

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 6th August, 2003**

Time: **2.00 p.m.**

Place: **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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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Central Area Planning Sub-Committee

To: Councillor D.J. Fleet (Chairman)
Councillor R. Preece (Vice-Chairman)

Councillors Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, G.V. Hyde, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell, Mrs. S.J. Robertson, D.C. Short M.B.E., W.J.S Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams and R.M. Wilson.

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 26
To approve and sign the Minutes of the meeting held on 9th July, 2003.	
4. ITEM FOR INFORMATION - APPEALS	27 - 30
To note the Council's current position in respect of planning appeals for the central area.	
5. HEAD OF PLANNING SERVICES REPORT	31 - 66
To consider and take any appropriate action on the attached reports of the Head of Planning Services in respect of the planning applications received for the central area of Herefordshire, and to authorise him to impose any additional conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection by members during the meeting and also in the Council Chamber from 1.30 p.m. on the day of the meeting.	

EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the next item will not be, or is likely not to be, open to the public and press at the time it is considered.

RECOMMENDATION: THAT the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Local Government Act, 1972 as indicated below.

6. ITEM FOR INFORMATION - ENFORCEMENT

67 - 68

To note the Councils current position in respect of enforcement proceedings for the central area.

(This item discloses information relating to possible legal proceedings by the Council.)

7. DATE OF NEXT MEETING

To note that the next scheduled meeting is Wednesday, 3rd September, 2003 at 2.00 p.m.

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YOU HAVE A RIGHT TO:-

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt information'.
- Inspect agenda and public reports at least three clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. A list of the background papers to a report is given at the end of each report. A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge.
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Please Note:

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

Public Transport Links

- Public transport access can be gained to Brockington via bus route 75.
- The service runs every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus-stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

MINUTES of the meeting of the Central Area Planning Sub-Committee held at Brockington, 35 Hafod Road, Hereford, on Wednesday 9th July, 2003 at 2.00 p.m.

Present: Councillor D.J. Fleet (Chairman)
 Councillor R. Preece (Vice-Chairman)

Councillors Mrs. P.A. Andrews, A.C.R. Chappell, P.J. Edwards, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.W. Newman, Mrs. J.E. Pemberton, Ms G.A. Powell, Mrs. S.J. Robertson, W.J.S. Thomas, Ms A.M. Toon, W.J. Walling, D.B. Wilcox, R.M. Wilson and A.L. Williams.

In attendance: Councillors P.E. Harling and T.W. Hunt

7. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs. W.U. Atfield, Mrs. E.M. Bew, Mrs. S.P.A. Daniels, J.G.S. Guthrie, G.V. Hyde, J.C. Mayson and D.C. Short.

8. DECLARATIONS OF INTEREST

The following declarations of interest were made.

<u>Councillor(s)</u>	<u>Item</u>	<u>Interest</u>
Mrs. S.J. Robertson	Item No. 5, Ref. No. 1 - CW2003/1054/F Improvements to access and track at: TILLINGTON COURT FARM, TILLINGTON, HEREFORDSHIRE, HR4 8LG	Declared a personal interest.
A.C.R. Chappell and W.J. Walling	Item No. 5, Ref. No. 2 - CW2002/3803/F Local centre (Class A1 and A3) with car parking and ancillary works at: 109-111 BELMONT ROAD, HEREFORD, HR2 7JR	A.C.R. Chappell declared a personal interest. W.J. Walling declared a prejudicial interest and left the meeting for the duration of this item.
W.J. Walling	Item No. 5, Ref. No. 3 - CE2003/1090/F Proposed housing development for 14 no. dwellings at: LAND AT NEWTOWN ROAD, ADJOINING NO. 18, HEREFORD	W.J. Walling declared a prejudicial interest and left the meeting for the duration of this item.

Mrs. M.D. Lloyd-Hayes	Item No. 5, Ref. Nos. 5 & 6 - CW2003/1019/F & CW2003/1020/C 2 no. proposed dwellings and carports: & Demolition of agricultural buildings at: LAND AT REAR OF TALBOTS FARM, THE GROVE, SUTTON ST. NICHOLAS, HEREFORD	Declared a prejudicial interest and left the meeting for the duration of this item.
W.J. Walling	Item No. 5, Ref. No. 9 - CE2003/1183/F Demolition of existing building and construction of joint agency interview facility at: HEREFORD & WORCESTER CONSTABULARY, ROSS ROAD, HEREFORD, HR2 7RJ	W.J. Walling declared a prejudicial interest and left the meeting for the duration of this item.
Ms G.A. Powell and W.J. Walling	Item No. 5, Ref. No. 10 - CW2003/1181/F Proposed new single storey police post with associated parking and service area at: LAND AT BELMONT VORTEX, GOODRICH GROVE, HEREFORD, HR2 7DB	Ms G.A. Powell declared a personal interest. W.J. Walling declared a prejudicial interest and left the meeting for the duration of this item.

9. MINUTES

RESOLVED: That the Minutes of the meeting held on 11th June, 2003 be approved as a correct record and signed by the Chairman.

10. ITEM FOR INFORMATION – APPEALS

The Sub-Committee noted the Council's current position in respect of planning appeals.

11. REPORT OF THE HEAD OF PLANNING SERVICES

The report of the Head of Planning Services was presented in respect of the planning applications received for the Central Area of Herefordshire.

RESOLVED: That the planning applications be determined as set out in the appendix to these Minutes.

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: That under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION

12. ITEM FOR INFORMATION – ENFORCEMENT

The Sub-Committee received an information report about the enforcement notices served within the Central Area of Herefordshire.

(This item disclosed information relating to possible legal proceedings by the Council.)

13. DATE OF NEXT MEETING

It was noted that the next scheduled meeting was Wednesday 6th August, 2003.

The meeting ended at 3.18 p.m.

CHAIRMAN

Document is Restricted

APPENDIX

Ref. 1
TILLINGTON
 CW2003/1054/F

Improvements to access and track at:

TILLINGTON COURT FARM, TILLINGTON, HEREFORDSHIRE, HR4 8LG

For: **MESSRS. P.R. & A.N. POWELL & T.J. & N.N. GILBERT PER MR. J. SPRECKLEY, BRINSOP HOUSE, BRINSOP, HEREFORD, HR4 7AS**

Councillor Mrs. S.J. Robertson, the Local Member, noted the value of the site inspection that had been undertaken and the advice provided by officers. Having considered all the information, Councillor Mrs. Robertson felt that the application would be detrimental to highway safety for the users of the A4110 Hereford to Portway Road and proposed that planning permission be refused having regard to Policy T3 [Highway Safety Requirements] of the South Herefordshire District Local Plan. She also expressed concern about the potential impact of the proposal on an adjacent bridleway. She commented on potential alternative access points.

Councillor P.J. Edwards noted the importance of farm diversification and questioned whether signage could be used to reduce any potential risk to road users as a consequence of the proposal.

Councillor Mrs. Lloyd-Hayes spoke in support of the views of the Local Member. She also expressed concern about mountain boarding activity in the vicinity of an adjacent bridleway.

Other Members also expressed concerns about highway safety issues.

RESOLVED:

That planning permission be refused for the following reason:

The proposed access and associated traffic movements would represent a danger to highway users having regard to this particular section of the A4110 Hereford to Portway road and the speed of traffic at the proposed entrance point. As such, having regard to Policy T3 of the adopted South Herefordshire District Local Plan, the proposal is not acceptable as it would represent a danger to highway safety.

Ref. 2
HEREFORD
 CW2002/3803/F

Local centre (Class A1 and A3) with car parking and ancillary works at:

109-111 BELMONT ROAD, HEREFORD, HR2 7JR

For: **LEVANTINE LIMITED PER THE DEVELOPMENT PLANNING PARTNERSHIP, HAYWOOD HOUSE NORTH, DUMFRIES PLACE, CARDIFF, CF10 3GA**

The Principal Planning Officer updated the Sub-Committee on discussions that had been held with the Highways Agency and the

applicant since consideration of the application was deferred at the March 2003 meeting.

Councillor R. Preece, a Local Member, congratulated officers for their efforts to secure a financial contribution towards highway safety improvements. Councillor A.C.R. Chappell, also a Local Member, reiterated his concerns about highway safety in the vicinity of the application site and welcomed the proposed planning obligation.

Councillor P.J. Edwards noted that Hereford City Council had not raised any objection to the proposal but the South Wye Regeneration Partnership had raised concerns. He commented on the need to control litter and felt that, given the high pedestrian footfall, the Highways Agency should look closely at improving crossing facilities.

RESOLVED:

- 1) **That the County Secretary and Solicitor be authorised to complete a Section 106 Town and Country Planning Act 1990 planning obligation for the developer to contribute the sum of £15,000 for a period of 10 years to be used towards highway safety improvements in the vicinity of the application site and deal with any other appropriate and incidental terms, matters or issues.**
- 2) **Upon completion of the aforementioned obligation Officers named in the Scheme of Delegation to Officers be authorised to grant planning permission subject to the following conditions and any other conditions considered necessary by Officers:**
 1. **A01 (Time limit for commencement (full permission)).**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
 2. **B01 (Samples of external materials).**
Reason: To ensure that the materials harmonise with the surroundings.
 3. **G04 (Landscaping scheme (general)).**
Reason: In order to protect the visual amenities of the area.
 4. **G05 (Implementation of landscaping scheme (general)).**
Reason: In order to protect the visual amenities of the area.
 5. **G13 (Landscape design proposals).**
Reason: In the interests of visual amenity.
 6. **G01 (Details of boundary treatments).**
Reason: In the interests of visual amenity and to ensure

dwellings have satisfactory privacy.

7. The loading and unloading of service and delivery vehicles together with their arrival and departure from the site shall not take place outside the hours of 7.00 am to 6.00 pm Mondays to Fridays and 7.00 am to 1.00 pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality.

8. The uses hereby permitted shall not be open to customers between the hours of 10 pm and 7.00 am daily.

Reason: In the interests of the amenities of existing residential property in the locality.

9. F09 (Sound insulation of plant and machinery).

Reason: To safeguard the amenity of the area.

10. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents.

11. F18 (Scheme of foul drainage disposal).

Reason: In order to ensure that satisfactory drainage arrangements are provided.

12. F22 (No surface water to public sewer).

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

13. F32 (Details of floodlighting/external lighting).

Reason: To safeguard local amenities.

14. F35 (Details of shields to prevent light pollution).

Reason: To minimise light overspill and to protect the amenity of neighbouring properties.

15. F38 (Details of flues or extractors).

Reason: In the interests of the amenity of the area.

16. F41 (No burning of materials/substances during construction phase).

Reason: To safeguard residential amenity and prevent pollution.

17. F42 (Restriction of open storage).

Reason: To protect the appearance of the locality.

18. G33 (Details of walls/fences (outline permission)).

Reason: In the interests of residential and visual amenity.

19. H27 (Parking for site operatives).

Reason: To prevent indiscriminate parking in the interests of highway safety.

20. H13 (Access, turning area and parking).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

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

Reason: To ensure the safe and free flow of traffic on the highway.

22. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

23. H08 (Access closure).

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

Notes to Applicant:

- 1. HN04 - Private apparatus within highway.**
- 2. HN05 - Works within the highway.**
- 3. N03 - Adjoining property rights.**
- 4. N08 – Advertisements.**
- 5. N12 - Shopfront security.**

Ref. 3
HEREFORD
CE2003/1090/F

Proposed housing development for 14 no. dwellings at:

LAND AT NEWTOWN ROAD, ADJOINING NO. 18, HEREFORD

For: **HARPER GROUP CONSTRUCTION LTD., PER MR. C. GOLDSWORTHY, 85 ST. OWENS STREET, HEREFORD, HR1 2JW**

The Sub-Committee noted that this application site was in the Central Ward and not the Three Elms Ward as stated in the report.

The Chairman, speaking as the local Member, welcomed the

redevelopment of this site for residential purposes.

Councillor Mrs. P.A. Andrews spoke in support of this proposal, particularly the proposed obligations in respect of the adjacent area of canal.

Councillor A.L. Williams noted that the high quality of the design would enhance the appearance of Newtown Road.

In response to a question from Councillor R.M. Wilson, the Central Divisional Planning Officer confirmed that this site was within the Edgar Street Grid Study Area but this would not prejudice the determination of this planning application.

RESOLVED:

1. That the County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to require the applicant at his own expense to:

(i) convey the land contained within the former route of the canal to the Herefordshire and Gloucestershire Canal Trust;

(ii) obligate any future purchasers of the approved units to make an annual payment of £200 per property (inflated annually to the retail price index) for the maintenance cost of the canal route in Herefordshire to Herefordshire Council in perpetuity; and

(iii) carry out initial substrata exploratory excavation activities to establish the extent and structural nature of the canal on behalf of the Herefordshire and Gloucestershire Canal Trust,

and any additional matters and terms as she considered appropriate.

2. Upon completion of the aforementioned planning obligation that the Officers named in the Scheme of Delegation to officers be authorised to issue planning permission subject to the following conditions:

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

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

2. A07 (Development in accordance with approved plans) ((drawing nos. 170.10, 170.04A, 170.05A, 170.06A, 170.08A, 170.09A and 170.012)).

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. B01 (Samples of external materials).

Reason: To ensure that the materials harmonise with the surroundings.

4. Foul water and surface water discharges must be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

5. Surface water discharges will only be permitted to discharge to the public surface water sewerage system.

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.

6. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

7. G01 (Details of boundary treatments).

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

8. G02 (Landscaping scheme (housing development)).

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

9. G03 (Landscaping scheme (housing development) - implementation).

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

10. H01 (Single access - not footway).

Reason: In the interests of highway safety.

11. H13 (Access, turning area and parking).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

12. H27 (Parking for site operatives).

Reason: To prevent indiscriminate parking in the interests of highway safety.

13. H29 (Secure cycle parking provision).

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

Notes to Applicant:

- 1. HN01 - Mud on highway.**
- 2. HN04 - Private apparatus within highway.**
- 3. N01 - Access for all.**
- 4. N02 - Section 106 Obligation.**
- 5. N03 - Adjoining property rights**
- 6. N04 - Rights of way.**
- 7. N14 - Party Wall Act 1996.**

Ref. 4
HEREFORD
CE2003/1499/F

Proposed extension at:

134 HAMPTON DENE ROAD, HEREFORD, HR1 1UJ

For: **MR. R. MITCHELL, 134 HAMPTON DENE ROAD,
HEREFORD, HR1 1UJ**

In accordance with the criteria for public speaking, Mrs. Heath spoke against the application.

Councillor Mrs. M.D. Lloyd-Hayes, a Local Member, felt that the size and mass of the proposed extension would have a detrimental impact on the character and appearance of the dwelling, the surroundings and the street scene.

Councillor W.J. Walling, also a Local Member, felt that the proposal would have a deleterious effect on neighbouring properties.

The Central Divisional Planning Officer commented that, given the advice contained in Policy H16 [Alterations and Extensions] of the Hereford Local Plan, it was unlikely that refusal of planning permission could be sustained on appeal.

Councillor P.J. Edwards, whilst recognising the concerns of the Local Members, noted that the site was not located within the Conservation Area.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. **B02 (Matching external materials (extension)).**

Reason: To ensure the external materials harmonise with the existing building.

3. **E17 (No windows in side elevation of extension) (side).**

Reason: In order to protect the residential amenity of adjacent properties.

Ref. 5
**SUTTON ST.
 NICHOLAS**
 CW2003/1019/F
 &
 Ref. 6
**SUTTON ST.
 NICHOLAS**
 CW2003/1020/C

2 no. proposed dwellings and carports:

&
 Demolition of agricultural buildings at:

**LAND AT REAR OF TALBOTS FARM, THE GROVE, SUTTON ST.
 NICHOLAS, HEREFORD**

For: **MR. N. GRIFFITHS PER MR. C. GOLDSWORTHY, 85 ST.
 OWENS STREET, HEREFORD, HR1 2JW**

In accordance with the criteria for public speaking, Mr. Nicholas spoke against the applications.

Councillor Mrs. J.E. Pemberton advised that Councillor J.G.S. Guthrie, the Local Member, was unable to attend the Sub-Committee but wished to draw Members' attention to paragraphs 5.1, 5.2 and 6.4 of the report.

Councillor R.I. Matthews felt that, given the potential impact of the proposals on the Sutton St. Nicholas Conservation Area, a site inspection should be held.

Councillor P.J. Edwards suggested that external materials required further consideration.

Following advice by the Legal Practice Manager regarding the criteria for holding site inspections as defined in paragraph 14 of Code of Conduct for Councillors and Officers Dealing with Planning Matters, a number of Members felt that all three criteria were relevant to these applications.

RESOLVED:

That consideration of planning applications CW2003/1019/F and CW2003/1020/C be deferred for a site inspection.

Ref. 7
SHELWICK
CE2003/0795/F

Proposed new dwelling at:

3A FOLLY LANE, HEREFORD, HR1 1LY

For: **MR. G. BOARDMAN PER MR. C. MORTON, ROSEMEAD,
EVEDINE LANE, COLWALL, MALVERN, WR13 6DT**

The Sub-Committee noted that this application site was in the Aylestone Ward and not the Tupsley Ward as stated in the report.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. A07 (Development in accordance with approved plans).

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. B01 (Samples of external materials).

Reason: To ensure that the materials harmonise with the surroundings.

4. H01 (Single access - not footway).

Reason: In the interests of highway safety.

5. H03 (Visibility splays).

Reason: In the interests of highway safety.

6. H05 (Access gates).

Reason: In the interests of highway safety.

7. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

8. H10 (Parking - single house) (2 cars).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

9. H13 (Access, turning area and parking).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

10. E19 (Obscure glazing to windows).

Reason: In order to protect the residential amenity of adjacent properties.

11. E17 (No windows in side elevation).

Reason: In order to protect the residential amenity of adjacent properties.

12. Foul water and surface water discharges must be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

13. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

14. No land drainage run-off will be permitted, either directly or indirectly, to discharge to the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

Notes to Applicant:

- 1. HN01 - Mud on highway.**
- 2. HN04 - Private apparatus within highway.**
- 3. HN05 - Works within the highway.**
- 4. If connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water Development Consultants on tel: 01443 331155.**
- 5. N14 - Party Wall Act 1996.**

Ref. 8
HEREFORD
CE2003/1383/F

Demolition of existing garage, store and w.c. Erection of two storey garage, solar, with bathroom and workroom over at:

BEEHCROFT, FOWNHOPE, HEREFORD, HR1 4PA

For: **MR. & MRS. C. DICKERSON PER MR. G. THOMAS, RING HOUSE, FOWNHOPE, HEREFORDSHIRE, HR1 4PJ**

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

Councillor Mrs. J.E. Pemberton, the Local Member, drew attention to comments made by Fownhope Parish Council and the Fownhope

Residents' Association. She noted that, whilst concerns had been expressed about the adventurous design of the proposed new dwelling, the application appeared to be acceptable on balance having regard to the Officer's appraisal and the conditions proposed. Councillor Mrs. Pemberton expressed concern about the recent trend of replacing natural hedges with high fences.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. A07 (Development in accordance with approved plans).

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. The parking area hereby approved shall be limited to a maximum of 20 car parking spaces which will be in accordance with technical details to be submitted to and approved in writing by the local planning authority. These areas shall thereafter be retained and kept available for those purposes at all times and shall not be used for any other purpose.

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety and to preserve the character and appearance of the Conservation Area.

4. H29 (Secure cycle parking provision).

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

Ref. 9
HEREFORD
CE2003/1183/F

Demolition of existing building and construction of joint agency interview facility at:

HEREFORD & WORCESTER CONSTABULARY, ROSS ROAD, HEREFORD, HR2 7RJ

For: **WEST MERCIA POLICE AUTHORITY PER BOUGHTON ARCHITECTS, DESIGN STUDIO, 6 SANSOME WALK, WORCESTER, WR1 1LH**

Councillors R. Preece, a Local Member, expressed his support for the application.

Councillor A.C.R. Chappell, also a Local Member, commented on the

community benefit of this specialised police facility. He noted that parking issues would need to be addressed satisfactorily.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. **A07 (Development in accordance with approved plans) (drawing nos. 0217-151A, 0217-152).**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. **B01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings.

4. **The south-west facing windows of the building hereby approved shall be permanently glazed with obscured glass and fixed shut.**

Reason: To safeguard the amenities of the adjoining residential property.

5. **Foul water and surface water discharges shall be drained separately from the site.**

Reason: To protect the integrity of the public sewerage system.

6. **No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

7. **No land drainage run-off shall be permitted, either directly or indirectly, to discharge into the public sewerage system.**

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

8. **Prior to occupation of the building hereby approved the "existing fence to be replaced with 1800mm high close boarded fence" on the north side common boundary with No. 35 Ross Road shall be erected in accordance with drawing no. 0217-151A.**

Reason: To accord with the terms of the application and

safeguard the amenities of the adjoining residential property.

9. **G04 (Landscaping scheme (general)).**

Reason: In order to protect the visual amenities of the area.

10. **G05 (Implementation of landscaping scheme (general)).**

Reason: In order to protect the visual amenities of the area.

11. **G18 (Protection of trees).**

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

12. **H13 (Access, turning area and parking).**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

Notes to Applicant:

1. **HN01 - Mud on highway.**
2. **N01 - Access for all.**
3. **N03 - Adjoining property rights.**
4. **N13 - Control of demolition - Building Act 1984.**

Ref. 10
HEREFORD
CW2003/1181/F

Proposed new single storey police post with associated parking and service area at:

LAND AT BELMONT VORTEX, GOODRICH GROVE, HEREFORD, HR2 7DB

For: **WEST MERCIA CONSTABULARY PER ESTATE SERVICES,
WEST MERCIA CONSTABULARY, P.O. BOX 55, HINDLIP
HALL, WORCESTER, WR3 8SP**

The Principal Planning Officer reported the receipt of additional correspondence from the St. Francis Initiative and read out its contents.

In accordance with the criteria for public speaking, Mr. Heatherwick spoke against the application.

Councillor J.W. Newman, a Local Member, noted that the Sub-Committee had to consider the current application on its merits and, referring to the issues raised by the St. Francis Initiative, a possible future proposal for the site was not a planning reason to warrant refusal. Councillor Newman commented that the proposed building was of an unobtrusive design and was in a suitable location. He felt that it would be regrettable if the opportunity to provide a much needed community facility was missed.

Councillors P.J. Edwards and Ms. G.A. Powell, the other Local Members, also spoke in support of the application.

In response to concerns expressed by Councillor Mrs. M.D. Lloyd-Hayes about the justification for a police post in this location, Councillor A.C.R. Chappell explained that this proposal would replace the Ross Road police post that was to be demolished to make way for the joint agency interview facility [Ref. 9, planning application CE2003/1183/F, above refers].

In response to a suggestion made by Councillor Mrs. Lloyd-Hayes regarding the potential for a planning obligation, the Chairman commented that the application would provide significant local benefits.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. B01 (Samples of external materials).

Reason: To ensure that the materials harmonise with the surroundings.

3. G04 (Landscaping scheme (general)).

Reason: In order to protect the visual amenities of the area.

4. G05 (Implementation of landscaping scheme (general)).

Reason: In order to protect the visual amenities of the area.

5. Foul water and surface water discharges must be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

6. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

7. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

8. H03 (Visibility splays).

Reason: In the interests of highway safety.

9. H05 (Access gates).

Reason: In the interests of highway safety.

10. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

11. H13 (Access, turning area and parking).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

12. Prior to commencement of development a Green Transport Plan shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented within one month of the completion of the development.

Reason: To encourage alternative modes of transport in accordance with both local and national planning policy.

Notes to Applicant:

- 1. HN01 - Mud on highway.**
- 2. HN05 - Works within the highway.**
- 3. HN10 - No drainage to discharge to highway.**
- 4. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultant on Tel: 01443 33155.**

Ref. 11
HEREFORD
CW2003/1062/RM

Erection of five houses at:

LAND AT 137 KINGS ACRE ROAD, HEREFORD

For: **THOMAS SMITH & SONS PER MR. J. PHIPPS, BANK LODGE, COLDWELLS ROAD, HOLMER, HEREFORD, HR1 1LH**

The Principal Planning Officer advised that Mr. Atherton wished the Sub-Committee to be aware that a number of local residents maintained strong objections to the proposal.

In response to a question, the Principal Planning Officer confirmed that no comments had been received from Breinton Parish Council.

Councillor R.I. Matthews, the Local Member, noted that the concerns of local residents regarding surface water drainage would be addressed through a specific condition imposed as part of the outline planning

permission granted on this site. To address other local concerns, Councillor Matthews proposed that officers be given delegated authority to negotiate amendments to the design of Plot 5; in particular, he suggested that a hipped roof design would have less impact on adjoining properties.

RESOLVED:

Subject to the receipt of a suitably amended plan showing a hipped roof design on plot 5 that officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:

1. B01 (Samples of external materials).

Reason: To ensure that the materials harmonise with the surroundings.

2. G04 (Landscaping scheme (general)).

Reason: In order to protect the visual amenities of the area.

3. G05 (Implementation of landscaping scheme (general)).

Reason: In order to protect the visual amenities of the area.

4. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

5. H13 (Access, turning area and parking).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

6. H27 (Parking for site operatives).

Reason: To prevent indiscriminate parking in the interests of highway safety.

Notes to Applicant:

1. The attention of the applicant is drawn to the conditions on the outline planning permission granted on 27th March 2002 (Reference No. CW20020210/O). This application for the approval of reserved matters is granted subject to these conditions.

2. HN01 - Mud on highway.

3. HN04 - Private apparatus within highway.

4. HN05 - Works within the highway.

5. HN10 - No drainage to discharge to highway.

Ref. 12
KINGS ACRE
 CW2003/0937/F

New glass house and dispatch building, new tractor shed and water tank, reposition of gas storage tank at:

WYEVALE NURSERIES LTD, VELDIFER LANE, KINGS ACRE, HEREFORD, HR4 7AY

For: **WYEVALE NURSERIES LTD. PER JOHN FARR AND ASSOCIATES, FINCHAM, STOCKLEY HILL, PETERCHURCH, HEREFORDSHIRE, HR2 0SS**

In response to a question, the Principal Planning Officer confirmed that no comments had been received from Breinton Parish Council.

Councillor R.I. Matthews, the Local Member, noted the concerns of local residents but felt sure that the applicant would address any outstanding issues.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. **B01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings.

3. **F20 (Scheme of surface water drainage).**

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

Notes to Applicant:

1. **HN10 - No drainage to discharge to highway.**
2. **It is the responsibility of the developer to arrange for a suitable outfall or discharge point. It cannot be assumed that the highway drainage system can be used for such purpose.**

Ref. 13
LOWER BULLINGHAM
 CE2002/3097/O

Site for 3 single dwellings at:

SITE TO REAR OF PENGLAIS HOUSE, LOWER BULLINGHAM, HEREFORD, HR2 6EG

For: **MR. & MRS. P.H. STEADMAN PER JAMES MORRIS ASSOCIATES, STOCKS TREE COTTAGE, KINGS PYON, HEREFORDSHIRE, HR4 8PT**

The Sub-Committee noted that this application site was in the St. Martins and Hinton Ward and not the Hollington Ward as stated in the report.

The Central Divisional Planning Officer reported that the Hereford and Worcester Ambulance Service had withdrawn its objection to the development.

Councillor A.C.R. Chappell, a Local Member, expressed concerns about flooding problems in the area.

RESOLVED:

That the application be referred to the Environment Agency, and subject to them confirming that they will not be referring the application to the Secretary of State then outline planning permission be granted subject to the following conditions:

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

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 2 A03 (Time limit for commencement (outline permission))**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 3 A04 (Approval of reserved matters)**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

- 4 A05 (Plans and particulars of reserved matters)**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 5 D03 (Site observation - archaeology)**

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

- 6 H01 (Single access - not footway)**

Reason: In the interests of highway safety.

- 7 H03 (Visibility splays)**

Reason: In the interests of highway safety.

- 8 H05 (Access gates)**

Reason: In the interests of highway safety.

- 9 H06 (Vehicular access construction)**
Reason: In the interests of highway safety.
- 10 H10 (Parking - single house)**
Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.
- 11 H12 (Parking and turning - single house)**
Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.
- 12 H13 (Access, turning area and parking)**
Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.
- 13 H27 (Parking for site operatives)**
Reason: To prevent indiscriminate parking in the interests of highway safety.
- 14 Foul water and surface water discharges must be drained separately from the site.**
Reason: To protect the integrity of the public sewerage system.
- 15 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.**
Reason: To prevent hydraulic overload of the Public Sewerage System and pollution of the environment.
- 16 No land drainage run-off will be permitted to discharge to the Public Sewerage System.**
Reason: To prevent hydraulic overload of the Public Sewerage System and pollution of the environment.
- 17 Prior to commencement of development details of flood warning notices to be erected at the entrance to the site shall be submitted to and approved in writing by the local planning authority. These signs shall be erected in accordance with the details submitted.**
Reason: To ensure that residents and visitors are aware of the risk of flooding to the entrance of the site and the adjacent highway in the interest of public and highway safety.
- 18 Prior to the first occupation of the dwellings residents shall be advised in writing to place themselves on the Environment Agency's flood warning system. Written confirmation that this advice has been issued shall be submitted to and**

approved in writing by the local planning authority.

Reason: To ensure that residents are made aware of the potential flooding to the highway.

Notes to Applicant:

- 1 The Environment Agency Flood Defence team can be contacted in Monmouth on 01600 771145 with regard to the flood warning system.
- 2 If a connection is required to the public sewerage system, the developer is advised to contact the Network Development Consultants (DVWW Sewerage Agents) on tel: 01443 331155.
- 3 HN04 - Private apparatus within highway
- 4 HN05 - Works within the highway
- 5 Your attention is drawn to the concerns of the Environment Agency who maintain that the access to the site could be affected by flooding at a rate of 1% apf (annual probability flooding). The Council can take no legal responsibility whatsoever in the event of a flood.

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. CE2002/3105/F****Site at Colwyn, Checkley, Hereford**

- The appeal was received on 30th June, 2003
- 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. G. & J.C. Brunt
- The site is located at Colwyn, Checkley, Herefordshire, HR1 4ND
- The development proposed is Replacement dwelling.
- The appeal is to be heard by Written Representations

Case Officer: Miss Kelly Gibbons on 01432 261949**Application No. CE2002/3527/F****Site at 1a Scotch Firs, Fownhope, Hereford**

- The appeal was received on 16th July, 2003
- 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 D.W. Oliver
- The site is located at 1A, Scotch Firs, Fownhope, Hereford, Herefordshire, HR1 4NW
- The development proposed is First floor rear extension
- The appeal is to be heard by Written Representations

Case Officer: Miss Kelly Gibbons on 01432 261949**APPEALS DETERMINED****Application No. CE2002/1730/F****Site at Lotties Plot, Lumber Lane, Lugwardine, Herefordshire**

- The appeal was received on 28th January, 2003
- 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. A.P. Paton
- The site is located at Lotties Plot, Lumber Lane, Lugwardine, Herefordshire.
- The application, dated 21st June, 2002, was refused on 1st August, 2002
- The development proposed was Extension to burial ground and 2 No chalet bungalows with access road.
- The main issue is the effect of the proposed development on the character and appearance of the countryside and whether it would preserve or enhance the character or appearance of the Lugwardine Conservation Area.

Decision: The appeal was **Dismissed** on 3rd July, 2003**Case Officer: Andrew Guest on 01432 261957**

Application No. CE2003/0123/A**Site at Legion Way, Hereford**

- The appeal was received on 15th May 2003
- The appeal is made under The Town and Country Planning (Control of Advertisements) Regulations 1992 against partial refusal of advert consent.
- The appeal was brought by Cotswold BMW
- The site is located at Legion Way, Hereford
- The application, is dated 8th January, 2003
- The development proposed was Illuminated signs - 6 no. eaves level projecting signs, 2 no. freestanding signs and 3 no. flags.
- The main issues are the effect on the amenity and public safety of the area

Decision: The appeal was part **Dismissed** and part **Allowed** on 14th July, 2003

Case Officer: Andrew Guest on 01432-261957

Enforcement Notice No. EN990023ZZ**Site Land at Dinedor, Hereford**

- The appeal is made under section 174 of The Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991
- The appeal is made by Mrs. Klainy against an enforcement notice issued by Herefordshire Council
- The notice was issued on 3rd October, 2002
- The breach of planning control as alleged in the notice is without planning permission, change of use of the land from use for agriculture to use for the storage and deposit of caravans, vehicles, trailers, van bodies, sheds, building materials, waste and rubbish
- The requirements of the notice are to discontinue the use of each and every part of the land for the purpose of the storage and deposit of caravans, vehicles, trailers, van bodies, sheds building materials, waste and rubbish, remove all non-natural materials from the land and restore the land to a condition suitable for agricultural use
- The period for compliance with the requirement is eight weeks
- The appeal is proceeding on the ground set out in section 174(2)(d) of the 1990 Act. The deemed application for planning permission also falls to be considered

Decision: The appeal was **Dismissed** on 17th July, 2003 and the enforcement notice is upheld with corrections and variations

Case Officer: Andrew Guest on 01432-261957

Costs Application No. EN990023ZZ**Site Land at Dinedor, Hereford**

- The application is made under the Town and Country Planning Act 1990, sections 174, 320 and Schedule 6 and the Local Government Act 1972, section 250(5)
- The application is made by Herefordshire Council for a partial award of costs against Mrs. S. Klainy
- The inquiry was in connection with an appeal against enforcement notice alleging without planning permission, change of use of the land from use for agriculture to use for the storage and deposit of caravans, vehicles, trailers, van bodies, sheds, building materials, waste and rubbish

Decision: The application was **Allowed** on 17th July, 2003

Case Officer: Andrew Guest on 01432-261957

Costs Application No. CE2002/2171/O**Site Land off Rectory Road, Hampton Bishop, Hereford**

- The application is made under Section 322A of the Town and Country Planning Act 1990
- The application is made by Herefordshire Council for a partial award of costs against S T Layton & Sons
- The hearing was in connection with an appeal against refusal of planning permission for proposed agricultural workers dwelling. The appeal was withdrawn

Decision: The application was **Allowed** on 23rd June, 2003

Case Officer: Mr. Andrew Guest on 01432 261957

Application No. CE2002/3088/F**Site Southbank House, 33 Southbank Road, Hereford**

- 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 H. Morgan
- The site is located at Southbank House, 33, Southbank Road, Hereford, HR1 2TL
- The application, dated 18th October, 2002, was refused on 15th January, 2003
- The development proposed was Demolition of existing house and outbuildings. Erection of 11 No. flats with associated car parking.
- The main issue is that while the proposed building may well be a fine piece of architecture, it cannot reasonably be said to respect the character of the area or be in visual harmony with its neighbours.

Decision: The appeal was **Dismissed** on 18th July, 2003

Case Officer: Andrew Guest on 01432-261957

Application No. CE2002/3089/C**Site Southbank House, 33 Southbank Road, Hereford**

- The appeal is made under Section 74 of the Planning (listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent
- The appeal is made by Ms. H. Morgan
- The application dated 18th October, 2002 was refused on 15th January, 2003
- The development proposed is the full demolition of existing building and associated single storey outbuildings
- The main issue is that because there is no acceptable proposal for redevelopment, demolition is not acceptable

Decision: The appeal was **Dismissed** on 18th July, 2003

Case Officer: Andrew Guest on 01432-261957

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

CENTRAL AREA PLANNING SUB-COMMITTEE

6TH AUGUST, 2003

SITE VISIT

REF. NO.	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
1	Mr. N. Griffiths	2 no. proposed dwellings and carports at land at rear of Talbots Farm, The Grove, Sutton St. Nicholas, Hereford	CW2003/1019/F	33 - 38
2	Mr. N. Griffiths	Demolition of agricultural buildings at Talbots Farm, The Grove, Sutton St. Nicholas, Hereford, HR1 2ET	CW2003/1020/C	33 - 38

APPLICATIONS RECEIVED

3	Mr. & Mrs. Gardner	Proposed extension to rear at 10 Kyrle Street, Hereford	CE2003/1604/F	39 - 42
4	Mrs. S. Clarke	Replacement garage and first floor extension at 5 Cleeve Orchard, Hereford, HR1 1LF	CW2003/1764/F	43 - 46
5	Ms. C. Cruickshank	Side extension at first floor and part ground floor levels at 30 Sidney Box Drive, Hereford, HR4 0ND	CW2003/1506/F	47 - 50
6	Mr. K. Morrill	Site for proposed dwelling including details of design, external appearance, siting and access at Grove Cottage, Tillington, Herefordshire, HR4 8LW	CW2002/3102/O	51 - 56
7	Dr. & Mrs C. Allen	Construction of new riding menage at Gaer House, Carey, Hereford, HR2 6NG	CE2003/1687/F	57 - 60

EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the next item will not be, or is likely not to be, open to the public and press at the time it is considered.

8	To receive an application on behalf of the MOD for residential development in Herefordshire.			61 - 66
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(Information relating to the financial or business affairs of any particular person (other than the authority))

1 CW2003/1019/F - 2 NO. PROPOSED DWELLINGS AND CARPORTS AT LAND AT REAR OF TALBOTS FARM, THE GROVE, SUTTON ST. NICHOLAS, HEREFORD

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

2 CW2003/1020/C – DEMOLITION OF AGRICULTURAL BUILDINGS AT TALBOTS FARM, THE GROVE, SUTTON ST. NICHOLAS, HEREFORD

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

Date Received: 15th May 2003

Ward: Sutton Walls

Grid Ref: 53490, 45193

Expiry Date: 10th July 2003

Local Member: Councillor J.G.S. Guthrie

These applications were deferred at last month's meeting to enable a Members' site visit which was undertaken on the 21st July 2003. The report and recommendations below remain unaltered from last month's meeting.

1. Site Description and Proposal

1.1 The application site comprises of a parcel of land measuring 0.195 hectares on land between The Talbots and Millway on the south-eastern edge of Sutton St. Nicholas. It presently comprises of a modern agricultural hay building which is served by a single access point on land to the north of The Talbots. As identified in both the existing South Herefordshire District Local Plan and the emerging Unitary Development Plan, the site is shown to be within the settlement boundary and also within the designated Sutton St. Nicholas Conservation Area.

1.2 These applications seek Conservation Area Consent to remove the existing building on site and full planning permission for the erection of two detached houses. The two dwellings which are linked by single storey car ports are identical four bedroomed designed units.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG3	-	Housing
PPG15	-	Planning and the Historic Environment

2.2 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy SH8	-	New Housing Development Criteria in Larger Villages
Policy C23	-	New Development affecting Conservation Areas
Policy C24	-	Demolition in Conservation Areas
Policy C25	-	Demolition and Redevelopment

2.3 Herefordshire Unitary Development Plan (Deposit Draft):

Policy DR1	-	Design
Policy S2	-	Development Requirements
Policy H4	-	Main Villages – Settlement Boundaries
Policy H13	-	Sustainable Residential Design
Policy H14	-	Reusing Previously Developed Land and Buildings
Policy HBA6	-	New Development within Conservation Areas
Policy HBA7	-	Demolition of Unlisted Buildings within Conservation Areas

3. Planning History

3.1 There is no record of any previous applications which are directly relevant to this proposal.

4. Consultation Summary

4.1 None.

5. Representations

5.1 Sutton Parish Council: In view of the amended plans to reduce the plot size, we feel the plot is overdeveloped for the size. The development of two houses will totally dominate the adjoining properties and there may be a light issue. We feel the development will be too intrusive. We would like to suggest a site visit.

5.2 Seventeen letters of objection have been received on this application. The comments raised in those letters can be summarised as follows.

- The proposal represents overdevelopment of the site which would be detrimental to the designated Conservation Area. The plot is far too small and as such the proposed dwellings will look cramped and obtrusive in such a setting.
- The proposal is served by a substandard access which will have a detrimental impact on adjoining neighbours. The access track is totally unsuitable for residential development.
- The scheme will have a harmful impact on adjoining neighbours involving potential loss of light, a loss of privacy and direct overlooking. This sort of overcrowding in a village context is unnecessary. This development would put additional pressure on adjoining farmland for the expansion of the village which has been subject to a number of developments in recent years.

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

6. Officers Appraisal

- 6.1 The key issues in considering these applications are the acceptability of the demolition of the existing building on site, the principle of residential development in this location, the impact of the proposal on the character or appearance of the Conservation Area and any access and highway related concerns.
- 6.2 The site is currently occupied by a modern agricultural building which contributes little to the appearance of the designated Conservation Area. Having regard to the policy requirements for demolition in such areas, no objections are raised to its removal.
- 6.3 With regard to the principle of residential development on this site, it should be noted that Sutton St. Nicholas is identified in both the existing South Herefordshire District Local Plan and the emerging Unitary Development Plan as a larger village. The application site (as amended 15th May 2003) shows the site contained within the settlement boundary and Sutton St. Nicholas Conservation Area. Given this location within a settlement boundary, it is considered that the principle of this small residential development is acceptable when considered against the six criteria of Policy SH8 in the South Herefordshire District Local Plan and Policy H4 of the emerging Unitary Development Plan.
- 6.4 As noted above the site lies within the designated Sutton St. Nicholas Conservation Area where all new development should either preserve or enhance the existing character or appearance of the area. Careful consideration has been given to the siting, design and layout of this site, especially with regard to its impact on adjoining properties and potential for overlooking. The designs themselves are a relatively traditional approach using red brick and slate tiles. Whilst concerns have been expressed from local residents with regard to overlooking and potential for the development to overshadow adjoining properties, neither of these issues would give rise to a sustainable planning objection. The dwellings measure 7.5 metres to the ridge and windows have been positioned in such a way that direct overlooking or interlooking would not be possible. Whilst the siting of Plot 1 will be closer to existing properties on Millway than the existing hay barn, this is not in itself a reason for refusal. Notwithstanding this point, Officers have tried to address the concerns raised by local residents and at the time of writing this report, amended plans are awaited which revise the siting of Plot 1 to increase the building to building distance between this unit and those properties on Millway. As submitted the building to building distance is approximately 13 metres, however it is anticipated revised plans will provide approximately 17 metres between the units by replacing the proposed single car port with a detached single garage. Assessment must be made to the siting, height and scale of the building and on balance, subject to the satisfactory receipt of these amendments, this element of the scheme is considered acceptable.
- 6.5 In summary, the siting, design and scale of the proposed dwellings are considered appropriate in this instance and subject to satisfactory materials, the development should both preserve and enhance the character and appearance of the locality.
- 6.6 Some concerns have been expressed by local residents with regard to the suitability of the access proposed to serve the two dwellings. The Head of Engineering and Transportation has considered both the access and visibility issues at the site entrance and raises no objections subject to conditions. On balance the traffic generated by two residential properties is unlikely to cause significant harm or be an additional danger to highway safety such that would warrant refusal in this instance.

6.7 In conclusion whilst the comments raised by local residents and the Parish Council have been fully considered, the proposed reuse of this site which lies within the settlement boundary and the Conservation Area of Sutton St. Nicholas is considered to be in accordance with both adopted Local policies and Central Government Guidance contained in PPG3 (Housing) and PPG15 (Planning and the Historic Environment). For these reasons planning permission is recommended.

RECOMMENDATION

In respect of CW2003/1019/F:

That planning permission be granted subject to the following conditions:

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

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

- 2. B01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings.

- 3. G04 (Landscaping scheme (general)).**

Reason: In order to protect the visual amenities of the area.

- 4. G05 (Implementation of landscaping scheme (general)).**

Reason: In order to protect the visual amenities of the area.

- 5. G01 (Details of boundary treatments).**

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

- 6. H03 (Visibility splays). (2 x 33).**

Reason: In the interests of highway safety.

- 7. H12 (Parking and turning - single house).**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 8. F17 (Scheme of foul drainage disposal).**

Reason: In order to ensure that satisfactory drainage arrangements are provided.

- 9. F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.

Notes to Applicant:

- 1. HN01 - Mud on highway.
- 2. HN04 - Private apparatus within highway.
- 3. HN05 - Works within the highway.
- 4. HN10 - No drainage to discharge to highway

In respect of CW2003/1020/C:

That Conservation Area Consent be granted subject to the following condition:

- 1. C01 (Time limit for commencement (Listed Building Consent)).

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

3 CE2003/1604/F - PROPOSED EXTENSION TO REAR 10 KYRLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2ET

For: Mr. & Mrs. Gardner, per Mr. J.I. Hall, New Bungalow, Nunnington, Hereford, HR1 3NJ

Date Received: 29th May 2003

Ward: Central

Grid Ref: 51447, 40097

Expiry Date: 24th July 2003

Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

- 1.1 The site comprises a semi-detached house and yard positioned on the south-east side of Kyrle Street. The yard is used in part for business purposes (specifically, a sign writing business and storage of mobile coffee bars and swing boats). The attached neighbouring house (No. 12 Kyrle Street) also comprises a house and 'yard', the yard in use by a monumental sculptors business. To the rear of both of the houses are 'back to back' single storey attached wings.
- 1.2 The proposal is to demolish the first section of the existing single storey rear wing and erect a replacement single storey rear extension, and erect a pitched roof over the second section of the wing. The extension would 'fill' the gap between the rear elevation of the house and the second section of the wing. It would be slightly wider than existing although with the same overall height (valley roof). The pitched roof over the flat roof would raise the height of the second section of the wing by 1.7m (from 2.5m to 4.2m).
- 1.3 A separate application, to demolish the third section of the rear wing and erect a two storey rear extension incorporating a flat, has been refused planning permission on amenity grounds.

2. Policies

2.1 Hereford Local Plan:

ENV14	-	Design
H12	-	Established Residential Areas

2.2 Herefordshire UDP (Deposit Draft):

S2	-	Development Requirements
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3. Planning History

- 3.1 HC970474/PF – Proposed residential development – 2 bedroom houses with integral garages. Appeal dismissed 20th August, 1998.

- 3.2 CE1999/2467/F - New hardstanding for both residential and commercial (non HGV) parking to include a 16ft trailer mounted set of swingboats. Approved 19th January, 2000.
- 3.3 CE2003/0405/F - Retention of existing sheds and variation of Condition No. 2 of CE1999/2476/F to permit storage of mobile coffee bar(s) and trailer mounted swingboats. Approved 11th June, 2003.
- 3.4 CE2003/1602/F - Two storey flat for residential use. Refused July, 2003.

4. Consultation Summary

- 4.1 No statutory or non-statutory consultations required.

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 CAAC: No objection.
- 5.3 One letter of objection has been received from Gabbs Solicitors on behalf of Mr & Mrs A.J. Whiting of 12 Kyrle Street summarised as follows:
- height of extensions have detrimental impact on light in adjacent stone masons yard (where letter writing and stone viewing takes place close to the common boundary);
 - potential detrimental impact on stability of party wall;
 - potential detrimental impact on area of archaeological interest.
- 5.4 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main issue in this case is the impact of the proposed extensions on the amenities of the adjoining property.
- 6.2 The site is located in the Established Residential Area where Policy H12 of the Local Plan requires environmental character and amenity (including residential amenity) to be protected and where appropriate enhanced.
- 6.3 The proposal is in two parts – firstly, the replacement first section of the rear wing. This would have a larger ‘footprint’ than the structure to be replaced although the height would be no greater by reason of a valley roof design. It would share its side wall with the similar rear wing at No. 12 Kyrle Street. Having regard to its similar height compared with the existing structure, it is not considered that this element of the proposal would be unneighbourly.
- 6.4 The second part of the proposal – that is, the pitched roof over an existing flat roof – would be visible from No. 12. However, in view of the actual limited size and height of the new roof, the set in position of its ridgeline, and the height of the existing common boundary wall (over which the ridgeline would project just 0.3m), it is not considered that any adverse impact would be caused to No. 12.

- 6.5 No other neighbouring property would be adversely affected by the proposal. The separate application for a two storey 'flat' has been refused permission on amenity grounds in view of its position and excessive length and height.
- 6.6 The proposals would cause limited ground disturbance and, as such, would not adversely affect any archaeological interests. The stability or otherwise of the common boundary wall is a private matter to be resolved between the applicant and neighbour.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 (Time limit for commencement (full permission))**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 A08 (Development in accordance with approved plans and materials)**
Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area.
- 3 D01 (Site investigation – archaeology)**

Notes to Applicant:

- 1 The 'adjoining two storey flat' shown on the approved drawings does not form part of the proposal or planning permission. The 'adjoining two storey flat' is the subject of a separate planning decision under local planning authority ref: CE2003/1602/F**
- 2 ND2 – Area of Archaeological Importance**
- 3 N14 – Party Wall Act 1996**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

4 CW2003/1764/F - REPLACEMENT GARAGE AND FIRST FLOOR EXTENSION AT 5 CLEEVE ORCHARD, HEREFORD, HR1 1LF

For: Mrs. S. Clarke per Mr. R. Pritchard, The Mill, Kenchester, Hereford, HR4 7QJ

Date Received: 12th June 2003 Ward: Burghill, Holmer & Lyde Grid Ref: 50791, 42124

Expiry Date: 7th August 2003

Local Member: Councillor Mrs. S.J. Robertson

1. Site Description and Proposal

- 1.1 The application site is located in the Cleeve Orchard development which is accessed off Roman Road on the northern edge of Hereford City. The site presently consists of a detached residential dwelling with a single storey garage to the side. The dwelling forms one of three properties close to the entrance of Cleeve Orchard which back onto Roman Road.
- 1.2 This application seeks full planning permission to erect a two storey side extension which will incorporate a garage and utility at ground floor level with one bedroom and en-suite above. The design and height of the extension match the existing dwelling, however the proposal has been amended following a previous refusal of permission for a two storey side extension earlier this year.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG3	-	Housing
PPG13	-	Transport

2.2 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy SH23	-	Extensions and Alterations to Dwellings

2.3 Unitary Development Plan (Deposit Draft):

Policy H18	-	Extension and Alterations
Policy H16	-	Car Parking

3. Planning History

- 3.1 CW2003/0999/F Replacement garage and first floor extension to create master bedroom, en-suite bathroom and fourth bedroom. Refused 23rd May 2003.

4. Consultation Summary

4.1 No statutory or non-statutory consultations required.

5. Representations

5.1 Hereford City Council: No objection.

5.2 One letter of objection has been received from the adjoining occupiers, Mr. & Mrs. W. Fotheringham, 3 Cleeve Orchard, Roman Road, Hereford.

- We would object to the revised proposal which will have a detrimental impact on the natural light received by our property. Both the first floor side window which allows light into the stairway, landing and hall and our purpose built conservatory to the rear would both be harmfully affected. We are also concerned that new foundations would have to be built on our property or would interfere with our property given the close proximity of the extension. Concerns are also raised about drainage, the potential inconvenience of works being undertaken and possible devaluation of their property.

5.3 The full text of this letter can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 The key considerations in determining this application are the principle of the proposed extension, its design and any resulting impact the scheme may have on the adjoining residential properties.

6.2 Policy SH23 of the adopted South Herefordshire District Local Plan indicates that proposals for alterations and extensions to residential properties should respect the size and character of the existing building and the amenities of adjacent properties. In this instance having regard to the established residential area in which the site is located, it is considered the basic principle of an extension to be acceptable subject to the design and impact issues raised.

6.3 The scheme as submitted shows a two storey side extension incorporating a replacement garage and utility room at ground floor with bedroom and en-suite over. The scheme has been amended following a refusal of planning permission under the adopted Scheme of Delegation in May of this year. Whilst the front elevation remains broadly similar to the scheme refused, the side and rear elevations have been amended to reduce the size of the proposal in an attempt to address the reasons for refusal previously given. In design terms it is considered that subject to materials matching the existing property, the proposal would sit comfortably in this location and no objections are raised.

6.4 Given the staggered position between the application site and No. 3 Cleeve Orchard, the impact of a two storey side extension adjoining the residential boundary needs careful consideration. The sensitive nature of this relationship is emphasised by an existing rear conservatory close to the residential boundary on No. 3 Cleeve Orchard. Having carefully considered a revised scheme, Officers conclude that the proposal represents a significant improvement on the previously refused application and the significant step back and reduction in bulk will overcome any dominant and overbearing impact of this scheme. Whilst the neighbours concerns have been

Carefully addressed, it is considered that the proposal now represents an acceptable form of development. As such, subject to the conditions set out, planning permission is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. **B02 (Matching external materials (extension)).**

Reason: To ensure the external materials harmonise with the existing building.

- 3. **E18 (No new windows in specified elevation) (east).**

Reason: In order to protect the residential amenity of adjacent properties.

- 4. **The proposed first floor window in the south elevation of the extension hereby approved shall be fitted with obscure glazing only which shall not be altered or amended without the prior written approval of the local planning authority.**

Reason: To prevent any direct overlooking of the adjoining private residential property.

Notes to Applicant:

- 1. **N03 - Adjoining property rights.**
- 2. **N14 - Party Wall Act 1996.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

5 CW2003/1506/F - SIDE EXTENSION AT FIRST FLOOR AND PART GROUND FLOOR LEVELS AT 30 SIDNEY BOX DRIVE, HEREFORD, HR4 0ND

For: Ms. C. Cruickshank per Broadheath Consulting Ltd., Broadheath, Moreton-on-Lugg, Hereford, HR4 8DQ

Date Received: 20th May 2003 Ward: Three Elms Grid Ref: 49535, 41366

Expiry Date: 15th July 2003

Local Members: Councillors Mrs. P.A. Andrews; Mrs. S.P.A. Daniels and Ms. A.M. Toon

1. Site Description and Proposal

1.1 The application site is located at the end of Sidney Box Drive which is a cul-de-sac accessed off Grandstand Road. The property is one of five dwellings which directly face Moor Park and are located on the south side of the Three Elms Trading Estate. The application site is also adjoined by a single detached bungalow which is sited in close proximity to the south of No. 30.

1.2 This application seeks full planning permission to erect a first floor extension above an existing flat roofed lounge on the north-west side of the property. The extension will provide a fourth bedroom and en-suite.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG3	-	Housing
PPG13	-	Transport

2.2 Hereford Local Plan:

Policy ENV14	-	Design
Policy H16	-	Alterations and Extensions

2.3 Unitary Development Plan (Deposit Draft):

Policy H16	-	Car Parking
Policy H18	-	Alterations and Extensions

3. Planning History

3.1 CW2002/3675/F Side extension. Refused 27th January 2003.

4. Consultation Summary

4.1 No statutory or non-statutory consultations required.

5. Representations

5.1 Hereford City Council: Has no objection to the application.

5.2 Three private letters of objection have been received on this application from Mr. & Mrs. B. Hodnett, 32 Sidney Box Drive; S.M. Watkins, 28 Sidney Box Drive and Ms. S. Helps, 24 Sidney Box Drive, Hereford. Issues raised can be summarised as follows:

- The plans of the proposed extension seem very large and will greatly alter the aspect of the house if completed. It is not considered this will benefit the cul-de-sac as a whole. Concerns are expressed about lodgers within the application site and the additional vehicles which are brought into the cul-de-sac. This makes it difficult for other residents to access the roadway when leaving their properties if vehicles are blocking the road.
- Our property is a bungalow and another storey added along side the boundary will be visually overpowering and restrict our natural light. The proposed position of the window in the extension would directly overlook our garden and therefore detract from the privacy we now enjoy. We can only assume that the proposed extension is to expand the business use of the property to add extra lodgers who already park cars and congest the road hindering adjoining residents. We would like to highlight the fact that we have never had to object to previous extensions but now feel our physical and personal position is threatened. The stress and anxiety this issue causes cannot be measured.

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

6. Officers Appraisal

6.1 The key issues in the consideration of this application are the principle of the extension, its design and any resulting impact the proposal will have on adjoining residential properties.

6.2 Policy H16 of the adopted Hereford Local Plan states that proposals for alterations and extensions to residential properties should respect the size and character of the existing building and the amenities of adjacent properties, and be in keeping with the overall character and harmony of the area. In this instance the proposal consists of the addition of a first floor extension over an existing flat roofed lounge and will add one additional bedroom to the property. Subject to the other criteria mentioned above, it is considered the principle of residential extension in this instance is acceptable.

6.3 Members will note that a previous application for a two storey side extension was refused planning permission in January of this year. That scheme which incorporated a larger extension was refused by virtue of its height, scale and position and resulting window positions which would have a dominant and overbearing impact on the adjoining property. The applicant has attempted to address these concerns and at first floor level has set the building line back 1.8 metres compared to the previous scheme. The south-east elevation (facing the adjoining bungalow) now incorporates a fixed light obscure glass window to prevent any direct overlooking.

- 6.4 In design terms, it is considered that the proposal is in keeping with the general appearance of the property and is at a scale which reasonably relates to the overall unit. Furthermore, the existing flat roofed extension on which a conservatory has been added is at present an unsightly design feature.
- 6.5 With regard to the overlooking and dominance issue which was previously identified, Officers consider that this scheme represents a significant improvement on the previous submission. As well as the set back building line at first floor level, as noted above obscure glass is proposed on the elevation directly facing the adjoining bungalow. This will ensure that no direct overlooking occurs to their private garden area. Given the relationship of the application site to the north of the adjoining bungalow, it is also considered that no overshadowing would occur or loss of sunlight. In view of the changes which have been made it is considered this scheme is now acceptable.
- 6.6 The comments with regard to vehicle numbers and lodgers within the dwelling have been noted but would not justify a refusal of this house extension.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. **A06 (Development in accordance with approved plans).**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 3. **E17 (No windows in side elevation of extension) (south).**

Reason: In order to protect the residential amenity of adjacent properties.

- 4. **F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.

Notes to Applicant:

- 1. **N03 - Adjoining property rights.**
- 2. **N14 - Party Wall Act 1996.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

6 CW2002/3102/O - SITE FOR PROPOSED DWELLING INCLUDING DETAILS OF DESIGN, EXTERNAL APPEARANCE, SITING AND ACCESS AT GROVE COTTAGE, TILLINGTON, HEREFORDSHIRE, HR4 8LW

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

Date Received: 22nd October 2002 Ward: Burghill, Holmer & Lyde Grid Ref: 45364, 46109

Expiry Date: 17th December 2002

Local Member: Councillor Mrs. S.J. Robertson

1. Site Description and Proposal

1.1 The site is located within the small settlement of Tillington at the northern end of the village, off an unadopted track. The site is 23 metres wide and 26 metres in depth, it currently forms part of the mature garden area of Grove Cottage and has two single garages on the frontage.

1.2 The application is for a four bed dwelling, it was originally submitted in October 2002 as an outline application with all matters except access reserved for future consideration. In processing the application Officers were of the opinion that additional details were required in order to make a full appraisal of the scheme and the siting, design and external appearance of the dwelling were subsequently submitted and consultations undertaken. The dwelling is sited to the rear of the site, the footprint measures 9.7 metres by 6.8 metres and it is a traditional cottage style design with a low roof line.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG3	-	Housing
PPG7	-	The Countryside – Environmental Quality and Economic and Social Development
PPG13	-	Transport

2.2 South Herefordshire Local Plan:

Policy GD1	-	General Development Criteria
Policy SH10	-	Housing in Smaller Settlements

2.3 Herefordshire Unitary Development Plan (Deposit Draft):

Policy H7	-	Housing in the Countryside outside Settlements
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3. Planning History

3.1 None.

4. Consultation Summary

4.1 Environmental Agency: No objection.

5. Representations

5.1 Several letters have been received from the agents making the following points:

- The dwelling has been designed as a cottage style to sit within a rural setting, with low eaves and ridge level. The style of the windows are proposed to link with those in Grove Cottage.
- The existing garages will be demolished.
- Existing hedges and trees will be retained where possible.
- Parking hardstanding is kept to a minimum to limit the impact on the land and gardens.
- Further to negotiations with the Environment Agency and Building Regulations Officers, a package treatment plant with soakaway on site is proposed.

5.2 Burghill Parish Council (original consultation): The Parish Council would object to this application and their comments are:-

The entrance to the site is onto an unadopted lane with bad exits at both ends onto the road network.

No allowance has been made for garages to either Grove Cottage, or the proposed new dwelling, and it is felt that this is something that would be impossible to refuse at a later date - thus making both sites very cramped.

The proposed siting of the property is very close to the neighbouring house, and would include the removal of a well established magnolia tree.

There does not appear to be any sewage outlet shown on the plans.

A precedent would be set for another smaller area further east in the same lane - thus making a very overcrowded site.

This would appear to be a speculative proposition as the property is currently "let".

Parish Council comments following consultation:

There is concern over the additional traffic up this lane.

The percolation tests did not work last time, have these been amended or improved?

There is great concern over development in this area – a precedent could be set – as there are several ‘possible’ plots up this small lane.

The proposed dwelling is very close to neighbouring property and could infringe on these persons privacy.

5.3 Following reconsultation (plans showing design, external appearance, siting and access), letters have been received from Mr. Groves of Redgrove; Mr. Roger, The Chestnuts and Mr. Naylor, No. 1 Fir Cottage. Mr. & Mrs. Wood of Highgrove also wrote in response to the original application. These letters raise the following concerns:

- The parking spaces will be difficult to access directly off the narrow lane. Turning should be provided within the site boundaries.
- The narrow unsurfaced land is already overused, it is not suitable for additional traffic from the dwelling or for construction traffic, especially the exists onto the main roads in the village, where the speed of traffic is a problem.
- Previous proposals have been refused due to access problems onto this narrow track.
- There are mature trees on site which should be preserved. These are not indicated on the plan. Concern at loss of hedgerow along the frontage, this hedge extends down the whole track.
- Concern about the drainage arrangements, these are not clearly shown on the plans. Drainage is already a problem in the area.
- The location plan is out of date as it omits three new houses.
- The proposal would set a precedent to allow other new dwellings with access onto this narrow track.
- The dwelling is squeezed in and not in keeping with the area.
- A dwelling would affect light to Highgrove.

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

6. Officers Appraisal

6.1 The site is located within the small settlement of Tillington. The area is characterised by a mix of detached and semi detached properties including traditional cottages, modern dwellings and bungalows. A number of new properties have been permitted in the vicinity in recent times including "Highgrove" which adjoins the site to the west, and two new bungalows almost opposite the site. The lane retains a rural character due to the predominance of traditional cottages and vegetation along boundaries.

6.2 New residential development in small settlements is considered against Policy SH10 of the South Herefordshire Local Plan. In this case, in principle the proposal is considered to comply with the criteria of SH10, the site represents an infill plot within the existing physical boundaries of the settlement, the size of the plot is similar to those in the vicinity and it will not result in cramming or backland development. The main issues for consideration are the design of the dwelling, its impact on the

character of the area, the impact upon neighbouring properties and access/parking implications.

- 6.3 With regard to the design of the proposal, a modest cottage style property is proposed with relatively low eaves and ridge level. The property is also sited well back on the site in line with Grove Cottage. The traditional design and relatively small scale of the dwelling are therefore considered appropriate to the character of the location. Landscaping remains a "reserved matter" and can be controlled by condition. However the agent states that vegetation will be retained wherever possible, in particular the front boundary hedge which contributes to the character of the lane is shown on the plans to be retained or replanted. Furthermore, existing unsightly garages directly on the front boundary will be replaced by hedging which will enhance the character of the area.
- 6.4 The modern dwelling, "Highgrove", to the west off the site is substantially screened from the proposal site by well established vegetation. Furthermore this site is elevated above the proposal site, and the new dwelling has no first floor windows facing the side, such that the impact of the new dwelling upon "Highgrove" is not considered detrimental. A distance of 12 metres is retained between the new dwelling and Grove Cottage, and again there are no side windows in the elevation onto Grove Cottage, a new boundary between the properties can be controlled by condition.
- 6.5 The new property is to be accessed from an unmade track which serves several other properties and a number of letters have raised concern at the acceptability of the track for access, and the suitability of parking directly off the lane without turning. This issue has been given careful consideration and the Divisional Surveyor advises that the access is acceptable. With regard to the parking, the provision of spaces and turning has been balanced against the visual impact of the scheme and in the interests of retaining vegetation and respecting the character of the area, parking has been kept to a minimum and turning space has not been required in this instance. This approach accords with Central Government Guidance on reducing car parking standards where appropriate and encouraging sustainable development.
- 6.6 One objection letter makes reference to a previous application (reference SH911034PF) for a new dwelling accessed off the track which was refused permission for several reasons, one of which related to highway safety. The circumstances in that case were not directly comparable to this proposal, given the proximity of that proposal to the junction with the Class III road. This case has been considered on its merits. Furthermore, the issue of precedent is not raised as an objection as any future applications will be considered on their merits and approval of this dwelling would not set a precedent for other development.
- 6.7 The emerging Unitary Development Plan no longer includes Tillington as a small settlement. This policy change will be considered as part of the Unitary Development Plan process and at this stage the proposal has been assessed against the current adopted policy in the South Herefordshire Local Plan, which defines Tillington as a small settlement.
- 6.8 Concerns have been raised regarding the drainage proposals, and there were problems with percolation tests previously. The agent has investigated and discussed appropriate means of drainage of both foul and surface waters with the Environment Agency and Building Regulations Officers, further tests have been carried out, and in principle it is advised that the proposal is now acceptable in this respect. Final details for drainage will be required by condition.

- 6.9 To conclude, the proposal is considered acceptable in principle in accordance with Policy SH10 of the South Herefordshire Local Plan. The design, the impact upon the character of the area and upon neighbouring properties, and the access/parking arrangements are considered acceptable and conditional permission is therefore recommended.

RECOMMENDATION

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

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

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 2. A03 (Time limit for commencement (outline permission)).**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 3. A04 (Approval of reserved matters).**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

- 4. A05 (Plans and particulars of reserved matters).**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 5. H10 (Parking - single house).**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 6. H27 (Parking for site operatives).**

Reason: To prevent indiscriminate parking in the interests of highway safety.

- 7. G01 (Details of boundary treatments).**

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

- 8. F48 (Details of slab levels).**

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

- 9. F18 (Scheme of foul drainage disposal).**

Reason: In order to ensure that satisfactory drainage arrangements are provided.

- 10. B01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings.

11. E18 (No new windows in side elevation of extension).

Reason: In order to protect the residential amenity of adjacent properties.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 CE2003/1687/F - CONSTRUCTION OF NEW RIDING MENAGE. GAER HOUSE, CAREY, HEREFORD, HEREFORDSHIRE, HR2 6NG

**For: Dr. & Mrs C Allen, per Trevor Hewett Architects,
25 Castle Street, Hereford, HR1 2NW**

Date Received: 5th June 2003 Ward:Hollington Grid Ref: 56422, 30895

Expiry Date: 31st July 2003

Local Member: Councillor W.J.S. Thomas

1. Site Description and Proposal

- 1.1 The application site comprises a large detached house and stables positioned in extensive grounds on the south side of the C1267 within open countryside and Areas of Outstanding Natural Beauty and Great Landscape Value.
- 1.2 The proposal is to construct a menage to the south-east of the house and to the east of the stables in the corner of an adjacent field. The menage would measure 45m by 22m surrounded by a post and rail fence. The site is on sloping ground, requiring some 'cut and fill' (maximum 2/3m at either end).
- 1.3 The application originally included a new vehicular access running across an adjacent field although this has been deleted in view of concerns over its impact on the AONB/AGLV and residential amenity.

2. Policies

2.1 South Herefordshire District Local Plan:

GD1	-	General Development Criteria
C1	-	Development Within Open Countryside
C4	-	AONB Landscape Protection
C5	-	Development Within AONB
C8	-	Development Within AGLV

2.2 Herefordshire UDP (Deposit Draft):

S2	-	Development Requirements
LA1	-	AONB's
RST2	-	Recreation, Sport and Tourism within AONB's

3. Planning History

- 3.1 CE2001/1813/F - Extension including new roof garden; alterations and new access; erection of triple garage. Approved 30th January, 2002.

4. Consultation Summary

- 4.1 Environment Agency: No objection.

5. Representations

- 5.1 Ballingham Parish Council: No comments in relation to menage (but objected to now withdrawn access).
- 5.2 Little Dewchurch Parish Council: No comments in relation to menage (but objected to now withdrawn new access).
- 5.3 Four letters of objection have been received from Rock Cottage, Mount Boon Cottage, Pear Tree Farm and Upper Witherstone Barn. All four letters raised objections to the now withdrawn new access. Two of the letters also raise objection to the menage for the following reasons:
- negative impact on the visual amenities of the area;
 - neither enhances nor preserves the AONB and AGLV.
- 5.4 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The principal issue in this case is the impact of the proposed menage on the character and appearance of the countryside and its AONB/AGLV status. The proposed new vehicular access has been deleted from the proposal.
- 6.2 In terms of the impact on the landscape quality of the area, the site is positioned on sloping ground which would largely screen the menage from views from the west and north. The menage would, in the short term, be visible from 'downslope' vantage points including a riverside footpath. However, as this footpath is a considerable distance away (over 200m), and having regard to the actual limited impact of the menage itself, no adverse impact on visual amenity is envisaged, in accordance with policy.
- 6.3 To ensure the impact is kept to a minimum, a soft landscaping condition is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 A07 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 The menage hereby approved shall be used for the private schooling of horses and ponies only and not for any commercial or business use.

Reason: To protect the amenities of the area and prevent the introduction of inappropriate commercial or business uses.

- 4 The menage hereby approved is to be exercised as an alternative to and not in addition to or in combination with any part of the menage permitted on 30th January, 2002 under the local planning authority ref: CE2001/1813/F.**

Reason: To ensure the proper planning and development of the site in accordance with the agreed scheme.

- 5 G04 (Landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.

- 6 G05 (Implementation of landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

Document is Restricted

Document is Restricted

