

# AGENDA

## Central Area Planning Sub-Committee

Date: **Wednesday 14 October 2009**

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Time: **2.00 pm**

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

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

For any further information please contact:

**Ben Baugh, Democratic Services Officer**

Tel: 01432 261882

Email: [bbaugh@herefordshire.gov.uk](mailto:bbaugh@herefordshire.gov.uk)

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If you would like help to understand this document, or would like it in another format or language, please call Ben Baugh, Democratic Services Officer on 01432 261882 or e-mail [bbaugh@herefordshire.gov.uk](mailto:bbaugh@herefordshire.gov.uk) in advance of the meeting.

# 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

## **GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS**

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

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

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

**AGENDA**

		<b>Pages</b>
<b>1. APOLOGIES FOR ABSENCE</b>	To receive apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	To receive any declarations of interest by members.	
<b>3. MINUTES</b>	To approve and sign the minutes of the last meeting.	1 - 10
<b>4. ITEM FOR INFORMATION - APPEALS</b>	To be noted.	11 - 12
<b>Planning Applications</b>		
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.		
<b>5. DCCE0009/1661/F - 21 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1HR</b>	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.	13 - 18
<b>6. DCCW0009/1321/F - 152 EIGN STREET, HEREFORD, HEREFORDSHIRE, HR4 0AP</b>	Erection of two semi-detached dwellings with associated parking.	19 - 24
<b>7. DCCW0009/1390/F - LAND ADJACENT TO DINHAM, RYELAND STREET, HEREFORD, HR4 0LA</b>	Proposed new dwelling.	25 - 30
<b>8. [A] DCCW0009/1406/F - 253 WHITECROSS ROAD &amp; [B] DCCW0009/1414/F - 255 WHITECROSS ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LT</b>	[A] Erection of four dwellings & [B] Conversion and change of use of existing garage to communal bin store.	31 - 42
<b>9. DCCW0009/1678/RM - LAND TO THE NORTH OF ROMAN ROAD, HOLMER, HEREFORD, HR1 1LE</b>	Residential development of 300 dwellings including access from Roman Road, essential infrastructure, open space, balancing pond, landscaping, roads, parking, footpaths, cycleway and engineering earth works.	43 - 58

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|---|----------------|
| <p><b>10. DCCE0009/1718/O - LAND ADJACENT TO METHODIST CHURCH, EAST STREET, HEREFORD, HEREFORDSHIRE.</b></p> <p>Erection of 10 no. one-bedroom flats.</p>   | <p>59 - 68</p> |
| <p><b>11. DCCE0009/1751/F - WEST LYDIATT DWELLING, WEST LYDIATT, WITHINGTON, HEREFORD, HR1 3PM</b></p> <p>Proposed garages and workshop together with utility and log store, for the storage of vintage cars linking West Lydiatt dwelling with the disused barn.</p>   | <p>69 - 74</p> |
| <p><b>12. DCCW0009/1867/F - LAND ADJACENT TO BRICK HOUSE, BUSH BANK, CANON PYON, HEREFORD, HEREFORDSHIRE, HR4 8PH</b></p> <p>Permanent retention of fixed (not rotated) Spanish polytunnels for use in soft fruit growing (table top method), granted temporary planning permission respectively on 29/10/2003 and 09/03/2004, (expiring on 29/10/2009 and 09/02/2011 respectively) under LPA refs: DCCW2003/2321/F &amp; DCW2004/4212/F.</p> | <p>75 - 88</p> |
| <p><b>13. DATE OF NEXT MEETING</b></p> <p>The next scheduled meeting is 11 November 2009.</p>   |                |

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- 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.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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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 16 September 2009 at 2.00 pm**

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

**Councillors:** PA Andrews, AJM Blackshaw, ACR Chappell, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, RI Matthews, AT Oliver, AM Toon, NL Vaughan, WJ Walling and JD Woodward

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

**43. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors WU Attfield, DJ Benjamin, SPA Daniels, MD Lloyd-Hayes, SJ Robertson, AP Taylor and DB Wilcox.

**44. DECLARATIONS OF INTEREST**

5. DCCE0009/1661/F - 21 Aylestone Hill, Hereford, Herefordshire, HR1 1HR  
Councillor NL Vaughan; Personal.
6. DCCE0009/1361/F - Land at Lucksall Caravan Park, Mordiford, Herefordshire, HR1 4LP  
DW Greenow; Personal.
9. DCCW0009/1654 - Disused Public Toilets, The Oval, Hereford, Herefordshire, HR2 7HG  
Councillor AM Toon; Personal.

**45. MINUTES**

**RESOLVED:**

**That the minutes of the meeting held on 19 August 2009 be approved as a correct record and signed by the Chairman.**

**46. ITEM FOR INFORMATION - APPEALS**

The Sub-Committee received an information report.

**47. DCCE0009/1661/F - 21 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1HR [AGENDA ITEM 5]**

*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.*

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

- Three additional letters of objection had been received; one further letter from the occupants of 23 Aylestone Hill and letters from 14 and 25 Aylestone Hill. The additional points raised were summarised.
- Amended plans had been received which slightly changed the roof design to increase the eaves depth as requested by the Conservation Manager and the design of the new front wall.

Officer comments were also provided as follows:

- In response to the further objections, it was noted that the extension would undoubtedly have an impact on the immediate neighbour but it was not considered that the impact would ultimately be harmful in terms of loss of privacy and light.
- The amended plans had addressed previous concerns.
- The consultation period has now expired and therefore the recommendation was for approval rather than delegated authority.

In accordance with the criteria for public speaking, Mrs. A. Bentley spoke in objection to the application.

Councillor NL Vaughan, a Local Ward Member, commented that he had once lived in the locality for a number of years and he did not consider that the photographs displayed at the meeting gave a true impression of the particular site circumstances. Therefore, it was proposed that a site inspection be held, as the setting and surroundings were fundamental to the determination or to the conditions being considered.

The Chairman emphasised the importance of good attendance at site inspections agreed by the Sub-Committee. The Central Team Leader suggested that, if Members could not attend on the designated date, Members should contact the case officer to make alternative arrangements to view the site.

**RESOLVED:**

**That consideration of planning application DCCE0009/1661/F be deferred for a site inspection.**

**48. DCCE0009/1361/F - LAND AT LUCKSALL CARAVAN PARK, MORDIFORD, HEREFORDSHIRE, HR1 4LP [AGENDA ITEM 6]**

*Siting of a mobile storage unit adjacent to the River Wye.*

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

- The Parish Council recommended acceptance of the application.

The Chairman, speaking in the capacity of Local Ward Member, commended the site owners for the steady growth and popularity of the caravan park and said that she supported application.

In response to questions, the Senior Planning Officer drew attention to the comment of the PROW Manager that the mobile storage unit '...would not appear to affect any recorded public right of way...' and said that the proposal would have only a minimal impact on the Area of Outstanding Natural Beauty.

The Sub-Committee considered the merits of a condition to require the removal of the mobile storage unit during winter or for a certain number of months. The Senior



Planning Officer commented on the potential enforcement difficulties associated with such a condition and confirmed that the building was fully mobile in the event of flooding.

In response to a suggestion that the colour of the roof should be the subject of a condition in order to mitigate the impact of the development, the Senior Planning Officer said that she would discuss the matter with the applicant and the Chairman.

The Chairman drew attention to paragraph 6.6 of the report which considered issues relating to visual amenities.

**RESOLVED:**

**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.**
49. **DCCW0009/1406/F - 253 WHITECROSS ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LT [AGENDA ITEM 7]**

*Erection of four dwellings.*

The Sub-Committee was advised that planning applications DCCW0009/1406/F and DCCW0009/1414/F could be considered together as they were interdependent.

The Central Team Leader gave a presentation on the application.

In accordance with the criteria for public speaking, Mr. Hardiman and Mr. Marshall spoke in objection to the applications.

In response to comments made by a speaker, the Principal Lawyer - Corporate commented on the Human Rights Act in the context of the planning system.

In accordance with the criteria for public speaking, Mr. Goldsworthy spoke in support of the applications.

Councillor JD Woodward, a Local Ward Member, expressed reservations about the constrained nature of the site, the proposed density of development and the impact on neighbouring properties. She also commented on the levels of traffic and congestion on Whitecross Road. Given these and other considerations, Councillor Woodward proposed that a site inspection be held, as the setting and surroundings were fundamental to the determination or to the conditions being considered.

A number of Members spoke in support of a site inspection. It was suggested that it would be helpful if, at the site inspection, officers indicated where parking could be provided for vehicles displaced by the proposed development.

**RESOLVED:**

**That consideration of planning application DCCW0009/1406/F be deferred for a site inspection.**

**50. DCCW0009/1414/F - 255 WHITECROSS ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LT [AGENDA ITEM 8]**

*Conversion and change of use of existing garage to communal bin store.*

**RESOLVED:**

**That consideration of planning application DCCW0009/1414/F be deferred for a site inspection.**

**51. DCCW0009/1654/F - DISUSED PUBLIC TOILETS, THE OVAL, HEREFORD, HEREFORDSHIRE, HR2 7HG [AGENDA ITEM 9]**

*Demolition of derelict public toilet building and erection of two storey building for hot food takeaway on ground floor and storage on first floor.*

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

- The Highway Agency raised no objection.
- Herefordshire Housing had confirmed that they had long term plans for the regeneration of the area.

Officer comments were also provided as follows:

- It was reported that paragraph 6.12 of the report needed to be changed to reflect the requirement to contribute to CCTV. Payment of £5,000 had been agreed. Consequently, an additional condition (B07 - Section 106 Agreement) was recommended.
- The issue raised by Herefordshire Housing did not impact upon the recommendation in the report.

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

In response to comments made by the speaker, the Principal Lawyer - Corporate advised that covenants and leases were civil matters usually outside the control of the planning authority.

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

Councillor H Davies, a Local Ward Member, acknowledged concerns about another takeaway in the area and the existing problems with the alleyway adjoining the site. However, Councillor Davies said that local people considered the former public toilet building to be an eyesore and, therefore, felt that the proposal was acceptable.

Councillor GA Powell, also a Local Ward Member, commented on anti-social behaviour in the vicinity of the existing building and, although concerns were expressed about the alleyway, felt that the application could be supported. In response to a question, the Central Team Leader advised that, as it formed part of the public highway, the process for the closure / stopping up of the alleyway was a separate matter to this planning application.

Councillor PJ Edwards, the other Local Ward Member, noted that the applicant had reduced the massing of the proposal compared to that refused under application DCCW2008/2781/F, and he also noted the need to remove the existing derelict building. However, referring to Herefordshire Unitary Development Plan policies DR1 (Design), DR2 (Land Use and Activity), DR3 (Movement), DR5 (Planning Obligations) and TCR15 (Local and Neighbourhood Shopping Centres), Councillor Edwards proposed that this application be refused. He made a number of related comments, including:

- West Mercia Police estimated the cost of a CCTV system at The Oval to be between £30,000 and £50,000, therefore he considered that the contribution of £5,000 to be insufficient.
- The proposal would exacerbate problems with the alleyway and consequently increase the fear of crime.
- The application was premature as full details of the extraction and ventilation plant/equipment had not been provided.
- The storage, waste and delivery arrangements were not acceptable.
- The proposal would have a detrimental impact on residential amenity and on the surrounding area.
- The proposal would have a detrimental impact on the continued vitality and viability of the shopping centre.

Councillor NL Vaughan commented that CCTV systems not only had to be installed but also had to be operated and questioned whether the level of planning obligation proposed was adequate; it was suggested that a full breakdown of costs should be provided in future reports.

Councillor AM Toon said that it was regrettable that the existing building had not been demolished prior to the disposal of the site and commented that, although the design had improved since the last application, the proposal would not integrate with the emerging plans to regenerate the area. Councillor Toon also commented on the number of existing hot food takeaways in the area. Councillor ACR Chappell expressed similar views and felt the potential impact on the access and highways had not been fully assessed given existing problems with traffic and parking. He added that vehicles had to reverse out of parking spaces into oncoming traffic and additional traffic generated by the proposal would compromise highway safety further.

Councillor KS Guthrie noted concerns that the development would exacerbate problems with the alleyway and commented on the need for a permanent solution, particularly as people intent of anti-social behaviour would not be deterred from climbing over a fence or gate.

Councillor RI Matthews felt that the proposed planning contribution towards CCTV was adequate given the scale of the proposal and questioned whether a refusal of planning permission could be sustained on appeal.

The Central Team Leader advised that the contribution had been discussed with the CCTV Officer and, although £15,000 had been sought initially, an offer of £5,000 was considered acceptable following negotiations with the applicant; it was noted that other elements of funding had been collected elsewhere. The Sub-Committee was also advised that competition in itself was not a material planning consideration and, as takeaways were typical features of neighbourhood shopping centres, it was not considered that another outlet was unacceptable in this context. It was also emphasised that the stopping up of the alleyway involved a separate process.

Councillors Davies and Powell recognised the concerns expressed but maintained that the proposal was acceptable on balance given the existing situation.

Councillor Edwards re-iterated concerns about the proposed level of contribution towards CCTV, issues with anti-social behaviour, the lack of progress with the alleyway problem, and highway safety considerations.

A motion to approve the application failed, then a motion to refuse the application was agreed.

**RESOLVED: That**

- (i) **The Central Area Planning Sub-Committee is minded to refuse the application subject to the reason for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning and Transportation) provided that the Head of Planning and Transportation does not refer the application to the Planning Committee:**
  - 1. **The proposal by virtue of the scale, mass, intensity and traffic generation will be detrimental to the amenity, security and highway safety of the area contrary to policies DR1, DR2, DR3, DR5 and TCR13 and TCR15 of the Herefordshire Unitary Development Plan and guiding principles contained in PPS1. Therefore the site is considered inappropriate for an A5 use.**
- (ii) **If the Head of Planning and Transportation does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.**

[Note:

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

52. **DCCW0009/1390/F - LAND ADJACENT TO DINHAM, RYELAND STREET, HEREFORD, HR4 0LA [AGENDA ITEM 10]**

*Proposed new dwelling.*

The Central Team Leader gave a presentation on the application.

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

Councillor JD Woodward, a Local Ward Member, expressed concerns about the proposed development, particularly in terms of the potential impact on residential amenity and access issues. Councillor Woodward considered that the Sub-Committee would benefit from a site inspection, as the setting and surroundings were fundamental to the determination or to the conditions being considered.

Other Members spoke in support of a site inspection.

**RESOLVED:**

**That consideration of planning application DCCW0009/1390/F be deferred for a site inspection.**

**53. DCCW0009/1321/F - 152 EIGN STREET, HEREFORD, HEREFORDSHIRE, HR4 0AP [AGENDA ITEM 11]**

*Erection of two semi-detached dwellings with associated parking.*

The Central Team Leader gave a presentation on the application.

Councillor PA Andrews, a Local Ward Member, said that she had concerns about the application and proposed that a site inspection be held, as the setting and surroundings were fundamental to the determination or to the conditions being considered. Councillor AM Toon, also a Local Ward Member, commented on infrastructure limitations in the locality.

**RESOLVED:**

**That consideration of planning application DCCW0009/1321/F be deferred for a site inspection.**

**54. DCCW0009/1402/F - HOLMER COURT RESIDENTIAL HOME, ATTWOOD LANE, HOLMER, HEREFORD, HEREFORDSHIRE, HR1 1LJ [AGENDA ITEM 12]**

*Extension to existing care home providing 12 en-suite bedrooms, day rooms, dining room, staff facilities, new car park and landscaped gardens.*

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

- The applicant's agent had requested an amendment to condition number 2 to allow the development to be built but not occupied until the main sewer had been upgraded.

Officer comments were also provided as follows:

- The amendment requested by the applicant's agent was in line with the restriction on the adjoining site [DCCW2006/2619/O] and was therefore considered acceptable and to accord with Circular 11/95 as there were reasonable prospects

that the sewer will be upgraded. This would also hasten the connection of the existing property to the upgraded system and therefore remove an identified sewage problem at the premises.

- It was recommended that condition 2 be amended accordingly.

In accordance with the criteria for public speaking, Mr. Jenkins spoke on behalf of Holmer Parish Council, Mrs. Allen spoke in objection to the application and Mr. Horridge spoke in support of the application.

Councillor RI Matthews read out a statement on behalf of Councillor SJ Robertson, the Local Ward Member; concerns were expressed about the severe problems with the existing inadequate sewer and traffic problems, it was commented that no further development should take place until the sewage arrangements had been resolved. Councillor Matthews himself felt that the application was unacceptable without assurances about the upgrade works to the sewer.

Councillor PJ Edwards considered the application to be premature and said that he had raised concerns regarding planning application DCCW2006/2619/O [for the development of 300 houses adjoining this site], principally because no sewage undertaker was able to demonstrate that the sewer had capacity and could cope with the existing challenges. He said that paragraph 6.6 should read that '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 *and is proven to have sufficient capacity and is adopted by the relevant sewage undertaker.*'

In response to a question from Councillor ACR Chappell, the Central Team Leader confirmed that upgrade works to the sewer were required through planning application DCCW2006/2619/O but no other party had indicated that they had plans to upgrade the sewer if that development did not proceed for any reason. It was reported that a reserved matters application for that site had been submitted and, subject to approval, the applicant [Crest] anticipated that development would commence in 2010. He added that Crest had been in extensive discussions with Welsh Water regarding the upgrade works. In response to further questions, the Central Team Leader advised that Crest was satisfied that the enhanced system would have capacity for Holmer Court and, as far as he was aware, it should mitigate some of the existing problems.

Councillor AT Oliver noted that this application was dependent on the proposed adjoining development and, given volatility in the housing market, felt unable to support this application given the uncertainties regarding the upgrade works.

Councillor AM Toon commented that a number of infrastructure improvements were reliant on the Crest development proceeding.

In response to a question, the Central Team Leader provided further details about the proposed foul drainage arrangements. Given the concerns expressed by Members, he suggested that the Sub-Committee might wish to consider retaining condition 2 as detailed in the report [that *no development shall commence* until the foul sewer has been upgraded], rather than the amended version provided in the update [that *the development shall not be occupied* until the foul sewer has been upgraded].

Councillor Edwards said that the upgrade works were likely to be substantial and involve connections some distance away. However, he considered that the recommendation could be supported subject to the additional wording he referred to above. Councillor Matthews commented on the need for strict adherence to conditions by developers and endorsed Councillor Edwards' comments.

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

**RESOLVED:**

**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 and is proven to have sufficient capacity and is adopted by the relevant sewage undertaker.**

**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.**
2. **N11A**
3. **N11B**
4. **N11C**

**55. DATE OF NEXT MEETING**

14 October 2009

**CHAIRMAN**





**ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED****Application No. DCC/082909/A/09/2113271/NWF**

- The appeal was received on 25 September 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. Cheung.
- The site is located at Public Convenience, The Oval, Belmont Road, Hereford, Hereford, HR2 7HG.
- The development proposed is to demolish the existing public convenience and replace with three storey building, hot food takeaway on ground floor, storage on first floor, staff living accommodation on second floor.
- The appeal is to be heard by Hearing.

**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 AT 21 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1HR**

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

**Date Received: 14 July 2009  
Expiry Date: 1 October 2009**

**Ward: Aylestone**

**Grid Ref: 351824,240525**

Local Members: Councillors NL Vaughan and DB Wilcox

### **Introduction**

**This application was deferred at the Central Area Planning Sub-Committee meeting on 16 September to allow members to undertake a site inspection. The report had been updated to take account of the representations received following completion of the report for the last Committee. In addition, the applicants are currently reviewing the design of the rear extension to address objectors and members concerns. In particular, the first floor side windows and height of the extension are being re-considered.**

### **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

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Further information on the subject of this report is available from Russell Pryce on 01432 261957

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

The proposal is 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. We therefore raise no objection subject to conditions regarding materials, rainwater goods and landscaping.

4.4 Head of Environmental Health and Trading Standards – No objection.

### 5. Representations

5.1 Hereford City Council – No objections.

5.2 Five letters of objection have been received from neighbouring properties. The main points raised are:-

- The loss of further front garden to parking areas.
- Overbearing impact on, and obscuring of outlook from existing habitable rooms.
- Unsightly appearance of the flat roof design and sanitary waste fittings/pipe work on the side wall.
- Loss of privacy through overlooking from side and rear windows.
- Additional noise from bathroom extraction systems.
- Lack of consultation with directly affected neighbours.
- No need for B&B accommodation in the locality given the existence of Aylestone Court Hotel.
- 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. In floor area terms, the extension amounts to around a 36% increase in floor area. 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. Following the members' site visit, the height of the extension is being reviewed by the applicants to establish whether it can be lowered.
- 6.4 The extension will have an impact on the light received within neighbouring ground floor windows. This was severely restricted until recently by existing boundary vegetation but this has now been removed by the adjoining owner. Consequently, the impact on the ground floor windows is now more significant. 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. The design of the first floor windows is now also being changed so as they are high level only.
- 6.5 The extension will undoubtedly have an impact on daylight and sunlight light levels and outlook from the neighbouring property. However, on balance, it is not considered that this impact will be sufficiently harmful due to the height and design of the extension, distance from the neighbouring property and difference in levels that a recommendation of refusal is necessary. Notwithstanding this, further design changes are being considered to the extension.
- 6.6 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.

- 6.7 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.
- 6.8 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. Notwithstanding this conclusion, further amendments are being considered to reduce the impact of the extension on the neighbour and delegated authority is sought to enable the further possible changes to be considered in consultation with the Ward Councillors and Chairman.

## **RECOMMENDATION**

**Subject to the receipt and consideration of further amended plans, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:**

1. **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: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DMCE/091669/F

**SITE ADDRESS :** 21 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1HR

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

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

**Date Received: 22 May 2009      Ward: Three Elms      Grid Ref: 350520,240125**  
**Expiry Date: 10 August 2009**

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

### **Introduction**

**This application was deferred at the Central Area Planning Sub-Committee on 16 September 2009 for a site visit which took place on Tuesday 29 September 2009. The comments of the Traffic Manager have been updated in this report at item 4.3.**

### **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

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Further information on the subject of this report is available from Peter Clasby on 01432 261947

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.

Updated Comments - The archway, which provides access to the site, is an established historic access from the highway. Evidence in the form of wear on the tarmac surface from vehicle tyres indicates that it is readily used for vehicular access. The access is at its narrowest 2.35m wide at the gatepost brickwork, widening to 2.45 thereafter, which is of adequate width to accommodate cars, which are generally around 1.8-1.95m in width to outside of wing mirrors. For comparison a single domestic garage door opening is generally between 2.0m and 2.2m clear opening. The carriageway on Eign Street is significantly widened at this location due to the short length of bus lane from the traffic signals, which terminates to the west of the access. This provides an additional 3.0m of width in addition to the 4.0m eastbound traffic lane, giving a total of 7.0m of width for vehicles to turn in and square up to enter the archway. The widened area of carriageway also provides a buffer for vehicles pulling out from the access to afford good visibility. Although the narrowness of the access does restrict visibility of approaching pedestrians, the narrowness of the access means that vehicle speeds will be very slow when emerging. Due to proximity of the site to the City centre, and with only one parking space per dwelling, the level of usage is likely to be low. For these reasons the proposed access and parking provision is considered 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 phase.

#### 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.**

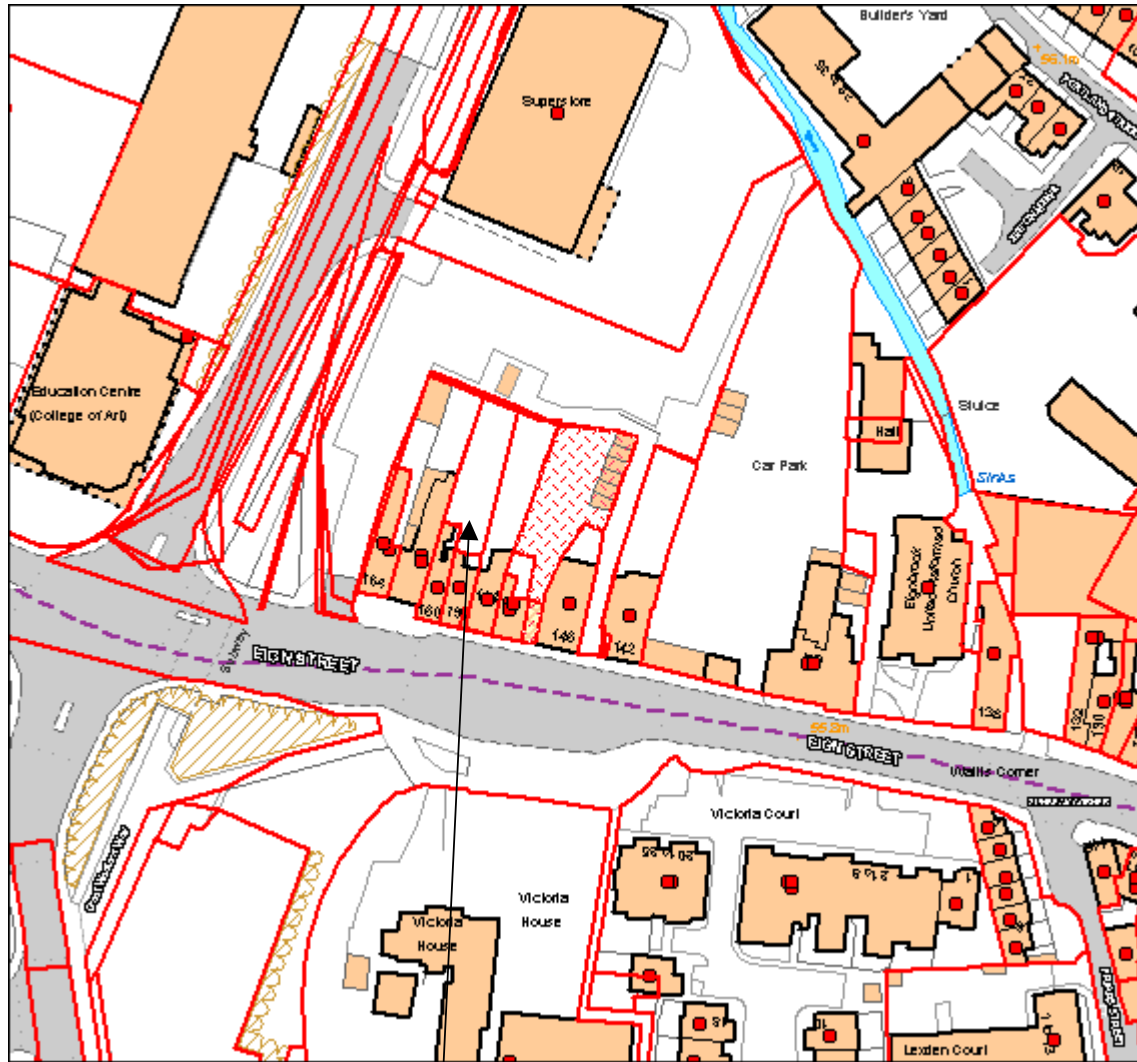
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW0009/1321/F

**SITE ADDRESS :** 152 EIGN STREET, HEREFORD, HEREFORDSHIRE, HR4 0AP

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**7 DCCW0009/1390/F - PROPOSED NEW DWELLING  
AT 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: 5 June 2009      Ward: St Nicholas      Grid Ref: 350315.5,240086.5  
Expiry Date: 19 August 2009**

Local Members: Councillors DJ Benjamin and JD Woodward

### **Introduction**

**This application was deferred at the Central Area Planning Sub-Committee on the 16 September 2009 for a site visit which took place on Tuesday 29 September 2009.**

### **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**

CW08/2658/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 DCCW2008/2658/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 of 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 alter 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 Luton 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: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW20009/1390/F

**SITE ADDRESS :** LAND ADJACENT TO DINHAM, RYELAND STREET, HEREFORD, HR4 0LA

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**8A DCCW0009/1406/F - ERECTION OF FOUR DWELLINGS AT 253 WHITECROSS ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LT**

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

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

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

**Date Received: 9 June 2009  
Expiry Date: 20 August 2009**

**Ward: St Nicholas**

**Grid Ref: 349377, 240562**

**Date Received: 29 June 2009  
Expiry Date: 24 August 2009**

**Ward: St Nicholas**

**Grid Ref: 49379, 40586**

Local Members: Councillors DJ Benjamin and JD Woodward

### **Introduction**

**These applications were deferred at the Central Area Planning Sub-Committee on the 16 September 2009 for a site visit which took place on 29 September 2009. The two previous reports have been amalgamated into one.**

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

1.1 These applications are mutually dependent. It is important, therefore, that both 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 Victorian 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. 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
- H18 - Alterations and Extensions
- T8 - Road Hierarchy
- T11 - Parking Provision
- LA5 - Protection of Trees, Woodlands and Hedgerows

## 2.3 Supplementary Planning Document - Planning Obligations

**3. Planning History**

In respect of DCCW0009/1406/F:

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

In respect of DCCW0009/1414/F:

- 3.2 OA/16518 Garage at front of house and formation of vehicle access. Approved 26 October 1972.
- 3.3 BP/17064/D Erection of garage. Approved 18 May 1973.
- 3.4 SC980798PF Erection of conservatory to rear. Approved 5 November 1998.

**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 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.
35. 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.
36. Proposal will result in the non-saleability of No. 255 as a separate unit.
37. Precedent for the use of borrowed land for other properties in Hereford.
38. The nature of No. 255 will be changed from a separate dwelling to one servicing the needs of a neighbouring property.
39. Telegraph poles would need to be removed, this would cause unacceptable disruption to the neighbours.
40. 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.
41. Ill thought out solution to a poorly thought out development.
42. 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 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 as 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 Marlow 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 representations also include concerns relating to housing density and precedent issues.
- 6.13 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 planning, it is considered that the proposed density is not excessive and does not conflict with Policy H15.
- 6.14 With regard to precedent, each application is to be considered on its merits having regard to the development plan and other material considerations.
- 6.15 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.
- 6.16 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.
- 6.17 It is considered that the garage alterations are low key and would have little impact on the character of the surrounding area.
- 6.18 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.
- 6.19 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.
- 6.20 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.
- 6.21 On balance, having due regard to the provisions of the Herefordshire Unitary Development Plan, material considerations and representations received, it is considered that the proposals are acceptable subject to conditions.

**RECOMMENDATION**

That planning permission be granted subject to the following conditions:

In respect of DCCW0009/1406/F:

1. **A01 Time limit for commencement (full permission).**
2. **C01 Samples of external materials.**
3. **F15 No windows in side elevations of the 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 floodlighting/external lighting.**
9. **G10 Landscaping scheme.**
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.**

**In respect of DCCW0009/1414/F:**

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 hereby permitted under planning application ref. no. DCCW0009/1406/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. **N19 Avoidance of doubt - Approved Plans.**
5. **N15 Reason(s) for the Grant of PP/LBC/CAC.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NOS:** DCCW0009/1406/F & DCCW009/1414/F

**SITE ADDRESS :** 253 & 255 WHITECROSS ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LT

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**9 DCCW0009/1678/RM - RESIDENTIAL DEVELOPMENT OF 300 DWELLINGS INCLUDING ACCESS FROM ROMAN ROAD, ESSENTIAL INFRASTRUCTURE, OPEN SPACE, BALANCING POND, LANDSCAPING, ROADS, PARKING, FOOPATHS, CYCLEWAY AND ENGINEERING EARTH WORKS. AT LAND TO THE NORTH OF ROMAN ROAD, HOLMER, HEREFORD, HEREFORDSHIRE, HR1 1LE**

**For: D2 Planning Limited, 1st Floor, 4 Stoke Lane, Westbury-On-Trym, Bristol, BS9 3DL**

**Date Received: 31 July 2009**

**Ward: Burghill,  
Holmer and Lyde**

**Grid Ref: 351327, 242272**

**Expiry Date: 30 October 2009**

Local Member: Councillor SJ Robertson

**1. Site Description and Proposal**

- 1.1 The site extends to 12.8 hectares of undeveloped agricultural land located on the northern fringes of the city (within the parish of Holmer). The site is bordered to the south by the A4103 (Roman Road), the C1127 (Munstone Road) runs along the eastern boundary and Unclassified Road 72412 (Attwood Lane) borders the western boundary. West of Attwood Lane are the Wentworth Park and Cleeve Orchard housing estates and adjoining the south east and south western corners of the site are predominantly detached residences including a veterinary surgery and the Hopbine Hotel. The majority of these properties have gardens which back onto the development site. South of Roman Road on the junction of Old School Lane is Pegasus Football Club, east of which is Hope Scott House and car garages beyond. Adjoining the north western corner of the site is Holmer Court residential care home with the remainder of the boundaries being either enclosed by main roads or agricultural land.
- 1.2 Levels undulate across the site with a general fall towards the north eastern boundary and high points along Roman Road and the north western corner adjacent to Holmer Court. The existing physical boundaries of the site are largely enclosed by mature hedges and dispersed with mature and semi-mature trees with further hedges/trees sub-dividing the existing fields within the site.
- 1.3 Running east to west relatively centrally through the site is Public Footpath HO6 and running along the north western boundary of the site is Public Footpath HO8A. Also currently running through the site are overhead power cables which the applicants proposed to divert underground.
- 1.4 The site falls within the settlement boundary for Hereford City as identified within the adopted Herefordshire Unitary Development Plan 2007. Outline planning permission was approved on 28 July 2008 for the construction of 300 dwellings including access

from Roman Road and essential infrastructure, open space, balancing pond, landscaping, roads, parking, footpaths, cycleway and engineering earthworks.

- 1.5 This application now seeks Reserved Matters approval following on from the outline for the layout, scale, appearance and landscaping of the development. The means of access was approved at the outline stage and comprises a single point of vehicular access directly onto Roman Road with traffic flows controlled by a new three way signalised junction. The development comprises a mixture of 1 and 2 bed apartments and 2, 3, 4 and 5 bedroom houses with 35 % of the total comprising affordable units.

## 2. Policies

### 2.1 Planning Policy Statements:

PPS1	-	Delivering Sustainable Development including Supplement on Climate Change
PPS3	-	Housing
PPS9	-	Biodiversity and Geological Conservation
PPG13	-	Transport
PPG17	-	Sport and Recreation
PPS25	-	Development and Flood Risk

### 2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S6	-	Transport
S7	-	Natural and Historic Heritage
S8	-	Recreation, Sport and Tourism
S10	-	Waste
S11	-	Community Facilities and Services
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR7	-	Flood Risk
DR14	-	Lighting
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H2	-	Hereford and the Market Towns: Housing Land Allocations
H9	-	Affordable Housing
H13	-	Sustainable Residential Design
H15	-	Density
H16	-	Car Parking
H19	-	Open Space Requirements
T6	-	Walking
T7	-	Cycling
T8	-	Road Hierarchy
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC5	-	European and Nationally Protected Species
NC6	-	Biodiversity Action Plan Priority Habitats and Species

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Further information on the subject of this report is available from Russell Pryce on 01432 261957

- NC7 - Compensation for Loss of Biodiversity
- NC8 - Habitat Creation, Restoration and Enhancement
- RST3 - Standards for Outdoor Playing and Public Open Space
- W11 - Development of Waste Implications
- CF1 - Utility Services and Infrastructure
- CF2 - Foul Drainage
- CF4 - Renewable Energy

2.3 Supplementary Planning Document - Planning Obligations

**3. Planning History**

- 3.1 DCCW2006/2619/O - Residential development (300 dwellings) including access from Roman Road and essential infrastructure, open space, balancing pond, landscaping, roads, parking, footpaths, cycle way and engineering earthworks. Outline planning permission approved 28 July 2008.

**4. Consultation Summary**

Statutory Consultations

4.1 Welsh Water:

No objections subject to the conditions and restrictions within the Section 106 concerning foul and surface water drainage being complied with.

4.2 Natural England:

It is Natural England's opinion that the Great Crested Newt mitigation and enhancement proposed is inadequate. The development site provides the best available terrestrial habitat for newts in the vicinity of the identified breeding pond and Natural England is not satisfied that newts would commute to the balancing pond. It is more likely that newts would use adjacent gardens which could result in an increase of mortality rates putting this small size population at risk. The information provided is insufficient to determine whether Great Crested Newts would be adversely impacted or whether mitigation, compensation and enhancement is adequate and subsequently whether a licence could be obtained.

The current design of the balancing pond area does little to benefit the biodiversity. The dry or seasonally wet bowl may be difficult to manage meaning the habitat is likely to become rank grassland offering minimal biodiversity benefits. The design also reduces recreational opportunities divided by the area. The design should therefore be reconsidered. Natural England currently objects to the development due to its adverse impact to the protected Great Crested Newt population and their habitat.

4.3 Sport England:

No objection.

4.4 Environment Agency:

No objection subject to the conditions of the Outline Planning Permission being complied with.

4.5 Highways Agency:

Although the reserved matters refer to scale, the proposal still comprises 300 dwellings, of which 105 are affordable units. In addition, the layout plans show that the site is sustainable and has pedestrian and cycle ways provided. In conclusion, there are no changes in the impact of the development and as a result we have no objections.

4.6 Ramblers Association:

The removal of the stiles at each end of the public right of way go a long way to satisfying the requirements of the Disability Acts but we question whether some form of barrier is required to stop people inadvertently stepping out onto Attwood Lane or Munstone Road and to prevent vehicular access. Any closing of any of the public rights of way in the vicinity of the site will be vehemently opposed.

4.7 Central Networks:

No objection.

4.8 Police Architectural Liaison Officer:

There are no major concerns with any development within this area of the city given that it is a low crime/anti social behaviour area the opportunity should be taken to design out the potential for any of these related issues for the future it is therefore recommended that the development is designed to achieve the Secured by Design standard.

4.9 Open Spaces Society:

No comments received.

4.10 Herefordshire Nature Trust:

Comments awaited.

Internal Council Advice

4.11 Traffic Manager:

No objections to the principle of the layout but minor design changes are required to some of the footpath/cycle links, allocation of parking, areas to be adopted, and clarification of access to parking spaces.

4.12 Public Rights of Way Manager:

It is noted that previous comments have been taken into account in the layout of the development and the proposal would not appear to affect the peace and enjoyment of Public Footpath HO6 which passes east/west through the centre of the application site and Public Footpath HO8A which passes north to south through the northern end of the site. As such the Public Rights of Way Manager has no objection to the application.

4.13 Forward Planning Manager:

The development accords with the principles of the Unitary Development Plan and therefore there is no objection.

Parks and Countryside Manager

The layout and specification for the play equipment is as previously agreed and therefore is acceptable. The applicant could consider dispersing the junior play equipment around all the public open space.

- 4.14 Strategic Housing Manager:  
Strategic Housing support the application in its current form to provide 105 affordable units for rental and shared ownership tenure.
- 4.15 Head of Environmental Health and Trading Standards:  
Comments awaited.
- 4.16 Conservation Manager - Archaeology:  
No objection.
- 4.17 Conservation Manager - Ecology:  
I am broadly satisfied with the levels of survey and the mitigation strategies – the Landscape and Ecological Management Plan will need to be revised and resubmitted identifying changes in dates and timings. However I am aware that Natural England has raised concerns regarding the proposed Great Crested Newt mitigation plans. Until these concerns have been addressed I would be unable to support the application.
- 4.18 Conservation Manager – Landscape:  
No major amendments or revisions from the scheme discussed prior to submission are proposed and in principle the scheme remains wholly acceptable. In terms of the distribution and type of green space and infrastructure provided in this development, the scheme should be considered as exemplary.
- The retention of existing features of environmental and biodiversity interest help to assimilate the development into the surrounding landscape, and these are connected to and link habitats and non-vehicular access routes across and through the site. The proposed tree protection, Arboricultural Method Statement, the Landscape and Ecological Management Plan and Landscape Masterplan and detailed landscaping proposals are acceptable.
- The proposed planting will be long-lived and present a major contribution to the environmental quality of the area. The structure of landscaping allows for the free movement of people and wildlife around and within the site with an emphasis away from the motor car. The more formal areas of open space are well-considered and utilise quality materials. Overall the scheme will integrate well into the surrounding landscape with little impact on the visual quality of the area, although northern boundary to the city will appear changed.
- In summary, this development, based on a principle of designing and locating dwellings within a structure of green spaces and environmental resources, substantial areas of open space, represents an exemplary scheme.
- 4.19 Drainage Engineer:  
We are satisfied with the proposed surface water discharge rate and balancing pond storage capacity and agree that the existing culvert under Munstone Road should be cleared to improve capacity. The flood plain area lost is compensated on a level by level basis. We are satisfied with the principle of the surface and foul water drainage. However, final confirmation is required from Welsh Water concerning the public foul sewer and SUDS drainage detail in relation to surface water drainage.
- 4.20 Minerals and Waste Officer:  
No comments received.

## 5. Representations

### 5.1 Holmer and Shelwick Parish Council:

The Parish Council strongly objects to the application for the following reasons;

#### Drainage:

- Due to the dysfunctional existing drainage system in the surrounding area, conditions should be imposed preventing development commencing until the foul sewer into which the development is proposed to connect has been upgraded, is proven to have sufficient capacity and is adopted.
- The Parish Council is seriously concerned about the adequacy of the proposed solution to the drainage problems.

#### Road System:

- The traffic lights on Roman Road should be phased with the lights over the railway bridge.
- A 30mph limit on Roman Road and Attwood Lane should be introduced.
- Due to likely increased traffic in the area the existing road networks including Munstone Road, Coldwells Road and College Road railway bridge should be reviewed.
- The proposed cycleway should merge with the existing footpath by the existing balancing pond in Attwood Lane and not merge directly onto Attwood Lane.

#### Section 106 Monies

- In view of recent accidents, the £25,000 allocated for public artwork should be diverted to upgrade the Glenthorne Road pedestrian crossing to a traffic light controlled crossing and install a traffic light controlled crossing on the A49 by Church Way.
- Education money should be allocated to Holmer School as this is the catchment school for the development.
- Further money should be allocated to provide an off road parking area alongside the A49 to service the burial ground.

#### Building Design

- Full three storey houses are inappropriate in what is a rural area and elevated against the northern back-drop.

#### Construction traffic access

- All access should be from Roman Road during construction with no access from Munstone Road or Attwood Lane and the existing gates should be blocked up prior to development.

#### Lighting

- There should be no street lighting on the northern side of the development as this would cause light pollution in open countryside and would have a detrimental impact on the character of the area.

Also accompanying the Parish Council comments is a list of comments made by local residents during the public meeting under the headings of drainage, road system, Section 106 money, building design, construction, traffic, access and other matters.

### 5.2 Hereford City Council:

One access is inadequate and an additional access for emergency vehicles should be included. Renewable energy should be integral to the site and homes should be zero rated for Co2 emissions, ie with solar panels as standard. More social housing should be only for rent rather than shared ownership with fewer flats and more 2/3 bedroom properties. All routes and pathways should be well illuminated.

5.3 24 letters and e-mails of objection and comment have been received primarily from local residents including a petition from residents of Attwood Lane and Churchway. The main points raised are:

- Increased use of Attwood Lane/Church Way and Munstone Road as a rat run through to the Leominster Road.
- Localised speed limits should be introduced.
- 300 houses are excessive for the site.
- The localised road network will come to a standstill.
- Any Section 106 money should be used to resolve the College Road railway bridge, Venns Lane/Old School Lane, College Road junction and increased traffic on Roman Road and the Starting Gate roundabout but no money used for the Roman Road railway bridge.
- The existing drainage network is already overloaded.
- The capacity of the existing sewer should be assessed before any new flows into it are permitted.
- Considerable disruption to Roman Road during construction
- Further improvements to the road bridge, the railway bridge on Roman Road should be carried out before development.
- The existing gate opposite 1 & 2 Turnberry Drive should be removed and a security fence erected before work commences.
- All houses must be sited at least 30 metres away from Turnberry Drive with new trees planted along the boundary.
- The proposed road improvements achieved through the Section 106 are wholly inadequate to resolve traffic problems in the area.
- The existing sewerage system should be fully adopted before any development commences.
- A nearby employment site could be compulsory purchased and used to provide community facilities and a new pumping station to serve the development
- Existing roads should be illuminated particularly where no footpaths exist
- The sustainability performance of the development and dwellings is totally inadequate and a central energy option should be required.
- Housing should be accommodated on brown field land as required by Government policy.
- The developer should be required to meet a high level of the Code for Sustainable Homes and the standard should not be retro fitted.
- Independent specialists should be appointed to assess the adequacy of the proposed drainage.
- The drainage solution is unacceptable.
- On 10 occasions in the last year the existing system as overflowed causing raw sewage to flow on the public highway.
- Crest have an obligation imposed within the deeds of nearby properties to secure the adoption of the existing system.
- New traffic signals or roundabouts should be considered on the A4103 at the existing junctions at Attwood Lane, Old School Lane and Cleeve Orchard along with localised traffic calming.
- The gated access onto Munstone Road should be permanently closed.

- The existing footpath onto Attwood Lane should be moved closer to Roman Road.
  - Work is required to both Wentworth Park and Cleeve Orchard Pumping Stations before development commences.
  - Our bedrooms will be overlooked by the proposed new dwellings.
  - Private foul drainage soakaways cross the application site replacement facilities should be provided.
  - Pavements along Munstone Road should be considered.
  - The developer could contribute more to mitigate the loss of habitat for wild birds as a result of the development.
  - The grass cutting should be on a longer rotation.
  - Twenty nest boxes for barn owls and kestrels should be donated to local landowners.
  - The balancing pond should be fenced off to prevent public access.
  - Swift access blocks and sparrow terrace boxes should be incorporated into the design of the houses.
  - Existing hedgerows should be allowed to mature in thickets.
  - The green infrastructure corridor should be widened with plenty of dense planting.
  - A wet meadow should be developed around the balancing pond.
  - Pollarded trees should be allowed to mature.
  - A financial contribution is required towards the cost of the increased demand on policing infrastructure that the new development will create.
- 5.4 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

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

- 6.1 The issues to be considered in the assessment of the application are as follows:
1. The Principle
  2. Layout
  3. Design and Housing Mix
  4. Highways and Accessibility
  5. Open Space
  6. Drainage
  7. Section 106 including affordable housing
  8. Other Matters.

### The Principle

- 6.2 Policy H2 of the Herefordshire Unitary Development Plan allocates the land at Holmer for residential with an estimated capacity of 300 dwellings. During the course of the adoption of the Unitary Development Plan outline planning permission was also submitted for the residential development of the site and subsequently approved last year.
- 6.3 As required by Policy H2, the outline application includes a new single means of access to serve the development directly off Roman Road. Therefore, the principle of developing the site for 300 houses along with the proposed means of access and the junction design is now approved and accords with the requirements of Policy H2.

### Layout



- 6.4 The principles of the layout follow the master plan submitted with the outline application and subsequently approved as part of that permission. This being small groups of houses served by a combination of formal highways with pavements, shared surfaces and private drives. The layout follows the landscape constraints of the site with the majority of existing hedgerows and mature trees being retained within and around the site. The houses are generally sited along road and pavement edge with parking achieved to the rear where possible. Within the centre of the site is an area of formal public open space incorporating play areas enclosed by existing hedgerow and framed by higher density housing graduating to a lower density of development around the peripheries of the site. The northern quarter of the site is set out to a new balancing pond which will provide flood storage compensation, a sustainable surface water drainage system for the site and the added benefit of informal recreation and biodiversity enhancement.
- 6.5 The format of this layout respects the semi-rural context of the site and surroundings whilst also respecting existing built form to the south and west. For example, the siting of dwellings along Roman Road have been set back with a density and spacing of development that follows the notional building line and character of development along this part of Roman Road. Elsewhere, properties are stepped away from the outer boundaries by over 25 metres in parts which will create an enclosure of green infrastructure around the majority of the site.
- 6.6 In terms of existing amenity, properties are generally stepped away from the boundaries to the south with a back to back garden arrangement which achieves reasonable separation distances thereby avoiding any unacceptable overlooking. A small number of plots are being reviewed to further protect the amenity enjoyed by existing residents and amended plans are awaited. The standard of amenity for new properties is also relatively high with all houses having a proportionate private garden whilst the flats have use of communal areas for storage of refuse, bicycles, clothes drying etc. Property to property distances are also acceptable within the development.
- 6.7 Additional interest to the layout is also proposed through the introduction of public squares/green spaces at strategic focal points around the site. These spaces are enclosed by a higher density building alignment with prominent landscape features. These spaces not only assist in breaking up the layout and extent of housing but also provide the opportunity for the introduction of public art in line with the requirements of the outline permission and the Section 106 Agreement.
- 6.8 The design of the layout ensures the development will integrate with the existing rural setting of the site whilst creating a legible framework of development that will achieve a quality and sustainable residential environment for future occupants.

#### Design and Housing Mix

- 6.9 Twenty different house and flat designs are proposed ranging in size from 1 and 2 bedroom flats to 2 to 5 bedroom houses. This range of house designs and sizes will cater for all levels of affordability and accommodation requirements. The lead for the designs has been taken from typical Herefordshire vernacular, in particular Georgian and Victorian architecture and detailing found within the city. This being simple balanced elevations with predominantly pitched roofs and symmetrical fenestration. Additional detailing is achieved with dormer windows, stone cills and arched brick lintels, fanlights and different porch styles, string courses and quoin detailing. The designs in general, including ancillary features such as boundary treatments of traditional railings and brick walls, will create a development that identifies with

Herefordshire's vernacular as required by policy H13 of the Unitary Development Plan.

- 6.10 The materials proposed are predominantly red brick with some rendered elevations and painted brickwork with a mixture of slate grey and brown double roman tile roofs. Concerns exist with some of the brick choices but the general palate of materials is considered acceptable.
- 6.11 The scale in terms of building height is predominantly two storeys with some three storeys around the central open space and key corner plots. The mass of the larger blocks has been broken up with different roof heights and dormer detailing along with articulation of the elevations with different materials and projecting elements.
- 6.12 The entrance into the site will be framed by three storey angled properties to create a sense of enclosure which is maintained throughout the rest of the development. Minor concerns exist regarding the design of some of the three storey units fronting the open space and the transition between three and two storey designs elsewhere and these issues are currently being addressed by the applicants.
- 6.13 Concerns have been expressed by residents and the Parish Council regarding three storey development on the site. Three storey was presented as part of the outline application and nearly all of the three storey properties are located centrally within the site. Consequently, the impact of the additional height will not be discernable from outside of the site and from higher levels to the north; three storey will assimilate into the wider roof scape. It is therefore not considered unacceptable.
- 6.14 As well as the mix of house sizes, 35% of the properties will be affordable housing which equates to 105 units and this is secured by the Section 106 Agreement. The affordable housing is a mixture of one and two bedroom flats and two, three and four bedroom houses with the tenure split between 60% social rented and 40% shared ownership. The mix of affordable housing is supported by the Strategic Housing Manager.
- 6.15 This will create a sustainable mixed community particularly as the affordable housing is to be distributed amongst the general market housing and phased across the entire development. The number of affordable flats is a concern but this was agreed at the outline stage in order to negotiate a higher percentage of social rented provision and the Strategic Housing Manager does not object to this mix. The mix of housing, both general market and affordable is therefore considered acceptable as required by Policies H9 and H13 of the Unitary Development Plan.

#### Highways and Accessibility

- 6.16 A single means of access will serve the development off Roman Road and this was approved at the outline stage. Traffic will be controlled by a three way signalised junction incorporating a right turn lane for traffic travelling from the east and two queuing exit lanes within the site for traffic travelling east and west. This junction will allow traffic flows on Roman Road to be prioritised along with traffic flows through the Starting Gate roundabout to be controlled by both Herefordshire Council and the Highways Agency. To achieve this a Residential Travel Plan was completed at the outline stage and forms part of the Section 106 Agreement which enables the Council to restrict traffic flows from the site if the agreed targets are not achieved.
- 6.17 The design of the internal road network is a mixture of standard tarmac highway with pavements either side, block pavior and shared surface with an informal alignment of

roads incorporating sharp bends to assist in keeping traffic speeds low whilst also according with the adopted Highway Design Guide. The existing public right of way network running through the site will be maintained and enhanced with a network of new footpath links and cycleways throughout the site connected to existing footpaths creating a very permeable development. Informal footpaths will also be created around the perimeter of the site and within the balancing pond area to provide further walking opportunities. A section of the new cycleway through the site will also become part of the National SuStrans Cycle Route.

- 6.18 Parking is generally on plot with an average provision of one space plus a garage per property. Notwithstanding the parish council request, it is intended that all highway routes will be illuminated given the scale of the development and the need to create a secure and safe environment for future residents. The Traffic Manager has requested minor revisions to parts of the layout and clarification of the parking ratio in some areas but the general access and movement strategy within and around the site is considered acceptable.

#### Landscape, Open Space and Ecology

- 6.19 The layout of the development has been designed around the existing landscape features with nearly all mature hedgerows within the site and all hedgerows around the perimeter of the site being retained. In addition, the existing network of hedgerows are interlinked with a green infrastructure corridor around the perimeter of the site to enhance the connectivity of the green spaces. Further informal landscaping and recreation will be available along the northern part of the site where the balancing pond is proposed. The scheme is considered to be a very good example of how to achieve green infrastructure and linked landscape corridors within an urban development and the landscape areas including the proposed new planting and landscape management strategy is fully supported by the Conservation Manager (Landscape).
- 6.20 Centrally within the site is an area of formal public open space incorporating fully equipped play areas. The play area is split into two play zones, one area designed for children under six and the other for children above this age. Specification of the play equipment accords with the Council's requirements and is located in an accessible location available for use by residents of the new development as well as other local residents within neighbouring estates. The area of formal public open space is below that required by the adopted Unitary Development Plan policies but this principle was accepted at the outline stage with mitigation achieved by way of a contribution for off site play, sport and recreation facilities.
- 6.21 The site is relatively rich in ecology with protected species having been found either on or within close proximity of the site. Full ecological and specific protected species surveys have been undertaken along with a Landscape and Ecological Mitigation and Management Plan. The retention of all existing green infrastructure will maintain commuting corridors for existing wildlife and the introduction of new tree and shrub planting and species rich grassland buffers provide additional foraging habitats for nesting birds. The balancing pond area to the north will provide further biodiversity opportunities through the creation of a marshy grassland habitat and a stepped ditch system providing opportunities for reptiles, otters and water voles. Subject to health and safety and adoption considerations, the balancing pond is being reviewed to establish whether it could be designed to achieve a more permanent wetland habitat as requested by Natural England. The applicants are currently considering this option. The timings within the Landscape and Ecological Management Plan also require updating which is being addressed.

- 6.22 In general, the provision made for existing ecology along with the creation of new habitats and wildlife corridors acceptably addresses the requirements of the development plan policies concerning this matter. One exception to this is the impact of the development on the small localised population of Great Crested Newts and particularly their habitat. Natural England currently object to the application due to the loss of the newt habitat. A new habitat will be created within the balancing pond but this is some distance away and the applicant's ecologist along with Natural England and the Council's Ecologist are looking at the options for mitigation in respect of newts. An update on this will be provided at Committee.
- 6.23 Hereford Ornithological Society have also requested that the developer contributes around 20 bird nesting boxes to local landowners and this request has also been put to the developer. The landscape, open space, play and ecological considerations are generally therefore acceptable subject to the resolution of Natural England's objection.

#### Drainage Strategy

- 6.24 There was much discussion during the course of the outline application and subsequently regarding the provisions made for foul drainage to serve the development. This has also generated a considerable amount of concern and objection in respect of the current application. Welsh Water originally objected to the outline application due to inadequate foul drainage capacity in the area. As a result, the applicants commissioned a drainage study carried out by Welsh Water's consultants to consider the options. The conclusions of this study agreed by Welsh Water are that drainage from the site can be pumped to the existing pumping stations within neighbouring estates with the final flow controlled at 13 litres per second. The normal course of action would be for drainage to be controlled by condition but due to the localised problems and concerns over drainage, a specific Schedule is included in the Section 106 Agreement requiring the final details of the drainage to be submitted for the approval of Herefordshire Council and Welsh Water prior to the commencement of the development.
- 6.25 To facilitate the proposed drainage option the existing drainage infrastructure including the existing pumping stations need to be upgraded to an adoptable standard. The applicants have confirmed that these works are in the process of being carried out and they are hopeful that the existing infrastructure will be of a standard suitable for adoption by Welsh Water before the end of 2009. Therefore, work is under way to upgrade the existing infrastructure to achieve its adoption. Furthermore, the final technical details of the new foul drainage infrastructure to serve the development will have to be agreed before development commences and no dwelling can be occupied until the agreed infrastructure is in place.
- 6.26 It is therefore considered that sufficient controls exist over the development to ensure that appropriate new drainage is provided and the existing drainage is upgraded to resolve existing problems. The Parish Council have requested that a condition be imposed on the reserved matters preventing any development commencing until the existing infrastructure is adopted. It is not considered that such a condition would accord with Circular 11/95 concerning the use of conditions on planning permissions as it would be reliant on third party agreement which is outside the control of both the applicants and the Council. Such a condition is therefore not recommended. Ultimately, it is considered that appropriate controls over drainage exist through the Section 106 Agreement.

- 6.27 A sustainable surface water drainage strategy is proposed with flows regulated through the balancing pond prior to discharge to a local watercourse. Permeable surfaces will be used where possible and water butts provided for each property to encourage rainwater harvesting. This system is supported by the Environment Agency and the Council's Drainage Engineer.

Section 106 Matters

- 6.28 A detailed Section 106 Agreement was agreed at the outline stage which achieves 35% affordable housing across the development along with a range of contributions for off site community infrastructure. It should be noted that the Section 106 was negotiated and agreed in advance of the adoption of the Supplementary Planning Document on Planning Obligations. A summary of the contributions are as follows:

- £100,000 for Education of which £50,000 is specifically for Barrs Court Special School.
- £45,000 towards an extension of Holmer Parish Hall.
- £15,000 to facilitate the extension of the Holmer Parish Church burial ground.
- £25,000 for public art.
- £138,000 towards the cost of a replacement bridge on Roman Road or for other sustainable transport infrastructure improvements in the area.
- £450,000 for off site highway works and sustainable transport improvements with 13 specific uses identified including reductions in speed limits for Roman Road, traffic calming on Attwood Lane, Munstone Road and Coldwells Road and new pedestrian and cycle links including safe crossings between the site and other parts of the city.
- £187,500 for off site sport and recreation including facilities at Hereford Athletics Club.
- £55,000 towards Hereford Skate Park.

- 6.29 The Parish Council have identified a list of local priorities for the use of some of this money which generally all fall within the terms of the Section 106. The money provided and secured through the Section 106 Agreement will address a number of concerns of existing residents particularly concerning traffic flows, speeds and general highway and pedestrian safety issues. The Police have also requested a contribution towards the cost of providing Policing infrastructure in the city. A contribution cannot be secured via Reserved Matter permission and contributions for the Police were specifically excluded from the adopted Supplementary Planning Document. It is therefore not reasonable to seek such contributions at this stage.

- 6.30 The Section 106 Agreement also requires that all dwellings are designed to meet Eco Homes 'Very Good' standard. In addition, each dwelling is required to exceed the dwelling emission rate set by the current Building Regulations by a minimum of 13% through a combination of measures such as improved insulation and general U values for walls, floors, roofs and windows, improved air tightness and high efficiency boilers.

- 6.31 In terms of waste management, the Section 106 Agreement requires each dwelling to be provided with three containers for storage of recyclable waste with a minimum total capacity of 30 litres along with external space to accommodate the storage of recycling and wheelie bins. The Section 106 also requires each dwelling to be provided with an external composting container along with energy efficient appliances.

Conclusion

6.32 The proposals accord with the principles set out in the outline planning permission in terms of the layout, housing mix, design, landscaping, open space and ecology. Several minor changes to the layout are required to address concerns of officers and the Traffic Manager along with third party concerns including Natural England’s objection. Subject to these matters being resolved including the submission of amended plans, the proposal will create a high quality sustainable development that will integrate with both the existing urban context to the west and south and the rural context to the north and east. Furthermore, the development will achieve safe and convenient movement patterns within and to the site along with an interesting arrangement of accommodation that respects existing amenity whilst creating an attractive residential environment for future occupants.

**RECOMMENDATION**

**Subject to the resolution of the objection from Natural England and subject to the submission of amended plans addressing the concerns of officers and the Traffic Manager, the officers named in the Scheme of Delegation to Officers be authorised to issue reserved matters approval subject to the following conditions and any additional conditions considered necessary by officers:**

- 1. **F16 No new windows in specified elevation.**
- 2. **Vehicular access to the site during the construction phase shall be via the proposed new access onto Roman Road only and there shall be no other vehicular access to the site during the construction of the development.**

**Reason: In the interests of highway and pedestrian safety, to safeguard the amenity of local residents and to comply with Policies DR2 and DR3 of the Herefordshire Unitary Development Plan.**

**Informatives:**

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

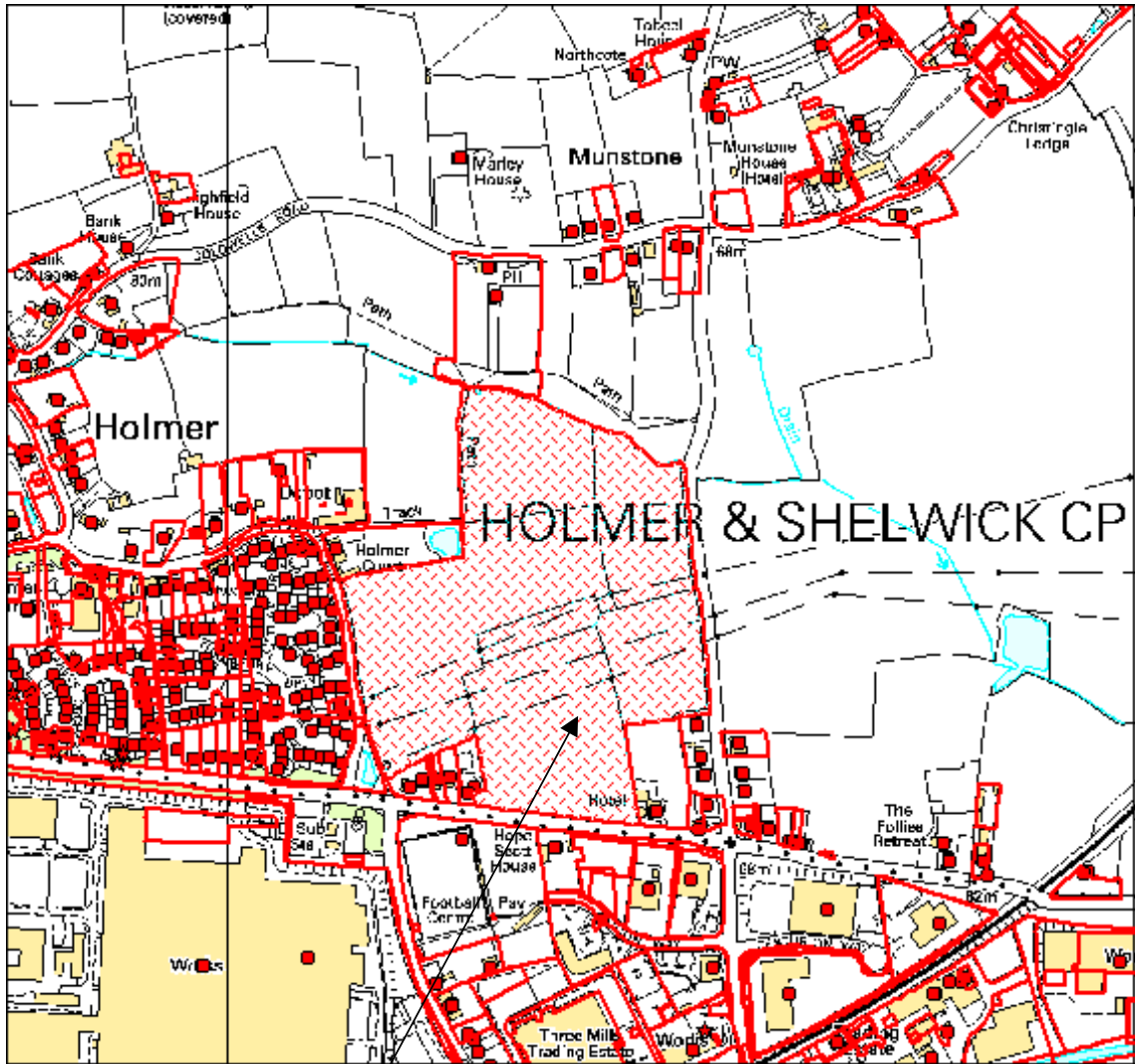
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW/091845/RM

**SITE ADDRESS :** LAND TO THE NORTH OF ROMAN ROAD, HOLMER, HEREFORD,  
HEREFORDSHIRE, HR1 1LE

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**10 DCCE0009/1718/O - ERECTION OF 10 NO. ONE-BEDROOM FLATS AT LAND ADJACENT TO METHODIST CHURCH, EAST STREET, HEREFORD, HEREFORDSHIRE**

**For: Mr. & Mrs. James Per Ian Murray Associates, The Granary, Wormington Farm Barns, Nr Broadway, Worcester, WR12 7NL**

**Date Received: 31 July 2009**  
**Expiry Date: 30 October 2009**

**Ward: Central**

**Grid Ref: 351261,239827**

Local Member: Councillor MAF Hubbard

**1. Site Description and Proposal**

- 1.1 The site is located on the north eastern side of East Street around 50 metres north west of the junction with St Ethelbert Street in Hereford City. Directly opposite the site is a row of small two storey cottages (Pulling Mews), immediately south east is the Methodist Church Hall which is a three storey flat roofed brick building. North west are a further row of two storey rendered elevation cottages and the rear of the site backs onto the rear gardens/courtyards of properties fronting St Owen Street.
- 1.2 The site itself is largely undeveloped and used as a car park. The exception being a single storey flat roofed building in the northern corner which will be demolished as part of the proposal. The boundaries with the exception of the road side are enclosed by a mixture of brick wall and corrugated fence panel with the road frontage enclosed by dilapidated railings. The site falls within Hereford City Conservation Area and is designated an Area of Archaeological Importance.
- 1.3 Outline Planning Permission is sought for the demolition of the existing single storey building and construction of 10 one bedroom flats. The application seeks approval for the means of access, appearance, scale and the layout of the development with only the landscaping of the site reserved for future consideration. The development comprises of a two storey block in the north west corner rising up to a three storey block continuing the East Street frontage and returning along the southern boundary stepping down slightly towards St Owen Street properties. The northern corner of the site is set out to a courtyard garden space for communal use. No parking is proposed.

**2. Policies**

2.1 Planning Policy Guidance:

- PPS1 - Planning and Sustainable Development
- PPS3 - Housing
- PPG13 - Transport
- PPG15 - Planning and the Historic Environment

## 2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirement
S3	-	Housing
S6	-	Transport
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
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
T6	-	Walking
T7	-	Cycling
T12	-	Existing Parking Areas
HBA6	-	New Development Within Conservation Areas
HBA7	-	Demolition of Unlisted Buildings Within Conservation Areas
ARCH1	-	Archaeological Assessments and Field Evaluations
ARCH7	-	Hereford AAI

**3. Planning History**

- 3.1 CE2007/2166/O – Block of 10 self-contained flats. Planning permission refused 19 August 2007.
- 3.2 The reasons for refusal concerned the scale, mass and design being unacceptable and detracting from the character of the Conservation Area. The design and scale would have an unacceptable impact on neighbouring properties residential amenity, no Section 106 Agreement was provided and no archaeological investigation was undertaken.

**4. Consultation Summary**Statutory Consultations

- 4.1 Welsh Water:  
No objections subject to conditions over foul and surface water drainage.

Internal Council Advice

- 4.2 Traffic Manager:  
No objection subject to conditions concerning the provision of secure cycle storage and a possible link from the site to Barroll Street investigated.
- 4.3 Conservation Manager - Historic Buildings:  
The area is currently a car park and as a gap site is somewhat detrimental to the character of the area. We support the infill of this site and welcome the proposed creation of the courtyard space. We support the stepping up of the blocks but consider the Church Hall should be the dominant structure and new building should

sit slightly lower than this building. Other design changes are suggested such as to give the fenestration on the two storey block a horizontal rather than vertical emphasis and enhance other areas of the fenestration.

4.4 Conservation Manager - Archaeology:

I am satisfied that the likely damaging effects of the development can be satisfactorily mitigated by a combination of appropriate foundation design and archaeological investigation and therefore subject to conditions, I have no objection to the development.

4.5 Parks and Countryside Manager:

Comments awaited.

4.6 Children and Young People's Directorate:

No contribution is required as the proposal is for one bedroom flats only.

4.7 Senior Stock Librarian:

The Section 106 contribution could be used to enhance existing library stock.

**5. Representations**

5.1 Hereford City Council:

No objection.

5.2 Conservation Advisory Panel:

The principle is agreed in terms of scale, volume and number of units. The design is a concern and further details are required. The possibility of a pitched roof should be considered.

5.3 Letter from Andrew Morgan, Strategic Planner, West Mercia Constabulary requesting a contribution to cover the cost of increased demand on police infrastructure that the new development will create.

5.4 Seven letters of objection have been received the main points raised are:

- The development will overshadow Pulling Mews Cottages and significantly reduce the light received in these properties.
- Any development of the site should be limited to two storey only and of a traditional design.
- The development will overlook habitable rooms and private gardens within neighbouring properties.
- The three storey Church Hall adjacent to the site should not set the precedent for the scale of development on this site.
- The design will be an eyesore.
- The development will increase traffic in the area.
- The development will reduce sunlight.
- There will be considerable disruption, noise and dust during the demolition and construction.
- Construction traffic will cause disruption to local roads.
- No parking is proposed and only eight resident parking permits exist locally.
- The development will devalue local property.

- The scale of development will create a claustrophobic feel for this part of East Street.
  - The development will be out of keeping with the Conservation Area.
- 5.5 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

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

6.1 The issues to be considered in the assessment of the application are as follows:

- 1) The Principle
- 2) Scale, Siting and Mass
- 3) Design and Appearance
- 4) Amenity
- 5) Section 106 and Other Matters
- 6) Conclusion

### The Principle

6.2 The site is brown field land in Hereford City Centre also falling within the Central Shopping and Commercial Area. Policy H1 supports the principle of using such land for residential development subject to criteria within other policies in the Development Plan being met. The site is also an informal car park and Policy T12 supports the beneficial redevelopment of existing private parking areas within the city. The existing building to be demolished is of no particular merit and therefore there is no objection to its demolition. As such, the principle of the development is acceptable.

### Scale, Siting and Mass

6.3 The development is designed to read as three separate modules when viewed from East Street. This is achieved through each block of accommodation being a different height and progressively stepped back from 50 East Street to the Methodist Hall. This assists in breaking up the mass of the street elevation and enables the development to follow the notional building line between the two neighbouring properties north west and south east of the site.

6.4 The principle of the East Street frontage being three storeys in part is not considered unacceptable in that it will assist in assimilating the development into the localised building context on this side of East Street. However, the overall height in design terms is a concern and the applicants have been requested to reduce the height so that the development as a whole is subservient to the three storey Methodist Hall. The three storey accommodation then returns along the south eastern boundary with the rear second floor flat being smaller in floor area to enable the development to step down towards the St Owen Street boundary. It is considered that the overall siting, scale and mass of the development is the appropriate solution for the site and will satisfactorily integrate with the streetscape.

### Design and Appearance

6.5 A contemporary approach to the design has been adopted. This is considered the most appropriate format of development given the different styles and designs of properties in the area. Whilst the appearance will be different to anything else in the locality, this does not make it unacceptable. Indeed, the quality of the Conservation

Area is, in part, due to the diversity of architecture and a quality contemporary design will enhance this character.

- 6.6 The elevations are relatively simplistic but the form respects the rhythm of the existing streetscape with materials to match. The fenestration is also a modern interpretation of the generally symmetrical fenestration that exists within the historical properties within the locality. Minor design changes to the fenestration have been requested. Overall, the general design and appearance of the development is considered acceptable and will contribute positively to the character and appearance of the conservation area. It is also not considered there will be any adverse impact on the setting of nearby listed buildings.

#### Amenity

- 6.7 A number of residents have expressed amenity concerns. The proposal will inevitably have an impact on the amenity enjoyed by surrounding properties in that there will be an increased degree of overlooking and an impact on sunlight and daylight. However, in a high density urban context, both historically and with current developments, the residential standards that would apply to a suburban development often cannot be achieved and are not enforced by Inspectors on appeal.
- 6.8 In this regard, acceptable window to window separation will be achieved both to the rear and side elevations. Daylight and particularly sunlight will be affected for properties immediately to the west but the introduction of the courtyard garden will assist in reducing the impact over and above the existing situation where a building presently exists. However, the impact on number 50 East Street is currently being reviewed by the applicants. Ultimately, there is no disputing that the development will have an impact on localised amenity but it is not considered that this impact will be harmful warranting refusal of the application.

#### Section 106 and Other Matters

- 6.9 All one bedroom flats are proposed which in an urban location such as this, is considered acceptable. No car parking is proposed. If approved, a Section 106 is required to prevent the future residents or tenants of the development from being eligible for local residents parking permits in order to discourage car ownership and usage. In addition, secure cycle storage is proposed integral with the building to further encourage sustainable modes of transport. The Traffic Manager raises no objection to the development being car free.
- 6.10 A Section 106 has also been agreed in accordance with the adopted Supplementary Planning Document on Planning Obligations (SPD) which secures contributions for sustainable transport, off site sport and recreation and localised library facilities. The Heads of Terms are appended to this report. The Heads of Terms does not include a contribution for the Police as this does not fall within the adopted SPD. An archaeological investigation has also been carried out and the Council's Archaeologist is satisfied that any impact on archaeology can be mitigated and controlled with appropriate conditions.

#### Conclusion

- 6.11 Subject to revisions on the height of the three storey development fronting East Street to ensure it is more subservient to the adjacent three storey Methodist Hall, it is considered the proposal will preserve and enhance the character and appearance of

the Conservation Area, will satisfactorily safeguard the amenity of neighbouring properties and is therefore considered acceptable.

## **RECOMMENDATION**

**Subject to the receipt of suitably amended plans slightly reducing the height of the two three storey blocks and minor design changes, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:**

1. **A02 Time limit for submission of reserved matters (outline permission).**
2. **A03 Time limit for commencement (outline permission).**
3. **A04 Approval of reserved matters.**
4. **A05 Plans and particulars of reserved matters.**
5. **B07 Section 106 Agreement.**
6. **C01 Samples of external materials.**
7. **D02 Approval of details.**
8. **E01 Site investigation - archaeology.**
9. **E04 Submission of foundation design.**
10. **F10 No balconies/roof amenity area.**
11. **F17 Obscure glazing to windows.**
12. **G11 Landscaping scheme - implementation.**
13. **H27 Parking for site operatives.**
14. **H29 Secure covered cycle parking provision.**
15. **I16 Restriction of hours during construction.**
16. **I51 Details of slab levels.**
17. **I56 Sustainable homes condition.**

### **Informatives:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DMCE/091835/O

**SITE ADDRESS :** LAND ADJACENT TO METHODIST CHURCH, EAST STREET, HEREFORD, HEREFORDSHIRE

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

Planning Application - DCCE0009/1718/O

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

Construction of 10 one bedroom flats

Land adjacent to 50 East Street and St Johns Methodist Church Hall Hereford, HR1 2LU

1. The developer covenants with Herefordshire Council, in lieu of a deficit in the provision of play, sport and recreation facilities to serve the development to pay Herefordshire Council the sum of £1,930 for public open space and £4,080 for sports (contribution based around the requirements of policy H19 of the UDP and Sport England Sports Facilities Calculator). The money shall be used by Herefordshire Council for the provision of new and the enhancement of existing open space, play, sport and recreational facilities in Hereford City. The contribution includes 15 years maintenance costs.
2. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £14,650 for off site highway works and improved sustainable transport infrastructure (excluding that required to facilitate the development i.e. new access arrangements, cycle storage). The developer shall also covenant with Herefordshire Council to prevent the future occupiers of the development from being eligible for residents parking permits within the city centre (parking zones to be agreed)
3. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
  - a) Traffic calming and improved signage
  - b) Traffic Regulations Order(s) to reduce speed limits and impose localised parking restrictions
  - c) Contribution to improved bus service
  - d) Contribution to Safe Routes for Schools
  - e) Improved bus shelters/stops in the locality of the application site
  - f) Improve lighting to highway routes leading to the site
  - g) Improved pedestrian and cyclist connectivity with the site
  - h) Improved pedestrian and cyclist crossing facilities
  - i) Initiatives to promote sustainable transport
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £1200 towards the enhancement of existing community library facilities in Hereford City.
5. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2 and 4 for the purposes specified in the agreement within 10 years of the date of this agreement, and unless otherwise agreed in writing with the Council, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

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

Russell Pryce - Principal Planning Officer  
24th July 2009

**11 DCCE0009/1751/F - PROPOSED GARAGES AND WORKSHOP TOGETHER WITH UTILITY AND LOG STORE, FOR THE STORAGE OF VINTAGE CARS LINKING WEST LYDIATT DWELLING WITH THE DISUSED BARN. AT WEST LYDIATT DWELLING, WEST LYDIATT, WITHINGTON, HEREFORD, HR1 3PM**

**For: Mr. Snadden Per Mr. Hall, New Bungalow, Nunnington, Hereford, HR1 3NJ**

Date Received: 13 July 2009  
Expiry Date: 8 October 2009

Ward: Hagley

Grid Ref: 355713,242968

Local Member: Councillor DW Greenow

**1. Site Description and Proposal**

- 1.1 West Lydiatt dwelling is located at the end of the un-adopted track which serves the several houses in the area known as West Lydiatt immediately north west of the village of Withington. The dwelling is a two storey dwelling set in a relatively large curtilage. Vehicle access arrives at the rear of the dwelling where there is a two storey flat roofed extension. The south elevation of the property is still in its original format and provides a formal frontage to the cottage style dwelling. There is one outbuilding to the rear, which consists of a two storey timber framed building, with a single storey barn attached. In total the outbuildings measure 11 x 4.5m.
- 1.2 This application proposes a double garage with workshop linked to the existing outbuilding. The building will measure 11.6 x 5.9m, with a height of 4.6m. The applicant's hobby is restoring and repairing vintage cars, and the proposed building will be used for the storage of them as well as providing an area to work on them during the winter months. The proposed building is constructed from rendered walls painted off white with vertical boarded and ledged braced doors under a tiled roof. The building also provides a utility and log store for the main dwelling.
- 1.3 The applicant has provided evidence in the form of registration certificates for all the vehicles which are in his or his wife's ownership which amounts to 4. The neighbouring dwelling and land is in the ownership of the applicant's father-in-law, who also shares the same hobby as the applicant in vintage cars. The father-in-law has his own facilities in which to keep his cars, and in the supporting statement from the applicant it is stated that there are no cars stored on the application site which are owned by the father-in-law.

**2. Policies**

- 2.1 S1 - Sustainable Development  
DR1 - Design  
H18 - Alterations and Extensions

**3. Planning History**

- 3.1 None on the application site.

**4. Consultation Summary**Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager: I am concerned that there is already a disused buildings on the site and presumably the conversion of the existing disused barns has been considered and discounted. In view of the narrowness of the unmade track accessing the property and the number of properties the track already serves, this would not be suitable for trade/commercial use of the garage/workshop and therefore a condition limiting the use should be applied.

**5. Representations**

- 5.1 Withington Parish Council object to the proposed development on the following grounds:

1. An inadequate access to the site being only 2 metres wide and having inadequate sight lines.
2. The proposed building will be excessive in size.
3. As the existing barn is disused there is no proved requirements for the additional building.
4. The proposed use as a workshop, is incompatible with the rural nature of West Lydiatt.
5. The adjoining lane through to Withies Road is inadequate for additional vehicle access.
6. Vintage cars are already garaged and 'worked on' in the adjoining premises owned by the father-in-law.
7. There are no sound attenuation measures indicated with residential properties in close proximity.

- 5.2 Four letters of objection have been received from:

Jim and Carol Bendle, New Drive, West Lydiatt, Withington.  
Mr. and Mrs. E. Jones, No.1 West Lydiatt, Withington  
Mr. and Mrs. C.R. Mullis, Ivy Cottage, West Lydiatt, Withington  
Mr. and Mrs. Richard Perks, West Lydiatt Farm, Withington.

The main points raised are:

1. The proposed development would generate considerable loud noise from the cutting and grinding of metal, hammering and welding etc.
2. Concerns with regards to the protection of the environment.
3. As it is a hobby pursuit means that it would take place after hours in the evening.
4. Concern that if permission were granted it would turn into a business.
5. Concerns over an increase in vehicle activity i.e. delivery vehicles.
6. Building too large for a domestic dwelling.
7. The existing outbuilding should be used for the activity.

8. The applicant works with his farther-in-law restoring vintage cars as a hobby. This hobby has no place is a rural hamlet.
- 5.3 A letter has been received from the applicant in response to the concerns raised by the Parish Council and the neighbours. The main points raised are as follows:
1. The access to the property is adequate; however there is not to be any increase in vehicle movement anyhow to that which already exists.
  2. The existing barn is not suitable for storing vehicles as it is only 4.3m deep and the design also does not lend itself to be used as a garage without major reconstruction.
  3. The existing barn is not disused but used for domestic storage which includes tools used in the restoration of the vintage car.
  4. The proposed development is for a garage, to store vehicles owned by the applicant and his wife (to which registration documents have been submitted to prove ownership). There has never been and will not be any intention to utilize the building for anything other than the pursuit of a hobby.
  5. No increase in vehicular movement is anticipated.
  6. Vehicles stored on the property are all in the ownership of the applicant or his wife, and are not his father-in-law's as suggested.
  7. The building has been designed with double breeze blocks and a cavity wall to mitigate against the possibility of noise when working on the vehicles.
- 5.4 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

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

- 6.1 The application proposes a building to be used for garaging and as workshop in association with West Lydiatt dwelling. Therefore it falls to be considered against policy H18 of the Herefordshire Unitary Development Plan, which sets the provision for alterations and extensions to dwellings or for buildings incidental to the enjoyment of a dwelling.
- 6.2 The first criterion of the policy requires proposals to allow the original building to remain the dominant feature. The dwelling itself has had a two storey flat roofed extension to the north elevation (rear), which is not visible from the south elevation (front). When viewed from the rear, which is the elevation you first arrive at, the original building is no longer visible and has been lost to the later flat roofed extension. The existing outbuilding is likely to date back to the 1960s and is still in its original form. The original use of the building is unknown, however to the applicant's knowledge it has always been used as storage for the main dwelling.
- 6.3 The second criteria of policy H18 requires proposals to be in keeping with the character of the existing dwelling and its surroundings in terms of scale, mass, siting, detailed design and materials. The proposal is considered to have been designed with a specific use in mind, that of vintage cars, which has been a hobby of the applicants for many years and is clearly evident when visiting the site. The existing outbuilding is clearly used for domestic storage and is not of a size or design that would enable cars to be garaged. The proposed outbuilding is considered to be of a large scale, however given the proposed use and the existing activity at the application site it is considered acceptable.
- 6.4 The siting of the proposed development is considered acceptable and relates well to the existing dwelling and outbuilding on site. To the east of the site is a number of

mature high conifer trees, which would screen the development from view other than when immediately viewed from West Lydiatt Lane which ends outside the property and from within the site itself. The siting of the proposed development is considered to be acceptable with the detailed design and materials reflecting the character of both the existing dwelling and outbuilding. The proposed development on balance, although of a large scale is not considered to detract from the original dwelling or the existing outbuilding, and is overall in keeping with character of the existing dwelling and its surroundings.

- 6.5 The neighbours and the Parish Councils primary concern appears to be the use of the proposed building as a workshop in connection with the applicant's hobby, vintage cars, and the impact of this on the amenity of neighbouring residential dwellings. The third criteria of policy H18 requires proposals not to appear cramped on its plot and not to adversely impact on the privacy and amenity of occupiers of neighbouring residential amenity. The proposed development is to be used as a garage to store the applicant's vintage cars, which he is in the process of restoring one to a road worthy condition.
- 6.6 According to the applicant this has been a hobby of his for many years, which he works on in his spare time. It is also a hobby enjoyed and shared by his father-in-law who lives in the adjoining property. From the neighbours letters it is clear that the noise from the work carried out on the cars is already causing a problem. Having a workshop building, where the cars can be worked on under cover, is considered to minimise the noise experienced by neighbours. The building has been designed with a double breeze block wall in an attempt to minimize the noise that may occur whilst performing maintenance or restorative work on the vehicles. With regards to privacy and amenity, the proposed development is not considered to have an adverse impact above that which currently exists, and will hopefully improve the situation by allowing the applicant to work on his vehicles undercover.
- 6.7 Another concern expressed from the neighbours and the Parish Council is the possibility of the hobby turning into a business and the impact of the associated vehicle movement associated with this. This has also been highlighted as a concern from the highways officer. The applicant has stated that there has never been any intention for the hobby turning into a business, with the proposed building being used for the applicant's personal use only. The use can be controlled through conditions attached to the decision notice ensuring that the garage is used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the dwelling house and not for the carrying out of any trade or business. It is also recommended that conditions are attached to the decision notice ensuring that the garage is not converted into habitable accommodation as well as permitted development rights being removed in relation to additional outbuildings and garages to ensure the character and amenity of the locality is maintained.
- 6.8 With regard to concerns with additional traffic and the inadequate access and track leading into the site, the development if approved is not considered to generate an increase in traffic above that which already exists.
- 6.9 Having considered all the information submitted from the applicant and from the neighbouring residential properties, the proposed development, its scale, siting, design and use are considered to be acceptable and will improve the existing situation on site for both the applicant and the neighbours. The application is in accordance with policy H18 of the Herefordshire Unitary Development Plan and is recommended for approval subject to the conditions set out below.

**RECOMMENDATION**

That planning permission be granted subject to the following conditions:

- 1. **A01 Time limit for commencement (full permission).**
- 2. **C03 Matching external materials (general).**
- 3. **F07 Domestic use only of garage.**
- 4. **F08 No conversion of garage to habitable accommodation.**
- 5. **F14 Removal of permitted development rights.**

**Informatives:**

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

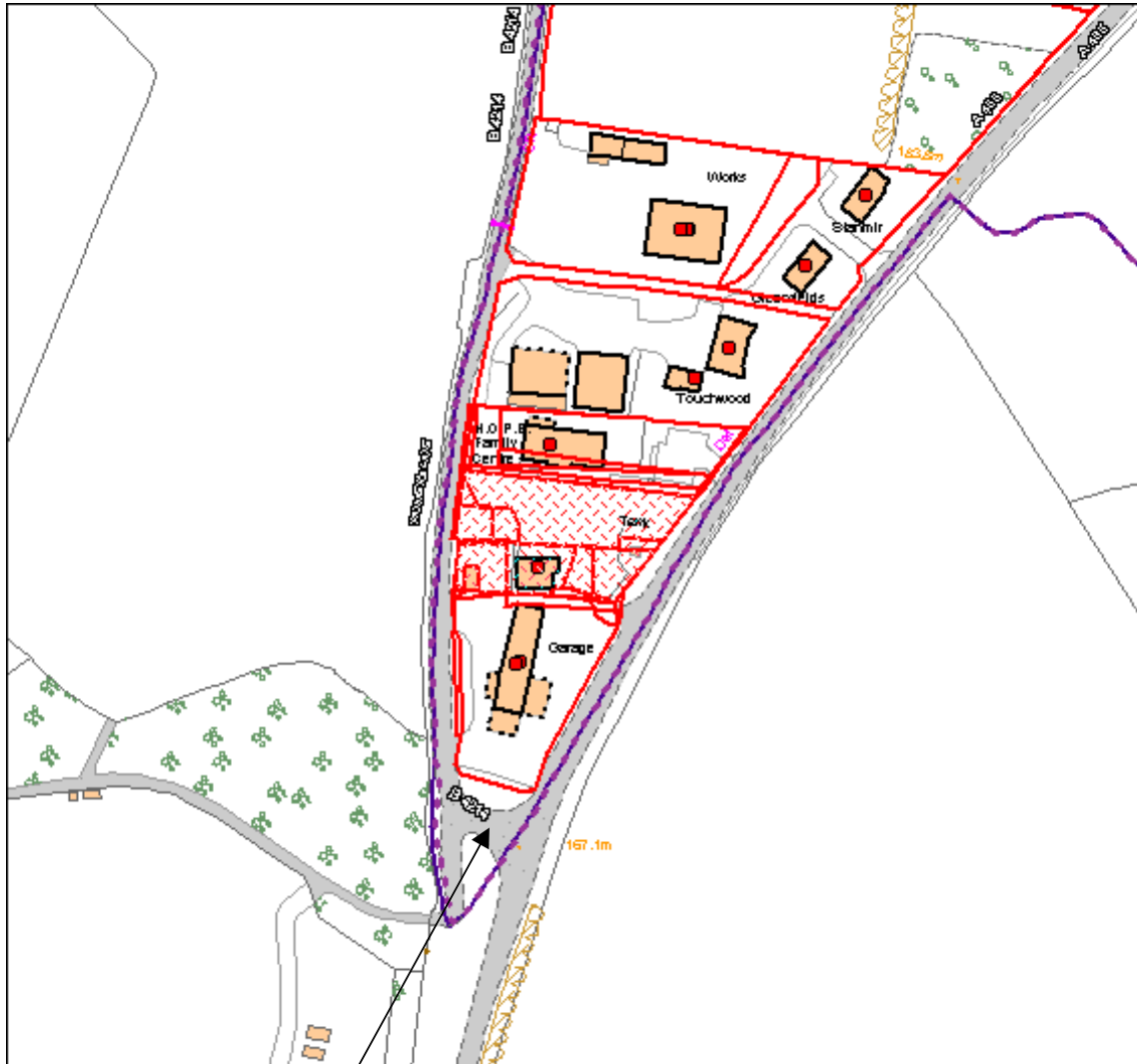
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE0009/1751/F

**SITE ADDRESS :** WEST LYDIATT DWELLING, WEST LYDIATT, WITHINGTON, HEREFORD, HR1 3NS

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**12 DCCW0009/1867/F - PERMANENT RETENTION OF FIXED (NOT ROTATED) SPANISH POLYTUNNELS FOR USE IN SOFT FRUIT GROWING (TABLE TOP METHOD), GRANTED TEMPORARY PLANNING PERMISSION RESPECTIVELY ON 29/10/2003 AND 09/03/2004, (EXPIRING ON 29/10/2009 AND 09/02/2011 RESPECTIVELY) UNDER LPA REFS: DCCW2003/2321/F & DCW2004/4212/F AT LAND ADJACENT TO BRICK HOUSE, BUSH BANK, CANON PYON, HEREFORD, HEREFORDSHIRE, HR4 8PH**

**For: Mr. V. Powell per Antony Aspbury Associates, 20 Park Lane Business Centre, Park Lane, Basford, Nottingham, Nottinghamshire, NG6 0DW**

**Date Received: 7 August 2009    Ward: Wormsley Ridge    Grid Ref: 345237, 250666  
Expiry Date: 8 October 2009**

Local Member: Councillor AJM Blackshaw

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

- 1.1 Brick House Farm is located on the western side of the A4110 Hereford to Leintwardine road at Bush Bank, Canon Pyon. Pyon House is located immediately to the east of Brick House Farm buildings.
- 1.2 The proposal is to retain 4.2 hectares of permanent Spanish polytunnels on two blocks of land to the east of Pyon House and split by the drive to that property.
- 1.3 The northern block is 1.62 hectares (22 tunnels) and the southern block 2.59 hectares (28 tunnels). The polytunnels contain strawberries grown in the table top method. The tunnels run in a north south direction and measure 3.6 metres high and 8 metres wide. The tunnels are set back from the driveway to Canon Pyon House, 14 metres to the south and 10 metres to the north giving a separation distance including the road of 30 metres.
- 1.4 The nearest residential properties are Pyon House which abutts the western boundary of the northern block and The Lodge located to the east sited alongside the A4110 road. Four further dwellings are located on the eastern side of the A4110 road, Teekoy, Fair View, The Elms and Bank View. The nearest of these dwellings to the polytunnels is of a distance of approximately 110 metres.
- 1.5 This is a resubmission following withdrawal of a similar planning application earlier this year and seeks to overcome the concerns raised by removal of one tunnel adjacent to the eastern boundary of Pyon House.

**2. Policies**

- 2.1 PPS 1 - Delivering Sustainable Development  
 PPS 7 - Sustainable Development in Rural Areas  
 PPS 9 - Biodiversity and Geological Conservation  
 PPS 25 - Development and Flood Risk

## 2.2 West Midlands Regional Spatial Strategy

## 2.3 Herefordshire Unitary Development Plan 2007:

- S1 - Sustainable Development  
 S2 - Development Requirements  
 S4 - Employment  
 S6 - Transport  
 S7 - Natural and Historic Heritage  
 S10 - Waste  
 DR1 - Design  
 DR2 - Land Use and Activity  
 DR3 - Movement  
 DR4 - Environment  
 DR6 - Water Resources  
 DR7 - Flood Risk  
 E13 - Agricultural and Forestry Development  
 T6 - Walking  
 T8 - Road Hierarchy  
 LA2 - Landscape Character  
 LA4 - Protection of Historic Parks and Gardens  
 LA5 - Protection of Trees, Woodlands and Hedgerows  
 LA6 - Landscaping Schemes  
 NC1 - Biodiversity and Development  
 NC5 - European and Nationally Protected Species  
 NC8 - Habitat Creation, Restoration and Enhancement  
 ARCH1 - Archaeological Assessments and Field Evaluations

## 2.4 Supplementary Planning Guidance - Landscape Character Assessment (2004).

## 2.5 Supplementary Planning Document - Polytunnels

**3. Planning History**

- 3.1 DCCW2003/2321/F Erection of 1.62 hectares of Spanish polytunnels (23 tunnels in total). Temporary Planning Permission 29 October 2003. Expires 29 October 2009.
- 3.2 DCCW2004/4212/F Erection of 2.590 hectares of Spanish polytunnels for use in soft fruit growing (table top method). Temporary Planning Permission 9 March 2005, Expires 9 February 2011.
- 3.3 DCCW2005/2947/F Removal of condition 12 from planning permission DCCW2004/4212/F to allow the retention of two Spanish polytunnels. Approved under Planning Permission DCCW2003/2321/F. Refused 24 October 2005. Allowed on appeal 20 June 2006.

- 3.4 DCCW2009/0131/F Permanent retention of fixed (not rotated) Spanish polytunnels for use in soft fruit growing (table top method) as previously approved DCCW2003/2321/F & DCCW2004/4212/F. Withdrawn 31 March 2009.

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 Environment Agency: The proposed development is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Maps. Whilst development may be appropriate in Flood Zone 1, Table D1 of PPS25 states that a Flood Risk Assessment (FRA) is required for 'development proposals on sites comprising one hectare or above' where 'there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off'.

A small portion of the site (0.1Ha) lies within Flood Zone 3, the high risk zone. However the impact of this is minimal and, as the application of for the retention of polytunnels, it would seem overly cautious to move them on account on a minimal infringement into Zone 3.

We note that a FRA has been submitted in support of the proposed development which addressed the above point.

Water Resources: With regard to water resources and irrigation, the development utilizes a 'table-top' regime as opposed to trickle irrigation. Irrigation water is sourced from an existing on-site reservoir, negating the need for any water abstraction. This accords with Herefordshire Council's Polytunnels SPD, which states that for small scale polytunnels, not proposing to use water irrigation from low flow rivers, a brief statement of water use and efficiency could suffice.

- 4.2 Dwr Cymru Welsh Water: No comments received.
- 4.3 Hereford & Worcester Gardens Trust: Comments awaited but previously stated: Strongly object to this application.

The site occupies the lawns and parkland of Canon Pyon House (Brick House), which is described by the Trust in The Survey of Historic Parks and Gardens of Herefordshire 2001), p.94. The Victorian house, with its 17th century origins, still stands within its 19th century pleasure grounds, with part of the walled garden adjoining. Thus, it would be possible for a discriminating owner to restore the historic setting of this property by reinstating the miniature park, which stretched up to the main road. This would enhance the local countryside and improve the local housing stock, hitherto blighted by the polytunnels. Indeed, the lodge, apparently recently abandoned, at the end of the east drive, would also become a desirable residence.

If permission for the fixed polytunnels is granted these options will be negated and the house itself, together with its attractive gardens and shrubberies, will continue to decline in character. As our survey shows, many surviving historic landscapes lack the main house, which makes their preservation more difficult, whilst here at Canon Pyon House, we have a house of some distinction, simply waiting for a rejuvenated landscape. As you well know, UDP Policy LA4 urges the Council to take account of unregistered parks and gardens in the county. Just such a landscape exists here - with its unlisted mansion - and therefore, we urge the Council to refuse this application.

Internal Council Advice

- 4.4 Traffic Manager: Has no objection to the grant of permission.
- 4.5 Conservation Manager (Landscape): Following a visit to the site and consideration of the documentation submitted I would reiterate my colleague, Chris Mayes previous comment below, as the landscape response to the proposal.

The proposal has been submitted with the benefit of a Landscape and Visual Impact Assessment (LVIA), which aims to address the likely visual impacts of the proposed development and propose suitable mitigation for any identifiable adverse impacts on the character and quality of the landscape and visual envelope. Whilst the LVIA has identified most of the issues relating to this application, there are some significant omissions that have implications on the conclusions of the report and the subsequent proposed mitigation.

- The LVIA has failed to identify that the location of the application site is entirely within the bounds of an Unregistered Historic Park & Garden (Canon Pyon House). As such, consideration of the application in relation to policy LA4 of the UDP has not been made. (This matter is considered further below).
- The LVIA identifies that the application site is located in a complex landscape, at the intersection of a number of landscape types. The assessment relies heavily on National Character Area descriptions and the Herefordshire Landscape Character Assessment; the relevant parts of the documents are correctly identified. The assessment was carried out at a time of year (May) when visibility would have been restricted by vegetation, although this is noted in the study. If the Council is minded to approve this application, but condition a time period when plastic should be removed from the site (different from that expressed in the D&AS) then the type and extent of mitigating landscaping may be affected.
- The LVIA repeatedly makes reference to ‘...well maintained hedgerows...’; however, the majority of hedgerows in the vicinity have been over-maintained, are ‘gappy’ and low. The management and maintenance of hedgerows can be regulated through the application of conditions I believe already addressed by the Council's Ecologist.
- The LVIA identifies that the Zone of Visual Influence is relatively limited and I would confirm that the extent of visibility is constrained to a degree by the local topography; however, this can also serve to concentrate the impact of a development as well as limit its visibility. Certainly this is the case when approaching the site from the south along the A4110 where the application site is in view and the visual envelop is confined to not much more than the site by the topography and vegetation. The application site becomes a prominent feature in the local landscape.
- Viewpoints and photographs of the site are presented in the LVIA. The viewpoints were not agreed in advance with myself and whilst being generally representative, have been selected to present the site in a ‘good’ light (consider the view angle of viewpoint 13 and compare it to the actual view that some one travelling along the A4110 would have). The inclusion of two viewpoints where the site is not even visible is not considered as good practice.

- Although making reference to the Guidelines for Landscape and Visual Impact Assessment, (2002) the LVIA fails to reasonably establish a baseline assessment for the character of the site and surroundings and whilst this and the limited assessment of viewpoints does not materially effect the overall assessment of impact, does have a bearing on the proposed mitigation strategy.
  - Development in open countryside brings about an inevitable change; however, positive contributions can be acquired by mitigating adverse impacts. In this case I am satisfied that the landscape has the capacity to accommodate the degree of change presented by the proposed development, subject to securing substantial landscaping and landscape management of the site and surroundings. As the assessment of the site has failed to identify the significant historic component of the site - the un-registered historic park and garden - and has failed to fully address the local impact on the character of the landscape and visual sensitivity of the area, I do not consider the mitigation strategy proposed sufficiently robust. As such it is essential that a condition is attached to any planning permission given that requires the submission and approval of both a scheme of landscaping for the land within the applicant's ownership and a long-term (25 years) management plan.
  - As an example, the structure of the historic landscape should be restored and reinforced to an extent that goes beyond the replanting of recently lost hedgerows. Probably the most significant visual impact - the view from the south travelling along the A4110 (viewpoint 13) - should be mitigated through the planting of a woodland block, or belt, adjacent to the road. It should be noted that the planting of a block of woodland is alluded to in the proposed mitigation strategy, but the location and size of the block is not identified. Additional planting to the southern boundary, along the Wellington Brook, has already been identified; however, the extent of planting is insufficient (viewpoint 14). Substantial additional planting should be provided to the east of the site to mitigate identifiably negative views from Westhope and Westhope Wood (viewpoints 5 and 11).
  - In relation to policy LA4 of the UDP it is arguable that the proposed development should not be considered acceptable, having a clear and demonstrably negative impact on an historic designed landscape; however, I would suggest that attaching a condition requiring the preparation and delivery of a management strategy, in conjunction with a landscaping scheme and management plan, which addresses the historic environment will be sufficient and reasonable in this case.
- 4.6 Conservation Manager (Ecology): Comments awaited but previously stated: I note that there is no ecological assessment of the site included within this application, but appreciate that there has been a previous permission for polytunnels on the site and that the tunnels have been in place for some time. I understand that there will be no rotation of the tunnels.

There are opportunities for enhancing this site for biodiversity. It is unfortunate that non-native species have been planted (as a windbreak or screening?) along the central track. I recommend that much greater emphasis be put upon strengthening the hedgerow and wildlife corridors around the site (notably the Wellington Brook along the south of the site) and extra planting of native species within the site. A habitat management scheme is required.

- 4.7 Conservation Manager (Historic Buildings): Comments awaited but previously stated: Given that Pyon House is set in extensive garden grounds, screened to the east by mature trees and the house is orientated to the south, its setting will not be affected by the proposed development.
- 4.8 Public Rights of Way Manager: The proposed permanent retention of fixed Spanish polytunnels would not appear to significantly affect the use and enjoyment of public bridleway CP10 which passes outside the north boundary of the application site and the PROW Manager has no objections to this application.

However, the applicant should note the line of bridleway CP10 when planting trees in the hedge line to the north of the application site in that tree branches can be a potential obstruction to horse riders.

- 4.9 Land Drainage Engineer: Comments awaited.

## 5. Representations

- 5.1 Pyons Group Parish Council: Pyons Group Parish Council believes that the removal of two rows of polytunnels immediately to the side of Pyon House represents a more equitable balance between the rights of the landowner and the immediate neighbour.

The parish council welcomes the proposal to move polytunnel rows elsewhere, and requests that this is undertaken in consultation with the immediate neighbours of the land adjacent to Brick House.

Pyons Group Parish Council also would prefer an additional period of temporary planning permission for the polytunnels.

- 5.2 Five letters of objection have been received including the Campaign for Polytunnel Control, the main points raised are:-

1. The development goes against the long term interests of Herefordshire as a growing and vibrant tourist industry and therefore sets a precedent for the further destruction of the English countryside.
2. SPD confirms that polytunnel development will not be permitted on registered parks and gardens and the same approach will apply to unregistered parks and gardens such as the grounds on which this application is sited.
3. The polytunnels have a hugely detrimental effect on the visual landscape and tarnishes the reputation of the county.
4. The abundance of polytunnels across the county cannot be argued to boost the local economy; no local employment, itinerant workers.
5. Herefordshire will become a plastic wilderness.
6. The original applications were granted without the benefit of the SPD and without the knowledge of the unregistered park and garden.
7. The landscape mitigation advised seven years ago remains inadequate.
8. Pyon House is overwhelmed by two large blocks of tunnels standing either side of its approach drive.

9. Pyon House should be a listed building and treated with appropriate protection against this development.
  10. Nothing more ugly and alien to Pyon House than swathes of sagging plastic tunnels.
  11. The Council should consider the loss of commercial asset if the activities and interest of Pyon House are forced to close. Its attraction to tourism, its reputation as a food gourmet centre, its services to surrounding schools and visiting children.
  12. The amenity of Pyon House is downgraded due to its close proximity with noise, due to machinery, pickers and health risk due to spraying.
  13. The site is inappropriate for permanent polytunnels.
  14. Problems with seasonal workers who have no respect for surrounding property.
  15. Poly tunnels adjacent to the unregistered parks and gardens at Poulstone Court, Kings Caple have recently been refused so this development within an unregistered park and garden must also be refused.
- 5.3 Thirty three letters of support have been submitted, the main points raised are:-
1. We would prefer that English supermarkets purchase their produce from English farmers rather than import.
  2. Provides work for local pack house and the community.
  3. The land is well maintained.
  4. The countryside is a workplace and should not be treated merely as a tourist attraction.
  5. The polytunnels are essential due to the unreliable weather to ensure good quality fruit.
  6. The polytunnels ensure that Brick House Farm is a viable concern.
- 5.4 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

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

- 6.1 The application proposes the retention of 4.2 hectares of permanent polytunnels to be used for the table top production of soft fruit contained within two blocks located either side of the driveway to Pyon House.
- 6.2 The main issues in the consideration of the application are:-
  1. Landscape Impact
  2. Impact on Pyon House and Unregistered Park and Garden
  3. Flood Risk and Surface Water
  4. Highways
  5. Economic Considerations

## 6. Benefits of Poly tunnels

### Landscape Impact

- 6.3 The site and surrounding landscape does not form part of any national landscape designation. It is an unregistered park and garden and this is dealt with in the following section. A more specific definition of the landscape character of the site and surrounding area can therefore be found in the Council's Landscape Character Assessment. The site falls into two landscape classifications divided by the driveway to Pyon House. The north block is located within the Principal Settled Farmlands, which is the predominant landscape type in the lowland areas of central Herefordshire. The key element of this landscape type is that it has a more domestic character comprising mixed agricultural land use of grazed pasture, arable crops and orchards interspersed with winding roads and field margin hedges. Tree cover is most notable along stream sides and hedgerows. The mixture of agricultural use make up a rich patchwork which is typical of Principal Settled Farmlands. The intensification of agricultural practices has determined the landscape character over the last century by changing the historic field pattern through the removal of hedges. However the landscape character assessment indicates that this landscape type can accommodate some change.
- 6.4 The proposed tunnels are located within two distinct blocks. The northern block adjoins the eastern boundary to Pyon House where there is substantial tree and hedge coverage. The Inspector stated in the allowed appeal for retention of the tunnels on this boundary that the existing landscaping mitigated any impact. In addition this revised application removes an additional run of polytunnel with further enhanced landscaping adjacent to the eastern boundary of Pyon House. Furthermore landscaping has also been undertaken along the southern boundary adjacent to the driveway.
- 6.5 The southern block is located within the Wet Pasture Meadows classification. These landscapes are characterised by a regular pattern of hedges, fields and ditches fringed by lines of willow and elder. These landscapes have often been protected from change by the difficulty of cultivating soils with such poor drainage. However they are vulnerable to changing agricultural practices and should be retained or converted back to wet pasture. However in this instance only part of the area is being utilised on the upper slopes. Furthermore as the crops are grown out of the soil there is no change/detriment to the pasture meadow. The southern block adjoins the south side of the driveway and have also received landscaping together with enhancement of the adjacent hedgerows. However both blocks of tunnels are located within the pasture fields and do not overwhelm the fields but provide a distinct patchwork within the complex of field patterns in the area particularly when viewed from a distance.
- 6.6 Public vantage points are available from the A4110 road and footpath CP8 that runs north south to the west of the site and bridleway CP10 located to the north and east. Members will note that the Public Rights of Way Manager has raised no objections.
- 6.7 The Landscape and Visual Impact Assessment (LVIA) submitted with the application has been assessed by the Conservation Manager who is satisfied that subject to justification of the enhanced landscaping through the use of suitable conditions that the proposal is acceptable, particularly given the local topography of the site. The enhanced landscaping will reintroduce parkland trees previously lost.
- 6.8 There are no other polytunnel developments in the area and therefore the development will not have any cumulative landscape impact. In fact Poly tunnels have been removed from other parts of the holding to concentrate on this site. Therefore, whilst the



proposal will have an impact on the wider landscape this is mitigated by the local topography, existing landscaping together with enhanced landscaping which will form a requirement of this proposal.

Impact on Pyon House and Unregistered Park and Garden

- 6.9 Pyon House is the nearest residential property to the proposal and its drive dissects the two blocks of polytunnels. The impact of the tunnels on the amenity of the property was fully considered by the Inspector into the allowed appeal for retention of the two rows of polytunnels adjacent to the eastern boundary of Pyon House. The Inspector stated:

“The 2 tunnels subject to this appeal stand hard up against the boundary of Pyon House. They are formed of a tubular frame which is covered in polythene during the growing season. They measure about 4 metres in height, and have a span of about 8m and a length of some 100 metres. The tunnels are some 60 metres from the house itself and, although there are secondary windows on the eastern flank of the house which face the tunnels, the principal windows of the house face south. Because of this orientation and the separation distance, there would be no loss of privacy or loss of light within the house to the occupiers, and I am satisfied that the distance between the house and the tunnels is sufficient to mitigate any visual impact from inside.”

- 6.10 He subsequently confirmed that there was no significant harm. Since this decision the SPD has been adopted which provides a set of guidelines, one of which seeks to limit polytunnels within 30 metres of the boundary of residential property and 50 metres of any dwelling whichever is the greater. The polytunnels are well beyond the 50 metres from the dwelling but are within the 30 metres of the boundary. However, given the substantial landscaping, new planting and the previous appeal decision together with the tunnels being sited approximately 60 metres from the dwelling, it is considered that limited weight can be given to this aspect. Furthermore, a condition will be proposed preventing use of this area for storage of plastics etc. Concern has been raised relating to spray drift from the tunnels. However the tunnels contain the spray and prevent drift. Furthermore the applicant is prepared to accept a condition for the sides of the tunnels to be down when spraying takes place.
- 6.11 The grounds on which the polytunnels are located are identified as an unregistered Park and Garden where Policy LA4 of the Herefordshire Unitary Development Plan confirms that they are afforded similar protection to a registered Historic Park and Garden. This protection seeks to ensure that development will not destroy damage or otherwise adversely affect the historic structure, character, appearance its features or setting. The Conservation Manager has assessed this aspect and his report clearly confirms that the degree of change created by this development can be accommodated within the Park subject to substantial mitigation over and above that proposed within the supporting documents. This can clearly be framed within appropriate conditions. References have been made to the Pennoxstone Court Appeal decision and the recent planning refusal in relation to Poulstone Court, an unregistered Park and Garden. The Inspector found that polytunnels located in a field adjoining had a moderately adverse effect on the landscape. However each application must be considered on its own merits and whilst they are both unregistered Parks and Gardens it has now been confirmed that on this site a degree of change as proposed can be accommodated.
- 6.12 Finally, reference has been made to the setting of Pyon House and its potential to be identified as a Listed Building. The Conservation Manager has assessed the application and is satisfied that the proposal will not impact upon the setting of Pyon House.

Flood Risk and Surface Water

- 6.13 A flood risk assessment (FRA) has been submitted with the application it follows the guidelines of PPS25 and sets out calculations that were undertaken to assess 'Greenfield' run-off rates for the polytunnel areas and to then compare the predicted run-off rates to that of the polytunnel scenario. This comparison is based on the whole polytunnel growing area. It includes consideration of areas covered and not covered in polytunnels; drainage channels through the system; and storage in the form of ponds before the run-off exits down slope at the farm catchment boundary or into the local water course.

The emphasis is that the polytunnel drainage at Brick House is an agricultural drainage issue and not an urban drainage issue. Polytunnel drainage will be actively managed with appropriate placement of polytunnels to allow rainfall to be dispersed and infiltration to occur beneath the polytunnel cover along with wide buffer zones to aid control of run-off and mitigate erosion

The data has been assessed by the Environment Agency who have not objected to the proposal. They have advised consultation with the Council's Land Drainage Engineer whose comments are awaited. However, subject to these it would appear that the FRA is acceptable and that the ten polytunnels will not adversely impact drainage or flooding on or off site.

Highways

- 6.14 Access to Brick House Farm is by means of the access road to the north and not the drive to Pyon House. The Traffic Manager has confirmed no objections to the proposal. No objections are therefore raised on access grounds.

Economic Considerations

- 6.15 No economic impact assessment has been submitted with the proposal. However the holding provides permanent employment for three full time jobs and four part time jobs. These jobs are enhanced with the use of a seasonal workforce for preparation and picking of the crop.
- 6.16 It is recognised that table top soft fruit growing is far more productive than conventional ground based polytunnel growing producing approximately double the quantity of fruit per hectare. The design of the polytunnels which can be raised and lowered also assist in lengthening the growing season and maximising weather conditions to further improve productivity and the plants generally have greater longevity.
- 6.17 The development will also help achieve wider sustainability objectives in producing large quantities for quality soft fruit in the county, not only helping to sustain the agricultural industry but also reducing the need for imports thereby reducing food miles. The more intensive growing methods proposed in this application also assists in meeting the demands of the buyers (supermarkets) and ultimately the consumer in bringing the required quantity of fresh produce directly and swiftly to the markets. It is therefore accepted that the development will make a positive contribution to the rural economy which, in accordance with Guideline 1 of the Supplementary Planning Document, is a matter which can be given considerable weight in the assessment of the application.

Benefits of Polytunnels

- 6.18 It is necessary to weigh against the harm to the landscape the benefits of the use of polytunnels. There is no dispute that they have enabled greater quantities and better quality of soft fruit to be produced, nor that the success and viability of the business has made a positive contribution to the rural economy.
- 6.19 Planning policies at national, regional and local levels recognise the importance of the agricultural sector. PPS7 advises authorities to support development proposals that enable farming to become more competitive, sustainable and environmentally friendly and to adapt to changing markets. Herefordshire is part of a Rural Renaissance Zone defined by the Regional Spatial Strategy for the West Midlands (RSS), Policy PA15 seeks to promote agriculture and farm diversification, including new and innovative crops, on-farm processing and local marketing.
- 6.20 UDP Policy E13 deals with agricultural development and the supporting text refers to the need to balance landscape impact against the operational needs of agriculture, recognising that necessary developments are often prominent in the rural landscape.
- 6.21 Clearly, the recent development of large-scale polytunnel use has brought into stark opposition the aims of protecting the landscape, whilst supporting a viable farming industry.
- 6.22 There are two main benefits of polytunnels for British growers. They protect the developing fruit from rain damage, thereby greatly reducing losses from rot and fungus, whilst allowing continual picking at harvest time, unconstrained by the weather. It is estimated that the wet summer of 2007 would have resulted in the loss of about 50% of crops without polytunnels. Secondly, they extend the growing season, allowing fruit to be harvested from May to November, instead of being limited to the growing season.
- 6.23 Soft fruit growing, picking and packing is a labour intensive activity and this business makes a positive contribution to the rural economy. The farm employs 3 full time staff, 4 part time and 50 seasonal workers. By contrast an arable farmer will only employ himself for a holding of this size. The seasonal workers are mostly recruited from the Eastern European countries. It has generally been accepted at appeals that the seasonal workers spend about two thirds of their wages locally and save about one third to be spent in their home countries. Brick House is therefore an example of a reversal of the trend of falling agricultural employment that has changed the character and demographics of the countryside.

Conclusion

- 6.24 The development will have a localised impact on the landscape and setting of the unregistered Park and Garden. However, through mitigation and enhancement the impact can be satisfactorily reduced to a level considered acceptable as identified by the Conservation Manager.
- 6.25 Impact on Pyon House is reduced due to distances involved, orientation of the building together with existing landscaping. This conclusion is compatible with the recent appeal decision. In addition spray drift is considered to be contained within the polytunnels.

- 6.26 Whilst the enhancement and mitigation will assist in the amelioration of the impact on the landscape and Pyon House they will still have an impact. However, this reduced harm is outweighed by the benefits of polytunnels.
- 6.27 Therefore the impact of the development together with the proposed mitigation and enhancement is considered to comply with the policies of the Development Plan. However, due to the changing nature of agriculture a permanent permission cannot be justified. The tunnels, whilst extensive, are of a temporary nature that warrants control within this sensitive landscape. This, however has to be balanced against the investment which in this instance has already been undertaken. Therefore a temporary permission of 10 years from the expiry of the existing temporary planning permission is considered appropriate.
- 6.28 It is therefore concluded that the benefits of polytunnels in enabling the production of increased quantities and quality of soft fruit, the sustainability benefits of reducing food miles and positive contributions made to the rural economy are all matters to which considerable weight should be accorded in the balance of contributions.

### RECOMMENDATION

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

1. **F20 Temporary permission and reinstatement of land.**
2. **G10 Landscaping scheme.**
3. **G11 Landscaping scheme - implementation.**
4. **G14 Landscape management plan.**
5. **G02 Retention of trees and hedgerows.**
6. **In the event of the polytunnels hereby permitted becoming redundant for the growing of soft fruit the polytunnels including support structure and tables shall be permanently removed from the application site within a period of six months.**

**Reason: To ensure the removal of the redundant structures in accordance with Policy LA4 of the Herefordshire Unitary Development Plan.**

7. **Within three months of the granting of planning permission, a scheme for habitat enhancement and management, including all adjacent hedgerows and the Wellington Brook shall be submitted to the local planning authority for written approval. The scheme shall be implemented as approved.**

**Reason: To comply with Herefordshire Council's Unitary Development Plan Policies NC6, NC8 and NC9 in relation to Nature Conservation and Biodiversity Action Plan Habitats and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.**

8. **None of the polytunnels hereby permitted shall be covered with polythene from November until December in any calendar year nor during the months of January and February in any calendar year unless otherwise agreed in writing by the local planning authority.**

**Reason:** To ensure that the visual impact of the development hereby permitted is limited to the growing period in accordance with Policy LA2 of the Herefordshire Unitary Development Plan.

- 9. **When spraying takes place the sides of the polytunnels shall be lowered to the floor.**

**Reason:** In the interest of amenity of the area and adjoining residents in accordance with Policy DR4 of the Herefordshire Unitary Development Plan.

- 10. **The open area adjacent to the eastern boundary of Pyon House as indicated on the attached plan and coloured green shall be retained as a buffer zone and kept free from associated storage, vehicular accesses or other activities connected with the operation of the polytunnel development.**

**Reason:** In the interest of amenity of the area and adjoining residents in accordance with Policy DR4 of the Herefordshire Unitary Development Plan and SPD Polytunnels.

- 11. **The open areas either side of the driveway to Pyon House as indicated in blue on the attached plan shall be retained as a buffer zone and kept free of associated storage with the polytunnel development.**

**Reason:** In the interest of amenity of the area and adjoining residents in accordance with Policy DR4 of the Herefordshire Unitary Development Plan and SPD Polytunnels.

**Informatives:**

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

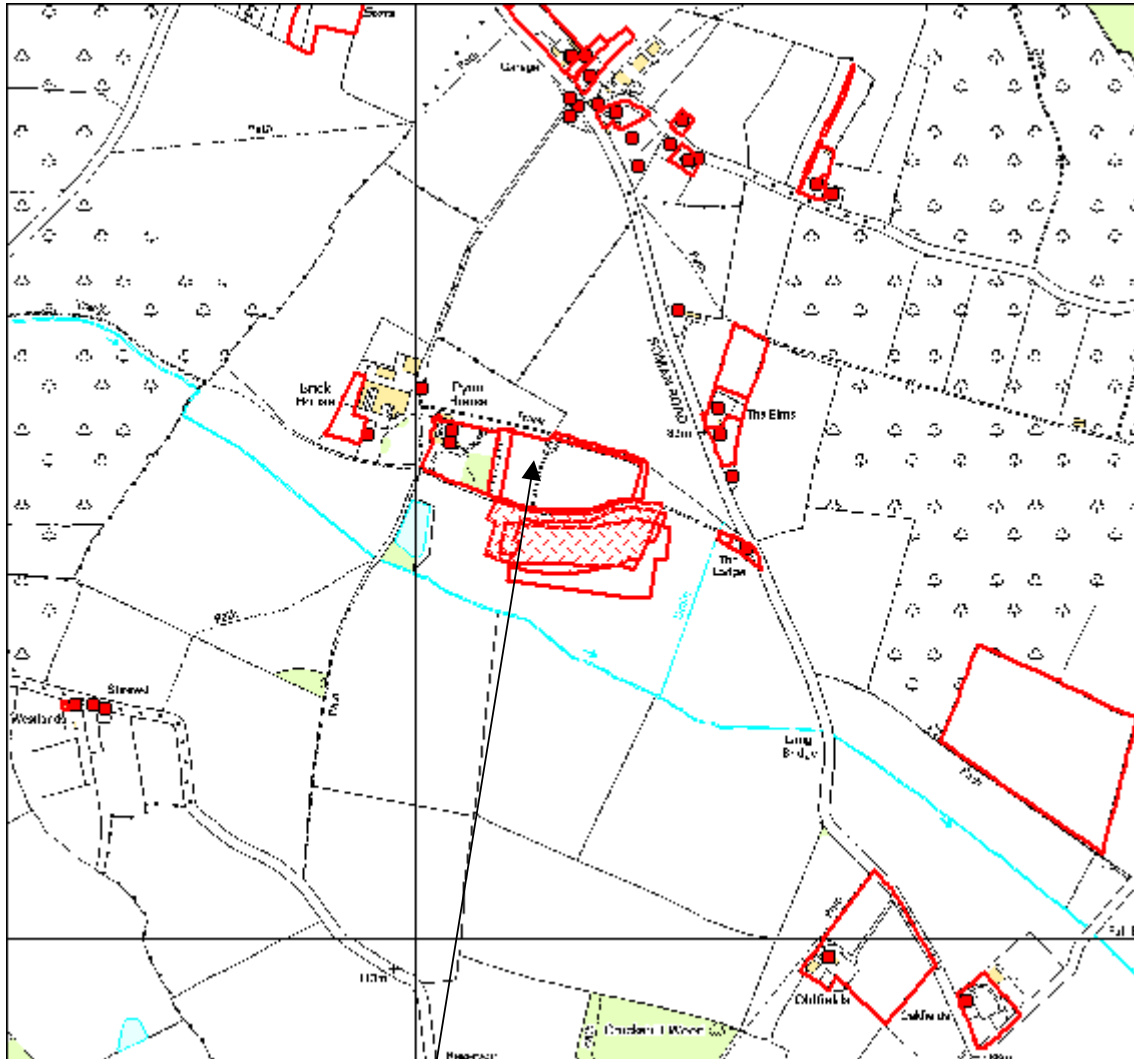
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW0009/1867/F

**SITE ADDRESS :** LAND ADJACENT TO BRICK HOUSE, BUSH BANK, CANON PYON, HEREFORD, HEREFORDSHIRE, HR4 8PH

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