP

For: Mrs. T. Lin per Paul Smith Associates, 12 Castle Street, Hereford, HR1 2NL

Date Received: 15 June 2009

Ward: Three Elms

Grid Ref: 50520, 40125

Expiry Date: 10 August 2009

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

1. Site Description and Proposal

- 1.1 The application site comprises the rear curtilage of 146-152 Eign Street, which in total extends to approximately 0.4 hectares, and is currently laid to hard standing with a single storey garage/store sited in the northeast corner.
- 1.2 Eign Street is characterised by a pattern of mixed use development comprising residential properties interspersed by commercial and allied activities. To the rear of the application on the opposite side of a high brick wall lies a car park serving an Aldi supermarket.
- 1.3 The application seeks permission to erect a pair of semi-detached dwellings, each comprising two bedrooms with an ensuite and family bathroom on the first floor, above a kitchen and reception room on the ground floor. Private amenity space as well as off-road parking will serve each of the dwellings.

2. Policies

Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
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
HBA6	-	New development in Conservation Areas
CF1	-	Utility Services and Infrastructure
CF2	-	Foul Drainage

3. Planning History

None

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection subject to the imposition of standard conditions, and comment that a public sewer crosses the front of the site.

Internal Council Advice

- 4.2 Conservation Manager: The site is well screened from most angles by existing buildings and vegetation. The scale and massing is in keeping with the surrounding buildings and the backland character of the site. The restrained design of the building is appropriate for the site and will sit well with the surrounding red brick buildings. However I would suggest that the front gardens will not be particularly useable, and moving the building forward would improve the rear gardens.
- 4.3 Traffic Manager: Cycle storage should be provided, with this included the proposed provision of one space per unit would be acceptable.

5. Representations

- 5.1 Hereford City Council: This application should be refused as inappropriate for residential development in a largely commercial area.
- 5.2 Hereford Conservation Advisory Panel – In principle accept the development, however design could be improved in terms of internal layout and fenestration.
- 5.3 Mr. Rahman, 154-6 Eign Street: I object to the new building as I believe that we have a right of way from our property across the rear of 152 Eign Street and their driveway. This is despite the owners stopping me by fitting a large fence a few years ago.

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 application lies within a designated settlement boundary and the Herefordshire Unitary Development Plan 2007 recognises that there is scope for appropriate residential development within this area providing that the character and appearance of the wider locality is not adversely affected by the proposed development. Therefore, the primary issues in determining this application are considered to be:

- Design and Layout of the Development
- Residential Amenity
- Access and Highways Issues

Design and Layout of the Development

- 6.2 The proposed development will comprise a single two storey building orientated north-south onto what will become a central courtyard with private amenity space to the rear.

- 6.3 Having regard to the urban location of the application site, the design, bulk and massing of the proposed development is considered to be acceptable, whilst the siting and orientation takes appropriate account of the position and orientation of the adjoining properties.
- 6.4 Whilst the comments by the Hereford Conservation Advisory Panel about the missed opportunity in terms of the design being unremarkable are noted, the simple form of the proposed development is considered to be acceptable having consideration for its location.
- 6.5 As to the claimed obstruction of the private right of way, this is not a material planning consideration, and therefore these concerns do not give rise to sustainable grounds for refusal.
- 6.6 Overall the design and layout is considered acceptable, as proposed development would not appear out of character with the mixed urban grain of wider locality.

Residential Amenity

- 6.7 The proposed development will not materially impact on the levels of residential amenity presently enjoyed by the flats above the properties immediately to the south.
- 6.8 In terms of the amenity of the occupants of the proposed dwellings, whilst the comments of the Conservation Manager are noted about re-siting the building forward to enlarge the rear amenity space, having regard to the separation distances involved with the existing properties as well as for an extant planning permission to extend the neighbouring restaurant, the proposed siting is considered to be appropriate as it provides sufficient amenity space for what will be two modest city centre dwellings.
- 6.9 However, to ensure that the amenity space is not subsequently diminished through the erection of extensions or alterations it is considered expedient to recommend a condition removing permitted development rights.
- 6.10 Overall the proposed development is not considered to give rise to any harm to the visual or residential amenity of the wider locality, however in order to protect the amenity of the area during the construction phase, standard conditions are recommended to control the hours of operation during the demolition and construction phases.

Water and sewerage

- 6.11 The comments of Welsh Water, are noted and an appropriate informative is recommended advising the applicant about the public sewer which crosses the front of the application site.

Access and Highways

- 6.12 The property is served by an existing vehicular access, which passes through an archway formed within the terrace of properties which front Eign Street. The proposed dwellings will continue to be served by this access, with a total of 1 parking space being provided per unit, together with additional spaces which will serve the Eign Street properties.
- 6.13 In principle the Traffic Manager has no objection to the access and parking arrangements, having consideration for the existing use of the property, but comments that secure cycle storage should be provided given that only 1 parking space is allocated per dwelling. These comments are considered reasonable and the appropriate conditions are recommended.

Planning Obligation

6.14 The proposed development falls within the terms of the adopted Planning Obligations SPD and as such is liable for a range of Section 106 contributions. However, in accordance with the decision of the Cabinet Member for Environment and Strategic Housing to relax the requirement for residential schemes for five dwellings or less which came into effect on the 1 April 2009, the proposed development is exempt subject to the planning permission being limited to 12 months.

Conclusion

6.15 Overall the proposal complies with the Development Plan, and as such, approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A01 (Time limit for commencement (full permission)).**
2. **B01 (Development in accordance with the approved plans).**
3. **C01 (Samples of external materials).**
4. **F14 (Removal of permitted development rights).**
5. **G09 (Details of boundary treatments).**
6. **H13 (Access, turning area and parking).**
7. **H29 (Secure covered cycle parking provision).**
8. **I16 (Restriction of hours during construction).**
9. **L01 (Foul/surface water drainage).**
10. **L02 (No surface water to connect to public system).**

Informatives

1. **N01 - Access for all.**
2. **N04 - Rights of way.**
3. **W02 - Welsh Water rights of access.**
4. **N19 - Avoidance of doubt - Approved Plans.**
5. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

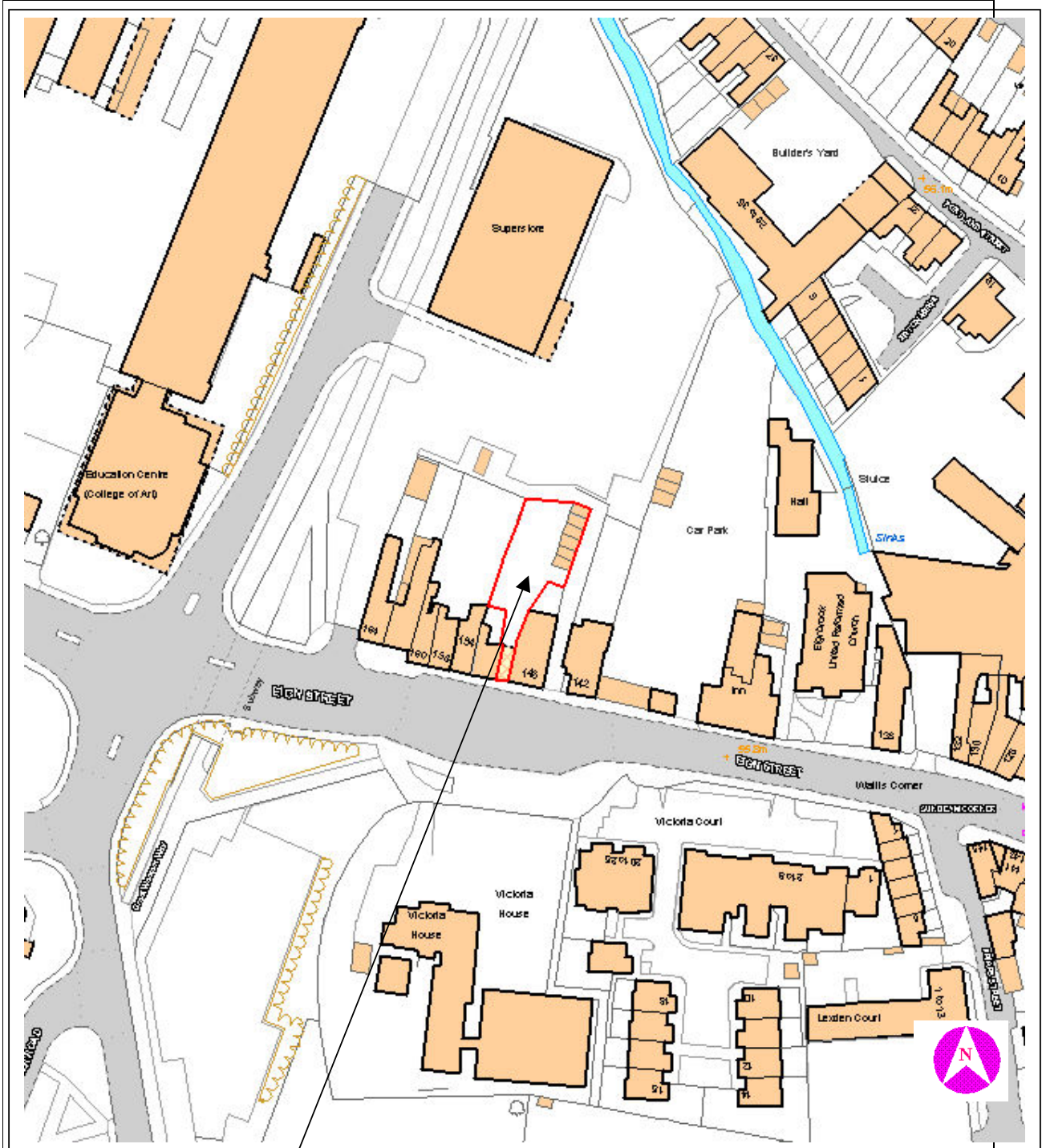
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW0009/1321/F

SCALE : 1 : 1250

SITE ADDRESS : 152 Eign Street, Hereford, Herefordshire, HR4 0AP

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Further information on the subject of this report is available from Mr. P. Clasby on 01432 261947

12 DCCW0009/1402/F - EXTENSION TO EXISTING CARE HOME PROVIDING 12 EN-SUITE BEDROOMS, DAY ROOMS, DINING ROOM, STAFF FACILITIES, NEW CAR PARK AND LANDSCAPED GARDENS. HOLMER COURT RESIDENTIAL HOME, ATTWOOD LANE, HOLMER, HEREFORD, HEREFORDSHIRE, HR1 1LJ

For: Ashberry Healthcare Limited, Stansgate Planning LLP, Conrad House, Birmingham Road, Stratford-upon-Avon, CV37 0AA

Date Received: 24 June 2009 Ward: Burghill, Holmer & Lyde Grid Ref: 51180, 42332
Expiry Date: 19 August 2009

Local Member: Councillor SJ Robertson

1. Site Description and Proposal

- 1.1 Holmer Residential Nursing Home is located on the eastern side of Attwood Lane approximately 100m north of the junction with Turnberry Close, Holmer, Hereford.
- 1.2 The proposal is to extend the building to the east with a single storey extension comprising 12 bedrooms and ancillary rooms. In addition a new car-parking area will be formed comprising 15 spaces. The remaining area will be landscaped. Foul drainage is proposed to be attached to the private system in the adjoining Wentworth Park. External materials proposed are to match the existing nursing home.

2. Policies

S1	-	Sustainable Development
S3	-	Housing
DR1	-	Design
DR2	-	Land Use and Activities
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H2	-	Hereford and the Market Towns: Housing Land Allocations
T11	-	Parking Provisions
NC1	-	Biodiversity and Development
NC5	-	European and Nationally Protected Species
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
CF7	-	Residential Nursing and Care Homes

3. Planning History

- 3.1 CW2000/1048/F - Temporary construction of dining room to allow internal water damage to be repaired (9 month period) Approved 10 July 2000

3.2 CW2000/1047/F - Alterations to ground floor and first floor extension for facilities improvements Approved 20 September 2000

3.3 SH95/0588/PF -

4. Consultation Summary

Statutory Consultations

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

Internal Council Advice

4.2 Traffic Manager - Recommends conditions.

4.3 Conservation Manager (Ecology) - Raises no objections subject to conditions to ensure compliance with the ecology report.

4.4 Public Rights of Way - No objection.

5. Representations

5.1 Holmer Parish Council – strongly objects to this application. They object on drainage/sewerage grounds, until the Crest sewerage system is adopted. There is no public sewer available. They also object due to access. An off-street internal service area for delivery vehicles needs to be considered. Visibility and insufficient parking are also issues that need addressing. They would also like to highlight the fact that a Certificate B not A should have been completed. They agree that the general principle of the facility is necessary.

5.2 Four letters of objection have been received from

Mr. I. D. and E. A. Grieve, 14 Lytham Drive, Holmer
Mrs. J. Allen, Appledore, 2 Munstone Road, Holmer, Hereford
Mr. E. N. Jenkins, 9 Wentworth Park, Holmer, Hereford
Mr. & Mrs J. A. D. Roberts, 4 Turnberry Drive, Holmer, Hereford

The main planning points raised are:

- (1) Major concern regarding the proposal to attach the foul drainage onto the inadequate system which serves Wentworth Park and Cleeve Orchard. This system has overflowed onto the public footpath on Roman Road nine times during 2009 and this proposal will add an additional 44 rooms - which equates to approximately 15-20 domestic dwellings.
- (2) Septic tank overflow has been noticed in the field adjacent to Holmer Court Nursing Home.
- (3) No details of external lighting to ensure protection of birds, bats etc.

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 proposal seeks to add an additional 12 en-suite rooms and ancillary rooms to the premises, together with connecting all the sewerage for the new and existing premises to the presently unadopted sewer which serves Wentworth Park.
- 6.2 The extension, which is single storey, will be attached to the rear of the premises and will form a rear courtyard together with enhanced parking. Mature landscaping around the boundary, which will also be enhanced ensures that this proposal will have no detrimental impact on the existing landscape. Members will also note that the Traffic Manager and Public Rights of Way Officer raise no objection, despite the concerns raised by the Parish Council
- 6.3 However, the main concern both from neighbours and Parish Council is the proposed means of sewage disposal. The existing septic tank is failing and an alternative means of sewage disposal is a necessity, even without the proposed extension.
- 6.4 Investigation and discussions have been undertaken with Welsh Water, Crest and the Council's Environmental Health and Trading Standards Manager regarding the existing inadequate sewer. Crest, in conjunction with the development of 300 houses adjoining this site, will be upgrading the sewer and have been in extensive discussions with Welsh Water. Welsh Water raised no objection as it is an unadopted sewer. Crest are satisfied that capacity will exist for these premises. The breakdowns which have occurred are due to the pumping station being blocked by clothing etc., which has been disposed of down the sewer, causing the pumps to block and stop. Understandably, considerable concerns have been raised regarding the connection of the premises to a system, which has broken down on several occasions this year.
- 6.5 This matter has been discussed at length with the applicant's agent, who has also been in discussions with Crest and Welsh Water.
- 6.6 The solution, which has been agreed is to impose a Grampian Condition preventing this proposal commencing until the upgrade works to the sewer proposed in connection with the new 300 houses has been completed.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 (Time limit for commencement (full permission)).**
- 2. No development shall commence until the foul sewer into which these premises propose to connect has been upgraded in accordance with the details agreed and approved under plans ref. DCCW2006/2619/O.**

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

- 3. K4 (Nature Conservation – Implementation).**
- 4. I33 (External lighting).**
- 5. I22 (No surface water to public sewer).**
- 6. C01 (Samples of external materials).**

- 7. G02 (Retention of trees and hedgerows).
- 8. G11 (Landscaping scheme - implementation).
- 9. H13 (Access, turning area and parking).
- 10. H27 (Parking for site operatives).
- 11. I16 (Restriction of hours during construction).

Informatives

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

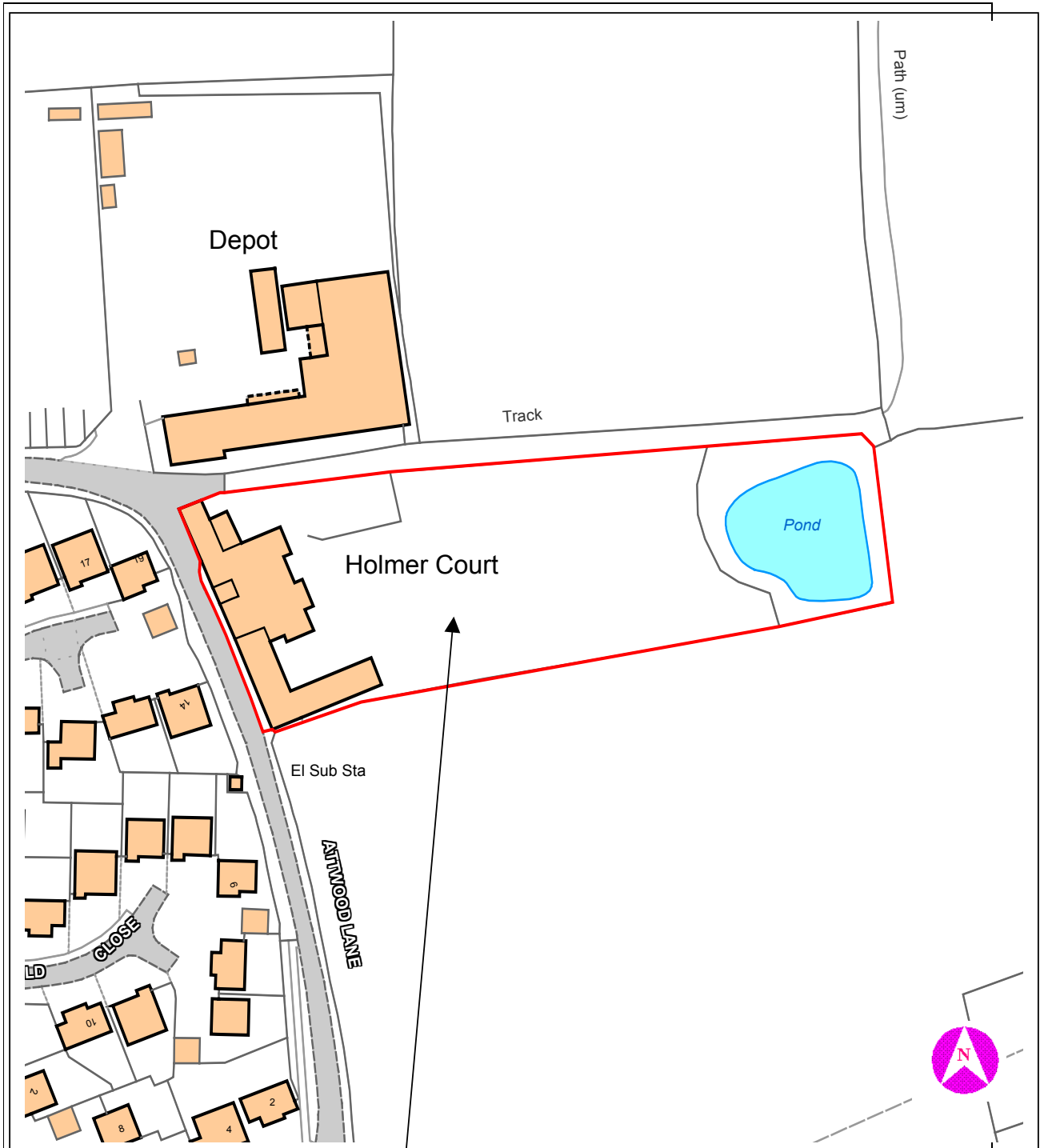
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW0009/1402/F

SCALE : 1 : 1250

SITE ADDRESS : Holmer Court Residential Home, Atwood Lane, Holmer, Hereford, Herefordshire, HR1 1LJ

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

