

# AGENDA

## Central Area Planning Sub-Committee

Date: **Wednesday 9 December 2009**

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Time: **2.00 pm**

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

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

For any further information please contact:

**Ben Baugh, Democratic Services Officer**

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

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

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

## Membership

**Chairman**                    **Councillor JE Pemberton**

**Vice-Chairman**           **Councillor GA Powell**

**Councillor PA Andrews**

**Councillor WU Attfield**

**Councillor DJ Benjamin**

**Councillor AJM Blackshaw**

**Councillor ACR Chappell**

**Councillor SPA Daniels**

**Councillor H Davies**

**Councillor GFM Dawe**

**Councillor PJ Edwards**

**Councillor DW Greenow**

**Councillor KS Guthrie**

**Councillor MAF Hubbard**

**Councillor MD Lloyd-Hayes**

**Councillor RI Matthews**

**Councillor AT Oliver**

**Councillor SJ Robertson**

**Councillor AP Taylor**

**Councillor AM Toon**

**Councillor NL Vaughan**

**Councillor WJ Walling**

**Councillor DB Wilcox**

**Councillor JD Woodward**

## Non Voting

**Councillor TW Hunt**

Chairman of Planning Committee

**Councillor RV Stockton**

Vice-Chairman of Planning Committee

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

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## AGENDA

		Pages
1.	<b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2.	<b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by members.	
3.	<b>MINUTES</b> To approve and sign the minutes of the last meeting.	1 - 8
4.	<b>ITEM FOR INFORMATION - APPEALS</b> To be noted.	9 - 10
<b>Planning Applications</b>		
To consider and take any appropriate action in respect of the planning applications received for the central area and to authorise the Head of Planning and Transportation to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.		
5.	<b>DMCE/092105/O - WAINFRIES, WITHINGTON, HEREFORD, HEREFORDSHIRE, HR1 3RY</b> Outline planning application for two storey dwelling.	11 - 16
6.	<b>DCCE/092424/F - WOODCROFT, HAYWOOD, CALLOW, HEREFORD, HR2 8BX</b> Construction of rear extension, replace wooden porch with block and render porch and extend domestic curtilage - retrospective.	17 - 22
7.	<b>DCCE/092491/F - LAND TO THE WEST OF VELDO FARM AND EAST OF THE A465 AT NUNNINGTON, HEREFORD, HR1 3NW</b> Change of use of land used for agriculture for the accommodation of seasonal workers in mobile homes.	23 - 30
8.	<b>DCCE0009/1813/F - 10 CHILTON SQUARE, TUPSLEY, HEREFORD, HEREFORDSHIRE, HR1 1PS</b> Erection of a single storey rear extension and subdivision of existing dwelling into 3 dwellings.	31 - 36
9.	<b>DMCW/092179/F - LEVANTE, BELLE BANK AVENUE, HOLMER, HEREFORDSHIRE, HR4 9RL</b> Construction of new detached two storey house with additional single storey ground floor accommodation, provision of new private vehicle access drive.	37 - 42



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

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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 11 November 2009 at 2.00 pm**

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

Councillors: PA Andrews, WU Attfield, DJ Benjamin, ACR Chappell, PJ Edwards, KS Guthrie, MAF Hubbard, AT Oliver, SJ Robertson, AM Toon, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward

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

**69. APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors AJM Blackshaw, SPA Daniels, H Davies, GFM Dawe, DW Greenow, MD Lloyd-Hayes, RI Matthews and AP Taylor.

**70. DECLARATIONS OF INTEREST**

None.

**71. MINUTES**

**RESOLVED:**

**That the minutes of the meeting held on 14 October 2009 be approved as a correct record and signed by the Chairman.**

**72. ITEM FOR INFORMATION - APPEALS**

The Sub-Committee received an information report.

**73. DCCE0009/1383/F - 22 BUTE AVENUE, HEREFORD, HEREFORDSHIRE, HR2 6BU [AGENDA ITEM 5]**

*Proposed dwelling adjoining existing dwelling.*

The Planning Officer gave a presentation on the application.

Councillor WU Attfield, a Local Ward Member, commented that many areas of concern with the proposal had been overcome. It was noted that there would be some overlooking of adjoining properties but, as there was already overlooking by existing properties, it was not considered to be so significant as to warrant refusal of planning permission. It was also noted that the Traffic Manager had not raised any objections subject to conditions.

Councillor ACR Chappell, also a Local Ward Member, commented that the cul-de-sac form of Bute Avenue should ensure that highway safety was maintained.

In response to a question from Councillor AT Oliver, the other Local Ward Member, the Planning Officer advised that a previous application for a detached dwelling

[DCCE2008/1747/F refers] had been refused on the grounds of design, scale and impact on the immediate and surrounding properties; he added that the current scheme addressed the previous reasons for refusal. Councillor Oliver commented that a semi-detached dwelling was preferable to a detached dwelling in this location, there would be some impact on the amenity of adjoining properties, and the dwelling should be built to achieve a minimum of code level 3 for sustainable homes. The Planning Officer said that a condition could be considered.

Councillor Atfield drew attention to the need to restrict any new openings in the side elevation of the extension and supported the officer's recommendation of approval.

In response to a question from Councillor WJ Walling, the Planning Officer highlighted the position of the electricity sub-station and the Central Team Leader said that it was not uncommon for residential dwellings to be sited next to sub-stations. In response to a further question, the Planning Officer confirmed that the condition in respect of the removal of permitted development rights would apply to the proposed dwelling.

**RESOLVED:**

**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**
74. **DCCE0009/1984/F - LAND TO THE SOUTH OF HIGHFIELD, ADJOINING HOLYWELL GUTTER LANE, HEREFORD, HR1 1UB [AGENDA ITEM 6]**

*Erection of new residential care home with associated offices and facilities.*

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 identifying the widening of Holywell Gutter Lane from the junction with the B4224, the provision of two pedestrian accesses from Holywell Gutter Lane to the adjacent public open space and provision of a further passing place opposite the proposed site entrance. The Traffic Manager had also confirmed that the improvements to Holywell Gutter Lane satisfied the Section 106 requirements in this instance.
- A further plan had been provided identifying the retention of additional mature trees within the site and along the site frontage.

Officer comments were also provided as follows:

- The amended plans addressed the Traffic Manager's comments and would facilitate safer access and exit and general passage of vehicles along Holywell Gutter Lane. In addition, the retention of further mature trees was welcomed and would assist in integrating the development into the site and surroundings.
- It was considered that all outstanding issues had now been addressed and therefore the application was recommended for approval.
- Typographical errors in the report were corrected.
- An informative note was recommended in respect of the need for the applicants to ensure that they had lawful authority to drive vehicles over the public bridleway.

In accordance with the criteria for public speaking, Ms. Ward spoke in objection to the application.

The Chairman, speaking in her capacity as the Local Ward Member, made a number of comments, including:

- Attention was drawn to paragraph 1.3 of the report, that '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', and the Chairman commented on a visit to the existing facility with a planning officer some years before.
- The facility would help to improve the quality of life for those being cared for and should be welcomed as a valuable resource in the county.
- The case officer was congratulated for producing a report which had fully assessed the material considerations, including the conflict with Policy CF7, and the recommendation of approval was supported.

Councillor NL Vaughan commented on the excellent work of the Trust but queried the impact of the development on the surrounding countryside. In response, the Principal Planning Officer advised that the application was supported by a Landscape and Visual Impact Assessment and it was considered that, even with the loss of some existing trees, the development would not be prominent within the immediate or wider landscape; he added that a large number of the trees to be removed were Category C (minor value) and new tree planting would also be undertaken.

Councillor Vaughan also queried the likely effectiveness of the Travel Plan requirements. The Principal Planning Officer advised that the Plan would not be accepted unless it contained sufficient details and suitable penalties if targets were not achieved. In response to a further question, the Principal Planning Officer said that financial penalties for non-compliance with the Travel Plan might not be entirely appropriate in this instance but other measures would be required.

Councillor DB Wilcox noted that various elements of the application had to be considered, including the landscape impact, the departure from Policy CF7, the high quality design of the development, the need for the facility, and the creation of 60 new full time jobs. Whilst noting concerns about the impact on residential amenity, Councillor Wilcox felt that the application was acceptable on balance and supported the recommendation of approval. He asked for clarification about the comment in the report that 'adequate parking will be provided within the site' but noted the wider benefits associated with the alterations and improvements to Holywell Gutter Lane.

Councillor PJ Edwards commented on the valuable work of the Trust, the sustainable credentials and design of the development, and the support from Hampton Bishop Parish Council. Given the comments of the speaker and the open countryside location of the site, Councillor Edwards said that improvements to the lane should not result in an overly urbanised appearance. The Principal Planning Officer said that officers recognised the need to maintain the character of the lane and, for this reason, no footpath or street lighting was recommended; although new pedestrian links to the open space to the west from Holywell Gutter Lane would be required. The Assistant Solicitor (Corporate) said that the status of the lane as a bridleway would have implications for the type of surface treatment that could be used.

The Principal Planning Officer outlined the sustainability measures and advised that the proposed development was close to achieving the highest possible rating under the 'BREEAM' assessment system.

Councillor ACR Chappell supported the application and commented on the need for objectivity, the high standard of architecture proposed, visual impact considerations, and construction sustainability.

Councillor PA Andrews commented on the quality of the design approach and said that, given the 24 hour care requirements, the Travel Plan needed to be appropriate for the type of use proposed.

In response to a question, the Principal Planning Officer explained the arrangements for staff and visitor parking and for vehicular manoeuvring; there was provision for mini-buses but it was not envisaged that large buses would need to be parked at the site.

Councillor MAF Hubbard commented that some staff at the existing facility already used sustainable modes of transport and suggested that this could be further encouraged through parking charges during the day.

Councillor AM Toon noted the architectural merits of the scheme but expressed reservations about the potential socio-economic impact of the use. In response to a

question, the Principal Planning Officer advised that the level of highway works proposed in the scheme were greater than could be achieved through a Section 106 Agreement and no other contributions were required.

Councillor WU Attfield commented that there were positive economic benefits from the creation of new full time jobs that the development would generate. Councillor Attfield noted that the development would have an impact on residential amenity and on the landscape but the wider benefits had to be taken into consideration.

Councillor Vaughan felt that the proposal should be amended to include specific reference to the penalties to be applied in the event of non-compliance with the targets in the Travel Plan. The Principal Planning Officer advised that the standard condition would require targets relating to particular modes of transport and appropriate penalties if the targets were not met. The Central Team Leader commented on the robust approach being taken in relation to Travel Plans and advised that the targets would be set as a result of discussions with transportation and sustainability officers.

The Chairman noted the need to consider the broader community aspects of the scheme.

**RESOLVED:**

**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**
- 3. **The applicant's attention is drawn to the need to secure the landowners permission to use the bridleway by vehicular traffic.**

**75. DCCW/092285/F - LAND REAR OF 93 HIGHMORE STREET, HEREFORD, HR4 9PG [AGENDA ITEM 7]**

*Proposed erection of two semi detached chalet bungalows and associated works.*

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

- The Transportation Manager had confirmed no objection subject to the imposition of condition H13 to ensure suitable access, turning and parking area.
- Hereford City Council recommended refusal as an overdevelopment of a backland plot.
- A letter of objection had been received from Mr D Fletcher stating that noise and pollution would be moved closer to his property and the boundary hedge would be removed to create the access.

Officer comments were also provided as follows:

- The condition recommended by the Transportation Manager had been added to the recommendation.
- The site was granted planning permission in 2008 for two chalet bungalows and, therefore, the comments of Hereford City Council and the neighbour could not be sustained.
- As the consultation period did not expire until 13 November 2009, delegated authority was sought to approve the application.

Councillor PA Andrews, a Local Ward Member, noted that there were a number of backland developments in the locality and did not consider that there was any material planning reason to warrant refusal of this application.

Councillor AM Toon, also a Local Ward Member, commented that this was a typical form of development and did not feel that a site inspection was necessary in this instance.

In response to a question from Councillor DB Wilcox, the Central Team Leader confirmed that there were Section 106 Agreement contributions associated with an outline planning permission on the site [DCCW08/2004/O refers] but as the new application was for full planning permission, rather than reserved matters, no contributions were required. Some Members expressed concerns about the lack of contributions.

The Assistant Solicitor (Corporate) read out the amended recommendation, reproduced in the resolution below.

**RESOLVED:**

**That subject to no further objections being received, by the end of the consultation period, that raise additional material considerations, officers named in the Scheme of Delegation to Officers be authorised to approve the application, subject to the conditions noted in the report, and any further conditions considered necessary by officers.**

**76. DATE OF NEXT MEETING**

9 December 2009

The meeting ended at 3.17 pm

**CHAIRMAN**



<b>ITEM FOR INFORMATION - APPEALS</b>
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**APPEALS RECEIVED****Application No. DCCE0009/1505/U**

- The appeal was received on 22 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 Mr. Neil Beament.
- The site is located at 16 Aylestone Hill, Hereford, Herefordshire, HR1 1HS.
- The development proposed is Lawful development certificate for an existing use.
- The appeal is to be heard by Inquiry.

**Case Officer: Russell Pryce on 01432 261957**

**Application No. DCCW0009/1654/F**

- The appeal was received on 22 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 Mr. Cheung.
- The site is located at Disused Public Toilets, The Oval, Hereford, Herefordshire, HR2 7HG.
- The development proposed is Demolition of derelict public toilet building and erection of two storey building for hot food takeaway on ground floor and storage on first floor.
- The appeal is to be heard by Hearing.

**Case Officer: Peter Clasby on 01432 261947**

**APPEALS DETERMINED****Application No. DCCW2008/2819/F**

The appeal was received on 12 June 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. Symonds.
- The site is located at The White House, Tillington, Hereford, Herefordshire, HR4 8LW.
- The application dated 17 November 2008, was refused on 9 January 2009.
- The development proposed was Proposed single storey extension to side of dwelling.
- The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the locality.

**Decision:** The Planning Application was Refused under Delegated Powers on 9 January 2009.

The appeal was Dismissed on 28 October 2009.

**Case Officer: Peter Clasby on 01432 261947**

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





**5 DMCE/092105/O - OUTLINE PLANNING APPLICATION FOR TWO STOREY DWELLING AT WAINFRIES, WITHINGTON, HEREFORD, HEREFORDSHIRE, HR1 3RY**

**For: Mr & Mrs Cox per Mr James Spreckley, Brinsop House, Brinsop, Hereford, HR4 7AS**

**Date Received: 3 September 2009**

**Ward: Hagley**

**Grid Ref: 356188,242892**

**Expiry Date: 29 October 2009**

Local Member: Councillor DW Greenow

**1. Site Description and Proposal**

1.1 The site is accessed off an unmade track which runs from Springfield Road to the north to the A4103 to the south within Withington. The site presently forms part of the garden associated with a detached bungalow (Wainfries) immediately to the north. East, west and south of the site are existing detached two storey dwellings. The site is largely enclosed by a mixture of panel fencing and mature hedges and within the site are a number of trees including fruit trees.

1.2 Outline planning permission is sought for the construction of a detached dwelling and parking area with a new vehicular access off the lane. The scheme has been amended to include the siting as well as means of access to be considered at this stage with the appearance, scale and landscaping reserved for future consideration. The dwelling is now to be sited near the southern boundary of the site with access to the north. An illustrative plan of a possible dwelling design has also been provided which indicates a dormer style cottage.

**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
H4	-	Main Villages: Settlement Boundaries
H13	-	Sustainable Residential Design
H14	-	Re-using Previously Developed Land and Buildings
H15	-	Density
H16	-	Car Parking

**3. Planning History**

3.1 None.

#### 4. Consultation Summary

##### Statutory Consultations

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

##### Internal Council Advice

- 4.2 Traffic Manager: No objections but the access track at Springfield Road would benefit from improvement in width.

#### 5. Representations

- 5.1 Withington Parish Council:

The parish council presently objects to the application on the following grounds:

1. Wainfries is a single storey dwelling facing south across the site and the proposed dwelling is sited very close to habitable room windows within Wainfries.
2. The parking and turning area within the site will be severely restricted and any development must incorporate an integral garage and a minimum turning area.
3. It is acknowledged that the access to and from the A4103 may be undesirable but if the lane is blocked to the north of the site the property will be isolated. However by restricting the access to the lane's rural nature can be preserved.
4. All construction traffic should be restricted to the north.
5. If planning permission is granted, siting must not be reserved and the development should be restricted to single storey with an integral garage. A single storey dwelling would allow the distance between the site and properties within Willowfields to also be reduced reducing the impact on Wainfries.

Comments awaited on amended plans.

- 5.2 Two letters and one e-mail of objection have been received. The main points raised are:

1. A two storey dwelling would be out of place along the lane, a bungalow would be acceptable.
2. The dwelling should not encroach nearer to Willowfields than the existing siting of Wainfries.
3. The site contains several apple trees and a Walnut. The Walnut tree should be retained in any development in order to protect the privacy of properties within Willowfields.
4. A two storey dwelling would adversely impact on Wainfries.
5. The access lane is very narrow with poor visibility and access to the site must be restricted to Springfield Road only.
6. No windows should be inserted at first floor overlooking Charmsley House.
7. The development will lead to further damage to the lane which is not adopted by the Council.

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

**6. Officer's Appraisal**

- 6.1 The site falls within Withington which is designated as a main village within the Unitary Development Plan. As such, the principle of infill development of this nature is considered acceptable and supported by adopted Unitary Development Plan policies.
- 6.2 The site is relatively large and can comfortably accommodate a detached property with associated vehicular access and parking area along with a commensurate area of garden. In addition, subdivision of the plot will still retain a reasonable area of garden along with off street parking for the existing bungalow. The density of development is therefore acceptable.
- 6.3 The revised siting moves the property away from Wainfries therefore safeguarding their amenity. This will, as a consequence, increase the impact on the ground floor windows within the side elevation at Charmsley House to the south but an existing fence and hedge exists along the boundary which already restricts light to these windows and the impact on this property is not considered to be harmful. Adequate separation distance exists in relation to properties within Willowfields so as not to result in an unacceptable loss of privacy through overlooking.
- 6.4 The Parish Council and objectors have commented that the appropriate form of development for the site is a bungalow. However, the predominant character of development within the area is in fact detached two storey dwellings and along the lane which the site would be accessed from, 50% of the existing properties are two storey. It is therefore not considered that a two storey property would be out of character with the area and subject to a restriction on the total height so as to ensure that the dwelling constructed is a dormer style property, it is not considered that the development will have any unacceptable impact on neighbouring properties or the character of the immediate area.
- 6.5 The access is designed so as to prevent any access or egress from the site to the south directly onto the A4103 and adequate parking can be achieved within the site. A condition is also recommended to retain the majority of the existing trees including the Walnut tree along the western boundary.
- 6.6 The revised plans have taken on board a number of the concerns of objectors and the Parish Council and will achieve the satisfactory development of the site subject to conditions. These will include a condition requiring the commencement of development within twelve months in line with the current relaxation of the Section 106 requirements. The consultation period on the amended plans is yet to expire and therefore delegated authority to approve the development is requested subject to no new material planning issues being raised through the amended plan consultation.

**RECOMMENDATION**

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

- 1 A02 Time limit for submission of reserved matters (outline permission) (six months)**

- 2     **A03 Time limit for commencement (outline permission) (one year)**
  - 3     **A04 Approval of reserved matters (delete layout and access)**
  - 4     **A05 Plans and particulars of reserved matters (delete layout and access)**
  - 5     **C01 Samples of external materials**
  - 6     **F11 Restriction on height of building**
  - 7     **F15 No windows in side elevation of extension (north and south elevations at first floor)**
  - 8     **G09 Details of boundary treatments**
  - 9     **G10 Landscaping scheme**
  - 10    **G11 Landscaping scheme - implementation**
  - 11    **G04 Protection of trees/hedgerows that are to be retained**
  - 12    **The proposed access as detailed on drawing no. 1434.01A shall be constructed in accordance with a specification to be submitted and approved in writing by the local planning authority prior to work commencing on the construction of the dwelling hereby permitted and the access shall not be altered in any way including the proposed brick walls without the prior written agreement of the local planning authority. No new vehicular access shall be created to the property off the access track**
- Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan**
- 13    **H27 Parking for site operatives**
  - 14    **I16 Restriction of hours during construction**
  - 15    **L01 Foul/surface water drainage**
  - 16    **L02 No surface water to connect to public system**
  - 17    **L03 No drainage run-off to public system**

**Informatives:**

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

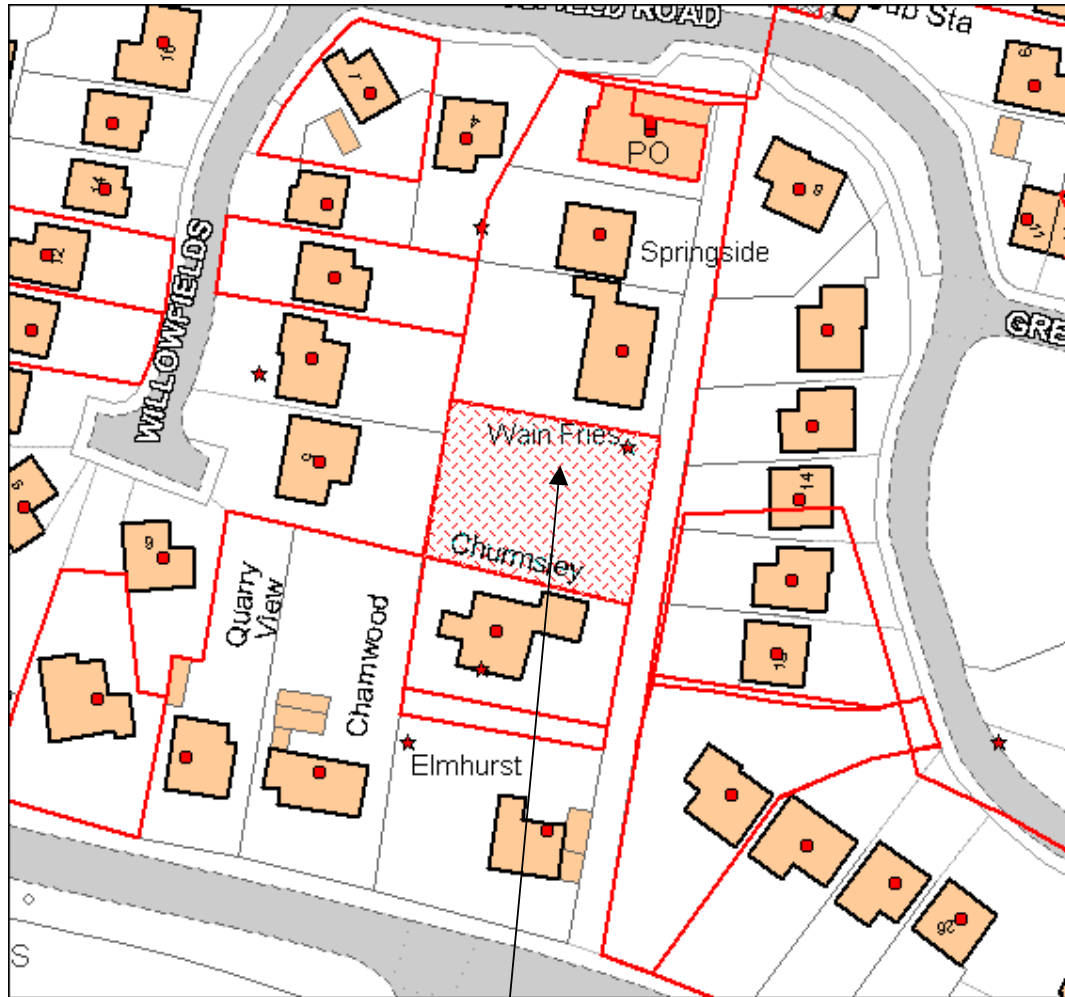
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DMCE/092105/O

**SITE ADDRESS :** WAINFRIES, WITHINGTON, HEREFORD, HEREFORDSHIRE, HR1 3RY

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**6 DCCE/092424/F - CONSTRUCTION OF REAR EXTENSION, REPLACE WOODEN PORCH WITH BLOCK AND RENDER PORCH AND EXTEND DOMESTIC CURTILAGE - RETROSPECTIVE AT WOODCROFT, HAYWOOD, CALLOW, HEREFORD, HR2 8BX**

**For: Mr Smith per Mr Andrew Smith, Woodcroft Haywood, Callow, Hereford, HR2 8BX**

**Date Received: 28 September 2009    Ward: Hollington    Grid Ref: 348760.0,235372.0  
Expiry Date: 7 December 2009**

Local Member: Councillor GFM Dawe

**1. Site Description and Proposal**

- 1.1 The site lies immediately west of the C1226 road which runs from Callow to Belmont in the area known as Haywood. Access to the site is via an unmade track off the C road which leads on to a former air base and poultry farm. Two other historic accesses also exist to the site directly off the C road. Within the site is a detached bungalow surrounded by woodland to the north west and south, part of which is designated as a Special Wildlife Site and part designated as an Ancient Woodland.
- 1.2 The application is retrospective and seeks planning permission for the retention of a single storey rear extension in place of the single storey flat roofed extension accommodating two bedrooms and a utility at ground floor with a further bedroom and study within the roof space. The extension measures 13.7 metres in length by 5.5 metres in width by 5.5 metres in height to the pitch of the roof and would effectively enlarge the bungalow from four to five bedrooms. Retention of enclosed porch to the front elevation measuring 2 metres by 2.4 metres by 3.7 metres to the pitch of the roof and enlargement of the historic domestic curtilage.

**2. Policies**

2.1 Herefordshire Unitary Development Plan 2007:

S2	-	Development Requirements
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
H18	-	Alterations and Extensions
LA5	-	Protection of Trees, Woodlands and Hedgerows
NC1	-	Biodiversity and Development
NC4	-	Sites of Local Importance
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement

**3. Planning History**

3.1 None.

**4. Consultation Summary**Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager: No objection.

4.3 Conservation Manager - Landscape: Comments awaited.

**5. Representations**

5.1 Callow and Haywood Group Parish Council: The Parish Council objects to the application and recommends that it be refused on the following grounds:

1. The development does not comply with Policy DR1 (Design) in that the design and the distinctive character of the dwelling have been greatly altered in appearance, scale and mass and the bungalow has vastly increased in size from a two bed to five bed property.
2. The development is contrary to Policy H18 as the property is not in keeping with the existing character of the dwelling and its surroundings in terms of scale, mass, siting, detailed design and materials.
3. The Parish Council also point out that the vehicular access on to the mushroom farm road is questioned as this is a private road.
4. A fence has been erected adjacent to the C Class road which exceeds the permitted height of one metre and this should be investigated as an Enforcement matter.
5. The property exceeds the original footprint.
6. The Parish Council condemns the retrospective nature of the application and the lack of enforcement powers to require works to cease when the matter was brought to the Council's attention.

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

**6. Officer's Appraisal**

6.1 The application is retrospective. However, this matter should not affect the consideration of the application. The application should be assessed against the adopted development plan policies on its planning merits.

6.2 The extension is sited essentially on the footprint of a previous flat roofed extension on the rear elevation. However, the scale in terms of mass and height is considerably larger than that which previously existed partly due to the height being the same height as the original dwelling and partly due to floor levels being lowered to enable additional space to be accommodated within the roof. The result of which in a large extension that certainly competes with the scale of the original bungalow. This is particularly apparent when viewed from a northerly direction where the proposed



extension appears particularly large. The design is however in keeping with the character of the existing dwelling and the materials have been unified through the rendering of the external elevations with roof tiles to match. New fenestration has been installed throughout which again creates a unified appearance.

- 6.3 In terms of the criteria within Policy H18 of the Unitary Development Plan concerning alterations and extensions to existing dwellings, it is considered that the proposal is in keeping with the character of the existing dwelling in terms of siting, design and materials. Furthermore, the proposal would not appear disproportionately large in relation to the plot size, would have adequate amenity space and parking and would have no impact on immediate neighbours. In terms of compliance with the primary policy, the outstanding criteria is therefore whether the proposed extension would dominate the original dwelling and secondly, whether the proposed extension is in keeping with the character of the existing dwelling in terms of scale and mass. This is a finely balanced decision as the scale and mass does compete with the original bungalow. However, on balance, it is considered that the overall impact of the extension in its own right and in relation to the existing bungalow is not sufficiently harmful or clearly contrary to Policy H18 as to justify refusal of planning permission.
- 6.4 The proposed porch on the front elevation requires planning permission due to the height to the ridge of the roof. This feature is of a proportionate scale and the design marries in with the original bungalow and subsequent extension. The materials also match in with the remainder of the property and this element is therefore considered acceptable.
- 6.5 The original domestic curtilage has also being enlarged through the clearance of scrub and vegetation and the removal of some trees. The enlarged curtilage now encroaches into the adjoining Special Wildlife Site and Ancient Woodland. Following negotiation, the applicants have refined the area of curtilage requested in relation to the area that has been cleared on site. The curtilage requested is proportionate in relation to the scale of the dwelling and subject to the erection of a post and wire fence and appropriate native planting/hedge around the new boundary of the curtilage to create a robust boundary, it is not considered the enlarged garden will have any harmful impact on the immediate landscape of the statutory designations.
- 6.6 With regard to the Parish Council comments, the applicants have erected a fence adjacent to the C road but this in the process of being lowered to one metre. The fence would then enjoy permitted development rights. Whether vehicular access rights exist off the private track is ultimately a civil matter although the applicants are in discussions with the owner of the track about this matter.
- 6.7 It is appreciated that the retrospective nature of the application is frustrating for the Parish Council but this should have no bearing on the consideration and assessment of the proposal. The proposed extension is undoubtedly large in relation to the original bungalow but the planning impact is not sufficiently harmful as to justify refusal and the impact of the enlarged curtilage can be mitigated through appropriate conditions including conditions restricting permitted development rights. It is therefore considered that the development accords with the requirements of Policies H18, DR1 and NC4 of the Unitary Development Plan in particular.

**RECOMMENDATION**

That planning permission be granted subject to the following conditions:

- 1 F14 Removal of permitted development rights
- 2 G09 Details of boundary treatments
- 3 G12 Hedgerow planting
- 4 K5 Habitat Enhancement Scheme

**Informatives:**

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

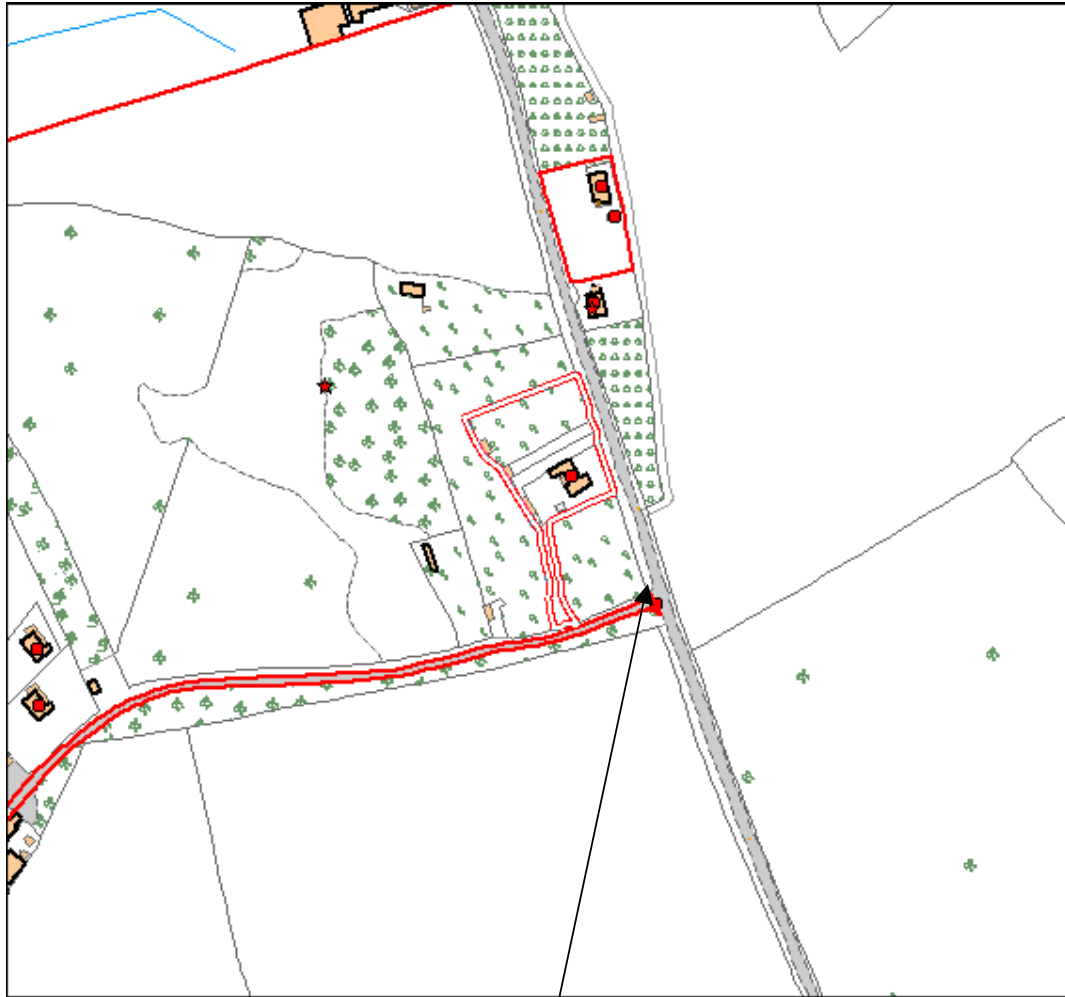
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DMCE/092424/F

**SITE ADDRESS :** WOODCROFT, HAYWOOD, CALLOW, HEREFORD, HR2 8BX

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**7 DCCE/092491/F - CHANGE OF USE OF LAND USED FOR AGRICULTURE FOR THE ACCOMMODATION OF SEASONAL WORKERS IN MOBILE HOMES AT LAND TO THE WEST OF VELDO FARM AND EAST OF THE A465 AT NUNNINGTON, HEREFORD, HR1 3NW**

**For: Mr Hawkins per Mr Peter Gwynne, Thinghill Court  
Withington, Hereford, HR1 3QG**

**Date Received: 1 October 2009  
Expiry Date: 26 November 2009**

**Ward: Hagley**

**Grid Ref: 355015,243767**

Local Member: Councillor DW Greenow

**1. Site Description and Proposal**

- 1.1 The site forms part of agricultural pasture land located east and adjacent to the A465, approximately 500 metres south of the small hamlet of Withington Marsh. The site comprises an area of land within the agricultural field measuring 67 metres in length by 34 metres in width. Levels rise gently from west to east within the site and running along the southern boundary is a row of mature trees and vegetation either side of a small stream. An existing vehicular access serves the site directly on to the A465.
- 1.2 Planning permission was approved on 3 February 2009 for the erection of 13.5 hectares of polytunnels for soft fruit growing on land north, east and south of this current application site. Work has commenced on the installation of the polytunnels including the approved alterations to the access. This application now seeks the change of use of land to accommodate 14 static caravans to accommodate up to 84 seasonal workers along with the installation of foul drainage treatment plant, construction of paths linking the mobile homes and the refurbishment of an existing redundant agricultural building to create ancillary facilities. The ground floor would accommodate an IT suite, office, store, laundry room and television/training room with storage at first floor.

**2. Policies**

2.1 Planning Policy Guidance:

- PPS1 - Deliverance of Sustainable Development  
PPS7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007:

- S1 - Sustainable Development  
S2 - Development Requirements  
S4 - Employment  
S7 - Natural and Historic Heritage  
DR1 - Design  
DR2 - Land Use and Activity

DR3	-	Movement
DR4	-	Environment
DR13	-	Noise
DR14	-	Lighting
H7	-	Housing in the Countryside Outside Settlements
H8	-	Agricultural and Forestry Dwellings Associated with Rural Businesses
H11	-	Residential Caravans
LA2	-	Landscape Character and Areas Least Resilient to Change
LA6	-	Landscaping Schemes
CF2	-	Foul Drainage

### 3. Planning History

- 3.1 DCCE2008/2266/F - Proposed erection of 13.5 hectares of polytunnels for soft fruit growing, new general purpose storage building, associated hardstanding and access, roadway and balancing pond. Approved 3 February 2009.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 None required.

#### Internal Council Advice

- 4.2 Traffic Manager: No objection but a pedestrian route via footpaths should be provided from the site to access the bus route and public house in the village in order to minimise pedestrians walking along the A465.
- 4.3 Conservation Manager - Landscape:

No objection subject to the planting of a hedgerow as additional screening to the northern and eastern boundaries. The tree protection measures approved for the previous application needs to be installed during the construction phase in order to protect the oak tree and vegetation either side of the brook. Soil bunding along the brook should also be removed away from the vegetation and brook in order to conserve the hedgerow trees and existing planting, and to avoid constricting run off and flow.

### 5. Representations

- 5.1 Withington Parish Council:

The Parish Council objects to the application at present but will reconsider its position when further information as requested below is provided and the questions answered:

- The Parish Council notes that up to six persons will be accommodated in each mobile home but no details of internal layout has been provided. Suitable living accommodation must be provided and further details of the internal layout are required.
- A significant number of polytunnels will be removed outside the growing season north and south of the site of the mobile homes thus exposing them to general view. Further landscaping and tree screening should be included.

- The amenity and recreation building should be restricted in use to that shown on the proposed drawing to ensure that no noisy uses are permitted.
  - The Parish Council is still concerned over pedestrian safety issues with workers walking to and from Cross Keys Public House on a stretch of road with no pavement and restricted verges.
- 5.2 One letter of objection has been received from A Wood of Orchard View, Sutton Road, Cross Keys, the main points raised are:
1. The prospect of having 80 foreign workers living very close to my property makes me uneasy, may be intimidating and engender a feeling of insecurity and vulnerability in respect of my property and personal security.
  2. The situation is exacerbated by the lack of any street lighting or near neighbours.
  3. Although the proposal includes a recreation and amenities building the facilities are inadequate for the potential number of workers. The only other entertainment is the local public house but there are no pavements or street lighting along the A465 and the personal safety of the workers may be at risk particularly at night.
  4. The presence of the development would also affect the saleability and value of my property.
  5. The development may lead to increased crime.
- 5.3 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officer's Appraisal

- 6.1 The issues to be considered the assessment of the application is as follows:
- 1) The Principle
  - 2) The Accommodation
  - 3) Visual and Landscape Impact
  - 4) Residential Amenity
  - 5) Pedestrian Safety
  - 6) Conclusion

### The Principle

- 6.2 The site falls within open countryside as identified within the Herefordshire Unitary Development Plan where there is generally a presumption against any new residential accommodation including accommodation provided with mobile homes. However, one exception to normal restraints on residential development in the countryside is accommodation for full or part-time agricultural workers.
- 6.3 Planning permission now exists for the permanent polytunnels on land surrounding this application site and work is underway on site to install the polytunnels. The need for a full-time and seasonal workforce associated with the soft fruit production business is also accepted. The functional requirements for this workforce to reside on site is less clear. The workers could reside off site and be transported to and from the site daily. However, this is reliant on suitable and affordable accommodation being found. The applicants have already converted five existing flats within their ownership for permanent soft fruit workforce and other accommodation within their ownership is not available due to tenancy restrictions. Effectively, up to 14 properties

would be required. It is therefore accepted that accommodation of the workers within existing properties is either not possible or viable. It is also undoubtedly more convenient for the workers to live on site particularly during the intensive harvesting season when long and unsociable hours have to be worked.

#### The Accommodation

- 6.4 Static caravans are proposed, each measuring around 10.3 metres in length by 3 metres in width and containing three bedrooms, bathroom, and open plan kitchen/lounge/dining area. Each caravan would have a capacity for up to six people which with 14 caravans proposed creates a potential total number of workers of 84. This equates to the maximum number of workers when all the polytunnels are in place and the site is operating at full capacity. The normal number of workers likely to be accommodated ranges between 10 to 50 with the peak being during the harvesting season on August, September and October. The number of caravans proposed in relation to the number of workers will ensure that the standard of accommodation is not cramped and each individual caravan will contain all the facilities normally associated with independent residential occupation. As such, the density and standard of accommodation is considered acceptable.

#### Visual and Landscape Impact

- 6.5 The proposed site for the caravans is located to the rear (east) of the approved general purpose storage building. This is a substantial building measuring 24 metres in length by 18 metres in width by 9.3 metres in height to the pitch of the roof. This building when constructed will effectively screen the caravans when viewed directly from the west. Mature trees and vegetation exist along the southern boundary and will screen the site when viewed from the south. The planning permission approved for the polytunnels also requires the existing hedgerows to be retained at a height of 3 metres which when mature, will screen the site from the north and north west. Furthermore, much of the surrounding land will contain polytunnels for at least 8 months of the year and in some areas 12 months of the year which will mean the site will not be visible during the summer months in particular.
- 6.6 Notwithstanding the above points and in order to address the Parish Council's concerns, the applicants have proposed additional planting along the northern and eastern boundary of the site which when mature, will entirely screen the site. In addition, a condition is recommended that the caravans be coloured a matt green or brown colour to assist in assimilating them into the surrounding environment. Therefore, the visual and landscape impact of the development in its own right will not be significant and in the context of the permitted surrounding development will be minimal.

#### Residential Amenity

- 6.7 The nearest property lies around 100 metres north west of the proposed site. The impact of the polytunnel development on the residential amenity of surrounding properties in terms of noise and general disturbance was considered acceptable at the time the application was determined. It is likely that additional noise will arise from the site of the caravans particularly when the business is at capacity during the peak harvesting season. Conditions were imposed on the polytunnel development restricting the playing of amplified music and the extent of lighting and flood lighting that could be erected. It is recommended that a condition is imposed requiring a robust environmental management plan be provided identifying how the workers



accommodation is to be managed and measures proposed to minimise the noise and disturbance arising from the use. It is likely that all of these measures will not entirely eliminate noise from the site but background noise levels will already now be changed as a result of the polytunnel development itself. Therefore subject to the existing and proposed conditions it is considered that the residential amenity of the objectors property along with other properties in the area will be satisfactorily safeguarded.

- 6.8 The proposal also includes the refurbishment of an existing redundant agricultural building on site to provide amenity facilities for the workers. The existing building is effectively to be re-roofed and re-clad with new window and door openings and will provide an IT suite, laundry room, office and store along with a television/training room within the ground floor and storage at first floor. This will provide essential facilities for the workers and further assist in minimising any noise and disturbance arising from the site.

#### Pedestrian Safety

- 6.9 The Parish Council have expressed concerns about how the workers will access the existing facilities including the public house at Cross Keys and the shop at Withington. To address this the applicants have identified footpath links via existing public rights of way along Veldo Lane both directly to Withington and the public house to the north. These routes will provide safe footpath links to the local public amenities and avoid the need for any workers to walk along the A465. This also addresses the Traffic Manager's requirements concerning the same matter.

#### Conclusion

- 6.10 It is now accepted through other similar permitted developments within the County that intensive fruit production requires significant seasonal labour force and it is most appropriate for this workforce to be sited either on or close to the polytunnels where the fruit is grown. The task is therefore to ensure that the site of such accommodation minimises its impact on landscape, residential amenity and highway and pedestrian safety in particular. It is considered that this proposal satisfactorily addresses all these three key issues subject to appropriate conditions.
- 6.11 In addition, to ensure the accommodation remains for seasonal use and does not become permanent residential accommodation, a condition is recommended preventing the caravans from being occupied between the months of December and January. A temporary permission is also recommended to allow the need for the caravans to be reviewed after expiry of the temporary period.

### **RECOMMENDATION**

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

- 1 F21 Temporary permission (mobile home/caravan)**
- 2 The occupation of the caravans shall be limited to persons employed on the site of the polytunnels as identified on the location plan drawing no 326.401.C40 and as approved under planning permission DCCE2008/2266/F**

**Reason: The accommodation and associated development proposed under this application is only considered acceptable on the basis of the functional**

need associated with the growing of soft fruit on the land surrounding the application site and to comply with Policy H8 of the Herefordshire Unitary Development Plan

- 3 The development hereby permitted shall be for the accommodation of up to 84 seasonal workers at any one time

Reason: To ensure that appropriate standard of accommodation is provided and maintained and to comply with the requirements of Policies S1 and S2 of the Herefordshire Unitary Development Plan

- 4 In the event of the polytunnels permitted under planning permission reference DCCE2008/2266/F becoming redundant for the growing of soft fruit, the use of land for the stationing of 14 caravans hereby permitted shall permanently cease and the caravans and associated infrastructure including all the paths and roads shall be permanently removed and the land restored to its former agricultural condition in accordance with details to be submitted to and approved in writing by the local planning authority within 6 months of the date of the cessation of the land for growing of soft fruit

Reason: The accommodation and associated development proposed under this application is only considered acceptable on the basis of the functional need associated with the growing of soft fruit on the land surrounding the application site and to comply with Policy H8 of the Herefordshire Unitary Development Plan

- 5 Prior to the commencement of development the colour including the BS reference for all exterior surfaces of the caravans hereby permitted shall be submitted for approval in writing of the local planning authority. The caravans shall be coloured in accordance with the approved details prior to the first occupation of the caravans hereby permitted

Reason: To protect the visual amenities of the area and to ensure the development conforms with Policy DR1 of the Herefordshire Unitary Development Plan

- 6 The amenity and recreational building shall be used for the purposes identified in drawing number 326.401-C41-1 only unless otherwise agreed in writing by the local planning authority

Reason: To safeguard the amenity of the area and to ensure the development conforms with Policy DR2 of the Herefordshire Unitary Development Plan

- 7 G11 Landscaping scheme - implementation

- 8 Prior to the commencement of development an Environmental Management Plan identifying measures to minimise the extent of noise and disturbance arising from the application site to include details of operation and management shall be submitted for the approval in writing of the local planning authority. The development and use hereby permitted shall thereafter be operated and managed in accordance with the approved Management Plan

Reason: In the interest of amenity of nearby residents and to ensure

**compliance with Policy DR2 of the Herefordshire Unitary Development Plan**

- 9 Prior to commencement of development details shall be provided of a sign and accompanying map identifying local facilities and amenities and the means of pedestrian access via existing public rights of way to those facilities and amenities from the application site. The details and map shall be clearly displayed in the amenity building prior to the occupation of any caravans hereby permitted**

**Reason: To ensure the occupants are aware of safe pedestrian and cycle access to local facilities and amenities and to ensure compliance with Policies DR2 and DR3 of the Herefordshire Unitary Development Plan**

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that order with or without modification, no other caravans shall at any time be placed on the land identified in blue outline on drawing number 326.401.C40**

**Reason: In order that the local planning authority can control the visual impact of the addition of any further temporary seasonal workers accommodation in the interest of the visual amenity of the area and to conform with Policies LA2 and DR1 of the Herefordshire Unitary Development Plan**

- 11 F31 Caravan occupancy restriction (December and January)**

**Informatives:**

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

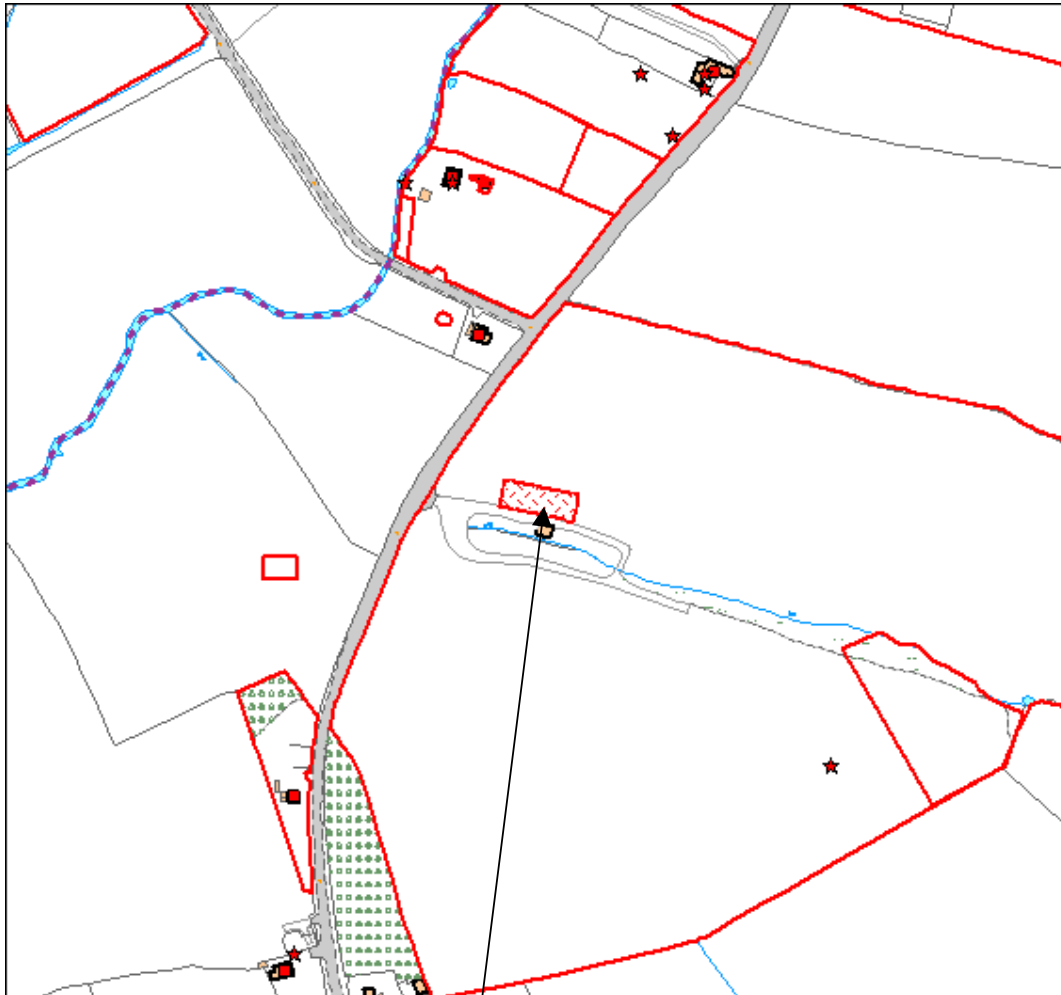
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE/092491/F

**SITE ADDRESS :** LAND TO THE WEST OF VELDO FARM AND EAST OF THE A465 AT  
NUNNINGTON, HEREFORD, HR1 3NW

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**8 DCCE0009/1813/F - ERECTION OF A SINGLE STOREY REAR EXTENSION AND SUBDIVISION OF EXISTING DWELLING INTO 3 DWELLINGS AT 10 CHILTON SQUARE, TUPSLEY, HEREFORD, HEREFORDSHIRE, HR1 1PS**

**For: Mr Hogg per Mr B Eacock, 1 Fine Street Peterchurch, Herefordshire, HR2 0SN**

**Date Received: 13 July 2009**

**Ward: Tupsley**

**Grid Ref: 5294:4060**

**Expiry Date: 21 October 2009**

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

**1. Site Description and Proposal**

- 1.1 No. 10 Chilton Square is a three-storey, three bedroom end terraced dwelling with an integrated garage and a single storey rear extension, which is currently under construction, situated in a small cul-de-sac development serving 13 similar dwellings at Tupsley, Hereford. The site falls within an Established Residential Area and adjoins a local shopping centre, hot food take-away and local convenience stores. A public car park and garage blocks are located to the rear of the dwelling.
- 1.2 The area is characterised by high-density residential development. It is noted that four identical dwellings in the vicinity (Nos. 1, 2, 3 and 5) have been granted planning permission for the sub-division of the existing terrace dwelling into self-contained flats over the years. No. 11 has also converted the integrated garage into a habitable room. In 2007, planning permission was granted for the erection of a further three-storey end of terrace dwelling to the side of No. 1 to provide two self-contained flats.
- 1.3 This application seeks planning permission for the extension of the dwelling and conversion of the resultant building to residential apartments. The proposal involves the conversion of the ground floor area to form a one-bedroom bedsit and the enlargement of the single storey rear extension to form a further one-bedroom self-contained unit. The second floor and third floor of the dwelling will be converted into a three bedroom apartment. The net result would therefore be three self-contained apartments.
- 1.4 It is proposed that three off-street parking spaces and communal area will be provided to the side of the dwelling within the existing curtilage. A new vehicular access will be created to allow access via the public car park to the rear.
- 1.5 This application is a re-submission following an earlier refusal of a similar proposal for extension and conversion (Ref: DCCE2008/2134/F). The previous application was refused on the basis that the proposal was unable to secure adequate off-street parking spaces in perpetuity and therefore would lead to on-street parking that would be detrimental to highway safety. Also, the developer was unable to make reasonable measures to mitigate the direct impact of the development on the transportation, recreation and community services in the area.

## 2. Policies

### 2.1 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
DR1	-	Design
DR3	-	Movement
DR5	-	Planning Obligations
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H13	-	Sustainable Residential Design
H15	-	Density
H16	-	Car Parking
H17	-	Sub-division of Existing Houses
T11	-	Parking Provision

## 3. Planning History

- 3.1 DCCE2008/2134/F - Sub-division of existing house to 3 residential units. Refused 14 October 2008.
- 3.2 DCCE2007/2408/F - Sub-division of three-storey apartment to provide ground floor bed-sit and single storey extension to provide granny annexe. Withdrawn 12 September 2007.
- 3.3 DCCE2005/2645/F - Alteration and extension to provide ground floor self-contained unit. Approved 22 September 2005.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 None required.

### Internal Council Advice

- 4.2 Traffic Manager: To enable the proposed development to be acceptable, adequate parking needs to be provided, and the inability to secure the legal agreement was a problem in respect of the previous application. Therefore a suitable condition must be included to ensure development does not commence until an agreement is in place securing access in perpetuity to the spaces shown.

## 5. Representations

- 5.1 Hereford City Council: Recommend refusal as this is an over development of a small site.
- 5.2 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

**6. Officer's Appraisal**

- 6.1 The key issues in the determination of this application are:
- 1) The Principle of Development
  - 2) The Impact Upon the Character of the Area and the Amenities of Adjoining Residential Properties
  - 3) The Provision of Adequate Off-street Parking.
- 6.2 The site is located in an established residential area within the settlement boundary for Hereford City. The location is one where residential development would be considered acceptable in principle subject to satisfying detailed policy requirements. Policy H17 of the Herefordshire Unitary Development Plan acknowledges the useful contribution that the conversion of dwellings into small self-contained units can make to the supply of dwellings in the city. Therefore, it is considered that the principle of the sub-division of the existing dwelling into apartments is acceptable.
- 6.3 With regard to the proposed new residential unit, it is noted that a single storey extension is currently under construction, which project out 5.5m from the rear wall of the existing dwelling along the common boundary with No. 9. This proposal intends to enlarge this single storey element by extending 4.7m to the south east to create an 'L' shape development. The result of this development will form a one-bedroom self-contained unit. This new unit is of conventional design and sited to the rear. In this context, it is not considered that this new unit would represent a discordant feature in the surrounding area. The floor area of this unit is approximately 42.6 square metres, which is not considered unusually large in relation to the size of the accommodation as proposed. In view of the relationship with the neighbouring properties, it is not considered that the creation of this residential unit would have significant impact upon the neighbour's amenity. Subject to conditions to control boundary treatment and also restrict any new openings on the north west elevation to prevent the potential overlooking and loss of privacy.
- 6.4 Turning to the conversion of the main dwelling, it is noted that each of the proposed units will comprise bedroom, dining room, toilet/bathroom and kitchen. It is considered that the accommodation standard of each unit is acceptable in this instance. The comment from the City Council is noted. However, having regard to the high density character of the area and other similar developments in the vicinity, it is not considered that the scale of development alone could be substantiated as a reason for refusal.
- 6.5 With regard to the parking issues, a block plan has illustrated that three off-street parking spaces will be provided within the existing curtilage. The agent has also confirmed that an agreement has been reached with Herefordshire Housing to grant a permanent easement to allow the future occupier of the development to gain access via the public car park to the rear of the property, subject to the planning permission being obtained. With this agreement in place securing access in perpetuity, the proposal would satisfy the Council's parking requirement and it therefore is considered acceptable in highway safety terms.
- 6.6 The proposed development falls within the terms of the adopted Planning Obligations SPD and as such is liable for a range of Section 106 contributions. However in accordance with the decision of the Cabinet Member for Environment and Strategic Housing to relax the requirement for residential schemes for five dwellings or less

which came into effect on the 1 April 2009, the proposed development is exempt subject to the planning permission being limited to 12 months.

- 6.7 Overall, the issues in relation to the previous refused scheme have been addressed and subject to conditions, the proposal is now considered in accordance with the relevant planning policies and as such the application is recommended for approval.

#### **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 C03 Matching external materials (general)**
- 4 F15 No windows in side elevation of extension**
- 5 G09 Details of boundary treatments**
- 6 H06 Vehicular access construction**
- 7 H09 Driveway gradient**
- 8 H13 Access and parking**
- 9 I16 Restriction of hours during construction**
- 10 I42 Scheme of refuse storage (residential)**
- 11 L01 Foul/surface water drainage**
- 12 L02 No surface water to connect to public system**
- 13 L03 No drainage run-off to public system**
- 14 The development hereby permitted shall not commence until a complete legal agreement to confirm that a permanent easement to the adjoining public car parking area to serve the new vehicular access as shown on the approved block plan has been submitted and certified by the local planning authority**

**Reason: In the interest of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirement of Policy T11 of the Herefordshire Unitary Development Plan 2007**

#### **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

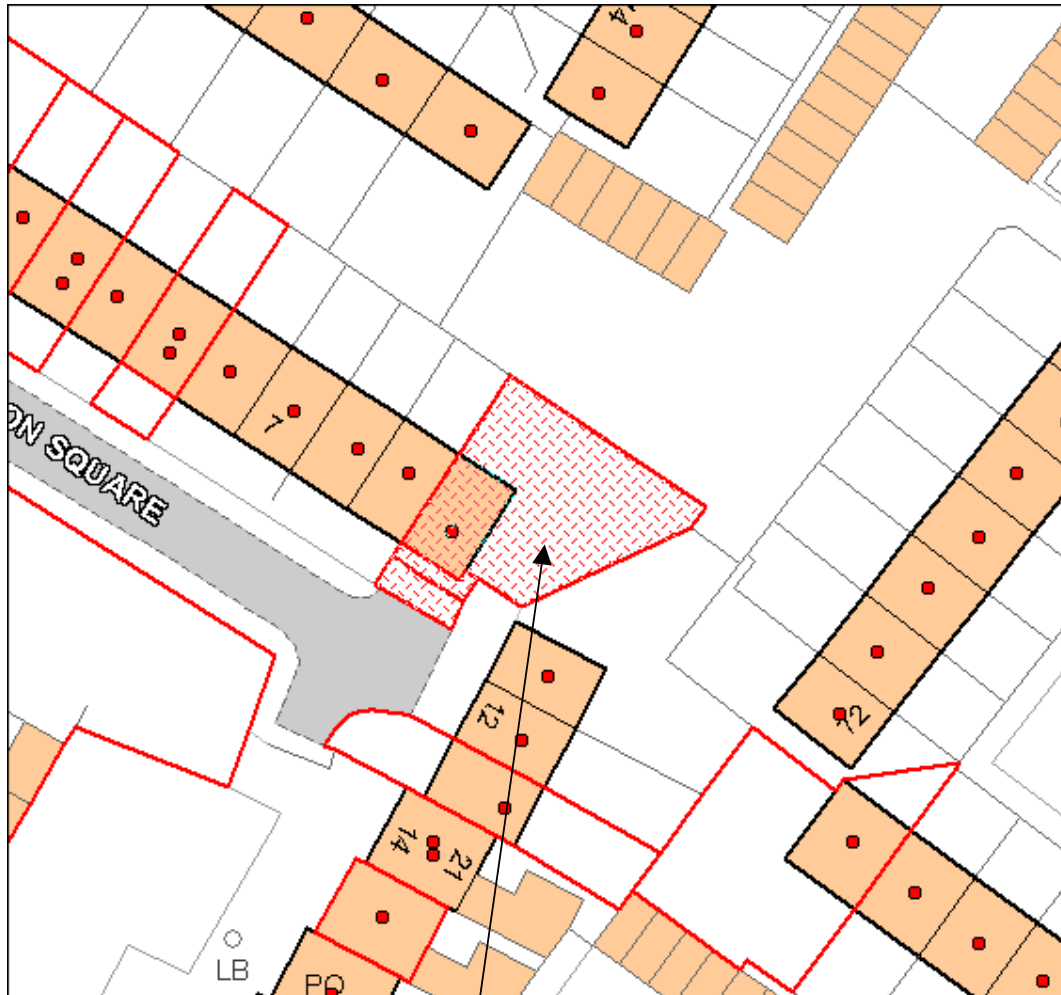
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE0009/1813/F

**SITE ADDRESS :** 10 CHILTON SQUARE, TUPSLEY, HEREFORD, HEREFORDSHIRE, HR1 1PS

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**9 DMCW/092179/F - CONSTRUCTION OF NEW DETACHED TWO STOREY HOUSE WITH ADDITIONAL SINGLE STOREY GROUND FLOOR ACCOMMODATION, PROVISION OF NEW PRIVATE VEHICLE ACCESS DRIVE AT LEVANTE, BELLE BANK AVENUE, HOLMER, HEREFORDSHIRE, HR4 9RL**

**For: Mrs Smith per Mr A Morris, 20 Ferndale Road, Hereford, Herefordshire, HR4 0RW**

**Date Received: 11 September 2009**      **Ward: Burghill, Holmer and Lyde**      **Grid Ref: 350515.0,242207.0**

**Expiry Date: 13 December 2009**

Local Member: Councillor SJ Robertson

**1. Site Description and Proposal**

1.1 The application site is comprised of the southern third of the domestic curtilage serving a two storey detached dwelling known as 4 Belle Bank Avenue, located within an established residential area. The application site is bounded to the north and south by neighbouring residential development, whilst to the west the rear of the application site is bounded by the properties located in Holmer Manor Close.

1.2 The application seeks permission to erect a detached two storey dwelling, served by off-street parking spaces at the front and private amenity space to the rear. The dwelling will comprise two bedrooms and family bathroom above a kitchen/utility and two reception rooms.

**2. Policies**

2.1 Herefordshire Unitary Development Plan 2007:

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

**3. Planning History**

3.1 None.

**4. Consultation Summary**Statutory Consultations

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

Internal Council Advice

4.2 Traffic Manager: No objection, but comments that the hedge may need to be cut back to afford pedestrian visibility and suggests the use of conditions to control the construction of the access.

**5. Representations**

5.1 Holmer Parish Council: Objection. Concerned about the access being so close to the adjoining junction. Over development of the area. Overlooking of Holmer Manor Close.

5.2 Two letters of objection have been received from Mr Pontin, 9 Belle Bank Avenue and Mr Gray, Manson, Belle Bank Avenue which are summarised as follows:

- Another dwelling here would bring traffic to a standstill and/or would lead to a serious accident.
- All other neighbouring properties would be devalued.
- This is an alien development out of keeping with the surrounding houses.

5.3 A further letter has been received from Mr Pointer, 13 Holmer Manor Close stating that he has no objection to the new dwelling in principle, providing that the existing mature hedgerow remains to maintain their privacy.

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

**6. Officer's Appraisal**

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

- 1) Design and Layout of the Development
- 2) Residential Amenity
- 3) Access and Highways Issues

Design and Layout of the Development

- 6.2 Having regard to the size and shape of the application site, the design, scale and massing of the proposed development are considered to be acceptable, whilst the siting takes appropriate account of the position and orientation of the adjoining properties. More specifically the proposed development takes the form of a modest two storey dwelling the design of which has been carefully considered to minimise any potential impact on the neighbouring properties.
- 6.3 Although it is acknowledged that its appearance will be different to that of its neighbours, there is no defining architectural style along Belle Bank Avenue (inc Dale Drive) which contains a diverse and sporadic mix of bungalows, dormer bungalows and two storey properties.
- 6.4 Consequently, the proposed development would not appear out of character with the urban grain of wider locality. However to ensure that the proposed dwelling continues to maintain an acceptable relationship with its neighbours, it is considered expedient to recommend a condition removing permitted development rights to erect any extensions. A condition securing prior approval of the external materials is also recommended.
- 6.5 The comments of both Holmer Parish Council and the third parties are noted but for the reasons set out above it is not considered that the proposal represents an unacceptable form of development having proper regard for density and mixed architectural character of the established residential area.

Residential Amenity

- 6.6 Whilst it is acknowledged that the proposed development will inevitably alter the setting and outlook of the adjoining properties, having consideration for the pattern of development in the wider locality, it is not considered that the proposal will result in an unacceptable level of overlooking or overbearing impact.
- 6.7 Therefore, it is not considered that the proposed development will give rise to any material harm to the existing levels of residential amenity presently enjoyed, whereby it could give rise to sustainable grounds for refusal in this instance. However, in order to protect the amenity of the area during the construction phase, standard conditions are recommended to control the hours of operation during the demolition and construction phases.
- 6.8 The comments raised about the privacy offered by the existing mature landscaping are noted, and an appropriate condition is recommended to protect its removal without prior approval from the local planning authority.

Access and Highways Issues

- 6.9 In principle the Traffic Manager has no objection to the access and parking arrangements, save for commenting that the front boundary hedge needs to be pruned back to afford pedestrian visibility.
- 6.10 Therefore, whilst the comments raised in the letters of representation about the perceived risk of the new access opposite the junction are noted, in the absence of any objection from the Traffic Manager, it is not considered that the concerns can be substantiated as a defensible reason for refusal on highway safety grounds.

Planning Obligation

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

Conclusion

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

**RECOMMENDATION**

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

- 1 A01 Time limit for commencement (full permission) (twelve months)**
- 2 B01 Development in accordance with the approved plans**
- 3 C01 Samples of external materials**
- 4 F14 Removal of permitted development rights**
- 5 G02 Retention of trees and hedgerows**
- 6 G04 Protection of trees/hedgerows that are to be retained**
- 7 H02 Single access - footway**
- 8 H13 Access, turning area and parking**
- 9 I16 Restriction of hours during construction**
- 10 L01 Foul/surface water drainage**
- 11 L02 No surface water to connect to public system**

**Informatives:**

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

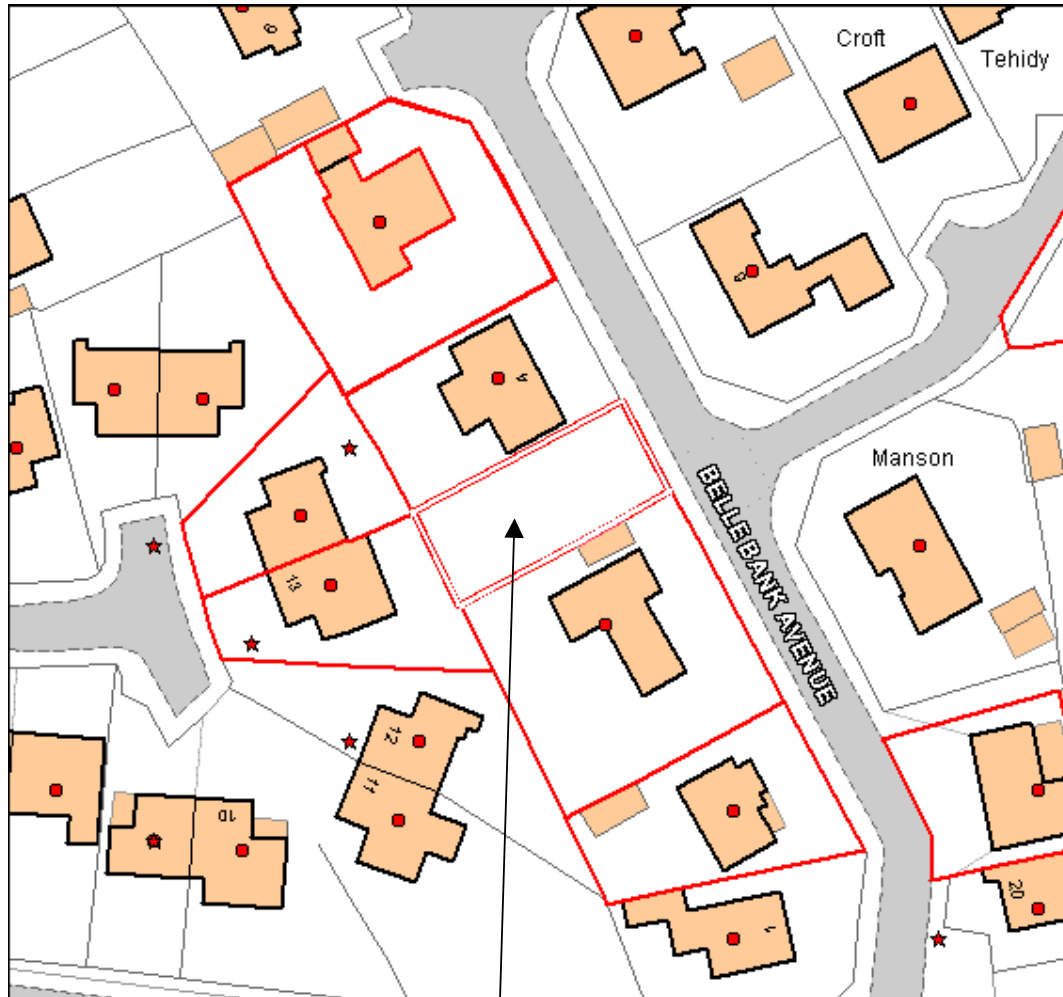
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DMCW/092179/F

**SITE ADDRESS :** LEVANTE, BELLE BANK AVENUE, HOLMER, HEREFORDSHIRE, HR4 9RL

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