

AGENDA

Central Area Planning Sub-Committee

Date: **Wednesday 11 November 2009**

Time: **2.00 pm**

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

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

For any further information please contact:

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

Membership

Chairman **Councillor JE Pemberton**
Vice-Chairman **Councillor GA Powell**

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

Non Voting **Councillor TW Hunt** Chairman of Planning Committee
 Councillor RV Stockton Vice-Chairman of Planning Committee

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AGENDA

		Pages
1. APOLOGIES FOR ABSENCE	To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	To receive any declarations of interest by members.	
3. MINUTES	To approve and sign the minutes of the last meeting.	1 - 22
4. ITEM FOR INFORMATION - APPEALS	To be noted.	23 - 24
Planning Applications		
To consider and take any appropriate action in respect of the planning applications received for the central area and to authorise the Head of Planning and Transportation to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.		
5. DCCE0009/1383/F - 22 BUTE AVENUE, HEREFORD, HEREFORDSHIRE, HR2 6BU	Proposed dwelling adjoining existing dwelling.	25 - 30
6. DCCE0009/1984/F - LAND TO THE SOUTH OF HIGHFIELD, ADJOINING HOLYWELL GUTTER LANE, HEREFORD, HR1 1UB	Erection of new residential care home with associated offices and facilities.	31 - 42
7. DCCW/092285/F - LAND REAR OF 93 HIGHMORE STREET, HEREFORD, HR4 9PG	Proposed erection of two semi detached chalet bungalows and associated works.	43 - 48
8. DATE OF NEXT MEETING	9 December 2009	

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HEREFORDSHIRE COUNCIL

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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 14 October 2009 at 2.00 pm

Present: Councillor JE Pemberton (Chairman)

Councillors: WU Attfield, DJ Benjamin, AJM Blackshaw, SPA Daniels, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, AM Toon, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward

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

56. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors PA Andrews, ACR Chappell, H Davies, GFM Dawe, GA Powell and AP Taylor.

57. DECLARATIONS OF INTEREST

- 5. DCCE0009/1661/F - 21 Aylestone Hill, Hereford, Herefordshire, HR1 1HR
Councillor WU Attfield; Personal.
Councillor NL Vaughan; Personal.
- 7. DCCW0009/1390/F - Land adjacent to Dinham, Ryeland Street, Hereford, HR4 0LA
Councillor SJ Robertson; Prejudicial; Left the meeting for the duration of the item.
- 9. DCCW0009/1678/RM - Land to the North of Roman Road, Holmer, Hereford, HR1 1LE
Councillor PJ Edwards; Personal.
Councillor SJ Robertson; Personal.
Councillor AM Toon; Prejudicial; Councillor Toon exercised the opportunity to speak before withdrawing for the remainder of the item.
K Bishop, Central Team Leader; Prejudicial; Left the meeting for the duration of the item.
- 10. DCCE0009/1718/O - Land adjacent to Methodist Church, East Street, Hereford, Herefordshire.
Councillor WU Attfield; Personal.
Councillor MAF Hubbard; Personal.
Councillor DB Wilcox; Personal.
Councillor JD Woodward; Personal.

58. MINUTES

RESOLVED:

That the minutes of the meeting held on 16 September 2009 be approved as a correct record and signed by the Chairman.

59. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report.

60. 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:

- A further letter had been received from the applicant's agent advising that the extension was now 5.5 metres from the neighbouring property, existing boundary vegetation had recently been removed and the neighbours existing pergola reduced daylight and sunlight to the window due to the timber running south west and the existing dwelling obscured sun from the south east.
- Amended plans had been submitted reducing the size of the first floor windows to high level obscure glazed windows and reducing the width of the extension by $\frac{3}{4}$ metre.

Officer comments were also provided as follows:

- The amended plans assisted in mitigating the impact on the neighbour and were considered acceptable. Therefore, the recommendation was adjusted accordingly.

Councillor NL Vaughan, a Local Ward Member, made a number of comments, including:

- The layout suggested a high density of occupation, with consequential impacts on residential amenity and traffic generation.
- Although obscure glazed windows would partly improve the privacy considerations, the extension would still have an impact on sunlight reaching the neighbouring dwelling which was Grade II listed and situated within the Conservation Area.
- The development would involve the loss of garden on both the frontage and rear of the property.
- The design of the railings would not be in keeping with other properties in the locality.
- Given these and other considerations, Councillor Vaughan proposed that the application be refused as the proposed development would have an overintensive and overbearing impact on the local area, would not be in keeping with the character of the neighbourhood, and would be detrimental to residential amenities.

Councillor DB Wilcox, the other Local Ward Member, also expressed a number of points, including:

- It was questioned whether the property was suitable for the development proposed.
- Attention was drawn to comment in the report that '*a parking area could be created under permitted development rights in any event*' and Councillor Wilcox said that the Sub-Committee had to consider the application before them and he did not consider that the proposal would either preserve or enhance the Conservation Area.
- Concerns were expressed about the potential impact of the proposed use on traffic movements and highway safety, particularly given the history of accidents on Aylestone Hill.

- It was suggested that a single, rather than a two storey extension might be more acceptable. However, the current proposal would be overbearing and would have a deleterious impact on the light and outlook enjoyed by the neighbouring property.
- The removal of vegetation by the occupants of the neighbouring property was not a material planning issue and should not form part of the consideration.
- The proposed 36% increase in floor area was considered significant on an already large property.
- Councillor Wilcox supported refusal of planning permission on the basis that the development would have an overintensive and overbearing impact and would not preserve or enhance the character or appearance of the Conservation Area.

In response to the comments of the Local Ward Members, the Principal Planning Officer advised that:

- A parking area could be created under permitted development rights, subject to the use of a permeable surface.
- The existing access was substandard and the new vehicular access would improve highway and pedestrian safety.
- The plans did not accurately illustrate the intended appearance of the railings and would be traditional in design.
- The Conservation Manager had no objections subject to conditions and the boundary treatment and landscaping scheme were outlined.
- A single storey extension with a pitched roof was likely to be broadly comparable in terms of height with this proposal for a two storey extension with a mansard roof.
- The 36% increase in floor area was not considered excessive in policy terms.
- Although the extension would have an impact on the neighbouring property, it was not considered that the impact would be sufficiently harmful to warrant refusal of the application.

In response to questions from Councillor DW Greenow, the Principal Planning Officer explained how the impact of the development on light levels and outlook from the neighbouring property had been assessed and confirmed that the size of the parking bays were considered acceptable. Councillor Greenow expressed reservations about the extension and the limited manoeuvring space for vehicles.

Councillor MD Lloyd-Hayes commented on the shortage of bed and breakfast accommodation, welcomed the proposed improvements to the access, considered the extension to be acceptable, and noted that no objections had been raised by Hereford City Council, the Conservation Advisory Panel or by officers.

The Chairman noted the value of the information provided by both the applicant and the principal neighbour.

Councillor SJ Robertson emphasised the need to preserve and enhance the area and supported the views of the Local Ward Members.

Councillor PJ Edwards noted the need for additional accommodation in the city but said that the character of the area needed to be safeguarded and felt that this proposal would have too great an impact on the neighbouring property. He also commented on problems with traffic movements on Aylestone Hill and did not consider that the access and parking arrangements would enable visiting drivers to manoeuvre safely.

In response to a question by Councillor KS Guthrie, the Principal Planning Officer advised that the frontage would involve the construction of a traditional dwarf brick wall with traditional railings above, the total height being approximately 1.5m high.

Councillor MAF Hubbard noted that a number of issues had to be considered and balanced, including: the conservation and preservation of the character of the area; finding a useful future for the building; the need for bed and breakfast accommodation and importance of tourism; and the impact on the amenity of neighbours.

Councillor NL Vaughan commented on congestion and highway safety issues on Aylestone Hill and the difficulties associated with egressing the site, particularly when turning right.

The Central Team Leader highlighted a number of issues, including: the access improvements that would result from this proposal; the fall-back position in terms of permitted development rights; the parking bays accorded with the relevant standards; a 1m railing could be erected without planning permission; a bed and breakfast use in this location was considered acceptable; and it was not considered that the proposed extension would be demonstrably harmful to the amenity of the neighbouring property to the extent that refusal of planning permission was warranted.

RESOLVED:

That

- (i) The Central Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning and Transportation) provided that the Head of Planning and Transportation does not refer the application to the Planning Committee:**
 - 1. The proposed development would have an overintensive and overbearing impact on the local area;**
 - 2. Would not be in keeping with the character of the neighbourhood and would not preserve or enhance the character or appearance of the Conservation Area; and**
 - 3. Would be detrimental to residential amenities.**

- (ii) If the Head of Planning and Transportation does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.**

[Note:

Following the vote on this application, the Development Control Manager explained the Council's referral procedure and 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.]

**61. DCCW0009/1321/F - 152 EIGN STREET, HEREFORD, HEREFORDSHIRE, HR4 0AP
[AGENDA ITEM 6]**

Erection of two semi-detached dwellings with associated parking.

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:

- A further letter had been received from the applicant's agent advising that the land served no other property other than their clients, the proposed use would have less impact than a new commercial use, and the proposed development enhances the Conservation Area.

Councillor AM Toon, a Local Ward Member, commented on traffic congestion and access issues and said that there was a need for additional road markings to prevent blockages and facilitate easier access and egress. It was questioned whether this site was suitable for residential development given the predominantly commercial uses in the vicinity, particularly given the potential impact of commercial activities on the future occupants of the dwellings. Given these and other considerations, Councillor Toon proposed that the application be refused as the site was not considered suitable for residential development, would represent an overintensive form of development, highway safety issues, and would have a detrimental impact on residential amenity.

Councillor SPA Daniels, also a Local Ward Member, did not consider the site to be suitable for the form of development proposed and commented on the proximity of a bus lane to the access. A number of Members expressed similar views.

Councillor WJ Walling suggested that consideration should be given to the provision of an access via the adjoining Aldi superstore car park. Councillor PJ Edwards concurred and questioned whether deferral of the application could provide an opportunity for the applicant to examine this possibility with the relevant landowner/s.

Councillor MAF Hubbard acknowledged the traffic problems on the local road network but reminded the Sub-Committee that there was an established historic access from the highway. He suggested that informal parking on the site perhaps generated more traffic movements than would be the case with a residential development. He also noted that it was for potential future occupants to decide whether the dwellings provided a suitable form of accommodation for their particular needs.

Councillor NL Vaughan expressed concerns about the limited comment provided by the Traffic Manager regarding access and highways issues.

The Senior Planning Officer advised that Members needed to consider the application before them, the proposal could result in a net reduction in parking on the site, the development would comprise modest two, two-bedroom dwellings, there was already mixed use development in the area which was not untypical of vibrant city centre locations, and the proximity of the site to the city centre was likely to limit the number of vehicular movements.

A motion to approve the application failed and a motion to refuse planning permission was then agreed.

RESOLVED:

That

- (i) **The Central Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning and Transportation) provided that the Head of Planning and Transportation does not refer the application to the Planning Committee:**
- 1. The site is not considered suitable for residential development;**
 - 2. The proposal would represent an overintensive form of development;**
 - 3. Highways safety issues; and**
 - 4. The proposal would have a detrimental impact on residential amenity.**
- (ii) **If the Head of Planning and Transportation does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.**

[Note:

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

62. DCCW0009/1390/F - LAND ADJACENT TO DINHAM, RYELAND STREET, HEREFORD, HR4 0LA [AGENDA ITEM 7]

Proposed new dwelling.

Councillor JD Woodward, a Local Ward Member, commented on the value of the site inspection, particularly as it helped members understand the constraints of the site. Councillor Woodward considered that the application should be refused as the proposal would have an overbearing impact on adjoining properties (particularly to the property to the north of the site), would represent an overdevelopment of the site, and on design grounds.

Councillor DJ Benjamin, also a Local Ward Member, expressed reservations about the design and commented that some form of development might be acceptable if the building was moved further back on the site. Therefore, he felt unable to support the application in its present form.

The design approach was debated and a number of members felt that the siting of the development needed to be reconsidered in order to minimise the impact on adjoining properties. Councillor RI Matthews urged officers to make every effort to address the concerns with the applicant.

Councillor AM Toon questioned whether there was merit in deferring the application to discuss possible amendments with the applicant. In response, the Senior Planning Officer advised that the orientation of the site was not square and adjusting the position of the building further back would move the mass closer to adjoining properties and officers did not consider that the consequential impact on residential amenity would be acceptable. He explained the design approach and commented that the re-positioning of the building, resulting in a larger area of forecourt, would be a discordant feature in the streetscape.

A number of Members felt that the design and position of the building could be adjusted without significant impact on neighbouring properties.

In response to a comment by Councillor NL Vaughan about the lack of detail provided, the Senior Planning Officer advised that a condition was recommended in respect of external materials and it was intended that contemporary materials would be used but these would be sympathetic to the streetscape.

Councillor Woodward commented on the potential impact of the proposal, in its current form, on the outlook and amenity of the adjoining property, 'Winston'.

The Central Team Leader outlined the reasons for refusal in relation to the previous application [CW08/2658/F refers] and said that re-positioning the development further back on the site could have a more demonstrable detrimental impact on neighbouring properties than the current proposal.

RESOLVED:

That

(ii) The Central Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning and Transportation) provided that the Head of Planning and Transportation does not refer the application to the Planning Committee:

- 1. The proposal would have an overbearing impact on adjoining properties;**
- 2. Would represent an overdevelopment of the site; and**
- 3. The design approach is not considered suitable.**

(ii) If the Head of Planning and Transportation does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.

[Note:

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

63. [A] DCCW0009/1406/F - 253 WHITECROSS ROAD & [B] DCCW0009/1414/F - 255 WHITECROSS ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LT [AGENDA ITEM 8]

[A] Erection of four dwellings & [B] Conversion and change of use of existing garage to communal bin store.

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:

- Further information had been received from the applicant's agent confirming the improvements to access, refuse collection and use of land.

Councillor JD Woodward, a Local Ward Member, commented on the attractive appearance of the Victorian house and garden and did not consider that the proposal was acceptable. Councillor Woodward expressed concerns about overlooking, parking provision, refuse storage, and the impact on residential amenity.

Councillor DJ Benjamin, also a Local Ward Member, considered the proposal to be quite sympathetic to the area and did not envisage that the level of additional vehicle activity generated by the development would have a significant impact on the local road network.

Councillor DW Greenow said that the erection of four dwellings would have a major impact and felt that the applications should be refused.

Councillor NL Vaughan expressed concerns about the principle of development, density and traffic. He felt that the proposal would have an overbearing impact on neighbouring properties and on the surrounding area.

Councillor MD Lloyd-Hayes noted that the site was brownfield land and therefore the principle of residential development was acceptable.

Councillor AT Oliver drew attention to the provisions of policy H14 (Re-using previously developed land and buildings) and commented on the need to safeguard existing property from loss of privacy and amenity.

Councillor PJ Edwards commented on national planning policy guidance and considered that the applications were acceptable subject to conditions, with specific emphasis on recommended conditions 6 and 7.

Councillor RI Matthews commented on the need to protect the quality of life of residents, particularly in busy city centre locations, and supported refusal of the applications.

Councillor MAF Hubbard questioned whether refusal could be sustained on appeal and said that the development should not set a precedent in the area given the specific site circumstances in this case.

Councillor SPA Daniels drew attention to the comments in the letters of objection.

Councillor AJM Blackshaw acknowledged the arguments in favour and against the development and, whilst acknowledging that this involved classic backland development, felt that the density was perhaps too high.

In response to questions and comments, the Central Team Leader advised that loss of privacy and amenity were valid considerations but officers were of the opinion that the applications were acceptable in policy terms. He also outlined the areas of landscaping to be retained and commented on appeal decisions on similar developments elsewhere.

Councillor Woodward said that the policies could not anticipate all individual site circumstances and re-iterated concerns about traffic, density and the impact of the development on the setting and surroundings.

A motion to refuse the applications failed and a motion to approve was then agreed.

RESOLVED:

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.**

64. DCCW0009/1678/RM - LAND TO THE NORTH OF ROMAN ROAD, HOLMER, HEREFORD, HR1 1LE [AGENDA ITEM 9]

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.

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:

- Amended plans had been provided which covered the majority of the changes required by the Traffic Manager. However, further amendments as detailed in the report had been requested and therefore further amended plans were required.
- Further information regarding foul drainage had been provided by the developers as follows:

They confirmed that an order had been placed for the additional equipment required to bring the existing drainage infrastructure up to an adoptable standard and the equipment was to be installed within the next 4 to 6 weeks. Within the same timescale, the land was to be transferred to Crest. The existing drainage system was then be submitted to Welsh Water for adoption by the end of 2009.

- The Environmental Health and Trading Standards Manager raised no objection subject to minor points being clarified with respect to the ground investigation report.
- Crest had also agreed to provide 20 bird boxes as requested by Hereford Ornithological Club.
- Natural England and the Council's ecologist had withdrawn their objections as acceptable mitigation and enhancement for Great Crested Newts had been demonstrated.
- Further letters have been received from Mrs Allen along with two letters from Bill Wiggin MP. The points made were already covered in the report primarily concerning the existing drainage infrastructure. Additional points included the impact on barn owls and the need to obtain a licence from Natural England and the whole development should be re-considered including further liaison with the landowners.
- Holmer Primary School had requested £5000 for improvements to existing educational infrastructure at the school.
- The Parish Council had requested that the burial ground contribution be given to Holmer burial ground as originally requested rather than Holmer Church burial ground.

Officer comments were also provided as follows:

- The resolution of the existing foul drainage problems and adoption of the system prior to the new drainage infrastructure being installed was welcomed.
- Subject to Crest and the Children's and Young Peoples Directorate agreement, some of the agreed education contribution could be directed to Holmer School as requested and the burial ground contribution could be amended as requested by the parish council.
- Delegated authority was still sought to enable the final amendments to be resolved.

Councillor AM Toon declared a prejudicial interest at the start of the item but, in accordance with the Constitution [Appendix 12, Members Code of Conduct, Part 2, paragraph 12 (2)], wished to exercise the opportunity to speak for up to three minutes before withdrawing from the meeting. She welcomed the implementation of Eco Homes 'Very Good' standard and the mix and tenure of the affordable housing. The importance of the drainage issues was noted. Councillor Toon suggested that the delegation to officers should include consultation with the Local Ward Member and, if planning permission was approved, a condition should be included to restrict commercial vehicles.

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

Councillor SJ Robertson, the Local Ward Member, made a number of comments, including:

- An opportunity had been missed at the outline application stage [DCCW2006/2619/O refers] to defer consideration until the essential foul drainage capacity issues had been addressed and to renegotiate the details of the Section 106 Agreement.

- Local residents were frustrated by the frequent problems with the inadequate drainage infrastructure and the lack of progress made by the developer and Welsh Water to resolve the situation. It was considered that the authority had a duty to ensure that the problems were rectified by the relevant parties.
- In terms of design, the three-storey houses were considered out of keeping with the rural area.
- The contributions towards the enhancement of educational infrastructure should be allocated specifically to Holmer Primary School.
- Concerns were expressed about the additional traffic that would be generated by the development. Details of recent accidents in the vicinity were outlined. Ongoing problems with speeding on nearby roads were also outlined.
- Councillor Robertson did not consider that the application was acceptable in its present form and suggested that it would be prudent to hold a site inspection to ensure that the outstanding issues were addressed.

The Development Control Manager clarified that this application sought Reserved Matters approval following on from the outline for the layout, scale, appearance and landscaping of the development. It was acknowledged that the existing drainage infrastructure was a problem area that needed to be addressed but it was considered that the appropriate controls over drainage existed through the Section 106 Agreement. The Principal Planning Officer outlined the controls and advised that no development could be occupied until the approved drainage scheme had been implemented.

Councillor PJ Edwards said that the resolution should include wording similar to that included in a decision made at the last meeting regarding an adjoining site [DCCW0009/1402/F - Holmer Court Residential Home, refers], that *'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'*. Alluding to problems with other large developments, he commented that the road network needed to be of sufficient width and include practical curbing treatments in order to avoid difficulties with passing and manoeuvring. Councillor Edwards also commented on the need to ensure that the development was restricted to a maximum number of 300 houses, questioned the arrangements for the future maintenance of the open areas, and questioned the timescale envisaged by the developer to bring the existing drainage infrastructure to an adoptable standard given the substantial upgrades required.

In response to questions and comments, the Principal Planning Officer advised that:

- The Section 106 Agreement had been agreed as part of the outline planning permission and included a specific schedule relating to drainage.
- The works referred to in the updates intended to tackle the existing drainage problems.
- The internal road network would be constructed to adoptable standards and parking was generally on plot or in courts.
- A management plan for the future maintenance of the open areas had been included in the Section 106 Agreement.
- A single means of vehicular access would serve the development and a network of new footpath and cycle links would connect to existing footpaths.
- The three-storey dwellings should not appear significantly higher than the two-storey dwellings, particularly as the mass of the larger blocks would be broken up with different roof heights and detailing.

- The layout of the development had been designed around the existing landscape features and included a green infrastructure corridor around the perimeter of the site.

Councillor RI Matthews felt that application should be deferred in order to address the outstanding concerns; he added that this would provide the opportunity for the imminent drainage infrastructure improvements to be completed to a satisfactory standard and adopted by Welsh Water. The Principal Planning Officer provided further clarification about the controls included in the schedule relating to drainage. The Development Control Manager said that officers understood the concerns but it was not considered reasonable to require the adoption of the existing infrastructure prior to any development commencing, as this would be reliant on third party agreement outside the control of the applicants and the Council, and deferral for this purpose could result in a challenge against non-determination.

In response to a suggestion by Councillor AJM Blackshaw, the Development Control Manager provided assurance that the Local Ward Member would be briefed about ongoing developments.

Councillor MD Lloyd-Hayes noted the need to determine the application before the Sub-Committee, welcomed development north of the city given the enhanced community infrastructure available there compared to other areas, considered the layout and open space features to be satisfactory, and noted the importance of involving the Local Ward Member.

In response to questions from Councillor AT Oliver, the Principal Planning Officer advised that the outline planning permission restricted the number of dwellings to 300 and the higher density elements were concentrated centrally within the site. Councillor Oliver urged officers to look seriously at the road system improvements suggested by the parish council, expressed concerns about the design approach, and felt that the development should include enhanced sustainability technologies.

In response to questions from Councillor NL Vaughan, the Principal Planning Officer advised that each dwelling would have at least one parking space, there should be no discernible difference between the design of the general market and affordable dwellings, particularly given the broad mix and spread of housing types. He also commented on the measures required to meet the Eco Homes 'Very Good' standard.

RESOLVED:

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.**

65. DCCE0009/1718/O - LAND ADJACENT TO METHODIST CHURCH, EAST STREET, HEREFORD, HEREFORDSHIRE [AGENDA ITEM 10]

Erection of 10 no. one-bedroom flats.

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:

- Amended plans had been received which lowered the height of all three accommodation blocks and removed part of the first floor unit to the rear of 50 East Street. The design of the fenestration on the two storey unit had also been modified.
- The Conservation Officer had reviewed the building to be demolished and had confirmed that it may be listed by virtue of attachment to surrounding buildings.

Officer comments were also provided as follows:

- The amendments addressed the Conservation Officer's concerns and assisted in reducing overall height and visual mass when viewed from East Street, ensured that the development was now subservient to the adjacent Methodist Hall and also reduced the impact on the immediate neighbour at 50 East Street. The plans were considered acceptable.
- The Conservation Officer considered that the demolition of the single storey building would enhance the setting of the adjoining listed buildings and he therefore maintained no objection subject to the appropriate application being submitted.
- As the amended plans were considered acceptable, the recommendation detailed in the report was adjusted accordingly.

In accordance with the criteria for public speaking, Mr. Cook and Mr. Holden spoke in objection to the application and Mr. Guilor spoke in support of the application.

Councillor MAF Hubbard, the Local Ward Member, drew attention to an objector's comment that the adjacent Methodist Hall should not set the precedent for the scale of development on this site. Councillor Hubbard considered that the scale and mass of the building would be out of keeping with the area and would have a significant impact on Pulling Mews. He also expressed concerns about the number of units proposed and the degree of overlooking and overshadowing.

Councillor NL Vaughan commented on the narrowness of East Street and, given the listed buildings nearby, questioned the contemporary design approach.

Councillor DB Wilcox said that all city centre developments should include provision for the storage of electric mobility vehicles for persons with disabilities. He also asked how this application differed to a previous application that was refused [CE2007/2166/O refers].

In response to questions and comments, the Principal Planning Officer advised that:

- there was adequate space to include a store for mobility vehicles;
- a two storey scheme would still involve a degree of overlooking;

- re-positioning the development further back on the site would have more impact on 50 East Street; and
- the previous application would have involved a greater degree of impact on the residential amenity of neighbouring properties.

Councillor Wilcox noted that the Conservation Manager - Historic Buildings and the Conservation Advisory Panel had expressed reservations about the design and questioned whether this proposal had fully addressed the reasons for refusal in respect of the previous application.

Councillor WU Attfield commented that the scale and mass of the proposal would have an impact on the streetscape. She also noted that the narrowness of East Street caused problems for pedestrian safety, particularly as vehicular speeds could be quite high.

Councillor PJ Edwards suggested that authority to issue planning permission be delegated to officers, in consultation with the Local Ward Member and the Chairman, to resolve the final details. He also noted the Traffic Manager's comment about a possible link from the site to Barroll Street and felt that this should be investigated.

The Principal Planning Officer advised that the Section 106 Agreement would prevent the future occupiers of the development from being eligible for residents' parking permits within the city centre. He clarified the distance between the site and Pulling Mews and noted that the building-to-building relationship was not untypical. He also confirmed that the Conservation Manager was satisfied with the amended plans.

Councillor AM Toon drew attention to the draft Heads of Terms, noted the need to use contributions to improve infrastructure in the locality, and made the following comments:

- the sum in respect of public open space should be allocated towards the Castle Green;
- the sum in respect of sports should be allocated towards access improvements at the Hereford Canoe Centre;
- the lack of a pavement contrasted with efforts to provide Safe Routes for Schools; and
- the contribution towards off site highway works should include an element towards the refurbishment of St. Peter's Square bus shelters/street furniture.

Councillor RI Matthews noted that Hereford City Council had no objections to the application and that officers did not consider that the impact on amenity would be such that refusal of planning permission was warranted in this instance.

Councillor MD Lloyd-Hayes expressed concerns about the density and design of the proposal and the impact on the local neighbourhood. Comments were also made about library facilities and bus services.

Councillor DJ Benjamin noted that contemporary designs had integrated well in other parts of East Street, despite the initial reservations of the Sub-Committee.

Councillor Hubbard requested that, should the application be approved, the contribution towards off site highway works be put towards a Traffic Order to include East Street in the 20mph speed limit scheme.

RESOLVED:

That planning permission be granted subject to the following conditions:

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.**

66. DCCE0009/1751/F - WEST LYDIATT DWELLING, WEST LYDIATT, WITHINGTON, HEREFORD, HR1 3PM [AGENDA ITEM 11]

Proposed garages and workshop together with utility and log store, for the storage of vintage cars linking West Lydiatt dwelling with the disused barn.

The Central Team Leader reported that the location plan in the agenda was incorrect and the correct plan was displayed at the meeting. The Central Team Leader gave a presentation on the application.

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

In response to a question from Councillor DW Greenow, the Local Ward Member, the Central Team Leader advised that an existing barn was not considered to have the depth necessary for storing vehicles. Councillor Greenow drew attention to the comments of Withington Parish Council and the letters of objection; in particular, he

noted the potential for noise disturbance, impact on residential amenity and concerns about additional traffic. He also questioned whether the hours of working on the hobby could be limited.

Councillor PJ Edwards supported the application, subject to specific weight being given to recommended condition 3 (F07 Domestic use only of garage). Other Members also supported the application.

In response to a question about whether a refusal of planning permission could be defended if challenged, the Central Team Leader commented on the domestic nature of the application and said that officers considered the proposal to be acceptable subject to conditions.

Given the concerns raised by Members, the Central Team Leader suggested additional conditions in respect of noise insulation, a restriction on the use of power-tools on Sundays, and external lighting. He added that the details could be discussed with the Local Ward Member and the Chairman.

In response to further questions, the Central Team Leader re-iterated that the proposed building would be for the applicant's personal use only and that any noise nuisance could be addressed through separate legislation.

RESOLVED:

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.**
- 6. No power tools or machinery shall be used at the premises other than portable tools on a Sunday.**

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

- 7. I33 External Lighting**

Informatives:

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

- 67. DCCW0009/1867/F - LAND ADJACENT TO BRICK HOUSE, BUSH BANK, CANON PYON, HEREFORD, HEREFORDSHIRE, HR4 8PH [AGENDA ITEM 12]**

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.

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:

- An amended plan, deleting one additional row of polytunnels adjacent to Pyon House and including planting of oak trees along the southern side of the driveway to Pyon House, had been received.
- The applicant's agent had confirmed that the Landscape and Visual Impact Assessment [LVIA] had been updated from the previous submission and addressed the points raised by the Landscape Officer.
- Two further letters of support and one further letter of objection had been received.

Officer comments were also provided as follows:

- Comparison with the submitted plan and the amended plan showed minor variations with the exception of the area adjacent to Pyon House where the second polytunnel was now removed.
- The updated LVIA did take account of the unregistered park and garden and the landscape mitigation had been updated accordingly.
- The additional letters of support and objection did not raise any new issues.

In accordance with the criteria for public speaking, Mr. Preece spoke on behalf of Pyons Group Parish Council, Ms. O'Neill spoke in objection to the application and Mrs. Phillips and Mr. Asbury spoke in support of the application.

Councillor AJM Blackshaw, the Local Ward Member, expressed sympathy with the concerns of the owner of Pyon House and the remarks of Withington Parish Council. He also noted the importance of agriculture to the local economy. In response to a question, the Central Team Leader advised that a minimum height of 10' for the oak trees could be achieved.

Councillor Blackshaw commented on a number of matters raised in the report, the principal points included:

- It was noted that Unitary Development Plan policies E13 (Agricultural and Forestry Development) and LA4 (Protection of Historic Parks and Gardens) were of particular relevance to this proposal.
- The scheme for habitat enhancement and management, including the oak tree planting, should address some of the concerns of the Hereford & Worcester Gardens Trust.
- It was noted that there had been a recent traffic accident on the A4110.

The Central Team Leader commented on the survey process and said that there was no evidence of any major accidents on the part of the road near to the site. He also advised that both access routes were used by the operation.

- Attention was drawn to the comments of the Conservation Manager (Landscape), particularly that *'the landscape has the capacity to accommodate the degree of change presented by the proposed development'* and that, whilst it could be considered that there might be a conflict with policy LA4, *'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'*. It was noted that recommended condition 4 would cover this matter.

- Referring to the comments of the Conservation Manager (Ecology), it was noted that recommended condition 7 would ensure that a scheme for habitat enhancement and management was implemented.
- The removal of an additional row of polytunnels and the landscaping scheme should mitigate some of the impact on Pyon House.
- It was noted that the Supplementary Planning Document - Polytunnels sought to limit polytunnels within 30 metres of the boundary of residential property and 50 metres of any dwelling whichever was the greater. In this case, the polytunnels were beyond 50 metres from Pyon House but were within 30 metres of the boundary. It was considered that, given the previous appeal decision and subject to the recommended conditions, the development was acceptable. The importance of condition 9, to require the sides of the polytunnels to be lowered during spraying, was highlighted.
- It was noted that it was necessary to weigh against the harm to the landscape the benefits of the use of polytunnels. The contributions of polytunnels to the viability of the agricultural sector and to the local economy were acknowledged.
- Councillor Blackshaw welcomed the late concessions by the applicant and commented on the need to involve the local community in ongoing discussions, particularly in respect of the landscaping scheme and management plan. He supported the officer recommendation and noted the need for strict adherence to the conditions.

Councillor DW Greenow commented that the planting would provide the start of a good break but would need to be maintained to ensure that there was no obstruction to the public bridleway.

Councillor RI Matthews expressed sympathy for the occupants of Pyon House and questioned whether anything else could be done to alleviate the impact of the development. In response, the Central Team Leader said that the application was considered acceptable and the scheme had been enhanced further by the removal of a row of polytunnels and the additional landscaping.

Councillor DJ Benjamin said that he could not support permanent planning permission given the impact on the character of the area, expressed reservations about the access arrangements and said that the area where polytunnels were to be removed should never have been covered in any case.

In response to questions from Councillor AM Toon, the Central Team Leader advised that the conditions would require that the polythene be removed between November and February, explained that the Inspector considered that there was no significant harm caused by the polytunnels adjacent to the boundary of Pyon House, and outlined the distances involved. The Development Control Manager advised that weight was given to the guidance in the SPD - Polytunnels but, on balance and in the context of the previous appeal decision, officers considered a temporary planning permission to be acceptable in this instance. The Central Team Leader confirmed that temporary planning permission of ten years was recommended.

RESOLVED:

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.

12. The enhanced landscaping of the driveway to Pyon House through the Polytunnels as identified on the amended layout plan number 1275/06 rev F shall provide for an avenue of Oak Trees planted at a minimum height of 3m.

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

Informatives:

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

68. DATE OF NEXT MEETING

11 November 2009

The meeting ended at 7.00 pm

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCCE2009/0555/F & DCCE2009/0556/L**

- The appeal was received on 15 October 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 Mrs. C. Jago.
- The site is located at Tarrington Court, Tarrington, Hereford, Herefordshire, HR1 4EX.
- The development proposed is Retention of arch and rebuilding of wall, conversion of existing hayloft to flat, proposed stable block.
- The appeal is to be heard by Written Representations.

Case Officer: Russell Pryce on 01432 261957

APPEALS DETERMINED**Application No. DCCW2009/0079/F**

- The appeal was received on 6 May 2009.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. Davies.
- The site is located at Lechlade, Roman Road, Holmer, Hereford, Herefordshire, HR1 1LD.
- The application dated 12 January 2009, was refused on 2 March 2009.
- The development proposed was Proposed double garage with alterations to access.
- The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Decision: The planning application was Refused under Delegated Powers on 2 March 2009.

The appeal was Dismissed on 11 September 2009.

Case Officer: Dave Dugdale on 01432 261566

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

5 DCCE0009/1383/F - PROPOSED DWELLING ADJOINING EXISTING DWELLING AT 22 BUTE AVENUE, HEREFORD, HEREFORDSHIRE, HR2 6BU

For: Mrs James per John Parry, 33 Imperial Square, Cheltenham, Gloucestershire, GL50 1QZ

Date Received: 26 May 2009

Ward: St Martins and Hinton

Grid Ref: 351259,238705

Expiry Date: 19 August 2009

Local Members: Councillors WU Atfield, ACR Chappell and AT Oliver.

1. Site Description and Proposal

- 1.1 Bute Avenue is a residential cul-de-sac serving 23 houses situated on the eastern side of Hinton Road and falls within the designated Established Residential Area of Hereford.
- 1.2 No. 22 is a two-storey semi-detached dwelling situated at the end of the cul-de-sac. Adjacent to the west is an electricity sub-station. The northern and western boundaries are currently bounded by small trees, hedge and 1.8m high fences.
- 1.3 The application seeks planning permission for the erection of a two-storey two-bedroom end of terrace dwelling to the west of No. 22. Two off street parking spaces will be provided at the forecourt and private amenity space to the rear.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning obligations
H1	-	Hereford and the Market Towns: Settlement boundaries and established residential areas
H13	-	Sustainable residential design
H15	-	Density
H16	-	Car parking

3. Planning History

- 3.1 DCCE2008/1747/F - Proposed new dwelling. Refused 28 August 2008.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection, but suggest the use of standard conditions to deal with the foul water and surface water arrangement.
- 4.2 National Grid: No objection.

Internal Council Advice

- 4.3 Traffic Manager: No objection, but suggest the use of standard highway conditions to secure sufficient off-street parking spaces.
- 4.4 Environmental Health Manager: No objection.

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 Six letters of objection have been received from the local residents. The main points raised are:

- 1. It would increase the housing density.
- 2. It would lead to an increase in motor vehicle traffic on an important pedestrian and cycling route.
- 3. It would destroy part of an important garden habitat, which is used by birds.
- 4. The proposed new dwelling would block out natural daylight of adjacent property.
- 5. Questions the health risks as the site is adjacent to a sub-station.
- 6. Questions the car parking provision.
- 7. The proposed dwelling is not in keeping with the rest of the cul-de-sac as it will have flat windows, whereas the other properties in the street all have bay fronted windows.
- 8. A terrace is out of character within the area as the area is predominantly characterised by semi-detached properties.
- 9. Our house and garden would suffer a significant loss of privacy from the windows at the rear.
- 10. An additional house is bound to bring additional noise.
- 11. Additional dwelling may increase risks of flash flooding.

- 5.3 One support letter has been received from Mr Frank Barton, tenant of 22 Bute Avenue.

- 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 site is located in an established residential area within the settlement boundary for Hereford City. It is also within the curtilage of the existing dwelling. The location is one where residential development would be considered acceptable in principle subject to satisfying detailed policy requirements.

- 6.2 The application site is approximately 178 square metres. Whilst the plot is not as spacious as those properties on Bute Avenue, it is not considered so restricted that an additional dwelling as proposed would appear cramped or out of character in relation to the general pattern of development in the locality. The design of the proposed dwelling is considered appropriate, which is of a typical 70's style with a hipped-end roof and of brick construction under a tiled roof and is in keeping with the architectural style of the existing dwelling and neighbouring properties in the vicinity. The scale and massing of the proposed dwelling is also considered acceptable and proportionate in relation to the existing dwelling. However to ensure the acceptable form of development, it is considered expedient to remove the permitted development rights of the proposed dwelling.
- 6.3 With regard to the concerns raised in respect of the overlooking and loss of privacy, careful consideration has been given to the likely impact of the proposed dwelling on the neighbouring properties. With regard to the properties to the north (17 Arran Avenue), it is noted that there will be a distance of 38 metres between the two rear elevations such that reasonable standards of amenity could be safeguarded in this instance. In terms of the impact upon the adjoining properties (20 and 18 Bute Avenue), it is acknowledged that an additional dwelling may have implications on their amenity in terms of overlooking of the property and its garden but the impact will not be significant in this instance as these properties are already overlooked by existing properties. To the west is 17 Willow Grove, which is set in some 11 metres from the boundary with the application site. Since the proposed dwelling will have a blank elevation to the side wall, there will be no impact onto their amenity in this instance. However, to ensure the satisfactory amenity of the neighbour's property, it is expedient to recommend a condition to restrict any new openings on this elevation.
- 6.4 Regarding the parking and highway safety issues, it is acknowledged that this has caused a significant concern from local residents and most of the properties in Bute Avenue benefit a minimum of two off street parking spaces. An indicative layout has demonstrated that such provision would be achieved within the application site. It is noted that the Traffic Manager raises no objection to this proposal, therefore it is considered that Bute Avenue is capable of supporting the additional traffic generated by the proposed dwelling and with the conditions as requested, highway safety will not be detrimentally affected in this instance.
- 6.5 The issues raised regarding foul and surface water drainage are noted, however given the Welsh Water raises no objection to this application, it is considered that an additional dwelling in this area would not give rise to the detriment of the existing drainage system in the locality.
- 6.6 The proposed development falls within the terms of the adopted Planning Obligations Supplementary Planning Document 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.
- 6.7 The concerns of the objectors are acknowledged but having regard to the appraisal above, it is considered that subject to conditions, an additional dwelling could be accommodated on the proposed site without detriment to the character of the locality or the amenity of the neighbouring occupiers. The proposed development is considered in accordance with the relevant planning policies and therefore represents an acceptable form of development.

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. **F15 No windows in side elevation of extension**
6. **G09 Details of Boundary treatments**
7. **G10 Landscaping scheme**
8. **G11 Landscaping scheme - implementation**
9. **H06 Vehicular access construction**
10. **H09 Driveway gradient**
11. **H10 Parking - single house**
12. **I16 Restriction of hours during construction**
13. **L01 Foul/surface water drainage**
14. **L02 No surface water to connect to public system**
15. **L03 No drainage run-off to public system**

Informatives:

1. **HN01 Mud on highway**
2. **HN05 Works within the highway**
3. **HN10 No drainage to discharge to highway**
4. **N03 Adjoining property rights**
5. **N15 Reason(s) for the Grant of PP/LBC/CAC**
6. **N19 Avoidance of doubt - Approved Plans**
7. **N14 Party Wall Act 1996**

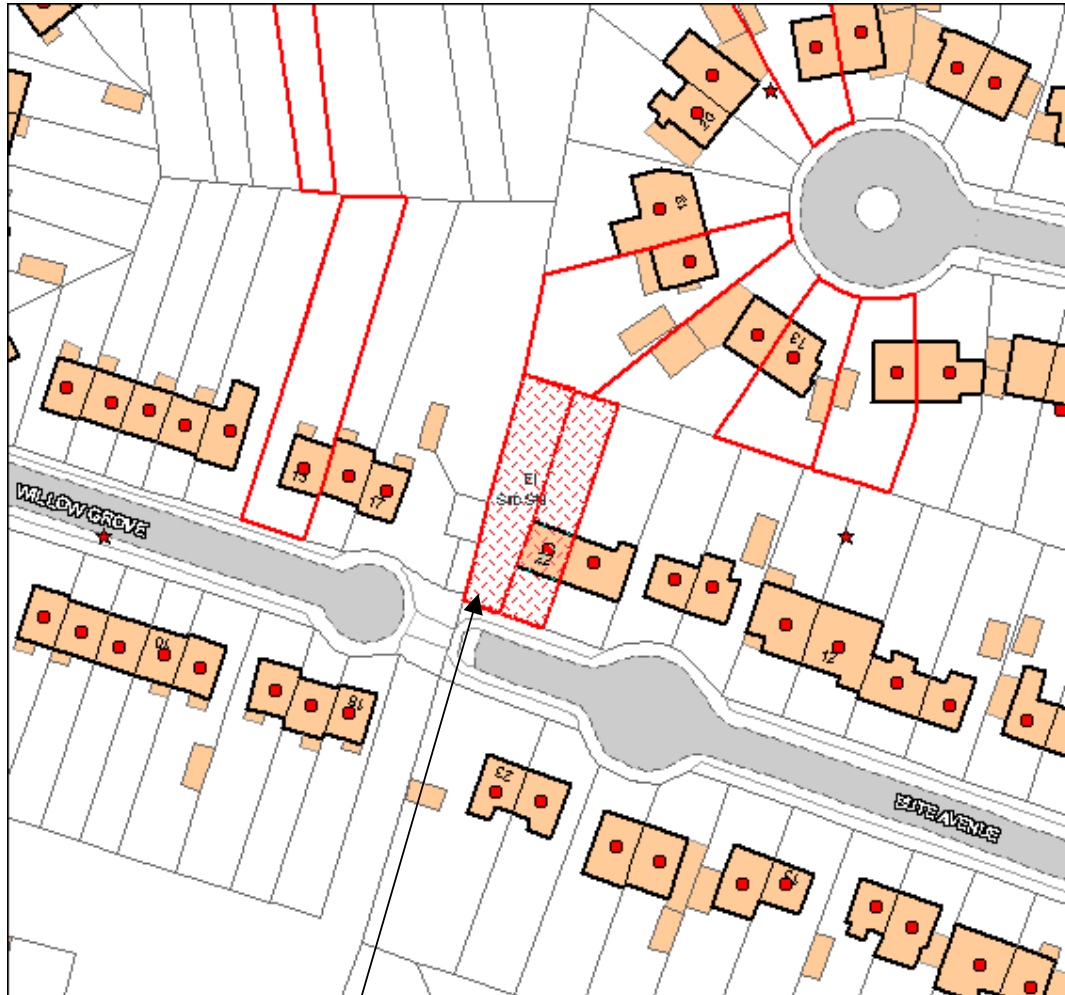
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE0009/1383/F

SITE ADDRESS : 22 BUTE AVENUE, HEREFORD, HEREFORDSHIRE, HR2 6BU

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6 DCCE0009/1984/F - ERECTION OF NEW RESIDENTIAL CARE HOME WITH ASSOCIATED OFFICES AND FACILITIES. AT LAND TO THE SOUTH OF HIGHFIELD, ADJOINING HOLYWELL GUTTER LANE, HEREFORD, HR1 1UB

For: Martha Trust Ltd Per Mr A Jamieson, Jamieson Associates Architects, 30 Eign Gate, Hereford, HR4 0AB

**Date Received: 25 August 2009
Expiry Date: 18 December 2009**

Ward: Backbury

Grid Ref: 353851,239270

Local Member: Councillor JE Pemberton

1. Site Description and Proposal

- 1.1 The site lies on the eastern edge of Hereford City immediately east of Holywell Gutter Lane and approximately 140 metres north of the B4224 (Hampton Park Road). Immediately north is a detached property known as Highfield now converted into five flats and south and east of the site are existing commercial orchards. To the western side of Holywell Gutter Lane is an area of public open space serving the residential development beyond.
- 1.2 The site itself is 0.79 hectares and is largely overgrown with scrub and vegetation and with a number of mature and semi-mature trees within and adjoining the site. The southern and eastern boundaries are also enclosed by a row of mature Western Red Cedars. Vehicular access is obtained from Holywell Gutter Lane from the south and levels fall around 2 metres from north to south and west to east within the site. The site adjoins but falls outside of Hereford City Settlement Boundary as identified by the Herefordshire Unitary Development Plan.
- 1.3 Planning permission is sought for the construction of a single storey building to be used as a residential care home by the Martha Trust. Martha Trust is a non profit making charity that provides lifelong and day care respite for children and young adults with profound and multiple disabilities. They currently have a premise on Old Eign Hill opened approximately 13 years ago. The current proposal would be in addition to the existing facility.
- 1.4 The proposal will entail the alteration and widening of the existing vehicular access into the site to improve visibility along with alterations to Holywell Gutter Lane itself again for highway safety reasons. The access will then lead to a parking area for staff and visitors along with an additional service and bus parking manoeuvring area. The facility will comprise 14 residential bedrooms with associated offices, a therapy wing which will also contain a hydrotherapy pool and spa, lounge and dining room, kitchen, office and meeting rooms surrounded by landscaped gardens including sensory areas and therapy garden. The building has a curved form and a contemporary design constructed from a mixture of rendered elevations with feature

red cedar boarding and a cedar shingle roof. The building has a gross internal floor area of 1775 square metres and is 6 metres to the highest point of the roof.

- 1.5 The application is supported by a number of documents including a Design and Access Statement, Landscape and Visual Impact Assessment, Site Selection Report, Arboricultural Report, Ecology Report, Traffic Statement, Sustainability Statement and Drainage and Sewage Statement.

2. Policies

2.1 Planning Policy Guidance:

- PPS1 - Delivering Sustainable Development (including the PPS1 annexe on climate change)
 PPS7 - Sustainable Development in Rural Areas
 PPS9 - Biodiversity and Geological Conservation

2.2 Herefordshire Unitary Development Plan 2007:

- S1 - Sustainable development
 S2 - Development requirements
 S7 - Natural and historic heritage
 S11 - Community facilities and services
 DR1 - Design
 DR2 - Land use and activity
 DR3 - Movement
 DR4 - Environment
 DR5 - Planning obligations
 T6 - Walking
 T7 - Cycling
 T8 - Road hierarchy
 LA3 - Setting of settlements
 LA5 - Protection of trees, woodlands and hedgerows
 LA6 - Landscaping schemes
 HBA9 - Protection of open areas and green spaces
 NC1 - Biodiversity and development
 W11 - Development and waste implications
 CF5 - New community facilities
 CF7 - Residential nursing and care homes

3. Planning History

- 3.1 None

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water:

No objections subject to conditions of foul and surface water drainage.

4.2 Ramblers Association:

Our only concern is traffic and impact during construction on Holywell Gutter Lane which is a bridleway. What mitigating considerations have been put forward by the developer including restrictions on traffic movements along Holywell Gutter Lane in the future?

4.3 Open Spaces Society:

We question whether the consent of the landowner has been obtained to use the bridleway for vehicular access. We recommend that now that the immediate area has become largely urbanised that the bridleway is made up to required specification and put forward for adoption with this developer covering the cost required to achieve adoptable standard.

Internal Council Advice

4.4 Traffic Manager:

To minimise the effect of additional traffic on the junction of Holywell Gutter Lane with the B4224, the land should be widened for a distance of 12 metres to provide stacking room for vehicles entering and exiting simultaneously. The proposed passing bay should be at a width of 4.8 metres and consideration should also be given to a new pedestrian access to the open space from Holywell Gutter Lane.

The applicants have agreed to these highway improvements and amended plans are awaited.

4.5 Public Rights of Way Manager:

The applicants should ensure that they have lawful authority to drive vehicles over the public bridleway which has to be granted by the owner of the land. Holywell Gutter Lane has bridleway status it will only have to be maintained to a standard suitable by pedestrians, horse riders and cyclists. Contributions may be required from the applicants in the future to ensure the lane is maintained to a higher standard suitable for vehicles. No materials should be stored on the lane and any changes to the surface of the bridleway must also be agreed by the Public Rights of Way Manager. The use of stone mastic asphalt surface is also not suitable for horse riders as confirmed by the British Horse Society.

4.6 Conservation Manager - Ecology:

No objection subject to recommendations within the Ecologist's Report including requirement for a full Working Method Statement being agreed with the local planning authority prior to the commencement of the development.

4.7 Conservation Manager - Landscape and Trees:

The landscape and visual impact assessment is accurate and fair, follows accepted and recognised guidance and illustrates that the proposed building will have little impact on the quality and character of the landscape. I am satisfied that the innovative and imaginative design is of both a form and utilises materials that will result in the building blending comfortably into wider and immediate landscape.

In general the most important trees and those in best condition have been successfully incorporated into the design and layout of the site. Proposed tree and hedgerow planting more than compensates for the few good, and many poor specimens to be lost. Whilst the development does require the removal of a number

of trees that are considered to be of good arboricultural quality they are of low visibility and amenity value.

Furthermore, the detailed proposed landscaping scheme is well-considered, sympathetic to the site and surroundings and complements the proposed building. The combination of imaginative architecture and well-considered landscaping will result in an immediately coherent and useable development. I would recommend attaching standard conditions concerning tree protection landscape implementation and maintenance.

In conclusion, I would suggest that this application is exemplary in both the quality of information submitted and the design of building and landscaping proposed. The loss of some trees of reasonable quality from the site will be more than compensated for by the proposed landscaping and a long-term investment in the future of the site.

- 4.8 Forward Planning Manager:
Comments awaited.

5. Representations

- 5.1 Hampton Bishop Parish Council:

The Parish Council supports the principle of the application but requests the following matters are addressed:

1. Appropriate drainage arrangements including prevention of surface water run-off on to adjoining land.
2. Consideration of future developments in the area to avoid piecemeal development.
3. Safe access and egress arrangements to the site on to the B4224.
4. If Section 106 monies are available, the Parish Council suggest they be put for traffic calming in the parish including reduction of the current speed limit of 40mph, a speed indicator device, zebra crossing, cycle paths and extension of footpath towards the centre of Hampton Bishop and Mordiford.

- 5.2 Hereford City Council:
No objection.

- 5.3 Five letters of objection have been received principally from residents of Highfield, the main points raised are:

1. The access to the lane from the B4224 is narrow which will increase in the risk of vehicles having to wait on the main road causing a danger to highway and pedestrian safety.
2. The site is full of rare plants and trees including significant wildlife such as buzzards, bats, tawny and barn owls.
3. The development will operate 24 hours a day and cause increased noise and light pollution.
4. The development will be a visual intrusion into the landscape as a result of the removal of nearly all the established trees.
5. The development will result in a significant increase in vehicular traffic on Holywell Gutter lane which is narrow with limited passing places which in themselves are often used for parking.
6. No provision is made for cyclists, walkers or horse riders including parking areas for walkers.

7. The development will be out of keeping with the residential character of Holywell Gutter Lane.
 8. The development is outside of the city boundary.
 9. Policy H10 is not relevant as it relates to affordable housing.
 10. The UDP defines the land as open space and the development would therefore be contrary to Policy HBA9 which seeks to protect open spaces which form an integral part of a settlements character.
 11. Visibility from Holywell Gutter Lane is poor due to existing hedgerows and the fact the lane is unlit.
 12. There is no safe pedestrian access for Martha Trust staff and visitors from their existing site to the proposed site. The development is also therefore contrary to Policy T6 of the UDP which requires provision for pedestrians and wheelchair users to be taken into account with regard to the quality of the lane, width, surfacing, signing and lighting.
 13. The proposed widening of the existing passing bay will not be sufficient particularly during staff changeover time when there would be a turnover in excess of 20 vehicles and when events are held at the site.
 14. The scale of the building in floor area and height is excessive and would dominate the site and the design out of keeping with the local environment.
 15. There will be significant disruption to existing residents during construction.
 16. The development would devalue existing properties in the area.
- 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 issues to be considered in the assessment of the proposal are as follows:

1. The Policy Framework
2. Site Selection
3. Visual Impact, Design and Appearance
4. Highway Matters
5. Trees and Biodiversity
6. Residential Amenity
7. Construction Sustainability
8. Section 106 Requirements
9. Conclusion

The Policy Framework

- 6.2 The site falls outside of the identified settlement boundary for Hereford City and therefore in planning policy terms, falls within the open countryside. The proposal is for a residential care home and therefore Policy CF7 of the UDP contains relevant criteria. The first requirement of this policy is that any provision for new residential nursing and care homes will only be permitted where new residential development is acceptable or where they involve the environmentally acceptable conversion of existing buildings. Given the open countryside location of the site, new residential development would not ordinarily be permitted and the proposal does not result in the conversion of an existing building. As such, as a matter of fact, the development is contrary to Policy CF7 of the Unitary Development Plan.

- 6.3 Policy CF5 of the UDP concerning new community facilities is also relevant. The policy explains that community facilities can include provision of new facilities for youth, provision aiming to satisfy health, welfare and social needs whether provided by the public, voluntary or private sector. The policy does not specifically include residential care facilities but the proposal will undoubtedly satisfy specific health, welfare and social requirements for the future residents. Policy CF5 contains several criteria including a requirement that the development is located within or around a settlement that it is intended to serve. Under the terms of Policy CF5, therefore, the development is permitted on a site which adjoins a settlement boundary. Although this policy is relevant, it is considered the development is nevertheless still contrary to the primary policy for such proposals which is Policy CF7.
- 6.4 In making any planning judgement, other material planning considerations must also be considered alongside an assessment against adopted policy to establish whether there are other planning reasons why a development should be permitted, notwithstanding a conflict with adopted policy.

Site Selection

- 6.5 The Trust have a significant waiting list for their existing facility. Whilst the need does not solely emanate from Herefordshire, a high proportion of existing occupiers are from Herefordshire or neighbouring Counties. The need for a further facility within the County is therefore accepted.
- 6.6 The applicants have been searching for a new site within Herefordshire for the last seven years and have engaged over this period Knight Frank, Cross & James, Brightwells and Bill Jackson to assist in the search. The site selection requirements and criteria include a flat site of around 0.75 hectares (2 acres) in area that is accessible by public transport, within close proximity to local services such as hospitals, doctors and can accommodate a single storey building.
- 6.7 Over 20 sites have been considered and seven sites in particular within the county have been examined in some detail. These include sites at Leominster, Hampton Bishop, Stretton Sugwas and within Hereford City on the Edgar Street Grid, Aylestone Hill, Ledbury Road and Holbrook Close areas. Based on the information provided, the search appears to be extensive and not, in locational terms, too restrictive. A suitable site may come forward through the Local Development Framework process but it is likely to be some time before the LDF documents are adopted. The applicants do not appear to have explored a site on an existing residential development which is a weakness in the site selection search but the availability of such land even in the current economic climate is limited. The size of the required site also severely limits the land available.
- 6.8 It is considered that the site search has been sufficiently extensive and robust to demonstrate that there are currently no available sites that fully accord with planning policy and meet the applicant's criteria. Therefore the principle of the application site in locational terms is considered acceptable.

Visual Impact, Design and Appearance

- 6.9 The proposed building has a curved organic form that has been designed around some of the key landscape features of the site as well as the accommodation needs

of future residents. The building is undoubtedly large in footprint. However, it is considered that the scale and mass of the development is significantly diluted by the organic form of the development. The mass of the roof will also be softened with a pagoda style design and the use of cedar shingles which will give it a more natural appearance. It is also intended that the Cedar trees will be recycled for some of the cladding on the elevations.

- 6.10 The form effectively avoids the creation of hard edges that would exist with a more angular development thereby creating a softer appearance that integrates with the shape of the site and the mature trees to be retained. Public views of the site and development from further afield are limited but it is considered that a combination of the single storey scale of the development, the irregular form and natural materials for the roof will assist in minimising the visual and landscape impact of the development. This is even more important as the existing mature *Leylandii* trees along the southern and eastern boundaries are all to be removed which will open up the site to some extent.
- 6.11 The heart of the internal space will be an eye-shaped central roof which will be covered with Texlon pillows (the same material used at the Eden Project and the Swimming Centre at the Beijing Olympics). This transparent material enables the creation of an exotic indoor garden and conservatory area adjacent to the lounge and dining area creating a light and airy internal space. The internal central walkways serving various resident and therapy rooms will be double height providing natural ventilation lit by a continuous glazed roof light. The fenestration within the elevations has a horizontal emphasis to marry in with the profile and appearance of the development.
- 6.12 The development undoubtedly has an unusual form and a contemporary appearance. This is not in keeping with the traditional form of built development within the area as a number of objectors have commented. However, it is considered that the development will not be prominent within the immediate or wider landscape and has a form and materials that respects and assists in assimilating the development into the site. The design, appearance, visual and landscape impact are therefore considered acceptable.

Highway Matters

- 6.13 Holywell Gutter Lane, which will be used to provide access to the site is designated as a bridleway. The proposals include the widening of the first 12 metres of the lane to enable more than one vehicle to enter and exit simultaneously, the extension of the existing passing bay halfway between the junction and the site and the widening and alteration of the existing access to improve visibility. Adequate parking will be provided within the site including appropriate vehicle and service vehicle manoeuvring area along with a safe access.
- 6.14 The Traffic Manager considers that subject to these alterations there will be no danger to highway safety as a result of the development. In making this judgement regard has been had to the likely vehicular movements presented in the traffic statement. This was established by undertaking a traffic assessment of the Martha Trust's existing site. Measures encouraged by the Trust and currently operated at their existing site will be car sharing (21 members of staff presently share a car to work) along with pedestrian and cycle access to the site. However, it should be noted that general vehicle movements are also likely to be less than the existing site as the

principal administrative function will not be located at the proposed new site. Whilst the development will increase vehicular movements along the section of Holywell Gutter Lane, it is not considered that subject to the improvements to the lane there will be any danger to highway safety.

- 6.15 Given the status of Holywell Gutter Lane as a bridleway the impact on pedestrian, cyclists and horse riders must also be considered. In this regard the Public Rights of Way Manager does not object to increased usage of the lane. It is not considered that the provision of a footway along the lane as suggested by some objectors is appropriate as this would change the character of the lane from a green lane to a standard highway. Nevertheless, a new pedestrian link to the open space to the west from Holywell Gutter Lane is required as suggested by the Traffic Manager. This will provide an alternative pedestrian link for staff to the applicant's existing establishment. Cycle parking is also proposed within the site and the site is in relatively close proximity of the bus stop on Hampton Park Road.
- 6.16 The site is considered to be sustainable and accessible by modes of transport other than the private car and the general highway impact including impact on pedestrians, cyclists and horse riders is considered acceptable. This is subject to the applicants preparing a travel plan to encourage sustainable travel patterns to the site by staff.

Trees and Biodiversity

- 6.17 A detailed Arboricultural Assessment of the site has been carried out which has revealed the presence of 54 trees within and adjoining the site including several Category B and four Category A trees. Of the 54 trees, a large number are either redundant or are Category C (minor value) and there is no objection to the loss of these trees. However, the removal of Category A and B trees is unfortunate. Whilst it is accepted that the development will entail the removal of some trees of amenity value, it is considered that there is scope for the scheme to be modified slightly so as more existing mature trees can be retained within the site. The applicants are currently considering this matter.
- 6.18 A comprehensive landscape plan has also been provided identifying new tree planting both within and around the boundaries of the site which will assist in mitigating the impact of the development and the loss of existing trees. This conclusion is supported by the Conservation Manager (Landscape and Trees) at Para 4.6 where it is concluded the loss of some trees of reasonable quality from the site will be more than compensated for by the proposed landscaping and a long-term investment in the future of the site.
- 6.19 An Ecological Survey of the site has also been carried out including specific protected species surveys. The surveys have not revealed the presence of any protected species on site although the site is used as a foraging area by bats and birds. The recommendations of the Ecologist include the retention of further trees, the timing of any site clearance and the phased removal of trees that are accepted to be removed. All these factors can be controlled by condition. Therefore, whilst the site is a quiet area for common suburban wildlife partly due to the lack of any use or disturbance over the last 10 years or so, the ecological impact of the development can be satisfactorily mitigated. This view is supported by the Council's Ecologist who raises no objection.

Residential Amenity

- 6.20 Residents of Highfield immediately to the north of the site have expressed concerns regarding the impact of the development on their amenity. The proposed development at its nearest point is 17 metres away from Highfield. The development is also to be excavated into the rising ground levels to the north so as the slab level will be around half a metre below the existing level and over a metre below the level of the boundary with Highfield. Highfield also sits at a higher level again overlooking the site. The development will undoubtedly affect the outlook from Highfield but due to the difference in levels and the distance of the proposed development from the boundary, any outlook that currently exists will largely be retained over the roof of the existing development.
- 6.21 An existing hedge runs along the northern boundary of the site with Highfield which will prevent any overlooking from the development of Highfield and vice versa and other matters such as potential noise from plant and equipment and lighting can be controlled by condition. As such the impact on the amenity of the nearest residential properties is not considered harmful.

Construction Sustainability

- 6.22 The development is to be designed to an exceptionally high environmental standard with all measures currently available being used to reduce the carbon footprint and energy usage of the development. The measures include the use of interconnected ground source heat pumps to provide heating and cooling for the building as a whole including the hydrotherapy pools complex, solar collectors for the hydrotherapy pool heating and hot water cylinders, natural passive ventilation system, rainwater filtration and collection system and high efficiency heating and lighting systems.
- 6.23 A pre-assessment under the BREEAM assessment system has been carried which reveals that the development is very close to achieving the highest possible rating under this assessment of 'Excellent'. It is therefore proposed that the development be required to achieve the 'Excellent' standard which is a significant material consideration in favour of the development. A sustainable urban drainage system is also proposed including the use of a surface water attenuation pond and rainwater harvesting. This will achieve a self sufficient drainage system and address a concern of the Parish Council relating to potential run-off on to adjoining land.

Section 106

- 6.24 No Section 106 contribution is currently proposed and this matter is being assessed by the Traffic Manager to establish whether a contribution towards sustainable travel is required. No other contribution is required from the development under the adopted Supplementary Planning Document on Planning Obligations.

Conclusion

- 6.25 The proposed location of the site is contrary to the requirements of Policy CF7 concerning proposals for residential care developments. However, sufficient information has been provided to demonstrate that a relatively wide-ranging search

for alternative sites has been carried out over a number of years and no alternative sites presently exist that could accommodate the development.

- 6.26 Material planning considerations in favour of the development include the high quality design and appearance of the development and its sensitive assimilation into the landscape character of the area, the highest level of sustainability rating that can currently be achieved, the proposed creation 60 new full time jobs that the development would generate and of course, the proposed new and specialist accommodation that would be created for the benefit of future residents.
- 6.27 Having weighed up all the issues and notwithstanding the conflict of Policy CF7 it is considered that in this instance, there are other material planning considerations that weigh in favour of the development and therefore the proposal is recommended for approval. This is subject to receipt of revised plans identifying the alterations to the junction with Holywell Gutter Lane and the retention of further mature trees within or along the boundaries of the site.

RECOMMENDATION

Subject to the receipt of suitably 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)**
2. **C01 Samples of external materials**
3. **G02 Retention of trees and hedgerows**
4. **G03 Retention of existing trees/hedgerows**
5. **G11 Landscaping scheme - implementation**
6. **H03 Visibility splays**
7. **H13 Access, turning area and parking**
8. **H17 Junction improvement/off site works**
9. **H29 Secure covered cycle parking provision**
10. **H27 Parking for site operatives**
11. **H30 Travel plans**
12. **I09 Sound insulation of plant and machinery**
13. **I16 Restriction of hours during construction**
14. **I20 Scheme of surface water drainage**
15. **I33 External lighting**
16. **I41 Scheme of refuse storage (commercial)**

- 17. I55 Site Waste Management
- 18. I56 Sustainable Construction Condition
- 19. L01 Foul/surface water drainage
- 20. L02 No surface water to connect to public system
- 21. L03 No drainage run-off to public system
- 22. K4 Nature Conservation - Implementation

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE0009/1984/F DMCE/092340/F

SITE ADDRESS : LAND TO THE SOUTH OF HIGHFIELD, ADJOINING HOLYWELL GUTTER LANE, HEREFORD

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7 DCCW/092285/F - PROPOSED ERECTION OF TWO SEMI DETACHED CHALET BUNGALOWS AND ASSOCIATED WORKS AT LAND REAR OF 93 HIGHMORE STREET, HEREFORD, HR4 9PG

For: Mr P Bunclark per Mr Paul Smith, 12 Castle Street, Hereford, HR1 2NL

Date Received: 21 September 2009 Ward: Three Elms Grid Ref: 349733,241794
Expiry Date: 16 November 2009

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

1. Site Description and Proposal

1.1 The application site is comprised of the eastern half of the residential curtilage serving a detached bungalow known as 93 Highmore Street. The application site extends to approximately 0.06 hectares and is bounded to the east by Hereford Racecourse, a domestic curtilage to the south and a parking forecourt and a pair of semi-detached bungalows to the north, the host dwelling lying to the west.

1.2 The application seeks permission to construct two dwellings, which will take the form of a pair semi-detached dormer bungalows orientated east west, served by a parking and turning area to the front and private amenity space to the rear. Each dwelling will comprise 2 bedrooms, a family bathroom and study above a kitchen/diner and reception room.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S8	-	Recreation, sport and tourism
S10	-	Waste
S11	-	Community facilities and services
DR1	-	Design
DR4	-	Environment
H13	-	Sustainable residential design
H15	-	Density
T11	-	Parking provision
CF1	-	Utility services and infrastructure
CF2	-	Foul drainage

3. Planning History

3.1 DCCW08/2004/O Proposed erection of two semi-detached chalet bungalows and associated works. Planning permission 2 October 2008.

4. Consultation SummaryStatutory Consultations

- 4.1 Welsh Water: Comments awaited.

Internal Council Advice

- 4.2 Traffic Manager: Comments awaited.

5. Representations

- 5.1 Hereford City Council: Comments awaited.

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 Having regard for the relevant policies, the primary issues in determining this application are considered to be:

- The Principle of Development
- Design and Layout
- Residential Amenity
- Water and Sewerage
- Access and Highways Issues

The Principle of Development

- 6.2 The application lies within the settlement boundary for the City of Hereford 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 proposal to erect two new dwellings is acceptable in principle, subject to other material considerations being satisfactorily resolved.

Design and Layout

- 6.3 The pattern of development along the eastern side of Highmore Street has no strong defining architectural style, instead being comprised of a mixture of terraced, semi-detached and detached dwellings arranged in a linear formation, fronting onto the adjoining highway. Of particular note is the existing presence of three residential developments that are similar in nature to that proposed, where dwellings have been erected to the rear of properties on Highmore Street. One of these developments is located immediately to the north abutting the application site.
- 6.4 Having regard to the size and shape 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, and is reflective of the character and appearance of similar development that has taken place in the wider vicinity.

- 6.5 Overall the design and layout is considered acceptable, as proposed development would not appear out of character with the mixed urban grain of the wider locality.

Residential Amenity

- 6.6 The proposed design has paid proper regard to the siting, orientation and outlook of the existing dwellings surrounding the application site, including the host dwelling. More specifically save for single roof lights serving bathrooms, the western roof slope contains no windows to prevent any direct overlooking. However it is considered expedient to remove the permitted development rights to insert any additional windows to ensure the continued satisfactory relationship between the proposed dwellings and their neighbours.
- 6.7 The separation distances between existing and proposed dwellings is considered to be acceptable. More specifically the distance is equivalent to that experienced by the bungalows to the north of the application site with their closest neighbours.
- 6.8 Overall the proposed development is not considered to give rise to any harm to the visual or residential amenity of the wider locality, however in order to protect the amenity of the area during the construction phase, standard conditions are recommended to control the hours of operation during the demolition and construction phases.

Water and Sewerage

- 6.9 Recent developments in this area have given rise to concerns about a perceived lack of water pressure and limited capacity of the sewerage system. However Welsh Water have advised the Local Planning Authority that due to the need to pump water into the area as opposed to a gravity fed system pressures are naturally lower, but there are no issues of capacity in either the water or sewerage systems.

Access and Highways

- 6.10 Vehicular access will be afforded by connecting into the existing driveway serving the dwellings to the north, this driveway is purpose built and properly constructed and has sufficient capacity to safely accommodate the additional traffic.

Conclusion

- 6.11 Overall the proposal complies with the relevant policies in the Local 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. **F15 No windows in side elevation of extension**
- 5. **G09 Details of boundary treatments**
- 6. **H13 Access, turning area and parking**
- 7. **During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken or despatched from the site outside the following times: Monday - Friday 7.00 am - 6.00 pm, Saturday 8.00 am - 1.00 pm nor at any time on Sundays, Bank or Public Holidays.**

Reason: To safeguard residential amenity.

Informatives:

- 1. **N01 Access for all**
- 2. **N03 Adjoining property rights**
- 3. **N14 Party Wall Act 1996**
- 4. **All machinery and plant shall be operated and maintained in accordance with BS5228: 1997 'Noise Control of Construction and Open Sites'**
- 5. **N19 Avoidance of doubt - Approved Plans**
- 6. **N15 Reason(s) for the Grant of PP/LBC/CAC**

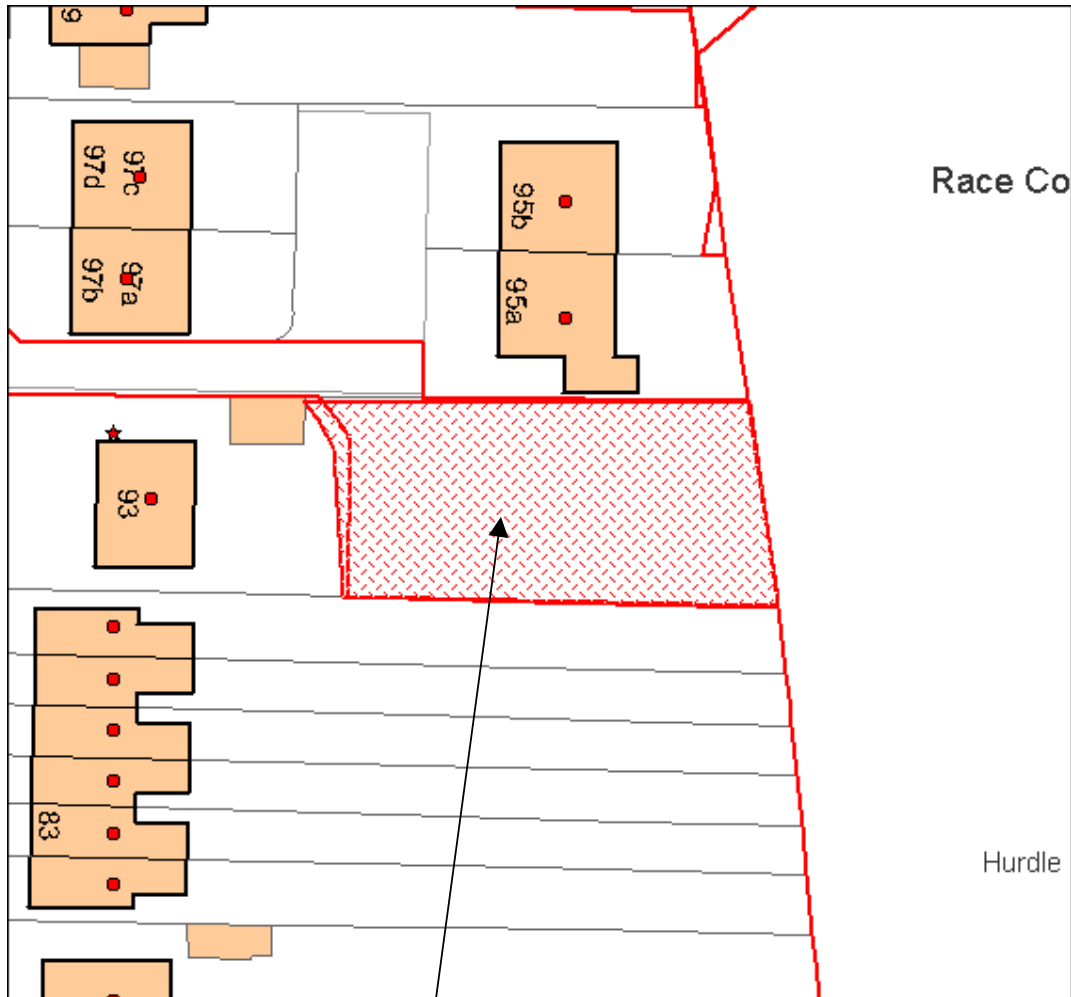
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: T0009/2322 DMCW/092285/F

SITE ADDRESS : LAND REAR OF 93 HIGHMORE STREE, HEREFORD, HR4 9PG

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