

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 29th October, 2003**

Time: **2.00 p.m.**

Place: **Council Chamber, Brockington**

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

For any further information please contact:

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AGENDA

for the Meeting of the Central Area Planning Sub-Committee

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 MBE,
W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams and
R.M. Wilson.

	Pages
<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>3. MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 1st October, 2003.</p>	1 - 16
<p>4. ITEM FOR INFORMATION - APPEALS</p> <p>To note the Council's current position in respect of planning appeals for the central area.</p>	17 - 18
<p>5. HEAD OF PLANNING SERVICES REPORT</p> <p>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.</p> <p>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.</p> <p>EXCLUSION OF THE PUBLIC AND PRESS</p> <p>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.</p> <p>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.</p>	19 - 54

6. ITEM FOR INFORMATION - ENFORCEMENT

55 - 56

To note the Council's current position in respect of enforcement proceedings for the central area.

- [12) Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:
 - (a) any legal proceedings by or against the authority, or**
 - (b) the determination of any matter affecting the authority (whether, in each case, proceedings have been commenced or are in completion)****

- 14) Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.]**

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- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. A list of the background papers to a report is given at the end of each report. A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Central Area Planning Sub-Committee held at Brockington, 35 Hafod Road, Hereford on Wednesday, 1st October, 2003 at 2.00 p.m.

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

Councillors: Mrs. P.A. Andrews, Mrs. W.U. Attfield, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, R.I. Matthews, J.W. Newman, Ms. G.A. Powell, Mrs. S.J. Robertson, Ms. A.M. Toon, W.J. Walling and R.M. Wilson

In attendance: Councillors P.E. Harling and J.B. Williams (ex-officio)

28. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs. E.M. Bew, G.V. Hyde, Mrs. M.D. Lloyd-Hayes, J.C. Mayson, Mrs. J.E. Pemberton, D.C. Short MBE, W.J.S. Thomas and A.L. Williams. Apologies had also been received for Councillor T.W. Hunt (ex-officio).

29. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
D.B. Wilcox	Ref. No. 4 – CE2003/2466/T - 15m dynamic concepts tampered timber monopole solution, incorporating 3 antennae and two transmission dishes and associated cabinet equipment at: TUPSLEY COURT, HAMPTON DENE ROAD, HEREFORD, HR1 1UX	Declared a personal interest and remained in the meeting.

30. MINUTES

RESOLVED: That the Minutes of the meeting held on 3rd September, 2003 be approved as a correct record and signed by the Chairman.

31. ITEM FOR INFORMATION - APPEALS

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

32. HEAD OF PLANNING SERVICES REPORT

The report of the Head of Planning services was presented in respect of 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.

33. 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.

SUMMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION

34. ITEM FOR INFORMATION - ENFORCEMENT

The Sub-Committee received an information report about the enforcement matters within the central area of Herefordshire.

- 12) Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:**
- (a) any legal proceedings by or against the authority, or**
 - (b) the determination of any matter affecting the authority (whether, in each case, proceedings have been commenced or are in completion)**
- 14) Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.**

35. DATE OF NEXT MEETING

The next scheduled Central Area Planning Sub-Committee was Wednesday 29th October, 2003.

The meeting ended at 2.43 p.m.

CHAIRMAN

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APPENDIX

[N.B. For the efficient transaction of business, Ref. 5 was considered before Ref. 4]

Ref. 1
WITHINGTON
CE2003/1309/F

Demolition of former supermarket and erection of 35 detached, semi-detached and terraced houses and flats, to include associated access roads, landscaping and open space and one village convenience shop unit at:

FORMER GP STORES SUPERMARKET, WITHIES ROAD, WITHINGTON, HEREFORD

For: **MASON RICHARDS PARTNERSHIP, SALISBURY HOUSE, 2A TETTENHALL ROAD, WOLVERHAMPTON, WEST MIDLANDS, WV1 4SG**

The Principal Planning Officer advised Members of ongoing discussions with Welsh Water regarding drainage capacity issues.

In accordance with the criteria for public speaking, Mr. Bainbridge spoke on behalf of Withington Parish Council.

Councillor R.M. Wilson, the Local Member, noted that that the proposal would regenerate a brown-field site and welcomed the application. He also welcomed the financial contribution from the applicant for local community facilities, particularly the public open space and off-site recreational provision.

In response to a question, the Principal Planning Officer advised Members that, whilst the local planning authority could not influence who occupied commercial premises, it was understood that the applicant intended to give first refusal for the new store to the owner/occupier of the existing village store.

RESOLVED:

1. **That subject to the satisfactory resolution of the objection from Dwr Cymru Welsh Water the County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act requiring the applicant to:**

- (i) **Provide twelve on-site affordable housing units through a Registered Social Landlord;**
- (ii) **Contribute £23,000 towards education provision in the local area;**
- (iii) **Provide public open space and toddlers play equipment or finance for the same to the value of £23,565;**
- (iv) **Contribute £30,000 towards off-site recreation provision;**

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 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 F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

- 5 No more than 50% of the open market dwellings shall be occupied prior to the completion and sale to a Registered Social Landlord of the affordable housing.

Reason: To ensure satisfactory phasing and completion of the development in accordance with the approved scheme.

- 6 No more than 50% of the open market dwellings shall be occupied prior to the completion of the convenience store/two bedroom flat.

Reason: To ensure satisfactory phasing and completion of the development in accordance with the approved scheme.

- 7 The convenience store element of the convenience store/two bedroom flat shall be used for purposes falling within Class A1 of the Town and Country Planning Use Classes Order only and for no other purpose.

Reason: To ensure a satisfactory form of development in accordance with the agreed scheme.

- 8 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.

- 9 D03 (Site observation - archaeology)

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

- 10 F41 (No burning of materials/substances during construction phase)**

Reason: To safeguard residential amenity and prevent pollution.

- 11 G01 (Details of boundary treatments)**

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

- 12 G02 (Landscaping scheme (housing development))**

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

- 13 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.

- 14 G06 (Scope of landscaping scheme)**

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

- 15 (a) No development shall commence on site until full details of the layout, equipment and landscaping of the 'public open space' and 'equipped toddler play area' have been submitted to and approved in writing by the local planning authority.**

(b) The 'public open space' and 'equipped toddler area' shall be provided and equipped for use prior to the occupation of the 18th dwelling in accordance with the approved scheme.

Reason: To ensure a satisfactory and well planned development in accordance with an agreed scheme.

- 16 Before any other operations are commenced, the proposed vehicular accesses from the site to Withies Road shall be constructed and thereafter maintained as shown on the application drawings. The vehicular accesses shall be constructed so that there is clear visibility from a point 0.6m above the level of the adjoining carriageway at the centre of the accesses and 4.5m back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 33m in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so**

formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

17 H08 (Access closure)

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

18 H11 (Parking - estate development (more than one house))

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

19 H18 (On site roads - submission of details)

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

20 H20 (Road completion in 2 years or 75% of development)

Reason: In the interests of highway safety and convenience and a well co-ordinated development.

21 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 HN05 - Works within the highway**
- 4 HN08 - Section 38 Agreement details**
- 5 HN19 - Disabled needs**
- 6 HN21 - Extraordinary maintenance**
- 7 N01 - Access for all**
- 8 N02 - Section 106 Obligation**
- 9 N03 - Adjoining property rights**
- 10 N04 - Rights of way**
- 11 N13 - Control of demolition - Building Act 1984**

Ref. 2
HEREFORD
CE2003/2431/F

Erection of 1.2m fence at:

62 COLLEGE GREEN, HEREFORD, HEREFORDSHIRE, HR1 1HP

For: **MRS. D.A. HOPKILNS, 62 COLLEGE GREEN, HEREFORD,
HR1 1HP**

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 The fence hereby approved shall not exceed 1.2m high in height.

Reason: To safeguard the amenities of the neighbouring property.

3 The fence hereby approved shall be positioned immediately adjacent to the common side boundary with No. 64 College Green, and shall run between the existing close-boarded fence to the rear of the properties and the furthest extent of the artificially raised side garden only.

Reason: To safeguard the amenities of the neighbouring property.

Notes to Applicant:

1 N03 - Adjoining property rights

2 N14 - Party Wall Act 1996

3 This decision does not give authority for any fencing to be erected on that section of the common side boundary to the rear of the 'low level' parking area. The provision of the Town and Country Planning (General Permitted Development) Order remain unaffected and applicable to this section

Ref. 3
WITHINGTON
CE2003/2148/F

Retention of timber conservatory at:

**MINTON HOUSE, WITHINGTON, HEREFORD, HEREFORDSHIRE,
HR1 3QA**

For: **MR. D. MOWBRAY PER MR. J. MALONE, THE STUDIO, UNIT
9, HOLME LACY IND. ESTATE, HOLME LACY ROAD,
HEREFORD, HR2 6DR**

In response to a question from Councillor R.M. Wilson, the Local

Member, the Principal Planning Officer advised Members that a condition could be added to any planning permission granted to require that the timber construction be painted a more suitable colour.

RESOLVED:

That planning permission be granted subject to the following condition:

1 A06 (Development in accordance with approved plans)

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

2 Within 2 months of the date of this decision notice, details of the final colours for the timber framing of the conservatory hereby approved shall be submitted for approval in writing by the local planning authority. The conservatory shall be finished in the final colour as approved.

Reason: To safeguard visual amenity.

Ref. 4
HEREFORD
CE2003/2466/T

15m dynamic concepts tampered timber monopole solution, incorporating 3 antennae and two transmission dishes and associated cabinet equipment at:

**TUPSLEY COURT, HAMPTON DENE ROAD, HEREFORD,
HEREFORDSHIRE, HR1 1UX**

For: **HUTCHISON 3G UK, WHITE YOUNG GREEN, ROPEMAKER
COURT, 12 LOWER PARK ROW, BRISTOL, BS1 5BN**

The Principal Planning Officer reported the receipt of comments from English Nature and the Council's Ecologist (no objections subject to informative notes). The receipt of 5 further letters of objection, including correspondence from Paul Keetch M.P. and the Bishop of Hereford Bluecoat School, and a petition containing 224 signatures of local residents was also reported.

In accordance with the criteria for public speaking, Mrs. May and Mr. Weaver spoke against the application.

The Principal Planning Officer summarised the main considerations.

Councillor W.J. Walling advised that there was considerable public disquiet about the proposal in the Tupsley ward, particularly regarding possible consequences to health.

It was reported that, in accordance with PPG8, the applicant had submitted a 'Declaration of Conformity with ICNIRP Public Exposure Guidelines'; copies of this document were circulated at the meeting.

Councillor D.B. Wilcox commented that some community groups had not been consulted by the applicant in accordance with PPG8. He noted that one of the conclusions of the Stewart Report, into the state of

knowledge about mobile phones and health, was that it was not possible at present to say that exposure to RF radiation was '*totally without potential adverse health effects, and that the gaps in knowledge are sufficient to justify a precautionary approach*'. He also noted that PPG8 recommended that high priority should be given to '*the need to safeguard areas of particular environmental importance*'. Councillor Wilcox proposed that the application be refused given the level of public concern, the detrimental effect on the skyline and the impact on the environment and on wildlife.

In response to the views expressed by some Members, the Chief Development Control Officer commented that reasons for refusal had to be supported by clear and solid evidence. He reminded Members that the professional advice provided on wildlife issues was that there were no planning reasons for refusal; license requirements were covered by separate legislation. He also reminded Members that the mast would be of a monopole design and was unlikely to have an impact sufficient enough to warrant refusal.

In response to a question, the Chief Development Control Officer outlined the consultation process that would have been undertaken by officers as part of the application process.

The Chief Development Control Officer reminded the Sub-Committee that the authority was required to issue its determination and ultimate decision within 56 days from the date of receipt of the application for determination.

A motion to refuse the application failed and the recommendation detailed in the report and reproduced below was agreed.

RESOLVED:

That approval be given subject to the further conditions set out in Part 24 of the Town and Country Planning (General Permitted Development) Order and the following informative notes:

Notes to Applicant:

- 1 The applicant's attention is drawn to a badger sett located within 30m of the site. Prior to commencement of any works the applicant is advised to contact English Nature regarding potential license requirements under the terms of the Protection of Badgers Act 1992.**
- 2 The applicant is also advised that the site may be used by great crested newts for hibernation purposes. Prior to commencement of any works the applicant is advised to contact DEFRA regarding potential license requirements under the terms of the European Habitats Directive 1992 and Habitats Regulations 1994.**

Ref. 5
MARDEN
CW2003/2279/F

Erection of one bungalow, one dormer bungalow and garages at:

**MARDEN SERVICE STATION, MARDEN, HEREFORD,
HEREFORDSHIRE, HR1 3DN**

For: **MR. G. PORTER PER MR. D. MUNDY, 8 BALLARD CLOSE,
LUDLOW, SHROPSHIRE, SY8 1XH**

Councillor J.G.S Guthrie, the Local Member, noted that Marden Parish Council had no objections and welcomed the proposal.

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

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

4. **E16 (Removal of permitted development rights).**

Reason: In the interests of local amenity.

5. **E18 (No new windows in specified elevation).**

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

6. **F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.

7. **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.

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

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

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

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

10. G01 (Details of boundary treatments).

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

11. The public footway shown on the site plan along the northern edge of the site and alongside the communal driveway shall be kept open for public access at all times and shall not be obstructed in any way.

Reason: In the interests of local amenity.

12. Prior to commencement of development, details of a suitable demarcation line along the edges of the public footway shall be submitted to and approved in writing by the local planning authority. Development shall be in accordance with the approved details.

Reason: In the interests of local amenity.

13. 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.

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 overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

16. 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.

17. The former drainage runs and oil interceptors shall be cleaned and decommissioned in accordance with the requirements of good practice set out in the DEFRA Groundwater Protection Code: Petrol Station and other fuel dispensing facilities involving underground storage tanks.

Reason: To prevent pollution of the water environment.

18. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water has been submitted to and approved in writing by the local planning authority. Such a scheme shall be implemented in accordance with the details

approved by the local planning authority.

Reason: To prevent the increased risk of flooding.

19. No development approved by this permission shall be commenced until:-

- (a) The application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved by the local planning authority.
- (b) Detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the "Contamination Proposals") have been submitted to and approved by the local planning authority.
- (c) For each part of the development contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development as appropriate.
- (d) If during development works any contamination should be encountered which would previously identified and is derived from a different source and/or a different type to those included in the "Contamination Proposals" then revised "Contamination Proposals" shall be submitted to the local planning authority.
- (e) If during development works site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed "Contamination Proposals".

Reason: To prevent pollution of the water environment.

20. The eastern side elevation of the dormer bungalow on Plot 1 shall be rendered and painted white.

Reason: In the interests of neighbours amenities.

Notes to Applicant:

1. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on tel: 01443 331155.
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.

6. If during construction/excavation works any contaminated material is revealed then the movement of such material either on or off site should be in consultation with the Agency. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990.

Carriers transporting waste from the site must be registered carriers.

7. It is noted that the grass verge shown in front on No. 1 White House Close is actually a pavement area.

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. CW2002/3820/F**

- The appeal was received on 7th October, 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. & Mrs. P. Fry.
- The site is located at Land Parcel 4286, Marden, Herefordshire.
- The development proposed is Creation of seasonal caravan park camp site (from April until October inclusive).
- The appeal is to be heard by Written Representations.

Case Officer: Miss Helen Brown on 01432 261947

Application No. CW2003/0607/F

- The appeal was received on 22nd September, 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. & Mrs. G.D. Thomas.
- The site is located at Burling Gate Farm, Marden, Herefordshire, HR1 3EU.
- The development proposed is Annexe adjoining the existing farmhouse.
- The appeal is to be heard by Written Representations.

Case Officer: Miss Helen Brown on 01432 261947

APPEALS DETERMINED**Application No. CW2003/0609/F**

- The appeal was received on 12th June 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 Mrs. A. Kent.
- The site is located at 28 Wallis Avenue, Hereford, HR2 7AZ.
- The application, dated 23rd February, 2002 was refused on 15th April, 2003.
- The development proposed was retention of the wooden fencing to the side boundary, the retention of gates on front and new fencing panels to top of brick wall.
- The main issue is the effect that the development would have on the character and appearance of the surrounding area.

Decision: The appeal was **Allowed** on 22nd September, 2003.

Case Officer: Miss Helen Brown on 01432 261947

Application No. CE2002/0569/L

- The appeal was received on 15th October, 2002.
- 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 Miss S. Okell.
- The site is located at 32-34 Widemarsh street, Hereford.
- The application, dated 15th February, 2002, was refused on 16th April, 2002.
- The development proposed was Change of use of upper floors from commercial to five flats. Internal alterations to enlarge ground floor retail space. Insertion of two rooflights.
- The main issues in these appeals are the effect of the proposals first, on the special architectural and historic interest of the listed building. Secondly, on the character and appearance of the Central Conservation Area.

Decision: The appeal was dismissed on 4th February, 2003.

Case Officer: Mr. Andrew Guest on 01432 261957

Application No. CE2002/0570/F

- The appeal was received on 15th October, 2002.
- 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 Miss S. Okell.
- The site is located at 32-34 Widemarsh street, Hereford.
- The application, dated 15th February, 2002, was refused on 16th April, 2002.
- The development proposed was Change of use of upper floors from commercial to five flats. Internal alterations to enlarge ground floor retail space. Insertion of two rooflights.
- The main issues in these appeals are the effect of the proposals first, on the special architectural and historic interest of the listed building. Secondly, on the character and appearance of the Central Conservation Area.

Decision: The appeal was dismissed on 4th February, 2003.

Case Officer: Mr. Andrew Guest on 01432 261957

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

REF. NO.	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
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SITE VISIT

1	Mr. Powell	Erection of 1.62 ha of Spanish polytunnels (23 tunnels in total) retrospective – table top method of growing at land adjacent to Brick House, Bush Bank, Hereford, HR4 8PH	DCCW2003/2321/F	21
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APPLICATIONS RECEIVED

2	Mr. J.M. Card	Proposed conservatory on rear of property at Fouracres (Plot 3), Lower Croft, Marden, Hereford, HR1 3EW	DCCW2003/2313/F	27
3	Bartestree with Lugwardine Group Parish Council	Change of use from agricultural land to village playing field at Field to the north of Stalls Farm and to the south of the A438, Bartestree, Hereford	DCCE2003/1716/F	31
4	Leominster Drylining Ltd	Erection of new dwelling with garage/garden store at Portway, Grafton Lane, Nr. Hereford	DCCE2003/2041/F	37
5	Mr. & Mrs. Deverill	Convert existing outbuildings to annex apartment at 15 Judges Close, Hereford, HR1 2TW	DCCE2003/2639/F	43
6	Mr. G. Dyer	Proposed new dwelling at Land adjoining Stoney Yeld, Holme Lacy, Herefordshire	DCCE2003/2800/F	47
7	Ms. R. Haynes	Proposed loft conversion and rear extension at 80 Lichfield Avenue, Hereford, Herefordshire, HR1 2RL	DCCE2003/2471/F	51

1 DCCW2003/2321/F - ERECTION OF 1.62 HA OF SPANISH POLYTUNNELS (23 TUNNELS IN TOTAL) RETROSPECTIVE - TABLE TOP METHOD OF GROWING AT LAND ADJACENT TO BRICK HOUSE, BUSH BANK, HEREFORD, HR4 8PH

For: Mr. Powell per Miss Foggo, Antony Aspbury Associates, 34 Carlton Business Centre, Carlton, Nottingham, NG4 3AA

Date Received: 6th August 2003 Ward: Wormsley Ridge Grid Ref: 45228, 50708

Expiry Date: 1st October 2003

Local Member: Councillor J.C. Mayson

1. Site Description and Proposal

- 1.1 The application site is located to the west of the A4110 Hereford to Canon Pyon road to the south of the settlement of Bush Bank. The application site comprises of land immediately to the east of Canon Pyon House which is in private ownership but adjoins Brick House Farm.
- 1.2 This application seeks retrospective planning permission for a 2.1 hectare (5.26 acre) site on which a series of 23 "Spanish" polytunnels have been erected. The tunnels themselves cover an area of 1.62 hectares (4 acres) with the remainder of the site comprising of headlands surrounding the structures. The polytunnels comprise of metal legs which have been manually driven into the ground and hoops which are connected to the legs making each tunnel approximately 3.6 metres high and 8 metres wide. The polytunnels are covered with polythene for a period of approximately 6-7 months per year depending on the growth rate of fruit between March and September (inclusive). For the remainder of the year the polythene is removed, rolled up and stored between each tunnel, however the metal framework of the tunnel remains intact throughout the whole year.
- 1.3 The polytunnels, the subject of this application, currently protect a strawberry crop which is planted on a "table top" system. The strawberries are planted in growbags which are placed on a metal frame within a tunnel. This frame is also manually driven into the ground. This system of growing allows a reduction in the amount of fertilizers and pesticides that are used on the crop as well as allowing the right fruit to be picked with much greater ease. The applicant has requested that permission be granted for at least a six year period. Given the use of the table top system the crop rotation within the ground is not necessary which allows the structures to remain on site for a much longer period.

2. Policies

2.1 Planning Policy Guidance:

PPG1 - General Policy and Principles

PPG7 - The Countryside – Environmental Quality and Economic and Social Development

2.2 Hereford and Worcester County Structure Plan:

Policy CTC6 - Development and Significant Landscape Features

2.3 Leominster District Local Plan:

Policy A1 - Managing the District's Assets and Resources

Policy A9 - Safeguarding the Rural Landscape

Policy A24 - Scale and Character of Development

2.4 Herefordshire Unitary Development Plan: (Deposit Draft):

Policy E13 - Agricultural and Forestry Development

3. Planning History

3.1 There is no record of previous planning applications on the land subject of this application.

4. Consultation Summary

Internal Council advice

4.1 Head of Environmental Health & Trading Standards has no objection.

4.2 The Chief Conservation Officer states in respect of landscape impact the site is considered to be acceptable subject to conditions.

5. Representations

5.1 Canon Pyon Parish Council: The Parish Council is deeply concerned about the closeness of the tunnels to dwelling houses and in this particular case to Pyon House. The Council would ask that if you grant planning permission that it is a condition of approval that the two tunnels closest to Pyon House be removed and sited elsewhere.

The Parish Council have also supplied a copy of a plan where the applicant is intending to place further tunnels which will further surround Pyon House.

5.2 Nineteen letters of representation have been submitted on this application, six of which object to the scheme, ten raise support and three containing mixed views.

5.3 The objections raised to this retrospective application can be summarised as follows.

- The polytunnels would be an eyesore and spoil the general area.
- Damage to wildlife.
- Reflection from plastic roofing material.
- Impact on the locality from migration of labour.

- Does not represent local employment.
- Had the application not been retrospective amendments would have been sought pre-application, removal of two rows on the western end of the field.
- Visual intrusion from main rooms of Pyon House.
- Good landscaping is required to reduce visual impact.
- A SPG – Supplementary Planning Guidance on Polytunnels is required.
- Impact from radios owned by pickers.

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 issues in this case are the principle of the polytunnels in this area of open countryside, the impact of the tunnels as erected on adjoining residential properties and the visual and landscape implications of the works.
- 6.2 Brick House Farm lies in an area of open countryside although the area does not have a specific landscape designation in either the Leominster District Local Plan or the emerging Unitary Development Plan. One of the few exceptions for development in open countryside relates to proposals for agricultural. Policy A9 (Safeguarding the Rural Landscape) of the Leominster District Local Plan requires that particular regard should be had to the design, scale, character and location of development proposals to ensure that they do not detract from the quality and visual appearance of the landscape in which they sit. As such, the critical issue in this instance is the assessment of these criteria and not the principle of the development in this case.
- 6.3 As previously noted, the application site adjoins the eastern boundary of Canon Pyon House which is in private ownership but surrounded by land associated with Brick House Farm. Indeed the access drive to Canon Pyon House runs along the entire southern boundary of the application site. When assessing the impact on the living amenity associated with this property, Officers have looked carefully at the siting and orientation of the dwelling and existing landscape features which are contained within the garden of the property. It is considered that whilst close to the boundary of this property the development is well screened by existing dense planting of mature trees within the curtilage of Canon Pyon House. Furthermore, the applicant has already planted a row of alders to screen this area in the future. When viewed from the main road to the east of the site, the applicant has also erected a temporary green mesh windbreak/screen in an attempt to soften the visual impact of the polythene. On balance it is considered that this retrospective application does not have a harmful impact on Canon Pyon House such that would warrant refusal of the application on this issue. When assessed against the impact of other properties in the locality, the polytunnels are clearly visible from properties to the west for some distance having regard to the topography of the land. The fact that a particular development can be seen is not in itself a reason for refusal and Officers conclude that the polytunnels are not detrimental to the amenity of any residential properties in this area. However additional planting to the boundary with Canon Pyon House of heavy/extra heavy nursery stock would provide an additional layer of landscaping which would help to break up the form of the polytunnels.

- 6.4 Many of the comments raised in the objections to this polytunnel application relate to the impact that polytunnels have in the wider landscape. As noted above there is no doubt that these and other polytunnels in the county are clearly visible having regard to the size and scale of the sites in which they occupy and the reflective nature of the polythene which covers the hoped structure. In landscape terms, this site is not considered to be particularly prominent by Officers.
- 6.5 The applicant has indicated that planning permission for a period of six years is necessary to justify the expenditure and to accommodate alternative crops should market demand change. As noted above, the polythene on the structure could be insitu for a period of 6-7 months per year between March and September.
- 6.6 Having carefully considered the issues associated with this retrospective planning application, it is considered that the development is acceptable and permission is recommended subject to the following conditions.

RECOMMENDATION

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

- 1. The structures hereby permitted shall be removed and the land restored to its former condition on or before 29th October 2009 in accordance with a scheme of work to be submitted to and approved by the local planning authority.**

Reason: To enable the local planning authority to give further consideration to the acceptability of the development. Permanent permission of this nature would not be appropriate having regard to potential future changes in agricultural production methods.

- 2. The polythene covering shall only be applied for a period of seven months per calendar year unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of visual amenity having regard to the specific requirements of the growing season.

- 3. G22 (Tree planting).**

Reason: To ensure the environment of the development is improved and enhanced.

- 4. G25 (Scope of tree planting).**

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

- 5. G23 (Replacement of dead trees) (Five years).**

Reason: To safeguard the amenity of the area.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies..

2 DCCW2003/2313/F - PROPOSED CONSERVATORY ON REAR OF PROPERTY AT FOURACRES (PLOT 3), LOWER CROFT, MARDEN, HEREFORD, HR1 3EW

For: Mr. J.M. Card of the same address

Date Received: 31st July 2003 **Ward: Sutton Walls** **Grid Ref: 52920, 47858**

Expiry Date: 25th September 2003

Local Member: Councillor J.G.S. Guthrie

1. Site Description and Proposal

- 1.1 The site is within the settlement of Marden. It is a recently constructed detached infill dwelling. Permitted development rights were removed from this new dwelling because it is adjacent to a Listed Building.
- 1.2 The application is for a conservatory on the rear of the property (footings have been dug for the conservatory). The conservatory has a maximum width of 3.6 metres and depth of 5.5 metres, it is constructed of PVC in a light oak finish on a brick base.

2. Policies

2.1 South Herefordshire Local Plan:

Policy GD1	-	General Development Criteria
Policy SH23	-	Alterations and Extensions
Policy C29	-	Setting of a Listed Building

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

Policy DR1	-	Design
Policy H18	-	Alterations and Extensions

3. Planning History

- 3.1 CW2001/0252/O Site for new dwelling to include vehicular access to Lower Croft. Approved 2nd April 2001.
- CW2001/2412/RM Site for new 4 bedroomed house and combined access. Refused 6th November 2001.
- CW2001/3339/RM New 4 bedroomed house with double garage and new combined access. Refused 7th February 2002.
- CW2002/0683RM New 4 bedroomed house and garage. Approved 3rd May 2002.

4. Consultation Summary

Internal Council advice

4.1 Head of Engineering and Transportation has no objections.

4.2 The Chief Conservation Officer has no objections.

5. Representations

5.1 Marden Parish Council: No objection.

5.2 Two letters from Lower Croft and Hebron House, making the following comments:

- The conservatory is relatively large projecting into the garden by 6 metres.
- Ground levels on this plot are raised in relation to neighbours which will make the conservatory more prominent.
- A dark brown or timber frame would be preferable.
- Although the garage will partially screen the conservatory from "Lower Croft", because of ground levels there will still be some overlooking.
- It is requested that the conservatory is made smaller or has a solid brick wall along the side facing Lower Croft to prevent overlooking.

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 issues for consideration in this case are the design of the conservatory and its impact on the existing property and surrounding area, including the setting of the Listed Building, and the impact upon neighbouring properties.

6.2 The design and scale of the conservatory are considered to respect the existing dwelling. The conservatory will be substantially screened from the surrounding area by the garage, boundary vegetation and fencing it will not be viable from the street scene. The materials, a light oak effect frame and brick are considered acceptable.

6.3 The conservatory is sited away from the adjoining Listed Building, Hebron House and is not considered to affect the setting of the Listed Building.

6.4 The conservatory will be substantially screened from the neighbouring property 'Lower Croft' by the garage and as such although there will be a degree of overlooking this is not considered to be unduly detrimental to the amenities of this neighbour. It would be preferable to have obscure glazing in the side elevation of the conservatory to totally prevent overlooking, however further to discussion the applicant is unwilling to take this approach. Without obscure glazing overlooking is not so bad that it would warrant refusal on these grounds, and overall objection in terms of the impact upon neighbouring properties could not be sustained.

6.5 There are no parking or access implications.

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.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies..

3 DCCE2003/1716/F - CHANGE OF USE FROM AGRICULTURAL LAND TO VILLAGE PLAYING FIELD TO THE NORTH OF STALLS FARM & TO THE SOUTH OF THE A438, BARTESTREE, HEREFORD.

For: Bartestree with Lugwardine Group Parish Council

Date Received: 9th June 2003

Ward: Hagley

Grid Ref: 56017, 41086

Expiry Date: 4th August 2003

Local Member: Councillor R.M. Wilson

1. Site Description and Proposal

- 1.1 The application site is located on the southern side of the A438 Hereford to Ledbury Road and to the east of the existing recreation land at Bartestree. Currently the site is in agricultural use and on inspection used as pasture for grazing purposes. To the south of the site is Stalls Farm which is accessed via a track linking to the A438 and in the north western corner are two properties Hagley Croft and Lingfield. The application site has a road frontage to the A438 and is clearly visible from the public highway.
- 1.2 The site has overhead electric lines crossing it in a east to west direction and is located in close proximity to the public footpath network.
- 1.3 It has been indicated in the application that the requirements of the field is to provide two additional junior size football pitches and the rest of the land will be for informal purposes. No hard surfaces on the application site are indicated or vehicle access or parking areas except that required for mowing and maintenance purposes. A gate access off Stalls Farm is to be provided.

2. Policies

2.1 South Herefordshire District Local Plan:

GD1	-	General Development Criteria
C1	-	Development Within Open Countryside
R1	-	Provision of New Recreational Facilities
R2	-	Shortfalls in Outdoor Playing Space

2.2 Hereford Unitary Development Plan (Deposit Draft):

S11	-	Community Facility and Service
RST1	-	Creation for Recreation, Sport, Tourism Development
RST5	-	New Open Space in/adjacent to Settlements

2.3 Planning Policy Guidance:

PPG17	-	Planning for Open Space, Sports and Recreation
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3. Planning History

3.1 There is no relevant planning history.

4. Consultation Summary

Statutory Consultations

4.1 Aquila draw the applicant's attention to the health and safety guidance note GC6 (Avoidance of Danger from Overhead Electric Lines Third Edition 1997). Aquila recommend that the lines should be underground to avoid any future problems. Overhead lines are wholly inappropriate for a playing field.

4.2 Sport England: Sport England is generally supportive of proposals for new playing fields, recognising the benefits of the increased opportunity for participating in sport. These are recognised in the objective of Planning Policy Guidance Note 17.

Internal Council Advice

4.3 Chief Forward Planning Officer: The proposal would appear to meet relevant policies within the Local Plan, particularly R1 and G1 and is therefore encouraged.

5. Representations

5.1 No adverse comments comes from Lugwardine Parish Council.

5.2 Seven letters have been received either objecting to the proposal or raising issues in respect of the scheme proposed; a petition of 15 signatures has also been received on behalf of residents opposite Hagley Orchard for the site to continue as agricultural land. The letters received are from Stalls Farm, Ashley House, Hagley Croft (x 2), Lingfield, Stalls Cottage, Hagley House and these are summarised as follows:

- There are already adequate sports and play facilities;
- Development will have a significant adverse affect on the privacy and outlook;
- The use will lead to nuisance with associated noise and litter;
- The proposal will have an adverse affect on the landscape in the heart of the village and would further destroy the rural feel to the village;
- The existing playing field suffers damage to the hedges and fences;
- Through use of the field there is damage to the trees;
- There is late night use of the current areas as a race track and this will only increase on to the farm drive;
- In five to ten years time there will be an escalation in the use due to the need of changing facilities, toilets and car parking;
- People from outside the village are brought in to play in the teams which will create urban sprawl;
- The use of the site for playing field purposes will have an impact on safety issues in respect of the road boundary;
- The application makes no reference to the means of access to the proposed site;
- No one is prepared to take responsibility for the existing facilities and children play football till late in the evening;
- If the proposed new field is needed for further football pitches no lights should be installed and the area should not be used for car boot sales etc.
- Access to the site should be via a kissing gate to deter access by bicycles;

- The privacy of Lingfield should be respected and safeguarded;
- 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 main issues to be considered are the loss of agricultural land, visual impact, compliance with planning policy and highway safety.
- 6.2 In relation to loss of agricultural land clearly the site is currently in active agricultural use and represents a parcel of land which is bounded to the east and west by access tracks to Stalls Farm and Hagley Court, Court Close and East Hagley Court, and to the north by the A438. In the north western corner two residential properties are located, Hagley Croft and Lingfield. To the southern boundary of the site a public footpath runs in close proximity together with the Stalls Farm complex. The Parish Council has been asked the question what would be the extent of any remaining land in the same tenancy/ownership or holding. The comments received were that the site does form part of Stalls Farm and detail the remaining area of the farm is substantial. From the Officers knowledge of this general area there is a large supply of agricultural land and it is considered that the removal of the parcel proposed would not have such an impact on agricultural land supply that would be detrimental to the viability of the adjoining agricultural holding.
- 6.3 Turning to visual impact the site, currently it is used for grazing and the proposal is to use the site for two additional junior sized football pitches and no other form of sports uses are planned currently for the site. The provision of such facility would have the impact of four goalposts being erected on the site with the general area being mown and manicured to the level required for footballing purposes. The Local Planning Authority could impose a planning condition requiring the applicant to provide details of the position of pitches so that the Local Planning Authority retains control over the location of such therefore ensuring that the amenities of adjoining residential properties is protected.
- 6.4 It is clear that the adjoining residential properties of Hagley Croft, Lingfield and Stalls Farm would benefit from some landscape margins similar to those carried out when the existing recreation facilities were laid out. Once again such protection can be controlled through a landscaping condition. For those properties located with views of the application site clearly when the site is being used for recreational purposes the general appearance of the site will change through the presence of people, however for the level of pitches proposed this will be of a low key nature and will retain its open characteristic.
- 6.5 The South Herefordshire Local Plan emphasises the importance of outdoor playing space through Policy R2 (Shortfalls in Outdoor Playing Space) and it states that the identification and rectification in shortfalls in outdoor playing space will be sought, within or adjacent to housing areas and settlements. Land has been identified as proposal sites for such usage, to help rectify known shortfalls. PPG17 – Planning for Open Space, Sport and Recreation seeks the provision as being supportive of a ‘rural renewal’ and promoting social exclusion, community cohesion and sustainable development. The Local Plan makes the point that outdoor playing space provision in Bartestree should be in the region of 2.25 hectares. The area that has been set aside for this purpose is 3.7 hectares and does not include the site subject to the application.

- 6.6 Bartestree has already been allocated the amount of outdoor playing space required for a village of its size, according to the criteria used in the Local Plan, However, the site in question is outside the settlement boundary and is subject to the provisions of Policy C1, which permits development of land for recreational purposes in such locations. Having regard to Adopted Development Plan policy the proposal would meet other relevant policies within the Local Plan, particularly R1 and GD1 and therefore the conflict with policy would not be substantially robust to warrant refusal on this ground.
- 6.7 In respect of highway issues no car parking provision is proposed for the application site and once again this matter can be controlled through a planning condition. The only access required to the site would be that for maintenance purposes and pedestrian access. It is the Officers opinion that pedestrian access should be via the existing recreation field across the private tracks serving Stalls Farm onto the application site. As summarised in Section 5 in this report the provision of a kissing gate type facility would also have the benefit of restricting access to the site of bicycles and motorbikes. Clearly along this boundary an access point large enough to take a tractor and mowing equipment will be required and details of this can be requested through a condition and ensure it is used for these purposes only. The applicant has detailed no new access from the A438 would be needed together with no additional parking facilities as the existing car parking provided around the existing village hall is adequate and the number of teams would never expand above the present situation, as all age ranges are already covered and the catchment area is limited. Following inspection of the site it is considered that secure cycle parking should be provided to allow a choice of modes of transport having regard to the safe links to the main heart of the village located on the northern side of the A438 via the existing traffic light crossing. This cycle parking provision should be located adjacent to the village hall.
- 6.8 Having regard to the above issues raised and those brought to the attention of the Local Planning Authority through the letters of representation it is your Officer's opinion that although the application site is not allocated for recreation purposes there are wider benefits which are supported through PPG17 and Local Plan policy. Having regard to the details of the scheme and the level of activity proposed it is concluded that the visual impact is acceptable, the scheme complies with Policies R1 and GD1 of the South Herefordshire District Local Plan and would not represent a danger to highway safety.

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 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 G01 (Details of boundary treatments)

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

5 No works shall take place on the site or use commenced until the overhead electric lines crossing the site have been put under ground in accordance with the specification to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of public safety.

6 No development approved by this permission shall be commenced until a scheme detailing the position of formal sports pitches have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved plans and the position of the approved pitches shall not be moved unless otherwise agreed in writing by the local planning authority or additional pitches added.

Reason: In order to protect the visual amenity of the area and to ensure that adjoining dwellings have satisfactory privacy.

7 No hard surfaces shall be provided on the application site nor shall the application site be used for the parking of any vehicles at any time.

Reason: In the interests of visual amenity and highway safety.

8 No development approved by this permission shall be commenced until pedestrian access and maintenance access points to the application site have been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details and remain as approved thereafter.

Reason: To ensure adjoining dwellings have satisfactory privacy and in the interests of highway safety.

9 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.

10 No floodlighting or external lighting shall be provided on the site at any time.

Reason: To safeguard local amenities.

Notes to Applicant:

1 HN01 - Mud on highway

2 N03 - Adjoining property rights

3 N04 - Rights of way

4 N11 - Wildlife and Countryside Act 1981

Decision:

Notes:

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Background Papers

Internal departmental consultation replies..

4 DCCE2003/2041/F - ERECTION OF NEW DWELLING WITH GARAGE/GARDEN STORE PORTWAY, GRAFTON LANE, NR. HEREFORD

For: Leominster Drylining Ltd, Josan, Newlands Drive, Leominster, Herefordshire, HR6 8PR

Date Received: 11th July 2003

Ward: Hollington

Grid Ref: 49708, 35611

Expiry Date: 5th September 2003

Local Member: Councillor W.J.S. Thomas

1. Site Description and Proposal

- 1.1 The application site is located to the eastern side of Grafton Lane, opposite Grafton Cottages and adjacent to the detached dwelling known as Highfield.
- 1.2 The site comprises the original site for four dwellings first permitted as a departure from the structure plans in March 1988 (SH871629PO), later permissions were granted in March 1991 for the relaxation of the building line and then to enlarge the site for one dwelling in May 1991 (SH910479PO). In 1992 a revised application was approved for a dwelling and garage, this was renewed in 1998 and has recently expired.
- 1.3 The proposed dwelling would be for a detached dormer bungalow with garage set back 15m from the front boundary of the site. A distance of 6.25m lies between the proposed garage and boundary wall with the adjacent property. The dwelling would provide four bed accommodation (1 en-suite) bathroom, lounge, dining room, kitchen/breakfast room and utility. A detached double garage with garden store to the rear lies to the south east of the dwelling nearest to the adjacent dwelling.

2. Policies

2.1 Planning Policy Guidance:

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

2.2 South Herefordshire District Council:

GD1	-	General Development Criteria
C1	-	Development Within Open Countryside
SH1A	-	Overprovision of Housing
SH11	-	Housing in the Countryside
SH14	-	Siting and Design of Buildings
SH15	-	Criteria for New Housing Schemes
SH21	-	Replacement Dwellings

2.3 Herefordshire Unitary Development Plan (Deposit Draft):

S3	-	Housing
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DR1	-	Design
H1	-	Hereford and Market Towns: Settlement Boundaries and Established Residential Areas

3. Planning History

- 3.1 SH871629PO - 4 dwellings. Approved 3rd March, 1988.
- 3.2 SH900879PF - Relaxation of building line. Approved with conditions 15th March, 1991.
- 3.3 SH910479PO - One dwelling. Approved with conditions 22nd May, 1991.
- 3.4 SH920609PF - new dwelling and garage. Refused 24th June, 1992.
- 3.5 SH921503PF - new dwelling with garage in accordance with revised plans received on 23rd February, 1993. Approved with conditions 7th July, 1993.
- 3.6 SS980435PF - Renewal of full planning approval SH921503PF - new dwelling and garage. Approved 23rd September, 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency has no objection in principle but recommends that if planning permission is granted planning conditions are imposed relating to foul water drainage.

Internal Council Advice

- 4.2 Head of Engineering and Transportation recommends conditions.
- 4.3 Chief Forward Planning Officer states the application is contrary to Local Plan policy.

5. Representations

- 5.1 Grafton Parish Council: No objection to the proposals were raised at the meeting.
- 5.2 One letter of objection has been received from M. Davies of Highfield,. Grafton Lane, Hereford. Their concerns are summarised as follows:

1. The end of the proposed dwelling is only 6 metres from my boundary. Previous plans have been submitted and in those the distance was 15 metres. The distance has moved considerably closer to my boundary and given the size of the plot I see no reason for this.

2. The property size of the proposed dwelling is considerably larger than previous plans and there are 16 metres at the other side of the plot. I feel there is more than sufficient land to move the plot futher away from my boundary.

3. The plans show the position of the septic tank. This is positioned 2 metres from my boundary. Again given the size of the plot is extremely close to my boundary. I feel that the septic tank should be moved further away from my boundary to ensure I do not

have any drainage problems relating to the proposed plot. I have an established beech hedge which I feel could be jeopardised.

4. With reference to the front of the lot on previous plans a pavement was shown next to the lay-by. The pavement was a condition of the three other plots and I feel it would look out of place if this pavement did not continue to the end of the lay-by.

5.3 One letter of support has been received from 1 Grafton Cottage, Grafton Lane, Hereford.

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 issues for consideration in the assessment of this application are:

- The principle of a residential property on this site.
- The layout and design of the dwelling in relation to the character of the surrounding area.
- The relationship with and impact on the adjoining properties.
- Highway safety and car parking provision.
- Drainage.

6.2 The application site has been the subject of a number of applications for a single dwelling over the last two decades, initially forming part of an application for four residential plots on the land. The other three related plots have been completed and resided in for a number of years. Although the erection of a new residential dwelling within open countryside is currently contrary to local plan policy, the planning history of the site can be considered as a material planning consideration. Due to the historical acceptance of this site as a residential building plot there is no objection in terms of the principle of developing the site with a single unit of residential accommodation.

6.3 The proposed dwelling is a dormer bungalow set centrally within the plot of land. It will be set back 14m from the roadside, which will be further back than the adjacent dwelling known as Highfields. There will be a gap of some six metres between the proposed dwelling and the boundary wall. The design of the dwelling has been altered from the form submitted in the last application to improve the external appearance of the proposed dwelling. Although the area can be described as a rural in nature, the immediate vicinity is characterised by detached modern dwellings set in relatively large plots facing onto Grafton Lane. The design and layout of the proposed dwelling reflects the character of the surrounding area in accordance with policies SH14 and GD1 of the South Herefordshire District Local Plan.

6.4 In the consideration of the impact on the neighbouring properties, the three properties which may be affected would be 1 and 2 Grafton cottages which lie directly opposite the application site, and Highfields which lies adjoining the south east boundary of the site. Firstly it is considered that given the distances between the Grafton Cottages and the proposed dwelling and considering there is a public highway running between the

dwellings, there will be no adverse impact on the living conditions of the occupants of these dwellings. With reference to the adjacent property, the proposed dwelling would be slightly set back from the line of the existing dwellings on this side of the road, and it is set some 6m from the boundary wall between the plots. The detached garage with garden store to the rear has been placed in the position nearest the existing dwelling that would serve to act as a buffer between the living accommodation of both dwellings. The lounge does project to the rear of the dwelling with two windows facing towards the adjacent property. However, these are at ground floor level only with a distance in excess of 22m from the adjacent dwelling. As such it is considered that the impact will be minimal and as such there will be no detrimental effect on the living conditions of the adjoining property. During the application process a discrepancy in the size of the site on the plans was noted and plans amending the application site have been requested. This error is minimal and the extent of the site is clearly demarcated by boundary edges and walls on site.

- 6.5 The letter of objection raises the issue of the alteration of the siting of the dwelling bringing it closer to their property than the original permission in 1992 (renewal in 1998). Whilst it is not contested that the siting has been altered, the design of the property has also been altered and the current application has been considered on its merits. In its current form it is not considered to be intrusive or overbearing nor would it have an adverse effect on the amenities of the neighbouring properties.
- 6.6 There is no objection to the access and parking provision to the site, subject to the inclusion of conditions to ensure that visibility splays are retained and that parking and turning spaces are included to ensure that vehicles can enter and leave the site in a forward gear.
- 6.7 There are some concerns regarding the siting of the proposed septic tank so close to the boundary of the neighbouring property. The Environment Agency has recommended that conditions be added so that the drainage arrangements can be agreed prior to the commencement of development in accordance with the current government guidance and legislation. It is considered that a suitable solution can be found and as such that this is not reason for refusal.
- 6.8 In conclusion, having regard to the historical approvals on this site there is no objection in principle to the development of a single residential unit on the site. The proposed siting and design of the dormer bungalow and detached garage are satisfactory, relating well to the character of the immediate vicinity. The impact on the neighbouring properties will be minimal in nature and would not have a detrimental impact on the living conditions and amenity enjoyed by these occupants. The site is able to provide safe access and adequate parking and turning provision in accordance with local plan policy. Sufficient drainage can be provided on the site and can be controlled by condition. As such the proposed development falls in accordance with the policies of the South Herefordshire District Local Plan.

RECOMMENDATION

That subject to the receipt of suitably amended plans, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions 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 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)
- 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 E17 (No windows in side elevation of extension)
- Reason: In order to protect the residential amenity of adjacent properties.
- 11 No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been approved by the local planning authority. The scheme shall be implemented in accordance with the approved details.
- Reason: To prevent pollution of the water environment.
- 12 G04 (Landscaping scheme (general))
- Reason: In order to protect the visual amenities of the area.
- 13 G05 (Implementation of landscaping scheme (general))

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

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**
- 6 **The application falls outside areas of known problems for septic tank drainage. However, to comply with DETR Circular 3/99 and BS 6297:1983 the applicant should ensure that the following criteria are met:**
 - a) **The septic tank and soakaway system are designed to meet the requirements of BS 6297:1983; and**
 - b) **There is no connection to any watercourse or land drainage system and no part of the soakaway system is situated within 10m of any ditch or watercourse; and**
 - c) **Porosity tests are carried out to the satisfaction of the local planning authority to demonstrate that suitable subsoil and adequate land area is available for hte soakaway (BS 6297:1983).**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

5 DCCE2003/2639/F - CONVERT EXISTING OUTBUILDINGS TO ANNEX APARTMENT. 15 JUDGES CLOSE, HEREFORD, HEREFORDSHIRE, HR1 2TW

For: Mr. & Mrs. Deverill, per Mr. J.E. Smith, Parkwest, Longworth, Lugwardine, Hereford

Date Received: 1st September 2003 Ward: Aylestone Grid Ref: 52242, 40268

Expiry Date: 27th October 2003

Local Members: Councillors D.B. Wilcox and A.L. Williams

1. Site Description and Proposal

- 1.1 The application site is a large detached dwelling located at the centre of an estate of modern detached dwellings known as Judges Close. The dwelling known as Crescent House is a single unit of accommodation with a large curtilage. Access is gained from Judges Close with a driveway leading to the dwelling, a number of garages and a total of 10 off road car parking spaces. Although the property can be considered a classical Victorian property, it is not Listed, nor does it lie within the Conservation Area.
- 1.2 The proposal is to convert a part of the existing dwelling and adjoining outbuildings to annex accommodation. This part of the building is located to the rear (east) of the property and will be at ground floor level only. The accommodation will form a bedroom, study, living room, bathroom, hall and kitchen. The only external alterations would be the insertion of three small velux rooflights. The works for the refurbishment of the outbuildings were previously approved under application no. CE2003/0921/F.
- 1.3 In some instances planning permission is not required for the conversion of an existing part of a dwelling into annex accommodation when it will not be let or sold separately. As the agent's letter or application documentation does not state the precise and exact use of the annex, conditions are recommended to control the use.

2. Policies

2.1 Planning Policy Guidance:

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

2.2 Hereford City Local Plan:

H12	-	Established Residential Areas – Character and Amenity
H16	-	Alterations and Extensions

2.3 Herefordshire Unitary Development Plan (Deposit Draft):

H18	-	Alterations and Extensions
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3. Planning History

- 3.1 CE2003/0921/F - Replacement of conservatory, reconstruction of outbuildings and provision of gates and gateposts. Approved with conditions 12th May, 2003.
- 3.2 CE2003/3615/F - Extension to existing flat roofed garage. Approved with conditions 17th January, 2003.
- 3.3 CE2002/0977/F - Proposed extension to existing garage. Approved with conditions 7th May, 2002.

4. Consultation Summary

Internal Consultation Advice

- 4.1 Head of Engineering and Transportation: No objection.

5. Representations

- 5.1 Hereford City Council: No objection subject to any permission granted being subject to the condition requiring the annex to be used in conjunction with and not separately from the existing dwelling known as 15 Judges Close and further that no additional highway access be created from Judges Close into the curtilage of No. 15.
- 5.2 Six letters of objection have been received from Nos 11, 21, 32, 34, 36 and 38 Judges Close. A number of these letters contain issues which are not material planning considerations including unrelated on street parking. The relevant planning matters that are raised in the letters are summarised as follows:
 - The additional accommodation would increase the amount of rubbish at the premises which will exacerbate existing problems;
 - The incorporation of a low budget apartment would be a wholly inappropriate alteration to this classical and historical Victorian property;
 - Concern that the additional accommodation will increase traffic that will be parked on the road;
 - Concern that the premises are being used as a builder's yard for developer;
 - The architect's drawings unclear and description misleading;
 - The kitchen appears to be sited within the main property, whereas the application is based on change of use of outbuildings. A side doorway in the main property appears to be sealed off to create the kitchen. There appears to be no direct daylight into the kitchen;
 - The exterior wall of the apartment appears to be a single brick screed, based on a reduced thickness of the existing outbuilding wall, whereas an external wall is expected to have a double screed and cavity. There seems to be no emergency exit from the apartment.
- 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 application is for the alteration of the existing utility area to create an annex apartment to be used in association with Crescent House. It will provide a unit of living accommodation as described in Section 1. The main issues for consideration are the

impact of the proposed unit of accommodation on the character of the existing dwelling and surrounding area, including impact on highway safety.

- 6.2 The proposed alterations to provide this unit of accommodation will not effect the external appearance of the dwelling except for the introduction of three small Velux rooflights. These could be inserted into the roof without the need for planning permission by virtue of the Town and Country Planning (General Permitted Development) Order. The annex will have two points of entrance, one from the main house and one from the rear garden. The annex is to be used as accommodation ancillary to the main dwellinghouse and as such a restriction on the separate sale or let of the unit is recommended. It is considered that any additional activity generated by the annex is likely to be limited having regard to the size and layout of the existing property and the intended ancillary use, and as such, no adverse harm would be caused to the amenities of the area.
- 6.3 Additional persons living at the property may increase traffic and pedestrian movements or impact on car parking. The existing dwelling has space for 10 cars to park within the curtilage which is ample provision for the existing dwelling and the annex. Details of the parking spaces can be requested by condition to ensure that they are retained for future use.
- 6.4 The local residents have raised concern over the arrangements for the disposal of waste and rubbish from the site. In a letter from the agent dated 14th October, 2003, it is stated that 'dustbins will be left for collection within the curtilage of Crescent House (C.1839) where they have been placed traditionally since 1946. The site is the former tradesman's entrance when the property was the Judges residence'. As this is not clear, a condition is recommended requiring details of the exact siting of the bin store to be submitted prior to commencement of any works in the interests of the proper planning of the development.

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 E15 (Restriction on separate sale)

Reason: It would be contrary to the policy of the local planning authority to grant consent for a separate dwelling in this location.

3 E29 (Occupation ancillary to existing dwelling only (granny annexe))

Reason: It would be contrary to the policy of the local planning authority to grant planning permission for a separate dwelling in this location.

4 The development hereby permitted shall not commence until a plan showing an area within the application site for the parking and turning of one car associated with the annex has been submitted to and approved in writing by the local planning authority. The approved parking and turning area shall then be used and retained thereafter free of any impediment to such use.

Reason: In the interests of highway safety and to help prevent indiscriminate parking on the highway.

- 5. The development hereby permitted shall not commence until a plan showing an area within the application site for the storage of refuse has been submitted to and approved in writing by the local planning authority. The approved area for the storage of refuse shall then be used and retained thereafter free of any impediment to such use.

Reason: To ensure adequate provision for the storage of refuse from the dwelling in the interest of the amenities of nearby residents.

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

Reason: To protect the integrity of the Public Sewerage System.

- 7. 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.

- 8. 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.

Note to Applicant:

- 1. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies..

6 DCCE2003/2800/F - PROPOSED NEW DWELLING LAND ADJOINING STONEY YELD, HOLME LACY, HEREFORDSHIRE

For: Mr. G. Dyer, per Mr. N. La Barre, 38 South Street, Leominster, Herefordshire, HR6 8JG

Date Received: 16th September 2003 **Ward: Hollington** **Grid Ref: 55660, 35867**

Expiry Date: 11th November 2003

Local Member: Councillor W.J.S. Thomas

1. Site Description and Proposal

- 1.1 The 0.07ha application site is located on the north-east side of River View Close, to the rear of 21 River View Close and within the Holme Lacy Settlement. It presently forms part of the level rear garden of Stony Yeld.
- 1.2 The proposal is to erect a single detached two storey house of some 200 sq m excluding attached double garage. The house would be 'L'-shaped with principal elevations facing north-west and south-east. Access would be via a new driveway from River View Close.

2. Policies

2.1 South Herefordshire District Local Plan:

GD1	-	General Development Criteria
C2	-	Settlement Boundaries
C8	-	Development within AGLV
SH8	-	New Housing Development Criteria in Larger Villages
SH14	-	Siting and Design of Buildings
SH15	-	Criteria for New Housing Schemes

2.2 Herefordshire UDP (Deposit Draft):

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
H6	-	Housing in Smaller Settlements

3. Planning History

- 3.1 CE2000/1078/F - Construct two dwellings with detached garages and formation of garden for Plot 21. Withdrawn 6th September, 2000.
- 3.2 CE2002/0161/O - Site for two dwellings. Refused 25th February, 2002.
- 3.3 CE2002/0715/O - Site for new bungalow. Approved 0th April, 2002.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: Recommend conditions.

Internal Consultation Advice

- 4.2 Head of Transportation and Engineering: No objection subject to conditions.

5. Representations

- 5.1 Holme Lacy Parish Council: The first application on this plot for two houses was turned down because 'it was an inappropriate form of backland development with unsatisfactory layout, which would be cramped, overcrowded, out of keeping with the surrounding area and would detract from the privacy and amenity of existing dwellings'. Outline planning permission was then granted for a bungalow. This is a very large five-bedroom property with double garage which the Parish Council feels is too overpowering for the size of the plot and is repeating many of the faults of the original refused application.

- 5.2 One third party objection letter has been received from No. 1 River View Close summarised as follows:

- Loss of light from two storey house.

- 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 main issues on this case are the impact of the two storey house on the amenities of neighbouring properties and the general character of the area. The principle of residential development at the site has been established by the extant outline planning permission, albeit for a single dwelling only.

- 6.2 The full planning application is for a two storey house. Policy SH8 of the Local Plan sets out detailed criteria for new housing within the Settlement boundaries requiring it to be, in particular, of a scale to complement the size, scale and character of the Settlement and not to be intrusive. Policy GD1 requires new development to respect neighbour's privacy and amenity.

- 6.3 The proposal complies with the policy requirements, the house 'sitting' satisfactorily on the site without appearing cramped or overcrowded, or being intrusive. With regard to privacy, the house has been designed and sited to prevent adverse relationships with nearby houses, even now with its first floor accommodation. Roof height is relatively low (7m), and this, together with the retained gaps with adjoining properties, would ensure no overbearing relationships or loss of light. Views towards the nearest house, No 21, would be largely obscured by the garage at this house. Other adjoining neighbours are sufficiently distanced and/or screened to ensure no adverse relationships. No. 1 River View Close has an elevation to elevation distance with the new house of some 33m which would limit any adverse impact.

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 B01 (Samples of external materials)

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

4 E09 (No conversion of garage to habitable accommodation)

Reason: To ensure adequate off street parking arrangements remain available at all times.

5 F22 (No surface water to public sewer)

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

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

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

7 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.

8 G04 (Landscaping scheme (general))

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

9 G05 (Implementation of landscaping scheme (general))

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

10 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.

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.

Notes to Applicant:

- 1 HN01 - Mud on highway**
- 2 HN05 - Works within the highway**
- 3 There are no foul/surface water sewers in the immediate vicinity. It is therefore likely that off-site sewers will be required to connect to the public sewerage system. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on 01443 31155.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 DCCE2003/2471/F - PROPOSED LOFT CONVERSION AND REAR EXTENSION. 80 LICHFIELD AVENUE, HEREFORD, HEREFORDSHIRE, HR1 2RL

For: Ms. R. Haynes, per Mr. I. Williams, Tupsley Court Cottage, Tupsley Court, Hereford, HR1 1UX

Date Received: 13th August, 2003

Ward: Tupsley

Grid Ref: 52333, 39412

Expiry Date: 8th October 2003

Local Members: Councillors G.V. Hyde, Mrs. M.D. Lloyd-Hayes and W.J. Walling

1. Site Description and Proposal

1.1 The application site is a detached bungalow that lies between two similar properties within an Established Residential Area. The type of dwelling in the immediate area varies from detached bungalows to semi-detached two storey dwellings. Most have off-road car parking provision. The property has vehicular access onto Lichfield Avenue with off-road car parking for up to three vehicles (including garage). The topography of this part of Lichfield Avenue is such that it slopes up the hill from Hampton Park Road and the dwelling is situated on the left hand side before the road bends to the left and heads north towards Ledbury Road.

1.2 The proposal is to extend the property to the rear with the addition of a flat roofed extension. This will extend 3.9m to the rear of the dwelling and will be 6.2m wide. A dormer window is also proposed in the side roof elevation (adjacent to No. 82 Lichfield Avenue) of the dwelling. The dormer will be flat roofed, 3.4m wide and incorporates a bedroom and bathroom window. Two Velux type roof lights are also proposed in the rear and front roof planes. The dormer will facilitate the conversion of the attic to living accommodation with adequate headroom. This proposal does not show any increase in the overall ridge height of the current roof of the property.

2. Policies

2.1 Planning Policy Guidance:

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

2.2 Hereford City Local Plan:

H12	-	Established Residential Areas – Character and Amenity
H16	-	Alterations and Extensions

2.3 Herefordshire UDP (Deposit Draft):

H18	-	Alterations and Extensions
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3. Planning History

3.1 There is no relevant planning history.

4. Consultation Summary

Statutory Consultations

4.1 There are no external consultation responses.

Internal Consultation Advice

4.2 Head of Engineering and Transportation has no objection to the granting of planning permission.

5. Representations

5.1 The City Council has no objection.

5.2 Three letters of objection have been received from Nos 82, 83 and 85 Lichfield Avenue summarised as follows:

- Loss of privacy - overlooking of windows and private garden areas;
- Two more cars will be parked on the road, which makes it very difficult for people living on the opposite side of the road;
- If approved there will be another four people living in No. 80 with resulting disturbance and overcrowding;
- Loss of view;
- No 80's side of the street is made up of a balanced row of small bungalows. The proposed loft conversion will unnecessarily change the character of the street;
- The properties in the street are owned and attract retired people because of its quiet nature. Extending this property will make it more adaptable to a family home and therefore change the character of the street.

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 application can be looked at in two parts. Firstly the alteration of the roof to allow the conversion of the attic space, by the insertion of a dormer window to the south east elevation, and secondly two rooflights in the extension to the rear. In both instances the issues for consideration are:

- The impact on the character and appearance of the dwelling and surrounding area;
- The impact on the amenities and living conditions of the neighbouring properties;
- Potential increase in vehicles at the property as a result of the enlargement of the dwellinghouse.

6.2 Firstly, objection has been received to this dormer window due to the potential for overlooking and the impact on the character of the area. However, it must be noted that the proposed dormer window, by virtue of its size and position, could be completed as 'permitted development' under the terms of the Town and Country Planning (General Permitted Development) Order. To benefit from this the dormer would have

to be completed in isolation of other development or extensions to the property (e.g before the extension to the rear is begun). However, as the two proposals have been submitted together, and it is assumed they will be constructed simultaneously, planning permission is required. However the fact that this dormer could be constructed as 'permitted development' is a material consideration in the processing of this application. Having received this application for the proposed dormer, the Local Planning Authority is able to impose conditions in the event of permission being given and it is recommended that the glazing in the side windows of the dormer are obscured with frosted glass and the windows fixed shut to prevent overlooking of the neighbouring properties.

- 6.3 The two rooflights (front and rear facing), again could be completed by virtue of permitted development rights. Notwithstanding this they are unobtrusive and minimal in scale and nature and are considered to be in accordance with the relevant policies of the Hereford Local Plan.
- 6.4 The flat roofed extension to the rear of the property is in scale and keeping with the existing dwelling. It will have no adverse impact on the living conditions of the neighbours to the side or rear of the property and due to its location to the rear will not impact on the character of this residential area.
- 6.5 The enlargement of the dwelling does allow for an increase in bedrooms and therefore potentially an increase in traffic movements and numbers of persons living at the property. The property has car-parking provision for two cars on the drive as well as the garage. This is in accordance with the policies of the Hereford Local Plan as such there is no objection on the grounds of insufficient parking.
- 6.6 In conclusion, the application allows the opportunity to apply conditional approval to the proposed dormer to protect the neighbour from any potential overlooking. There is no objection to the proposed extension as its scale is minimal and position and outlook do not adversely affect the amenities of the neighbours or the character of the area. There are no highway safety concerns.

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 E19 (Obscure glazing to windows)

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies..

8 DCCW2003/2113/O - SITE FOR CONSTRUCTION OF NEW HIGH SCHOOL AND ASSOCIATED PLAYING FIELDS AT LAND OFF THREE ELMS ROAD AND TO THE REAR OF BONINGTON DRIVE, HEREFORD

**For: Herefordshire Council per Property Services,
Herefordshire Council, Franklin House, 4 Commercial
Road, Hereford, HR1 2BB**

Date Received: 25th July 2003

Ward: Three Elms

Grid Ref: 48841, 41417

Expiry Date: 14th November 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 6.75 ha. area of open field lying on the western side of Three Elms Road. To the east and north is countryside partly bounded by Yazor Brook. To the south is the established residential area of Bonington Drive.
- 1.2 The proposal, which has been submitted in outline form, is for the construction of a new High School and associated playing fields. All matters, external appearance, means of access, siting, design and landscaping are reserved for future consideration.
- 1.3 The application is accompanied by an Environmental Statement, preliminary Flood Risk Assessment, Transport Assessment and Planning Statement.

2. Policies

2.1 Planning Policy Guidance:

- PPG1 - General Policy and Principles
PPG7 - The Countryside - Environmental Quality and Economic and Social Development

2.2 Hereford and Worcester County Structure Plan:

- Policy CTC9 - Development Requirements
Policy M2 - Mineral Reserves
Policy LR5 - Public Rights of Way
Policy A1 - Development on Agricultural Land

2.3 Hereford Local Plan:

- Policy SC6 - Permanent Education Accommodation
Policy CAL4 - Agricultural Land
Policy ENV2 - Flood Storage Areas
Policy ENV14 - Design
Policy ENV15 - Access for All
Policy T11 - Pedestrian Provision

Policy T12	-	Cyclist Provision
Policy H21	-	Compatibility of Non-residential Uses
Policy NC6	-	Criteria for Development Proposals
Policy NC7	-	Development Proposals – Habitat Creation and Enhancement
Policy NC8	-	Protected Species
Policy NC9	-	Infrastructure Works

2.4 Herefordshire Unitary Development (Deposit Draft):

Policy CF8	-	School Proposals
Policy M5	-	Safeguarding Mineral Reserves

3. Planning History

- 3.1 CW2002/3051/O Site for the construction of new high school and associated playing fields. Withdrawn 4th June 2003.

4. Consultation Summary

Statutory and Non-Statutory Consultations

- 4.1 Environment Agency having regard to the Flood Risk Assessment recommend conditions be added.
- 4.2 Welsh Water in revised advice no longer object to the proposal subject to conditions.
- 4.3 The Countryside Agency have decided not to make any formal representation.
- 4.4 English Nature have not commented other than to support the mitigation and habitat creation/enhancement proposals set out in the Environmental Statement.
- 4.5 Herefordshire Nature Trust has no formal objection.
- 4.6 Open Spaces Society are concerned that an outline planning application does not provide enough information. The proposal affects public footpath HER38 and refers to non registered footpaths crossing the site that could well have public rights. Reference is also made to their response to the earlier (withdrawn) application which called for separate footway and cycling track with adequate lighting.

Internal Council advice

- 4.7 Chief Forward Planning Officer confirms, in respect of Hereford Local Plan that the site is adjacent to but outside the built up area and so is in an area of countryside. Normal policies of constraint in such locations are balanced by a specific policy for educational provision. The draft UDP has a specific land allocation for this proposal, although concerns are raised about flooding.
- 4.8 Minerals and Waste Officer advises most of the site falls within 200 metres of a settlement. Within this distance it would not be normal to permit new mineral workings.

4.9 Chief Conservation Officer in respect of:

- (i) Archaeological interest states there are recorded earthworks on the site and advises a standard condition be included on any permission granted
- (ii) Ecology, supports the proposals set out in the Environmental Statement and puts forward further advice.

4.10 Head of Engineering and Transportation confirms there are no objections to the proposal in principle, but further information will be required. A further Transport Assessment - Addendum Report was received on 21st October 2003. Any further response will be reported to the meeting.

5. Representations

5.1 Hereford City Council declined to comment in the absence of the promised Flood Risk Assessment.

5.2 Letters of objection and concern have been received from Nos. 8, 9, 22, 24, 30, 35, 36, 42, 44, 48, 50, 65 Bonington Drive; also Nos. 136 and 138 Three Elms Road and 13 Haston Close (undersigned by Nos. 7, 9, 15, 11). A letter was also received from Thompson Land and Property on behalf of 119 Three Elms Road. These letters raised concerns which have been summarised as follows:

- Access from Three Elms Road is dangerous with poor visibility and traffic is heavy and often travelling at the speed limit. Traffic turning into the school will block the road.
- Increased vehicular traffic through Bonington Drive causing concern with regards to car parking, congestion, highway safety, pedestrian safety and repair of road. Traffic calming measures should be considered.
- That the provision of two pedestrian access points from Bonington Drive is excessive causing parents to drop off and pick up in this location. This could be problematic for traffic congestion and loss of parking spaces for local residents. Alternative pedestrian accesses should be considered.
- Use of site for school would lead to a loss of privacy, and that noise, disturbance, disruption, lighting would cause nuisance and affect local residents. Also concerns about security, vandalism, litter and damage to personal property that may occur.
- Loss of field that is currently used safely by children for playing etc.
- Concern regarding maintenance of boundary fences.
- Close proximity of cycle/footpath to trees cover by a Tree Preservation Order.
- Concern over fact that the site is a flood storage area and repercussions of this.
- Concern over the pipelines carrying mains water and mains sewers which runs through the site.

- Concern regarding the potential height and scale of the building and visual effects and impact on residential amenity it may have.

5.3 Accompanying the application is a Planning Statement which sets out the Education Directorate case for a new high school.

It is evident that the existing building is in poor condition and out of date in respect of educational needs. A new school building will aid educational improvements. The new school will be designed to accommodate 900 students and will afford opportunity to improve security, access and car parking and hard play areas. Other benefits will be improved disabled access and an ability to meet current standards of fire precautions. The Planning Statement advances wider community benefits of social inclusion that will flow from a new building on the proposed site including lifelong learning and early years provision. The Statement advises the new school will be built with environmental considerations as a priority to ensure sustainability.

One of the most important aspects of the report is the options appraisal. These range from do nothing to closing the school and to make provision elsewhere. It is clear that options to do nothing or repair the existing are expensive and would not overcome known failings associated with the existing building, access and other issues already highlighted. The existing site is not large enough to meet standard needs or space standards.

A site search to find the most suitable site to meet all of the specified needs resulted in identification of the application site which is identified in the draft Unitary Development Plan for the purpose.

The full text of these letters and the Planning Statement 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 current development plan, Hereford Local Plan, defines the site as countryside. As such this proposal is a departure from the Development Plan. It is considered the proposal is not so significant that it should not be considered until the Unitary Development Plan has been adopted. In addition given there is support in policy terms (SC6) for educational provision within Hereford Local Plan and that the site adjoins the settlement boundary, the proposal is not considered so significant in terms of scale that it should be referred to the Secretary of State.

6.2 The main issues to consider concern the suitability of the site for the proposed use. Issues that contribute to that consideration relate to flooding, access and transportation, biodiversity, impact on landscape and capacity of the local foul drainage system to serve the development.

6.3 The Principle of the Proposal

Hereford Local Plan:

1. Hereford Local Plan seeks to restrict any further expansion of the urban area of Hereford. The application site is within land identified as countryside where a number of policies apply. The Plan contains no specific policy that would address a new school within a countryside location. However, Policy SC6 does

permit development for educational provision where proposals are in accordance with other policies of the Plan.

2. Herefordshire Unitary Development Plan (Deposit Draft):

Has considered the need for a replacement school and has identified the application site as a Plan proposal. In so doing, initial consultations as a 'Preferred Proposal' raised some public comments but no major constraints from consulted bodies. One of the main attributes of the site was its ability to link into the adjacent cycleway/pedestrian network, thus offering a safer route to school. Flooding was identified as a major issue resulting in a requirement for a Flood Risk Assessment. Given the Environment Agency has withdrawn their objection then substantial weight can be placed by the Committee on this draft UDP policy.

6.4 Impact of Flooding

Policy ENV2 of Hereford Local Plan restricts development proposals likely to impact on the Yazor Brook system unless acceptable mitigation is proposed.

Environment Agency's (EA) initial response on this application was to object on the grounds that the site is located within the Agency's Indicative Floodplain. This response indicated the applicant could submit a Flood Risk Assessment to ascertain the extent of the flood risk. Comments on Preliminary Flood Risk Assessment received from the Environment Agency are cautious of the information but make recommendations in the form of conditions to secure development outside the floodplain outline responds to these recommendations.

6.5 Access and Transportation

Site layout should have regard to access for all and the relationship between buildings, parking and public access (Policy ENV15). Any development should enhance pedestrian and cycle safety and convenience in accordance with Policies T11 and T12. In addition Policy H21 states that development adjacent to residential areas should be compatible and not have an adverse effect upon the character and amenity of an area.

The Transport Assessment considered the likely impact of the proposal on nearby road junctions, compared likely trips route generation for the new school compared to the generation for the new school compared to the current situation and undertaken an accident safety analysis of the surrounding road system. In addition the implications of proposed residential development of the current school site on the road system is considered as is the availability and potential for improvement of local public transport. The findings have been assessed and further information requested in respect of car and bus parking, the relocation of bus stops, a new cycle route and other issues including a formal Travel Plan. These further issues have been addressed in the Transport Assessment – Addendum Report.

6.6 Biodiversity

Nature conservation Policies NC6-9 variously seek to ensure that relevant nature conservation interests have been surveyed and that proposals preserve features of value or provide new habitats in part compensation. They also seek to create new areas of nature conservation interest, protect important species and ensure that the impact of proposed infrastructure works is fully assessed and minimised. The Environmental Statement sets out that appropriate Habitat and Species surveys have

been completed. It identifies the area of highest nature conservation value to be that immediately adjacent to the Yazor Brook. All hedgerows are to be retained except that lost to provide access to the site. New areas of planting are proposed to mitigate this loss. Secondary impacts on Yazor Brook will be reduced or negated by keeping development away from the banks and by a dense shrub belt. Mitigation measures to increase the site's nature conservation value include wild flower grasslands, creation of a pond and the installation of bat and bird boxes. Supporting these proposals the Chief Conservation Officer has advised on other measures aimed at improving the ecological value of the site.

6.7 Impact on Landscape

Members are reminded this application is in outline form with all matters reserved. Consequently judgement on impact on landscape can only be properly assessed at the reserved matters stage. Policy guidance on design is also set out in Policy DR1 Design in the Draft Unitary Development Plan which fully addresses the issue of impact of a proposal.

6.8 Foul Drainage

Draft Unitary Development Plan Policy CF2, Foul drainage, requires developments to make satisfactory arrangements for foul drainage. Initially Welsh Water Authority objected to this proposal on grounds that there was insufficient capacity in the existing system to cater for this new development. Further information has been provided to Welsh Water Authority confirming foul discharge could be accepted to the public system. Revised comments withdrawing the earlier objection and recommending appropriate conditions have been received.

6.9 Other Issues

The Environmental Statement considers other issues such as socio-economic effects, ground conditions and contamination and water resources. In addition noise, air quality and cultural heritage are considered.

These issues have been individually addressed with positive benefits identified in the socio-economic study but little impact on the remaining. In respect of archaeology the site has been identified, as an area of interest and any permission should be subject to the normal investigative condition.

6.10 Conclusion

In policy terms this application precedes consideration of this land allocation through the Unitary Development Plan provision. It is for Members to balance the need for this development against current adopted policy set out in Hereford Local Plan and the information provided in the Environmental Statement and accompanying documents.

On the main issues particularly flooding it is clear the development can be achieved subject to observance of advice. In respect of other issues policies of the Hereford Local Plan and the Unitary Development Plan where quoted are shown to be complied with.

Objections to this development mainly concern issues around traffic and that a school in this location will be disruptive to local amenity. Other issues of flooding have been dealt with in the report. Issues in respect of traffic, in the widest sense, have been

addressed satisfactorily as have the issue of noise. However it is thought unlikely that the proposal will affect living conditions of nearby residents to any marked degree other than for the short duration of break times or the movement of buses.

On balance it is advised that the identified need for a new high school on the application site outweighs other considerations subject to the development being carried out in accordance with the Environmental Statement and accompanying documents.

RECOMMENDATION

That

- (i) it be recorded that the Environmental Statement and associated documents, and consultations on and responses to the Environmental Statement and associated documents, have been taken into account in the making of the decision; and**
- (ii) Outline planning permission be granted subject to conditions considered necessary by Officers.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

Document is Restricted

