

AGENDA

Planning Committee

Date: **Wednesday 27 April 2011**

Time: **10.00 am**

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 Planning Committee

Membership

Chairman	Councillor TW Hunt
Vice-Chairman	Councillor RV Stockton
	Councillor ACR Chappell
	Councillor PGH Cutter
	Councillor H Davies
	Councillor GFM Dawe
	Councillor DW Greenow
	Councillor KS Guthrie
	Councillor JW Hope MBE
	Councillor B Hunt
	Councillor RC Hunt
	Councillor G Lucas
	Councillor RI Matthews
	Councillor JE Pemberton
	Councillor AP Taylor
	Councillor DC Taylor
	Councillor WJ Walling
	Councillor PJ Watts
	Councillor JD Woodward

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AGENDA

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4.	MINUTES To approve and sign the Minutes of the meetings held on 23 March 2011 and 6 April 2011.	1 - 20
5.	CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6.	APPEALS To be noted.	21 - 22
7.	DMN/110531/FH - BRYNCURL, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9HY	23 - 26
8.	DMS/110101/F - LAND REAR OF GREYTREE LODGE, SECOND AVENUE, ROSS ON WYE, HEREFORDSHIRE, HR9 7HT	27 - 34
9.	DATE OF NEXT MEETING Date of next site inspection - 14 June 2011 Date of next meeting - 15 June 2011	

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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 23 March 2011 at 10.00 am

Present: Councillor TW Hunt (Chairman)
Councillor RV Stockton (Vice Chairman)

Councillors: ACR Chappell, H Davies, GFM Dawe, DW Greenow, KG Grumbley, KS Guthrie, JW Hope MBE, B Hunt, G Lucas, RI Matthews, PM Morgan, AT Oliver, JE Pemberton, AP Taylor, DC Taylor, PJ Watts and JD Woodward

In attendance: Councillors PA Andrews, SPA Daniels and MAF Hubbard

127. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PGH Cutter, RC Hunt and WJ Walling.

128. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors PM Morgan, KG Grumbley and AT Oliver attended the meeting as substitute members for Councillors PGH Cutter, RC Hunt and WJ Walling.

129. DECLARATIONS OF INTEREST

7. DMS/103136/O - LIVESTOCK MARKET AND ADJACENT LAND, EDGAR STREET, HEREFORD, HR4 9HX.

Councillor JD Woodward, Personal, Was a member of the It's Our City campaign.

7. DMS/103136/O - LIVESTOCK MARKET AND ADJACENT LAND, EDGAR STREET, HEREFORD, HR4 9HX.

Councillor MAF Hubbard, Prejudicial, Wrote a letter of objection to the planning department regarding the application.

130. MINUTES

RESOLVED: That the Minutes of the meeting held on 23 February 2011 be approved as a correct record and signed by the Chairman.

131. CHAIRMAN'S ANNOUNCEMENTS

The Chairman introduced all of the Officers who were present at the meeting.

The Chairman also took the opportunity to advise all parties present that the final decision in respect of agenda item 6 would be that of the Committee and that the decision would not be delegated to Officers.

132. APPEALS

The Planning Committee noted the report.

133. DMS/103136/O - LIVESTOCK MARKET AND ADJACENT LAND, EDGAR STREET, HEREFORD, HR4 9HX

The Assistant Director – Environment, Planning and Waste advised the Committee that they were required to determine the application in accordance with the Unitary Development Plan, whilst having regard to any material planning reasons which may give them reason to deviate from the policy. He drew Members' attention to two primary areas for consideration, the first being the layout and street pattern of the proposed development. He confirmed that in his opinion the layout was well thought out and resulted in an extension to the historic layout of the city. The second area he raised was in respect of the linkage between the proposed development and High Town. He advised Members that the layout had been designed to consolidate and promote the vitality and viability of the city centre. It was also noted that Widemarsh Street had been refurbished with a view to its linkage with the proposed development. The Assistant Director advised Members that it was their duty to give significant weight to these factors whilst determining the application.

The Strategic Delivery Manager addressed the Committee and advised Members that the application was in accordance with both local and national planning policies. He made specific reference to national planning policy PPS4; the Council's own Unitary Development Plan; the ESG Supplementary Planning Document; the ESG Masterplan and the role of Hereford as a sub-regional centre in the terms of the Regional Spatial Strategy.

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

During the presentation the Principal Planning Officer confirmed that the Highways Agency had withdrawn their holding direction subject to suitable conditions. As a result of this he confirmed that the recommendation was now for approval without the requirement for the decision to be delegated to Officers. He also advised Members that the application could not be conditioned subject to the completion of the link road as this was a separate application which the developer had no control over. He expanded on this point by advising Members that there were two key tests to be applied in relation to the link road. The first was whether adequate highways capacity existed to accommodate the development without the link road and the second was the acceptable integration and connectivity of the development with the city centre. He confirmed that in his opinion these two tests had been met. In summing up the Principal Planning Officer advised Members that there were a number of additional key considerations, including the need for further retail and leisure facilities; the design parameters; the environmental impacts; sustainability; job creation; and policy considerations.

In accordance with paragraph 5.14.6.3 of the Council's Constitution, Councillor MAF Hubbard, a Central ward member who had declared a prejudicial interest in respect of the application, addressed the Committee before leaving the Council Chamber for the duration of the item. He commented on a number of issues, including:

- A petition containing 10,000 signatories from the It's Our City campaign was presented to full Council in November 2009.
- The application had almost halved in size and now attempted to orientate itself more clearly towards the rest of the city.
- There was no doubt that Hereford City needed to expand its retail offer to add to the vitality of the existing city centre.
- The Committee should not be swayed by the high street names that have been reported in the press.
- The policy had been actively promoted by the Council's administration.

- Need to ensure that the application complies with UDP policies and that it would work on a practical level as a standalone application.
- Had the Design and Access statement accompanying the application fully complied with the Development Management Procedure Order 2010?
- Did it meet the policy requirements of both the UDP and the Edgar Street Grid Design Framework – Supplementary Planning Document? Both of which were material planning considerations.
- The proposals in this application could not be described as “well integrated with the existing city centre”.
- Mention was also made of new road links, but the application was being pursued as a stand alone development, without the benefit of the new link road.
- The report for the planning application for the related link road stated that the first and main purpose of the road was to enable the redistribution of traffic away from Blueschool Street and Newmarket Street (inner ring road) so enabling greater connectivity between the historic city centre and the ESG area. It was accepted that in highway terms, the only means by way a significant amount of traffic could be moved off the inner ring road was through the construction of a new east west highway link further north within the city.
- The planning application could not be conditioned on the delivery of the link road or any other proposals to significantly reduce traffic flows on Newmarket Street and Blueschool Street.
- The application did not comply with the policies referred to and should therefore be deferred.

In accordance with the criteria for public speaking Mr Faulkner and Mr Wolverson spoke in objection to the application, and Mr Shaw and Mr Jackson spoke in support.

In accordance with paragraph 4.8.2.2 of the Council’s Constitution, Councillors PA Andrews and SPA Daniels, two of the local ward members, commented on a number of issues, including:

- The principle of the development was supported.
- Concerns regarding the traffic issues.
- The construction of further traffic light controlled junction on the A49 was a concern.
- The development was needed in order to stop people from shopping outside of the County.

In accordance with paragraph 5.13.7.1 of the Council's Constitution, Councillor AJM Blackshaw, the Cabinet Member for Economic Development and Community Services, commented on a number of issues, including:

- The proposal had been significantly reduced since the petition referred to by the local member had been submitted.
- There had been a recent significant development through the publication of a letter of support regarding the regeneration of Hereford, this had been signed by Mike Ashton, Chief Executive, Herefordshire & Worcestershire Chamber of Commerce; Richard Asghar-Sandys, Chairman, Federation of Small Businesses Herefordshire; Philip Round, Herefordshire Group Training Association; Jo Hilditch, Chairman, CLA Herefordshire; Lesley Whistance, Chairman, NFU Herefordshire; Karen Davies, Chief Executive, Heart of England Fine Foods; Cathy Meredith, Rural Hub; Geoff Draper, Principal & Chief Executive, Royal National College for the Blind; Richard Heatley, Principal, Hereford College of Arts; Ian Peake, Principal & Chief Executive, Herefordshire College of Technology and Neil Kerr, Chairman, Herefordshire Business Board (Working with the Marches LEP).

- The proposed street design would promote visitors to the historical part of the city.
- Nationally only two urban regeneration projects had survived the economic downturn.

Members opened the debate by discussing the benefits that the application would have on the city of Hereford as well as the County of Herefordshire. It was noted that trade in the City was in decline as more people chose to visit neighbouring cities for the retail needs. Members discussed the application and made reference to the design and layout of the site which, in their opinion, provided a clear link to Widemarsh Street and therefore a connection to the historical city.

Members continued to speak in support of the application and highlighted the benefit the application would have on the economy of the County. It was also noted that people would travel from outside of the County and spend money in Hereford. Members were generally of the view that the application should be supported, they noted that the project was a 20 year vision and that it was imperative to commence the development at the earliest opportunity so as to secure the timely implementation of the UDP and deliver the benefits of the scheme to the city.

Some Members expressed concerns regarding the road infrastructure with many of the Members of the opinion that it would be beneficial to have the link road in place prior to work on the retail quarter being commenced. It was however noted that this could not be added as a condition and Members reiterated that they did not want to risk losing funding for the development by delaying a decision on the application. Members raised additional concerns in respect of the service road from Edgar Street to the site; the lack of separate taxi access to the site; and the lack of green open space within the development.

Councillor DB Wilcox, the Cabinet Member for Highways and Transportation, addressed the Committee in respect of the concerns raised regarding the impact the application would have on the highway infrastructure in the area. He advised the Committee that the Highways Agency had withdrawn their objection in respect of the impact on the A49. He added that the provision of the link road would relieve the traffic issues but that the application needed to be determined without the proviso of the link road. He added that condition 44 of the officer's recommendation would address a number of the concerns raised by Members. In summing up he stated that both the Highways Agency and the Council's Traffic Manager were now satisfied with the proposed application.

In response to a question, the Area Engineer (Development Control) advised members that the modifications to the highways network would result in a 15% reduction in westbound traffic on Newmarket Street during the peak period. He confirmed that this was achieved through the introduction of a right hand turning out of Wall Street from Tesco supermarket as well as a right turn from Blueschool Street onto Widemarsh Street.

The Committee also noted that the current proposal had been scaled down significantly since the 'It's Our City' petition had been submitted and that a number of the initial concerns had now been addressed. The Committee expressed concern in respect of existing High Town stores relocating to the application site as they felt this could have an adverse impact on the City Centre.

Members welcomed the number of jobs that would be created as a result of the application. It was noted that 86 full time jobs would be created during the construction phase and over 1000 full time jobs on completion of the development. Members also welcomed the £80m of private sector investment in the site.

One Member of the committee had concerns regarding the mix of pedestrians and motor vehicles at the proposed new junction at Widemarsh Street. He proposed an overhead walkway to connect the new development to Widemarsh Street. He also expressed concerns that the proposed development was situated outside of the city walls, across a busy dual carriageway. In order to support better links between the proposed development and the historical city he requested that a condition be added to the recommendation to request an annual contribution from the applicant of 15K to aid sustainable travel links.

In response to the comment regarding an overhead walkway, the Assistant Director - Environment, Planning and Waste advised that industry best practice was to have vehicular and pedestrian routes at the same level and that subways and bridges were deemed outdated.

Some Members of the Committee had concerns in respect of the application. They noted that the letter referred to by the Cabinet Member for Economic Development and Community Services referred solely to the regeneration of Hereford and not necessarily the proposed redevelopment of the cattle market. They also noted that the Officer's report stated that there was a requirement for an 8 screen cinema but the application only included a 6 screen cinema. Reference was also made to the traffic concerns in the area and it was felt that the construction phase would need careful management. It was also noted that the parking would not be limited to users of the development which raised an issue regarding the possible lack of parking provision during Hereford United match days.

Members discussed the footfall required to make the development commercially viable. The Principal Planning Officer advised the Committee that a commercial judgement was a matter for the applicant to consider. He did however draw Members' attention to paragraph 6.25 of his report which gave some information regarding surplus retail expenditure.

Due to the concerns regarding traffic, landscaping and integration a motion to defer determination of the application was moved and seconded. The motion was put to the vote and failed.

In response to a question the Principal Planning Officer confirmed that the conference facilities would be in the first floor of block B, which also contained the cinema. In response to additional questions he also confirmed that between 250 and 315 additional car parking spaces would be created and that Newmarket Street would remain a dual carriageway.

One Member of the Committee advised Members that the proposed Widemarsh Gate junction was very similar to a scheme in Ashford, Kent. He added that there had been similar concerns with that scheme but it had proved extremely successful.

The Principal Planning Officer confirmed that any concerns regarding asbestos and other contamination were covered under condition 28 of his recommendation.

The Locum lawyer advised Members that the Regional Spatial Strategy should not be given as much weight in their consideration of the application as PPS4. He added that PPS4 was the most relevant policy document and that this gave a presumption of support for the application.

Councillor Andrews and Councillor Daniels were given the opportunity to close the debate and reiterated their opening remarks as well as making additional comments, including:

- The distance between the proposed site and the High Town was very short and could be linked easily.
- Still have reservations about the highways.

RESOLVED

That the application be approved subject to the following conditions, the conditions recommended by the Highways Agency and any further, or amended, conditions considered necessary by officers.

1. **A02 Time limit for submission of reserved matters (outline permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **A05 Plans and particulars of reserved matters**
5. **B01 Development in accordance with the approved plans and masterplan principles and parameters unless otherwise agreed in writing with the local planning authority**
6. **C01 Samples of external materials**
7. **E01 Site investigation – archaeology**
8. **E04 Submission of foundation design**
9. **F14 Removal of permitted development rights**
10. **G09 Details of Boundary treatments**
11. **G10 Hard and Soft landscaping scheme to include a strategy for the inclusion of public art.**
12. **G11 Landscaping scheme – implementation**
13. **G12 Hedgerow planting**
14. **G14 Landscape management plan**
15. **H06 Vehicular access construction**
16. **H08 Access closure**
17. **H13 Access, turning area and parking**
18. **H16 Parking/unloading provision - submission of details**
19. **H17 Junction improvement/off site works**
20. **No part of the development shall be occupied until all highway works have been completed in accordance with the approved plans unless otherwise agreed in writing with the local planning authority.**

Reason: In order to ensure an adequate and acceptable means of vehicular and pedestrian access is available before the development is occupied and

to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

21. H21 Wheel washing
22. H22 Opening windows adjacent to the highway
23. H30 Travel Plan
24. H29 Secure covered cycle parking provision
25. Prior to commencement of the development (including any demolition works) a Construction Environmental Management Plan to include an environmental risk management strategy shall be submitted for approval in writing of the local planning authority which shall include measures to minimise the extent of the dust, odour, noise and vibration along with measures to minimise the risk of contamination arising from the demolition and construction process as set out in the Environmental Statement. Demolition and construction shall be carried out in accordance with the approved Construction and Environmental Management Plan and environmental risk management strategy.

Reason: To protect the environment and safeguard the amenity of properties in the locality and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

26. Prior to the commencement of development a Construction and Traffic Management Plan including a scale plan identifying the principal route of demolition and construction traffic and associated vehicular access points(s) shall be submitted for the approval in writing of the local planning authority. Development shall be carried out in accordance with the agreed Traffic Management Plan.

Reason: In the interests of highway and pedestrian safety and to safeguard the local amenity and to comply with Policies DR2, DR3 and T13 of the Herefordshire Unitary Development Plan.

27. Prior to commencement of development details of the proposed site hoardings to be erected shall be submitted for the approval in writing of the local planning authority. Details shall include a scaled plan identifying the alignment, access point(s), height, materials, finish, and the details of any advertisements or of images to be placed on the hoardings. The hoardings shall be erected in accordance with the approved details and shall not be changed thereafter for the duration of the demolition and construction operations without the prior written agreement of the local planning authority.

Reason: To safeguard the visual amenity area and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

28. No development, or phasing as agreed below, shall take place until the following components of a scheme to deal with the risks associated with contamination of the site are submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy, if necessary, of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. This should include any proposed phasing of demolition or commencement of other works.

5) Prior to occupation of any part of the development (unless in accordance with agreed phasing under part 4 above) a verification (validation) report demonstrating completion of the works set out in the approved remediation strategy (3 and 4). The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991) and to comply with policy DR10 of the Herefordshire Unitary Development Plan

29. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a Method Statement for remediation. The Method Statement must detail how this unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the method statement shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Reason: To ensure that any unexpected contamination is dealt with and the development complies with approved details in the interests of protection of ground and surface waters ('controlled waters' as defined under the

Water Resources Act 1991) and to comply with policy DR10 of the Herefordshire Unitary Development Plan.

- 30. L01 Foul and surface water drainage**
- 31. L03 No drainage run-off to public system**
- 32. Surface water discharges shall only be permitted to discharge to the public surface water sewerage system. The rate of discharge shall be agreed in writing with the local planning authority prior to the commencement of the development and the drainage shall be designed and completed in accordance with the agreed discharge rate.**

Reason: To prevent hydraulic overloading of the public foul/combined sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with policy CF2 of the Herefordshire Unitary Development Plan

- 33. L04 Comprehensive and integrated drainage of the site**
- 34. I09 Sound insulation of plant and machinery**
- 35. I26 Interception of surface water run off**
- 36. I33 External lighting**
- 37. I41 Scheme of refuse storage (commercial)**
- 38. I51 Details of slab levels**
- 39. I56 BREEAM rating 'Excellent'**
- 40. I55 Site Waste Management**
- 41. K5 Habitat Enhancement Scheme**
- 42. Prior to the commencement of the development, details of the operation, management and pricing structure of the proposed parking (including any interim parking during the construction phase) shall be submitted for the approval in writing of the local planning authority. The parking shall be laid out, operated and managed in accordance with the approved details and pricing structure.**

Reason: To ensure the parking is operated and managed in accordance with the Councils wider parking policy and to comply with policy T11 of the Herefordshire Unitary Development Plan.

- 43. Notwithstanding the approved masterplan parameters, the detailed plans to be submitted and approved through the reserved matters process shall not identify that both building B and building C as identified on the illustrative masterplan are constructed to the maximum height parameter detailed within the approved masterplan principles and parameters document.**

Reason: To ensure the height and general scale of the development respects setting of the adjacent heritage assets and the wider townscape and to comply with policies DR1 and HBA 4 of the Herefordshire Unitary Development Plan.

44. Prior to the commencement of the development, a method statement for the construction of the highway works on Newmarket Street, Widemarsh Street and Blueschool Street shall be submitted for the approval in writing of the local planning authority. The method statement shall include details of the construction methodology, phasing and timings, materials and traffic management to be employed. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the highway works are constructed so as to minimise the impact on existing traffic flows and capacity whilst achieving the required enhancement in the quality and appearance of the public realm and to comply with policies T8 and T13 of the Herefordshire Unitary Development Plan.

45. D19 Items to be re-used

46. Prior to the occupation of any part of the development, a service operation management plan shall be submitted for the approval in writing of the local planning authority. All deliveries, collections, loading and unloading operations shall be carried out in accordance with the approved service operation management plan unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the traffic and environmental effects of the servicing operations are minimised and to comply with policy T9 of the Herefordshire Unitary Development Plan

47. Prior to commencement of the development including any demolition, an updated ecological assessment of the site and buildings to be demolished shall be carried out and submitted to the local planning authority for approval. The demolition and construction operations shall be carried out in accordance with the recommendations of the updated ecological survey. In addition, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation and enhancement work.

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan and to comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

Informatives:

1. N15 Reason(s) for the Grant of PP/LBC/CAC
2. HN10 No drainage to discharge to the highway
3. HNO7 Section 278 Agreement
4. HN28 Highway Design Guide and specification
5. HN13 Protection of visibility splay on private land

6. **HN17 Design of street lighting for Section 278**
7. **HN06 Works within highway**
8. **I30 – Wildlife and Countryside Act 1981 (as amended) - Birds**

134. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 1.00 pm

CHAIRMAN

PLANNING COMMITTEE

Date 23 March 2011

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

DMS/103136/O - Redevelopment of site including demolition works to provide mixed use scheme comprising retail, financial & professional services, food, drink & leisure (Use classes A1, A2, A3, A4 & D2), new public realm, landscaping, car parking, servicing & general highway works, including new access arrangements on Newmarket Street & Blackfriars Street at Livestock Market & adj Land, Edgar Street, Hereford, HR4 9HX

For: Mr Bourne, Stanhope Plc per Mr Craig O'Brien, Savills, Embassy House, Queens Avenue, Bristol, BS8 1SB

ADDITIONAL REPRESENTATIONS

Two further letters of objection from Rockfield DIY (Leon Wolverson) and Kings Sturge on behalf of DRE Ltd (Maylords). The points raised are largely covered in section 5.2 of the report. The letters state and reiterate ...

- The development should not be approved until the link road is provided.
- Business on the line of the link road will be blighted for another 5 years as there is no guarantee of funding
- Previous arguments regarding the necessity for the road have been forgotten.
- The application is invalid due to inadequate information regarding the integration of the development with the city and the Committee report provides little commentary or critical analysis on how the development will be integrated or address the proposals compliance with the ESG masterplan and SPD. As such, the application is procedurally flawed and may have to be referred to the courts for judicial review.

A letter of support has been received from Bill Jackson (property agents). The main points raised are:

- Hereford has stood still in recent times while competing centres take advantage of investment opportunities which has resulted in many residents and the young choosing to spend their recreational time outside the County and visitors by-passing the City.
- The development will enable Hereford to compete with other centres and encourage knock on investment guaranteeing an economically prosperous future for the benefit of those who live, work and visit the city.

In response to amended highway plans and further sensitivity testing of the traffic model, the Traffic Manager confirms the following:

- Correction - the reduction in traffic flows on Newmarket Street in the AM period is 15% rather than 25% as quoted in the report
- The amended highway plans largely address all previous comments raised and any minor detail changes such as the engineering design of the Newmarket Street upgrade works can be dealt with through the highway approval process (Section 278 process). The notable changes to the plans include the deletion of the right turn option from Garrick multi storey, extension of the raised table at the Widemarsh Gate junction to include the Wall Street exit and change to the site access junction to include right turn lanes in both directions.
- The 2013 and 2020 traffic modelling scenarios have been re-assessed with a higher percentage of exiting traffic being retained and the re-routing of other traffic back on to the A49. In both scenario assessment years, the modelling demonstrates that the Edgar Street roundabout and Blackfriars/Edgar Street junction operate within or with improved capacity with the development in place and associated proposed highway works compared to the no development and no highway alterations scenario.
- Overall, the proposed highway works are considered acceptable and further testing of the traffic model has achieved acceptable results.

Further comments from the Highways Agency who now confirm the following:

- The Framework Travel Plan is acceptable
- The Sustainable Implementation Strategy is acceptable
- The proposed highway alterations affecting the trunk road in terms of their layout, design and capacity are all acceptable
- The service management plan is broadly acceptable
- The further sensitivity testing of the traffic modelling and junction capacities has demonstrated that the development can be accommodated without detriment to the movement or safety of traffic on the trunk road.

The Highways Agency therefore withdraw their holding Direction to the application subject to conditions concerning the construction of the Blackfriars/Edgar Street and new Edgar Street services access junctions, implementation of the travel plans and submission of the final service management plan and its implementation prior to first occupation.

The planning and listed building applications referred to in section 3.1 of the report proposing alterations to the Old Market Inn have now been approved.

OFFICER COMMENTS

The additional representations received do not raise any new material planning issues that aren't already considered and addressed in the report. In particular, the integration of the development has been fully considered in the assessment of the application and the individual components and development proposals as a whole have been assessed against all relevant policies including the ESG SPD and masterplan.

The additional comments from the Traffic Manager and Highways Agency now mean that all highway, traffic and transport issues have been addressed.

CHANGE TO RECOMMENDATION

As the Highways Agency have now withdrawn their holding Direction, delegated authority is no longer required and the application can now be recommended for approval subject to the conditions set out in the report and any other conditions considered necessary by officers along with the conditions directed by the Highways Agency. Where duplication occurs, the relevant conditions will be amalgamated to follow the Highways Agency's requirements.

RECOMMEND APPROVAL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 6 April 2011 at 10.00 am

Present: Councillor TW Hunt (Chairman)
Councillor RV Stockton (Vice Chairman)

Councillors: ACR Chappell, PGH Cutter, DW Greenow, KS Guthrie, JW Hope MBE, RC Hunt, G Lucas, RI Matthews, AT Oliver, JE Pemberton, AP Taylor, DC Taylor, WJ Walling, PJ Watts and JD Woodward

In attendance: Councillors AE Gray

135. APOLOGIES FOR ABSENCE

Apologies were received from Councillors H Davies, GFM Dawe and B Hunt.

136. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor AT Oliver attended the meeting as a substitute member for Councillor H Davies.

137. DECLARATIONS OF INTEREST

6. DMS/102972/F - Castle Lodge Hotel, Green Court, Wilton, Ross on Wye, HR9 6AD.
Councillor PGH Cutter, Personal, Owns a work premises near the application site.

138. CHAIRMAN'S ANNOUNCEMENTS

139. APPEALS

The Planning Committee noted the report.

140. DMS/102972/F - CASTLE LODGE HOTEL, GREEN COURT, WILTON, ROSS ON WYE, HR9 6AD

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking Mr Tait, a neighbouring resident spoke in objection to the application and Mr Eacock, the applicant's agent, spoke in support.

Members were advised that the Local Ward Member, Councillor JA Hyde, had a longstanding commitment and could therefore not be present.

The Committee noted the reasons for refusal from the 2009 application and felt that these were still valid and had not been overcome through the new application. They had concerns in respect of vehicular access onto the busy Wilton Road roundabout as well as concerns regarding parking on Benhall Lane.

It was noted that Wilton Castle was now open to the public and also held a number of events throughout the year which had exacerbated the parking issues in the area.

Members expressed concerns that the site could be used for a takeaway premise in the future. One Member noted that the proposed conditions would not allow a takeaway usage on the site. A member of the Committee also noted that there had been no objection from the Highways Agency and that in his opinion the additional parking provisions made the application acceptable.

The Development Manager advised Members that the application sought to remove two conditions and that the separation of the two uses on the site would not generate much additional traffic. He noted that at present there was insufficient parking provision at the Castle Lodge Hotel and that this would be resolved by approving the application.

RESOLVED

That the application be refused for the following reasons:

- 1. The local planning authority considers that conditions 13 and 16 of planning permission DCSE2005/2343/F (17 March 2006) continue to serve a useful planning purpose. The removal of these conditions would allow the operation of two separate businesses, with a concomitant increase in traffic upon the adjoining lane and an increased risk of indiscriminate parking upon it. Given the proximity of the site to the strategic road network and the inadequacy of the junction onto the B4260, the local planning authority considers the conditions essential in maintaining both highway safety and the residential amenity of local residents. The application is thus contrary to Policies DR2, DR3 and T11 of the Herefordshire Unitary Development Plan 2007.**

141. DMS/110216/F - PENRICE, WALFORD ROAD, ROSS ON WYE, HR9 5PQ

The Team Leader (South) gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking Mr Bowring, a neighbouring resident spoke in objection to the application and Mr Rainey, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor AE Gray, one of the local ward members, commented on a number of issues, including:

- The previous applications on the site were refused due to visual impact.
- The current proposal has addressed the visual impact issue from Walford Road by retaining the existing dwelling.
- The visual impact from Eastfield Road has also been addressed through the reduction in height of the proposal.
- Could the determination of the application be deferred until the Inspector's decision on the previous application is known.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PGH Cutter, the other local ward member, commented on a number of issues, including:

- Opposed to the previous application as they were not in keeping with the area.
- A meeting was convened with the planning officer and the developer in order for the developer to present a revised proposal seeking to address local concerns.
- Current proposal does appear to have addressed the majority of the concerns regarding overlooking and visual impact.

- The determination of the application should be deferred pending the Inspector's decision.
- There was still a great deal of concern from the local residents regarding the application.

In response to the comments from the local ward members the Team Leader (South) advised Members that the timescale for the Inspector's decision was unknown. He added that the application needed to be determined on its merits and expressed concern about deferring it for that reason.

The Locum Lawyer advised Members that the appeal decision was not a material planning consideration and therefore the determination of the application should not be deferred for that reason.

Members discussed the application and felt that it was more acceptable than the previous two applications which had been refused on the site. They felt that a number of the issues that had been raised during the previous applications had now been resolved. Members advised that they had received a letter from the applicant's agent which explained the compromises the developer had made in order to make the application acceptable and that the applicant would prefer to implement the current application for housing rather than the previous application which was still the subject of an appeal.

In response to a question the Development Manager advised Members that if the appeal was successful and the current application was also approved the decision of which permission to implement would lay solely with the applicant. He added that if the appeal was refused or allowed the current application would still have to be determined.

Members continued to discuss the merits of the application and were of the view that the retention of the dwelling known as Penrice was a positive feature of the application as it would not have a detrimental effect on the street scene. It was also noted that the proposed development would result in much needed family housing for the town of Ross-on-Wye.

In response to a question regarding the Section 106 agreement, the Team Leader (South) advised that he would discuss the allocation for highways with the Local Ward Members in order to address any local highway needs and that revisions had already been made in respect of potential local projects for providing recreational facilities.

In response to a question regarding the garden space allocated to each house, the Team Leader (South) advised Members that there was no policy in respect of garden space. He added that the smallest of the gardens was between 5 and 6 metres in depth with some of the dwellings benefitting from larger gardens.

There were some concerns raised in respect of the size of the rooms and the access onto Walford Road. Some Members were of the opinion that the application should be deferred. Members noted the objections from the local residents as well as the petition that had been submitted.

In response to the points regarding the dimensions of the rooms, the Development Manager advised that room dimensions could be included in the officer's report but generally the issue was a commercial decision to be taken by the applicants.

A motion to defer the determination of the application failed and the resolution as set out below was agreed.

RESOLVED

That the application be approved subject to the following conditions and any further conditions considered necessary by officers:

- 1. A01 Time limit for commencement (full permission)**
- 2. B03 Amended plans**
- 3. B07 Section 106 Agreement**
- 4. C01 Samples of external materials**
- 5. H03 Visibility splays**
- 6. H02 Single access - footway**
- 7. H06 Vehicular access construction**
- 8. H08 Access closure**
- 9. H13 Access, turning area and parking**
- 10. H21 Wheel washing**
- 11. H27 Parking for site operatives**
- 12. F16 No new windows in specified elevation**
- 13. F17 Obscure glazing to windows**
- 14. G02 Retention of trees and hedgerows**
- 15. G04 Protection of trees/hedgerows that are to be retained**
- 16. G10 Landscaping scheme**
- 17. G11 Landscaping scheme - implementation**

INFORMATIVES:

- 1. HN01 Mud on highway**
- 2. HN04 Private apparatus within highway**
- 3. HN05 Works within the highway**
- 4. HN03 Access via public right of way**
- 5. HN26 Travel Plans**
- 6. N15 Reason(s) for the Grant of PP/LBC/CAC**

142. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 11.37 am

CHAIRMAN

PLANNING COMMITTEE

Date 6 April 2011

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

DMS/110216/F- Retention of existing dwelling (Penrice) and erection of 8 two and three bedroom dwellings at Penrice, Walford Road, Ross on Wye, HR9 5PQ

For: Mr Egan per M F Freeman, Ruardean Works Varnister Road, Nr Drybrook, Gloucestershire, GL17 9BH

ADDITIONAL REPRESENTATIONS

The Senior Landscape Officer raises no objection subject to conditional control over works in relation to retained trees on the site and the provision of adequate protection, details of the SUDS system and submission of a detailed landscaping scheme.

She comments that the development will not have a significant impact on this urban landscape character type or detract from the townscape qualities of the locality. She advises that there would be a preference to retain the existing access point although with proper attention to the trees on the highway boundary there would be no significant impacts upon the character of the site.

The Planning Ecologist raises no objection subject to a condition requiring the recommendations of The Bat and Reptile Survey submitted with the application.

With regard to the revised access and parking arrangement, the Transportation Manager acknowledges that the visibility proposed is as previously agreed and that the level of parking is appropriate. He has confirmed that whilst there are minor concerns about the proposed delineation of the turning head within the parking courtyard, this is a matter that he can be conditioned together with the detailed design of the cycle store.

OFFICER COMMENTS

It is advised that the Draft Heads of Terms needs to be amended to omit reference to the provision of a pedestrian crossing facility at Archenfield Road, which has recently been completed and will be operational imminently. There remains a wide range of other relevant improvements that justifies the overall contribution of £21,626 that has been agreed in discussion with the applicant.

CHANGE TO RECOMMENDATION

Approve but include additional conditions requiring full details of cycle/parking and storage, specification and drainage of parking area and ecological mitigation.

Otherwise the comments received from the Senior Landscape Officer and Transportation Manager are covered, with minor adaptation, by recommended conditions 7 and 15.

MEETING:	PLANNING COMMITTEE
DATE:	27 APRIL 2011
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not a key decision

Recommendation

That the report be noted

APPEALS RECEIVED

Application No. DMN/103364/F

- The appeal was received on 8 April 2011
- 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 J Parry
- The site is located at Land South of 5 Stonehill Drive, Bromyard, Herefordshire, HR7 4BE
- The development proposed is a proposed 3 bedroom bungalow with garage.
- The appeal is to be heard by Written Representations

Case Officer: Ms R Jenman on 01432 261961

APPEALS DETERMINED

Application No. DMS/101943/O

- The appeal was received on 6 December 2010
- 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 Mrs P Sanderson
- The site is located at 253 Whitecross Road, Hereford, Herefordshire, HR4 0LT
- The application dated 12 July 2010 was refused on 4 November 2010
- The development proposed was Proposed detached dwelling.

Further information on the subject of this report is available from the relevant case officer

- The main issues are whether the proposal would have a harmful effect on the character and appearance of the surrounding area; and the effect of the proposal on the living conditions of adjoining occupiers in relation to daylight, sunlight and whether there would be any visual intrusion

Decision: The application was refused under delegated powers on 4 November 2010.
The appeal was **Dismissed** on 22 March 2011.

Case Officer: Mr D Dugdale on 01432 261566

Application No. DMSW/092489/O

- The appeal was received on 21 December 2010
- 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 Mark Manning
- The site is located at Land at Clay Pitts, Pontrilas, Hereford, HR2 0BW
- The application dated 1 October 2009 was refused on 7 June 2010
- The development proposed was outline planning for one agricultural workers dwelling.
- The main issue is whether there is an agricultural justification for the proposed dwelling in the countryside in terms of functional need and meeting the necessary financial test.

Decision: The planning application was refused under delegated powers on 7 June 2010.
The appeal was **Allowed** on 30 March 2011.

Case Officer: Mr A Prior on 01432 261932

Application No. DMNE/092262/F

- The appeal was received on 4 November 2010
- 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 Michael Freeman
- The site is located at Freeman's Paddock, Bromtrees Hall, Bishop's Frome, Herefordshire, WR6 5BY
- The application dated 24 August 2009 was refused on 12 May 2010
- The development proposed was the change of use of land from agricultural to family travellers site, including stationing of two mobile homes and two touring caravans, construction of barn (retrospective) and new access.
- The main issues are:
 - i) The effect of the proposal on the character and appearance of the surrounding countryside;
 - ii) Whether or not the site is reasonably located in relation to services and facilities; and
 - iii) Any other matters in support of the proposal including, the general need for and provision of gypsy and traveller sites in the area and the personal needs and accommodation options of the appellant and his family and their personal circumstances.

Decision: The application was refused by Committee, contrary to Officer recommendation, on 12 May 2010.
The appeal was **Allowed** on 28 March 2011.
An application for the award of costs, made by the appellant against the Council, was **Allowed**.

Case Officer: Mr C Brace on 01432 261795

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



MEETING:	PLANNING COMMITTEE
DATE:	27 APRIL 2011
TITLE OF REPORT:	<p>DMN/110531/FH - PROPOSED TWO STOREY EXTENSION AT BRYNCURL, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9HY.</p> <p>FOR: MR HARDY PER MR STEPHEN POTTER, POMONA OFFICE, KINGS ACRE ROAD, HEREFORD, HR4 0SN.</p>

Date Received: 2 March 2011

**Ward: Pembridge and
Lyonshall with Titley**

Grid Ref: 338270,258312

Expiry Date: 3 May 2011

Local Members: Councillor RJ Phillips

1. Site Description and Proposal

- 1.1 The site comprises of a semi-detached two-storey dwelling of external brick and render construction under a tiled roof, which is located in open countryside some 0.5km west of the village of Pembridge, within the north-western corner of its designated Conservation Area.
- 1.2 The proposal is for a two-storey extension onto the eastern side elevation of the dwelling to provide additional and improved domestic accommodation for occupants of the property, mainly in the form of a ground-floor sitting room/study area and utility room and a bedroom and bathroom on the first floor.
- 1.3 The applicant holds a politically restricted post with the Council.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
H18	-	Alterations and Extensions
LA2	-	Landscape Character and Areas Least Resilient to Change
HBA6	-	New Development Within Conservation Areas
CF2	-	Foul Drainage

3. Planning History

- 3.1 94/0256/F – Alterations to existing dwelling to include a two –story extension to form a kitchen and bedroom. Approved 21 November 1994.

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

4. Consultation Summary

Statutory Consultees

4.1 None required.

Internal Consultees

4.2 The Transportation Manager raises no objections subject to a condition requiring car parking space for 3 cars.

4.3 The Conservation Manager has responded indicating that the dwelling is one of a group of distinctive estate buildings associated with the listed Byletts House. The dwelling has a rare distinguished steep roof and a single-storey extension would be preferred in order to preserve the existing character.

4.4 The Public Rights of Way Manager raises no objections.

5. Representations

5.1 Pembridge Parish Council – no response received at time of writing report.

6. Officer's Appraisal

6.1 The proposal is for a two-storey extension onto the side elevation of a semi-detached two-storey dwelling located in open countryside, outside the village of Pembridge on land designated as part of the Pembridge Conservation Area.

6.2 The proposed extension would appear subservient to the existing dwelling on site. The Conservation Manager has indicated that a single-storey extension would be preferred to that of a two-storey extension.

6.3 The dwelling is unusual in that it consists of very steep sided roofs. The existing dwelling having a footprint of approximately 76 square metres. The proposed extension has a footprint of approximately 31.5 square metres (measured externally) and is for a two storey extension of similar design and scale to that of the existing dwelling on site.

6.4 The applicant wishes to increase the domestic accommodation for family needs, by means of an additional ground floor daytime room, and a first floor bathroom and bedroom. Officers consider that a single-storey extension with the amount of floor space as required would be disproportionately out of character with the existing dwelling on site, and therefore a suitably scaled two-storey extension is preferred. As acknowledged earlier, the proposal is subservient to the existing dwelling on site, and is of a scale and design that is considered acceptable and basically in accordance with criteria of Policy H18: Alterations and extensions, of the Unitary Development Plan. The adjoining dwelling has had a two-storey extension attached to its side elevation and the Conservation Manager acknowledges that this flat roof extension does undermine the building's historic value to some extent. It is considered the proposal subject to this application is more in keeping with the built character of the structure. There should be no harm to the character or appearance of the Conservation Areas and the proposal complies to Policy HBA6 of the Herefordshire Unitary Development Plan.

6.5 As indicated earlier the dwelling subject to this application had planning permission for a two-storey side extension approved on 21st November 1994. This extension was not implemented and was for an extension onto the same elevation of the dwelling, as that of the current application.

- 6.6 The Transportation Manager whilst not raising any objections to the proposal, recommends a condition to be attached to any approval notice issued, requiring parking space for three cars on site. This is considered necessary due to the dwelling already having three bedrooms and a fourth bedroom triggering the need for an additional car parking space. It is considered that there is sufficient space within the dwelling's domestic curtilage for the parking of three vehicles. It is recommended that the suggested condition be attached to an approval notice subsequently issued.
- 6.7 In conclusion the proposed development is considered acceptable in scale and design and therefore generally in accordance with relevant local plan policies as outlined in this report.

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. **C02 - Matching external materials (extension)**
- 4. **The rooflights to be installed in to the roofing elevations as indicated on plan number 854.03 will be 'Conservation rooflights' which will be flush with the roof line.**

Reason: In order to protect the character of the surrounding Conservation Area and to comply with Policy HBA6 of the Herefordshire Unitary Development Plan.

- 5. **CAI - Parking**

INFORMATIVES:

- 1. **HN28 - Highways Design Guide and Specification**

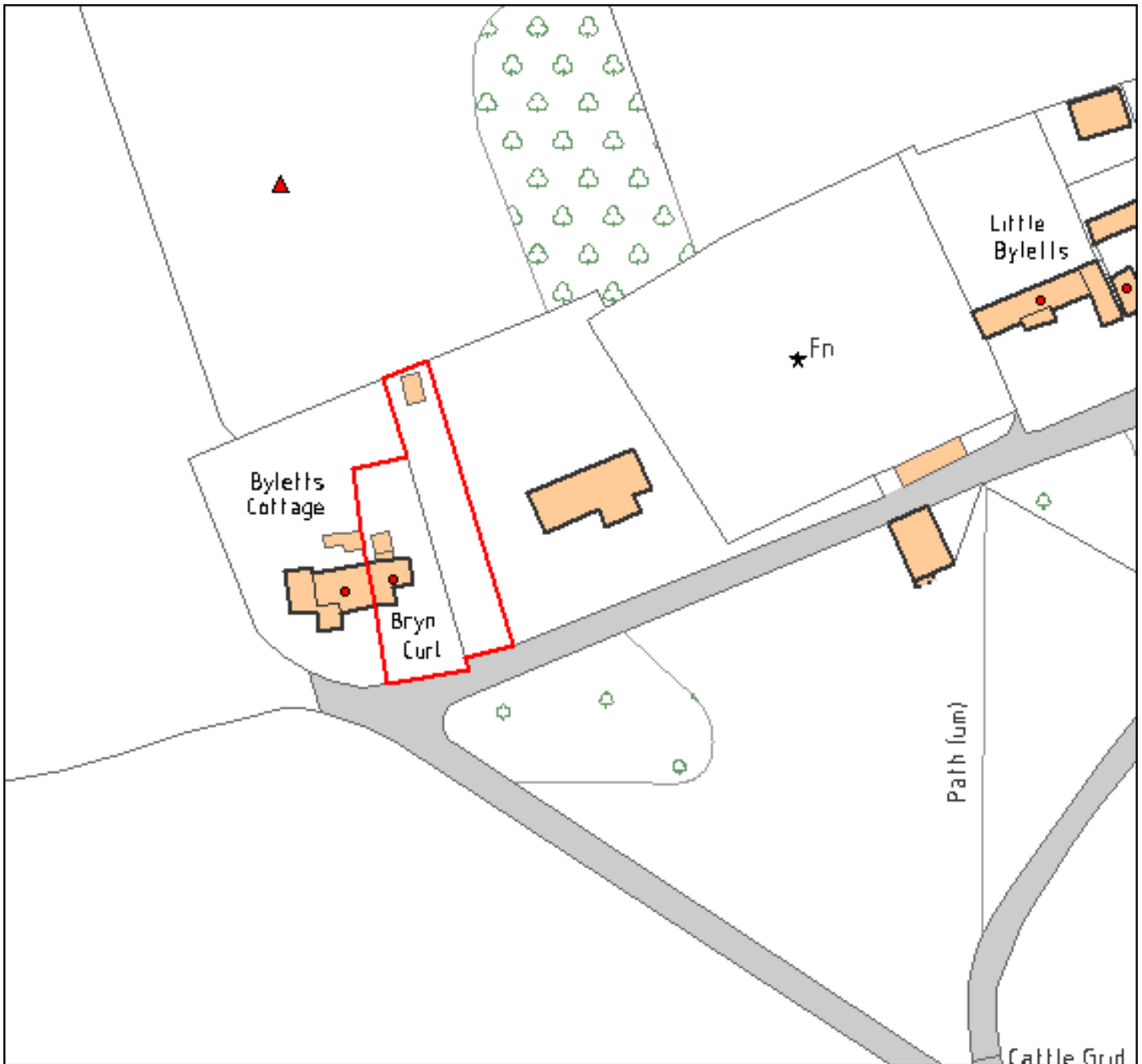
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DMN/110531/FH

SITE ADDRESS : BRYNCURL, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9HY

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MEETING:	PLANNING COMMITTEE
DATE:	27 APRIL 2011
TITLE OF REPORT:	<p>DMS/110101/F - PROPOSED ERECTION OF BUNGALOW AND ACCESS DRIVE AT LAND REAR OF GREYTREE LODGE, SECOND AVENUE, ROSS ON WYE, HEREFORDSHIRE, HR9 7HT.</p> <p>For: Mr White per Mr Paul Smith, 12 Castle Street, Hereford, Herefordshire, HR1 2NL.</p>

Date Received: 17 January 2011 Ward: Ross-on-Wye West Grid Ref: 359888,225201

Expiry Date: 23 March 2011

Local Members: Councillors CM Bartrum and G Lucas

1. Site Description and Proposal

- 1.1 The site is part of the garden of existing residential development. The proposed bungalow would be sited between the original dwelling at Greytree Lodge and Sarnia, a dormer bungalow sited to the rear of the plot, which was allowed on appeal in 2008. It would be accessed by the drive along the side of Greytree Lodge, which serves the dormer bungalow. There is a 2metre high boundary hedge along the southern side of the access drive. There are several bungalows on the adjoining land the other side of the boundary to the drive. These have modest rear gardens and their rear elevations face towards the drive.
- 1.2 The site is located in an established residential area and the Wye Valley Area of Outstanding Natural Beauty.
- 1.3 This application proposes an "L-shaped" bungalow that will accommodate living room and kitchen, 2 bedrooms, wet room and a bathroom, under a hipped roof. A passing place is shown to be constructed alongside the southern side of the access drive which is to be surfaced with asphalt. An open sided car port for the parking of 2 cars is also proposed.

2. Policies

2.1 Planning Policy Statements

PPS1 - Delivering Sustainable Development
PPS3 - Housing

2.2 Herefordshire Unitary Development Plan

S1 - Sustainable development
S2 - Development requirements
S3 - Housing
DR1 - Design

Further information on the subject of this report is available from Mr D Thomas on 01432 261974

DR2	-	Land use and activity
DR3	-	Movement
H1	-	Hereford and the market towns: settlement boundaries and established residential area
H13	-	Sustainable residential design
H15	-	Density
H16	-	Car parking
LA1	-	Areas of Outstanding Natural Beauty

3. Planning History

SE2000/0444/F: Erection of dormer bungalow to rear of Greytrees Lodge: Deemed withdrawn.

SE2000/0446/F: Erection of bungalow to full disabled standards: Refused 2.8.2000.

SE01/0283/F: Erection of bungalow specifically designed to accommodate person with severe mobility restrictions: Refused 2.4.2001.

SE2002/1307/F: Erection of bungalow specifically designed to accommodate person with severe mobility restrictions. Refused 24.6.2002.

SE2003/0662/F: Erection of three bungalows for the disabled: Refused 29.4.2003.

DCSE2007/2822/F: Erection of one dormer bungalow: Refused 25.1.2008. Appeal allowed.

DCSE2009/0960/F: Erection of one bungalow and access drive: Refused 30.6.2009

DMSE/091700/F: Erection of bungalow and access drive. Refused 29.9.2009. Appeal dismissed 26.1.2010.

4. Consultation Summary

Statutory Consultations

Welsh Water has no objection subject to conditions.

Internal Consultees

Traffic Manager recommends refusal in that the access does not show the visibility splays required - on each side of a 2metre access set back with 45degree visibility splays.

Environmental Protection Manager has no objection.

5. Representations

5.1 Ross Rural Parish Council has no objection.

5.2 14 objections have been received. In summary it is said:

- A dwelling in this position will erode our privacy;
- Further strain on drains and sewerage;
- Additional traffic onto narrow avenue would detrimental to the area;
- There is not enough space for another dwelling especially if its similar to Mr White's existing bungalow;
- Previously refused; no room, no outlook and noise;

Further information on the subject of this report is available from Mr D Thomas on 01432 261974

- Intrusive noise nuisance is not only during day time but through night time period as well;
- Access to the site is also inadequate;
- Second Avenue is narrow and congested. This development would cause further congestion;
- This will lead to precedent for further development in Greytrees;
- The noise measurement instruments used by the Noise Consultant are out of calibration;

5.3 A Planning Statement has been submitted with the application. In summary it is said:

- Following refusal of the previous application, the Planning Inspector rejected the Council's case that the quantum of garden space to be dedicated to the new dwelling was inadequate;
- The Inspectors decision did acknowledge the addition of a second dwelling would increase the number of vehicles and related activity on the drive to the detriment of neighbours;
- A Noise Assessment has been commissioned to consider the impact of noise on the amenity of neighbours;
- The ambient noise climate around the site is dominated by continuous, distant road traffic noise from the A40 with other noise from vehicles along Greytrees;
- The assessment accepts that the noise of the passage of cars is likely to be audible in the gardens of adjoining bungalows, however it would be lower than existing noise such as passing aircraft and lawnmowers;
- The impact of the increased use of the drive is likely to be very low;
- Surfacing the track with tarmac and erection of a 6ft high fence would reduce car noise;
- The principle of development accords with adopted planning policy;
- It has been demonstrated that additional traffic and pedestrian movements would be within acceptable limits during the night time.

In response to comments made the noise consultant states:

- Night-time noise - The report states in paragraph 3.6 that road traffic noise is, on average, 8 dBA lower at night than in the day. However, I have assessed the impact of an intermittent noise at night by the sleep disturbance criterion of the WHO and their recommended internal maximum noise level (L_{maxF}) in a bedroom has been assessed and this does not depend on the background noise level which is why night time background noise levels are not needed.
- The report gives the serial numbers of the noise meters used but it does not say which meter was at which location. This information can be supplied but makes no difference to the assessment.
- The instruments used were not out of calibration. BS4142:1997 "Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas" requires that instrumentation be calibrated "at certain time intervals, e.g. every two years". The most exacting requirements for calibration come in the assessment of the Permitted Noise Level under the Noise Act 1996 (as amended). Exceedance of the Permitted Noise Level (at night) can constitute an offence. The Permitted Level of Noise (England) Directions 2008 require that noise instrumentation be calibrated at intervals of no longer than 24 months unless the instrument was first used after 28 February 2008 in which case the interval is not greater than 12 months.
- This is the most exacting standard because it is a legal requirement. The instruments were first used before 2008 in which case a 24 month interval would not be inappropriate. Notwithstanding this, my instruments are calibrated at roughly 12 month intervals as it is not possible to make the interval exactly 12 months.

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 within an established residential area. Policy H1 permits, subject to compliance with other policies, the provision of new residential development within the market towns. This notwithstanding, several applications for the erection of single bungalows on land to the rear of Greytree Lodge have been refused owing in the main to the impact that development would have upon the amenity of existing dwellings located in close proximity to the north and south of the site, together with the impact that the increased number of vehicles would have upon on-street parking on a narrow and congested road system. Most recently, and of most direct relevance, application DCSE0009/1700/F was refused for the following reasons:

1. The erection of a dwelling in this location would result in an increase in vehicular and pedestrian movements in close proximity to the rear, private gardens of existing dwellings. In addition to the activity already associated with the existing flats at Greytree Lodge and the approved dormer bungalow, the resultant level of activity would be in excess of what could reasonably be associated with a typical residential curtilage. Although the Council acknowledges the presence of several examples of tandem development within the locality, the development is considered to harm the amenity of adjoining residents in a manner contrary to policies DR2 and H13 of the Herefordshire Unitary Development Plan 2007.
2. By virtue of a lack of useable outdoor amenity space, enclosure of the site and absence of an outlook, the proposal would not provide for acceptable levels of residential amenity within the scheme. The proposal is thus contrary to Policy H13 of the Herefordshire Unitary Development Plan 2007.

A subsequent appeal against this decision was dismissed when the Inspector concluded that a bungalow in this location would not have an adverse impact on the area which is characterised by a mix of dwelling types. However, traffic noise together with the slamming of car doors, raised voices and other associated noise could have an adverse impact on the amenity of neighbours.

- 6.2 Notwithstanding the planning history of the site, policies S1, S2 and S3 are strategic policies referring to sustainable development, development requirements and housing. They lay the foundations and set the guiding principles for the detailed policies within the UDP.
- 6.3 Policy H1 states that residential development within the market towns will be permitted within these areas where compatible with the housing design and other policies of the Plan. Policy H13 sets out the 11 criteria that residential development will be expected to meet, and several of these are reinforced by policies DR1, DR2 and DR3.
- 6.4 Policy H15 refers to the densities that new residential proposals will be expected to provide. H16 seeks to ensure that adequate provision is made for car parking, with due consideration given to the site location, type of housing to be provided, types of household likely to occupy the development and the availability of public transport.
- 6.5 LA1 deals with development proposals within the AONB. In this case, the AONB washes over the whole of the built up area of Ross-on-Wye. In this context, the scale of development proposed is not considered to be prejudicial to the wider objectives of the policy and little weight is attached to the presence of the designation in this case.
- 6.6. The application proposes a modest bungalow with limited garden space. However, the submitted plans show a patio area outside the living room, screened by hedging. This is considered to be a reasonable provision for amenity space. The outlook from windows would largely be towards hedges but these are sufficiently distant from windows to provide

reasonable daylight. As such it is not considered the sense of enclosure would be so oppressive to recommend refusal of the application. Accordingly, it is considered the proposal would provide reasonable living conditions for future occupiers. The proposal provides an acceptable level of residential amenity so as to comply with Policy H13.

- 6.7 In the Inspectors decision letter that dismissed the appeal for a bungalow on this site, the Inspector said a bungalow here would substantially increase the number of vehicles and related activity; slamming of doors, raised voices and other noise associated with manoeuvring of vehicles would be particularly intrusive and disturbing especially late at night. This application has been submitted with an Environmental Noise Assessment that gives consideration to noise nuisance and disturbance to neighbours. The Assessment acknowledges ambient noise climate of the area around the proposed site is dominated by continuous distant road traffic from the A40 dual carriageway. However noise is affected by wind speed and direction and will differ from day to day depending on the weather.
- 6.8 The Assessment concludes there will be some noise attenuation afforded by the existing boundary hedge. The Assessment also comments, notwithstanding the erection of a boundary timber fence along the southern side of the access drive, noise from the passage of cars is still likely to be audible in the gardens of adjoining bungalows. Noise during the night, noise levels inside bedrooms is of primary concern. However, the Assessment comments that overall impact of noise from vehicles movements will be low. The Environmental Protection Manager has been consulted on the proposal and given consideration to the Noise Assessment and has raised no objection. Consequently, it is considered a dwelling in this location and associated vehicle movements will not give rise to the loss of residential amenity.
- 6.9 Insofar as parking and access is concerned, the sub-division of Greytrees Lodge into 3 individual self-contained flats has been granted by two planning permissions. The former bungalow and this site is served by the same access. While, the Traffic Manager is concerned the access drive does not show the required visibility splays, the submitted plan does show a 2metre set back entrance with 45degree visibility splays that cross over the pavement either side of the entrance. As such it is considered adequate visibility is available. Insofar as additional vehicles likely to be generated by the proposal is concerned it is considered these would not be prejudicial to users of the adjoining road network so as not to be in the interests of highway safety. In this regard that the scheme incorporates a passing place and this could be required, by the imposition of an appropriate planning condition, to be constructed prior to the occupation of the dwelling and thereafter retained.
- 6.10 In conclusion, it is considered the application resolves the primary concern of the Inspector; impact of traffic noise on the amenity of neighbours.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of one year from the date of this permission.**

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

(England) Order 2005, the employment element of any mixed use development and residential developments of five dwellings or less.

2. **B01 Development in accordance with the approved plans**
3. **C01 Samples of external materials**
4. **H12 Parking and turning - single house**
5. **Prior to the occupation of the dwelling hereby permitted the driveway shall be surfaced in accordance with details to be submitted and approved in writing by the local planning authority and thereafter maintained**
6. **Prior to the occupation of the dwelling hereby permitted the passing place as shown on drawing number 5104:03A shall be constructed in accordance with details to be submitted and approved in writing by the local planning authority and shall remain available for this purpose.**
7. **F14 Removal of permitted development rights**
8. **G02 Retention of trees and hedgerows**
9. **L01 Foul/surface water drainage**
10. **L02 No surface water to connect to public system**
11. **L03 No drainage run-off to public system**
12. **G09 Details of Boundary treatments**

Informatives:

1. **N15 Reason(s) for the Grant of PP/LBC/CAC**
2. **W02 Welsh Water rights of access**

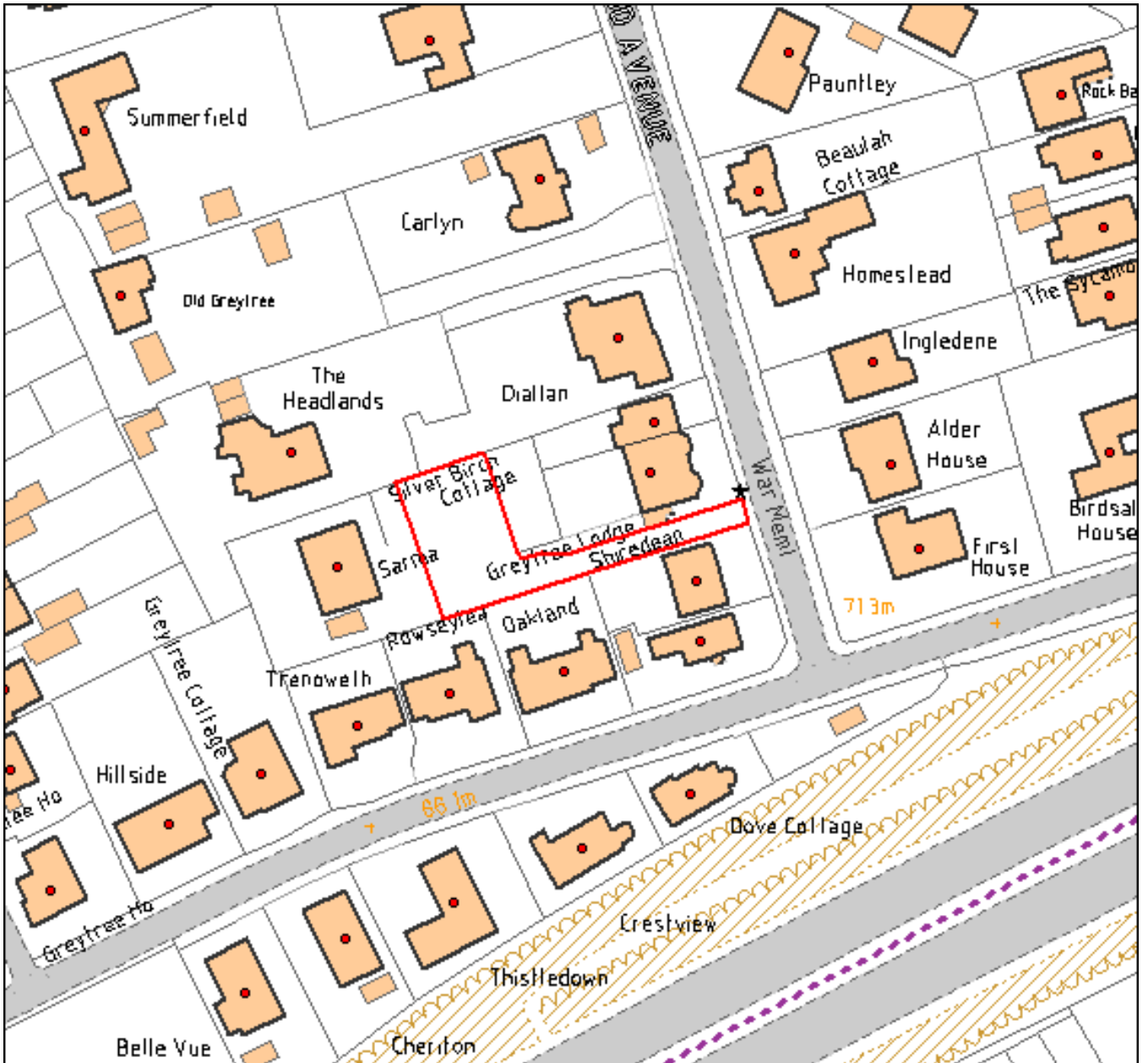
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/110101/F

SITE ADDRESS : LAND REAR OF GREYTREE LODGE, SECOND AVENUE, ROSS ON WYE, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr D Thomas on 01432 261974

