

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 5th May, 2004**

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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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Central Area Planning Sub-Committee

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

Councillors Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, T.W. Hunt (ex-officio), 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, Miss F. Short, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams, J.B. Williams (ex-officio) and R.M. Wilson.

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 18
To approve and sign the Minutes of the meeting held on 7th April, 2004.	
4. ITEM FOR INFORMATION - APPEALS	19 - 20
To note the Council's current position in respect of planning appeals for the Central Area.	
5. HEAD OF PLANNING SERVICES REPORT	21 - 50
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 and to authorise him to impose any additional conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection by Members during the meeting and also in the Council Chamber from 1.30 p.m. on the day of the meeting.	
EXCLUSION OF THE PUBLIC AND PRESS	
In the opinion of the Proper Officer, the next item will not be, or is likely not to be, open to the public and press at the time it is considered.	
RECOMMENDATION:	
THAT the public be excluded from the meeting for the following item of business on the grounds that it involves the likely	

disclosure of exempt information as defined in Schedule 12(A) of the Local Government Act, 1972 as indicated below.

6. ITEM FOR INFORMATION - ENFORCEMENT

51 - 52

To note the Council's current position in respect of enforcement matters for the Central Area.

[This item discloses information relating to:

- 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)****

- 13) Information which, if disclosed to the public, would reveal that the authority proposes:
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or**
 - (b) to make an order or direction under any enactment.****

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

7. DATE OF NEXT MEETING

The next scheduled meeting is Wednesday 2nd June, 2004.

Your Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO:-

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

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

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

Public Transport Links

- Public transport access can be gained to Brockington via the bus service that runs approximately every 30 minutes from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus-stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

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

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

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

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

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

MINUTES of the meeting of the Central Area Planning Sub-Committee held at Brockington, 35 Hafod Road, Hereford, on Wednesday 7th April, 2004 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, 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, Miss F. Short, W.J.S. Thomas, W.J. Walling, D.B. Wilcox, A.L. Williams and R.M. Wilson.

In attendance: Councillors P.E. Harling, T.W. Hunt and J.B. Williams.

At the start of the meeting, the Chairman asked that a minute's silence be observed in memory of former Councillor Mrs. J.A. Carter who had passed away recently. Members noted the significant contribution that Mrs. Carter had made not only to Herefordshire Council and the former South Herefordshire District Council but also to numerous community and charity groups in the County.

66. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs. E.M. Bew, G.V. Hyde and Ms. A.M. Toon.

67. DECLARATIONS OF INTEREST

The following declarations of interest were made.

<u>Councillor(s)</u>	<u>Item</u>	<u>Interest</u>
D.B. Wilcox	Ref. 2 - DCCE2004/0475/O Partial redevelopment of college campus to provide new learning village (application for outline permission including Master Plan) at: HEREFORDSHIRE COLLEGE OF TECHNOLOGY, HEREFORDSHIRE COLLEGE OF ART AND DESIGN AND HEREFORDSHIRE SIXTH FORM COLLEGE, FOLLY LANE, HEREFORD	Declared a prejudicial interest and left the meeting for the duration of this item.

The Principal Lawyer (Planning, Environment and Transport) had declared prejudicial interests in Ref. 1 and Ref. 2 and did not enter the meeting until Ref. 3 was considered.

68. MINUTES

RESOLVED: That the Minutes of the meeting held on 10th March, 2004 be approved as a correct record and signed by the Chairman.

69. REPORT OF THE HEAD OF PLANNING SERVICES

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

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

EXCLUSION OF THE PUBLIC AND PRESS

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

SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION

- [12) 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)
- 13) Information which, if disclosed to the public, would reveal that the authority proposes:
- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
- 14) Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.]

70. DIRECT ACTION AUTHORISATION REQUEST

The Sub-Committee considered a report which proposed action under S178 of the Town and Country Planning Act 1990 in respect of land at former pumping station, Tillington Road, Hereford.

The Principal Lawyer (Planning, Environment and Transport) outlined the background to the report and suggested amendments to the recommendation.

RESOLVED: That authorisation be given to take action under the provisions of S178 of the Town and Country Planning Act 1990 if necessary to enter the land and take steps specified in the enforcement notice and recover expenses from the owner.

71 ITEM FOR INFORMATION – ENFORCEMENT

The Sub-Committee received an information report about an enforcement case within the Central Area.

RESOLVED: That the report be noted.

72. DATE OF NEXT MEETING

It was noted that the next scheduled meeting was Wednesday 5th May, 2004.

The meeting ended at 3.45 p.m.

CHAIRMAN

Document is Restricted

Ref. 1
HEREFORD
DCCE2004/0190/F

Three storey development of 16 no. 2 bed flats and 1 no. 1 bed flat at:

36 FOLLY LANE, HEREFORD, HR1 1LX

For: **RICHARD HARPER ESTATES PER PLANNING SOLUTIONS,
96 ROCK HILL, BROMSGROVE, WORCESTER, B61 7HX**

The Principal Planning Officer advised that the layout had been amended with the bin store now positioned further away from the site boundary with 32 Folly Lane.

Councillor W.J. Walling, a Local Member, felt it regrettable that the existing building had been allowed to fall into such a state of disrepair particularly given its considerable character. Councillor Mrs. M.D. Lloyd-Hayes, another Local Member, expressed concerns about the design of the proposed development, the density of accommodation and highway safety issues.

A number of Members felt that the design of the proposed development was unacceptable. It was felt unfortunate that the existing building could not be preserved and restored; it was noted that other landmark buildings had been lost to the area recently. Some Members felt that the proposal was not compatible with the character of the area.

In response to Members' comments, the Chief Development Control Officer noted that design was a valid consideration. He advised, however, that the existing building was not Listed and that demolition was outside the control of the Authority. He also advised that density and car parking provision was considered acceptable having regard to the relevant national and local policies.

RESOLVED:

The Central Area Planning Sub-Committee is minded to refuse the application, in view of the design of the proposed development and the subsequent adverse effect on the character of the area and any further reasons for refusal felt to be necessary by the Head of Planning Services provided he does not refer the application to the Planning Committee.

If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to refuse the application for the reasons referred to above.

[Note: Following the vote on the above resolution, the Chief Development Control Officer advised that he would not refer the application to the Head of Planning Services given the reasons for refusal put forward by Members.]

Ref. 2
HEREFORD
DCCE2004/0475/O

Partial redevelopment of college campus to provide new learning village (application for outline permission including Master Plan) at:

**HEREFORDSHIRE COLLEGE OF TECHNOLOGY,
HEREFORDSHIRE COLLEGE OF ART AND DESIGN AND
HEREFORDSHIRE SIXTH FORM COLLEGE, FOLLY LANE,
HEREFORD**

For: **HEREFORDSHIRE COLLEGE OF TECHNOLOGY PER
STUBBS RICH ARCHITECTS, 1A RIVERSIDE BUSINESS
PARK, BATH, BA2 3DW**

The Principal Planning Officer reported receipt of the comments of the Conservation Area Advisory Committee (no objections, subject to satisfactory details).

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

Councillor A.L. Williams, a Local Member, noted that the car parking provision would fall short of the Local Plan standard but hoped that the proposals, with the retention of some existing parking facilities, would ease the parking problems in the area. Councillor Williams urged support for the application, particularly given the local and regional importance of the colleges. In response to a question, the Chairman advised that the roads included in the residents' parking scheme would be undesignated for the time being as a number of zones might be affected. The Central Divisional Planning Officer commented on the consultation process that was required for the implementation of parking schemes.

Councillor A.C.R. Chappell welcomed the application but felt that adequate parking facilities were required to ensure that existing problems were addressed and that future growth could be accommodated. The Central Divisional Planning Officer responded by advising that parking provision had been considered during months of pre-application discussions and the proposed increase from 455 existing spaces to 650 spaces was significant, particularly given the additional benefits of the residents' parking scheme and sustainable transport proposals. The Central Divisional Planning Officer also commented that the funding for the project was finely balanced and that it was unlikely that it would be viable if further decked car parking was insisted upon.

A number of Members expressed concerns about the parking facilities but also felt that the project should not be jeopardised given the wider community benefits of the proposed Learning Village. It was suggested that the applicant should consider ways in which the proposed decked car parking could be built upon in the future if needed and when further funding was available. In response to a request for the parking facilities to be looked at again, the Central Divisional Planning Officer suggested an additional condition. requiring details of car parking at the phase 1 stage, could be added.

RESOLVED: That:

- i) The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 requiring the applicant to make a financial contribution to cover the cost of implementing a “resident only” on-street parking scheme on nearby roads and any additional matters and terms as she considers appropriate, and
 - ii) Upon completion of the aforementioned Planning Obligation, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional condition considered necessary by Officers.
- 1 Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

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

- 2 Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

- 3 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

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

- 4 Prior to commencement of the development hereby approved, a programme for the phasing of the development shall be submitted to the local planning authority for approval in writing and the programme shall be implemented, as approved. The programme will require a minimum number of the approved staff / student and / or visitor parking spaces to be ready for use prior to the occupation of any particular phase of the development.

Reason: To ensure the proper planning of the development in accordance with the agreed scheme and, in order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users.

- 5 The details of the “means of access” required by condition No. 1 shall include the following matters:
- a) traffic calming;
 - b) signing and road markings;
 - c) cycle and pedestrian routes linking to the existing and proposed off site routes;
 - d) additional cycle parking facilities;
 - e) improved pedestrian crossing and routing facilities;
 - f) rationalisation and extension of parking;
 - g) improved on-site lighting; and
 - h) off-site junction and access improvements.

The details shall be implemented as approved in accordance with the programme to be approved under condition No. 4 above.

Reason: To accord with the terms of the Transportation Assessment and to ensure that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users.

- 6 Notwithstanding the concepts illustrated in the Master Plan, the existing car parking facilities adjacent to Whittern Way shall be retained, redesigned and incorporated into the overall siting details and implemented as approved as part of the phased programme to be approved under condition No. 4 above.

Reason: To ensure adequate on-site parking in the interests of highway safety and amenity.

- 7 No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

- 8 No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.

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

- 9 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is

the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

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

10 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.

- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: In order to preserve the character and amenity of the area.

11 Prior to occupation of any phase of the development hereby approved, a Green Travel Plan for the Hereford Learning Village shall be submitted to the local planning authority for approval in writing and implemented as approved. The Green Travel Plan shall include details of the intended method of managing the staff / student car parks.

Reason: In the interests of highway safety and to ensure a sustainable form of development.

Informatives:

- 1 N01 - Access for all
- 2 N02 - Section 106 Obligation
- 3 N03 - Adjoining property rights
- 4 N13 - Control of demolition - Building Act 1984
- 5 N15 - Reason(s) for the Grant of PP/LBC/CAC
- 6 HN01 - Mud on highway
- 7 HN05 - Works within the highway
- 8 HN07 - Section 278 Agreement
- 9 HN21 - Extraordinary maintenance

Ref. 3
HEREFORD
DCCE2004/0347/F
&
Ref. 4
HEREFORD
DCCE2004/0348/C

Replacement detached garage and potting shed and widening of entrance gates:

&
Demolition of existing garage and potting shed at:

88 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TL

For: **MR. & MRS. M. BROAD PER DRAWING & DESIGN SERVICES, 251 KINGS ACRE ROAD, HEREFORD, HR4 0SR**

The Principal Planning Officer reported the receipt of a further letter of objection from The Grange, Litley Court and summarised its contents.

RESOLVED:

That in respect of Item 3, planning permission be granted subject to the following conditions:

- 1 **A01 (Time limit for commencement (full permission)**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 **A07 (Development in accordance with approved plans)**
Drawing No. DDS0403A.
Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.
- 3 **The materials to be used on the external faces of the proposed development shall be in accordance with the details shown on the submitted application particulars. In particular, the east facing side elevation shall be sand / cement rendered**

blockwork with a cream coloured final finish.

Reason: To accord with the terms of the application and safeguard amenity.

And, in respect of Item 4, Conservation Area Consent be granted subject to the following condition:

1 C01 (Development within open countryside)

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

Ref. 5
MARDEN
DCCW2003/2957/O

Site for the erection of 23 houses at:

LAND AT PARADISE FARM, (LAND SOUTH OF LAYSTONE GREEN), MARDEN, HEREFORDSHIRE

For: INBUILT CARE DEVELOPMENTS LTD., HORNHILL BARN, SANHAM GREEN, HUNGERFORD, BERKSHIRE, RG17 0RR

The Principal Planning Officer reported the receipt of a further letter of objection from 31 Orchard Green and summarised its contents. The Principal Planning Officer suggested alterations to the recommendation detailed in the report; these are incorporated into the resolution below.

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

Councillor J.G.S. Guthrie, the Local Member, noted the comments of Marden Parish Council, particularly the view that the proposed housing density was too great and constituted overdevelopment of the site. In response, the Principal Planning Officer advised that, having regard to the Government policy on greenfield housing sites, the proposed scheme was at the lower end of the minimum standards of density at 36 units per hectare. He added that a reduction in the number of units would remove the requirement for the provision of affordable housing on the site.

The Principal Planning Officer noted that the proposal was at a much higher density than much of Marden but this situation reflected changes in housing policy which were imposed across the country. The Chief Development Control Officer commented that the principle of residential development on this site had been established through the South Herefordshire District Local Plan.

In response to questions, the Principal Planning Officer outlined the other planning obligations, including: improvements to education facilities; improvements to play equipment and public open space; and improvements to the existing pumping station to upgrade sewerage capacity.

RESOLVED:

- 1. The County Secretary and Solicitor be authorised to**

complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 for the developer to provide

- i) 8 on site affordable housing units through a registered social landlord.
 - ii) A financial contribution of £20,000.00 to provide improved play and open space facilities within Marden.
 - iii) A financial contribution of £8,000.00 towards enhanced cloakroom and toilet facilities at Marden County Primary School.
 - iv) A financial contribution for the maintenance of the open space on the site.
2. Upon completion of the afore-mentioned planning application, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered necessary by Officers:
1. A02 (Time limit for submission of reserved matters (outline permission)).

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
 2. A03 (Time limit for commencement (outline permission)).

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
 3. A04 (Approval of reserved matters) (delete means of access).

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
 4. The development hereby approved shall be constructed in accordance with the housing mix set out in the schedule of accommodation indicated on the submitted proposed site layout drawing no. 1049/01/A Revision A.

Reason: To ensure an appropriate mix of housing types having regard to Government advice contained in Planning Policy Guidance Note 3.
 5. Notwithstanding the details indicated on the illustrative proposed site layout plan drawing no. 1049/01/A Revision A, an area of public open space and amenity land shall be provided within the application site and shall be landscaped and available for use within six calendar months of the substantial completion as specified by the Local Planning Authority of 75% of the dwellings hereby approved (17 units).

Reason: To ensure an adequate and acceptable form of development.

- 6. Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 4.5 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 90 metres to the right and 2.4 metres by 70 metres to the left 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 splays described above.**

Reason: In the interests of highway safety.

- 7. H06 (Vehicular access construction).**

Reason: In the interests of highway safety.

- 8. 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.

- 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. H21 (Wheel washing).**

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

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

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

- 12. H20 (Road completion in 2 years or 75% of development) (17 dwellings).**

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

- 13. Floor levels shall be set at least 57.5 metres above Ordnance Datum (unless otherwise agreed in writing by the Local Planning Authority).**

Reason: To protect the development from flooding.

- 14. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system 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 prior to the construction of any impermeable surfaces draining to the system.

Reason: To prevent the increased risk of flooding.

15. No development approved by this permission shall be commenced until a scheme for the provision of surface water has been submitted to and approved in writing by the local planning authority. Such a scheme shall be implemented with the details approved by the local planning authority prior to the construction of any impermeable surfaces for draining to the system.

Reason: To prevent the increased risk of flooding.

16. F18 (Scheme of foul drainage disposal).

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

Informative:

1. N15 - Reason(s) for the Grant of Outline Planning Permission.

Ref. 6
BURGHILL
DCCW2004/0584/F

New conservatory and garage extension at:

10 CEDAR LANE, BURGHILL, HEREFORD, HR4 7QQ

For: **MR. & MRS. BIRD PER RRA ARCHITECTS, PACKERS HOUSE, 25 WEST STREET, HEREFORD, HR4 0BX**

Councillor Mrs. S.J. Robertson, the Local Member, commented on local concerns about the design and scale of the proposed extensions and the impact upon the amenities of the neighbouring properties. Given these concerns, Councillor Mrs. Robertson proposed that a site visit be held.

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

RESOLVED:

That consideration of planning application DCCW2004/0584/F be deferred for a site inspection as a judgement was required on visual impact and the setting and surroundings were fundamental to the determination or to the conditions being considered.

Ref. 7
BARTESTREE
 DCCE2004/0688/F

Two storey extension and redevelopment of existing care home wing at:
CASTLE FARM CARE HOME, BLACKHOLE LANE, BARTESTREE, HEREFORDSHIRE, HR1 4BE

For: **CRAEGMOOR HEALTHCARE LTD. PER ATKINS, 160 AZTEC WEST, ALMONDSBURY, BRISTOL, BS32 4TU**

RESOLVED:

That subject to no other third party representations being received raising other material planning objections before the consultation expiry date, planning permission be granted subject to the following conditions:

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

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

2 A07 (Development in accordance with approved plans) (Drawing No. 5019641 AA/016/4203A)

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

3 B01 (Samples of external materials)

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

4 The overall number of persons with learning difficulties resident at the premises shall be limited to 15.

Reason: To accord with the terms of the application and safeguard amenity.

Informatives:

1 N01 - Access for all

2 N15 - Reason(s) for the Grant of Planning Permission.

Ref. 8
HEREFORD
 DCCW2003/2070/F

Proposed single and first storey extension at:

170 WHITECROSS ROAD, HEREFORD, HR4 0DJ

For: **MR. SINGH PER JOHN FARR AND ASSOCIATES, FINCHAM, STOCKLEY HILL, PETERCHURCH, HEREFORD, HR2 0SS**

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

In response to concerns about drainage problems in the area, the

Central Divisional Planning Officer commented on the responsibilities of Welsh Water and Building Control and advised the Sub-Committee that the Local Planning Authority should not seek to fulfill the roles of other enforcement bodies. The Chief Development Control Officer acknowledged Members' concerns but noted that the drainage problems already existed and that the Sub-Committee had to consider the specific impact of the application before them. The Central Divisional Planning Officer suggested that an informative note be added to any planning permission granted to draw the applicant's attention to the relevant legislation. Councillor D.B. Wilcox provided further clarification on the duties of various departments and agencies in respect of drainage issues.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

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

4. **E19 (Obscure glazing to windows).**

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

Informative:

1. **N15 - reason(s) for the grant of planning permission.**

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCCE2004/0353/F**

- The appeal was received on 20th April, 2004
- 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 Miss V. Hanham-Gross
- The site is located at Worlds End Cottage, Tarrington Common, Herefordshire. HR1 4HR
- The development proposed is Restoration of dwelling
- The appeal is to be heard by Hearing

Case Officer: Miss Kelly Gibbons on 01432 261949

Application No. DCCW2003/3515/F

- The appeal was received on 23rd March, 2004
- 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. P. Seal
- The site is located at The Vinery, Wellington, Hereford, Herefordshire, HR4 8AR
- The development proposed is Installation of seven surface area solar collectors on south incline
- The appeal is to be heard by Written Representations

Case Officer: Mr. Edward Thomas 01432 261947

Application No. DCCE2003/3896/O

- The appeal was received on 30th March, 2004
- 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. B. Green
- The site is located at La Marana, Lugwardine, Hereford, Herefordshire, HR1 4DS
- The development proposed is Site for proposed dwelling.
- The appeal is to be heard by Written Representations

Case Officer: Mr. Andrew Guest on 01432 261957

APPEALS DETERMINED

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. & Mrs. Bird	New conservatory and garage extension at 10 Cedar Lane, St. Mary's Park Burghill, Hereford, HR4 7QQ	DCCW2004/0584/F	23
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APPLICATIONS RECEIVED

2	George Wimpey South West Ltd.	Proposed infrastructure roads and sewers for Phase 1 residential development at Phase 1, Land off Bullingham Lane, Bradbury Lines, Hereford	DCCE2004/0094/RM	27
3	George Wimpey South West Ltd.	Proposed residential development mix of 2, 3, 4 and 5 bed houses, flats, bungalows, car parking/ garages, roads and sewers therefore and landscaping at Phase 1, Land off Bullingham Lane, Bradbury Lines, Hereford	DCCE2004/0095/RM	27
4	Morbaine Ltd.	Class A1 non-food retail development, car parking, associated facilities & services at Denco Site, Land at Holmer Road, Hereford	DCCE2003/3392/O	35
5	G. Jacques	Change of use from hair salon to office at 13 Holmer Street, Whitecross, Hereford	DCCW2004/0880/F	47

1 DCCW2004/0584/F - NEW CONSERVATORY AND GARAGE EXTENSION AT 10 CEDAR LANE, BURGHILL, HEREFORD, HR4 7QQ

For: Mr. & Mrs. Bird per RRA Architects, Packers House, 25 West Street, Hereford, HR4 0BX

Date Received: 18th February 2004

**Ward: Burghill,
Holmer & Lyde**

Grid Ref: 48231, 43374

Expiry Date: 14th April 2004

Local Member: Councillor Mrs. S.J. Robertson

This application was deferred at the meeting of the Central Area Planning Sub-Committee on the 7th April 2004 in order that Members could undertake a site visit, held on 19th April 2004.

1. Site Description and Proposal

- 1.1 The application site comprises a detached dwelling with separate double garage located to the north-western edge of Cedar Lane within the St. Mary's Park development. The site is rectangular in shape with the dwelling and garage set midway into the plot.
- 1.2 The proposal involves two extensions, the first of which is to the garage to create a link with the main house with bedroom accommodation over. Access to the bedroom is proposed via a glazed walkway from the house to a stairs located to the rear of the garage. The ridge of the extended garage would be 2.5 metres higher than existing and the footprint will also be enlarged with a 1.2 metre forward projection.
- 1.3 The second element of the proposal involves the erection of a conservatory to the side and rear elevations to tie in with a small extension to the kitchen at the rear of the dwelling. The extension has a modern design including the use of a lead roof and timber cladding on the kitchen extension.

2. Policies

2.1 South Herefordshire District Local Plan:

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

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

Policy DR1	-	Design
Policy H18	-	Alterations and Extensions

3. Planning History

- 3.1 CW2003/3350/F First floor extension and single storey swimming pool pavilion with ground floor link. Refused 30th December 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory consultations were undertaken.

Internal Council Advice

- 4.2 Head of Engineering & Transportation has no objection to the proposal.

5. Representations

- 5.1 Burghill Parish Council – the Parish Council have strong objections to this application.

Throughout the planning and construction of St. Mary's Park, the essential theme has been that all development must be in keeping with the original Victorian hospital.

All of the garages are separate buildings, in keeping with this ethos, and these proposals could set a precedent on the site, which is totally unacceptable. Views would be spoilt both on the site and from Burghill village. The whole concept was to keep space and light around the area.

The extending forward of the garage will disturb the building line of the properties fronting Cedar Lane.

When the site was originally designed and approved, smaller houses were put on the smaller plots, and large ones on the larger plots.

The proposed extensions to this property will greatly increase the floor area of the building and will extend almost across the full width of the plot.

The Parish Council is also unhappy with the design of the conservatory, which again seems to be out of keeping with the area.

There is much concern from neighbours about the loss of privacy, and light which will make their own grounds much darker and gloomy.

- 5.2 Two letters of objection has been received from Mrs. M.J. Bradford, 11 Cedar Lane, Burghill, Hereford, HR4 7QQ and A.M. Evans, 9 Cedar Lane, St. Mary's Park, Burghill, Hereford, HR4 7QQ. The points raised are summarised as follows:

- The proposed garage extension will overshadow the garden to No. 11, depriving it of light and views.
- The proposed materials are not sympathetic to the style of dwellings in the area.
- The overall scale of the proposal is out of proportion with the existing house.
- The garage extension will obstruct the view between houses to the detriment of amenity.
- Bringing forward the line of the garage by 1.25 metres will disturb the current line of buildings fronting Cedar Lane.

- The proposed flat roof to the conservatory could be used as a terrace resulting in overlooking of adjacent properties.
- Concern that it is two to three feet higher than my fence and will run nearly half the length of my fence line. The conservatory is too large a structure for the size of the garden and the flat lead roof with sloping windows is not in keeping with the design of the houses in Cedar Lane.

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

6. Officers Appraisal

- 6.1 The key issues in the determination of this application are the design and scale of the proposed extensions in relation to the existing dwelling and the impact upon the amenities of the neighbouring properties.
- 6.2 Policy SH23 of the South Herefordshire District Local Plan allows for extensions to dwellings provided that the proposal is in keeping with the character of the existing dwelling in terms of mass, scale, design and materials. In this case the proposal clearly can be separated into two additions to this detached family dwelling. In relation to the garage alterations, it is proposed to create a link to the main dwelling and extend the footprint to enlarge the garage capacity on the ground floor. On the first floor a bedroom over is provided which is accessed via a new staircase and corridor to the rear. Whilst an objection has been received from the adjoining occupier with regard to the increase in height and potential for overshadowing, the relationship has been carefully considered and having regard to the position of the adjoining detached garage, an overshadowing or loss of light argument could not be sustained.
- 6.3 In design terms the proposed garage alterations match the existing appearance and fenestration of the property and this is clearly the most visually prominent part of the proposal. The second element is to a single storey wrap around extension which will provide a conservatory and small extension to the existing kitchen. The design in this instance is a more contemporary approach with a large part of the roof having a flat lead finish. Brick, glazing and timber cladding are all used for the finish of the walls, however this will not be seen from any public vantage point and is considered an acceptable approach in this context.
- 6.4 In view of the above it is considered that the proposed alterations and extension are acceptable and will not be detrimental to either the character and appearance of the development or cause any significant overbearing or overlooking such as to justify refusal. As such permission is recommended subject to the following conditions.

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. B01 (Samples of external materials).**

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

3. E09 (No conversion of garage to habitable accommodation).

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

Informative:

1 - N15 - Reason(s) for the Grant of Planning Permission.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

2 DCCE2004/0094/RM - PROPOSED INFRASTRUCTURE ROADS AND SEWERS FOR PHASE 1 RESIDENTIAL DEVELOPMENT

3 DCCE2004/0095/RM - PROPOSED RESIDENTIAL DEVELOPMENT MIX OF 2, 3, 4 AND 5 BED HOUSES, FLATS, BUNGALOWS, CAR PARKING/GARAGES, ROADS AND SEWERS THERETO AND LANDSCAPING

PHASE 1 LAND OFF BULLINGHAM LANE, BRADBURY LINES, HEREFORD.

For: George Wimpey South West Ltd., per Mr. C.M. Sackett, Mason Richards Planning, 155 Aztec West, Almondsbury, Bristol, BS32 4NG

Date Received: 19 January 2004 Ward: St. Martins & Hinton Grid Ref: 50899, 38181

Expiry Date: 15th March 2004

Local Member: Councillor Mrs. W.U. Attfield
Councillor A.C.R. Chappell
Councillor R. Preece

1. Site Description and Proposal

1.1 The application site comprises part of the former Bradbury Lines military camp which is situated towards the southern edge of Hereford City. In January 2004 outline planning permission was given to erect 160 dwellings on "Phase 1" of the overall camp. Phase 1 is located adjacent to established residential development in Ross Road, Bradbury Close, Garrick Avenue and Web Tree Avenue.

1.2 These applications cover the infrastructure for Phase 1 and the first reserved matters following the outline planning permission. Application No. DCCE2004/0095/RM provides details of the siting, means of access, design and external appearance of 90 houses, including 29 affordable houses for rent and 10 low cost market affordable houses. The housing mix is as follows:

	1 Bed	2 Bed	3 Bed	4/5 Bed
Private housing	0	7	10	34
Low Cost Market Housing	0	6	4	0
Affordable Housing (for rent)	0	15	10	4
Total	0	28	24	38

- 1.3 Vehicular access to the Phase 1 development is from Bullingham Lane only. The outline planning permission and Master Plan envisaged a pedestrian, cycle and emergency vehicle access from Bradbury Close. This has, however, been deleted from the detailed layout. A new, larger turning head would be provided at the end of Bradbury Close with four new houses served from it, including driveways.
- 1.4 This part of Phase 1 includes three children's play areas, as required by the outline planning permission.
- 1.5 Application No. DCCE2004/0094/RM provides details of the proposed infrastructure for Phase 1 including drainage and road layouts.

2. Policies

2.1 Hereford Local Plan:

ENV7 - Noise
ENV8 - Contaminated land
ENV14 - Design
H3 - Design of new residential development
H4 - Residential roads
H5 - Public open space provision in larger schemes
H12 - Established residential areas
CAL15 - Long distance views
NC6 - Criteria for development proposals
T11 - Pedestrian provision
T12 - Cyclist provision
R2 - Deficiencies in public open space provision
R4 - Outdoor playing space standard
R5 - Loss of outdoor playing space
R6 - Provision of outdoor playing space
R8 - Children's play areas

2.2 Herefordshire UDP (Deposit Draft):

S1 – Sustainable development
S2 – Development requirements
S3 – Housing
DR1 – Design
H1 – Hereford and the market towns

3. Planning History

- 3.1 CE2001/2756/O - Site for mixed use development to provide housing, open space, community and local retail uses (Phase 1) - approved 19 January 2004.
- 3.2 CE2001/2757/O - Site for mixed use development to provide housing, open space, community and local retail uses (Phases 1, 2 and 3) - Sub-Committee resolution to approve subject to Section 106 agreement 1 December 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Dwr Cymru Welsh Water : recommend conditions as outline planning permission.

Internal Council Advice

- 4.2 Head of Engineering and Transportation : no objection subject to detail amendments to internal layout.

Regarding drainage, ultimately the proposed drainage system for the overall site would limit rates of discharge into the existing drainage system to that of the existing camp site with an attenuation system designed to deal with a 1 in 100 year storm period. The applicant has indicated that attenuation would possibly be achieved by the installation of oversized pipes, manholes and a final control chamber.

- 4.3 Head of Strategic Housing Services : The provision of 39 affordable houses as identified for Phase 1 (under this application) is supported in principle, although subject to a further 19 affordable houses being provided as part of Phase 1b. The proposed mix provides a range of housing which is supported.
- 4.4 Head of Culture, Leisure and Education for Life : Detailed comments regarding layout of play areas.
- 4.5 Head of Conservation : landscaping approach is disappointing and does not equate to Master Plan concepts.

5. Representations

- 5.1 Hereford City Council : Concern that storm and foul sewer water disposal is adequately catered for in the development proposals.
- 5.2 Lower Bullingham Parish Council : The parish feel overwhelmed by the detail of the application and feel unable to comment on these details, which are really within building regulations, and detail planning which will have been discussed with officers and approved under the powers that these officers have.

The parish council were more concerned with the layout of the site in regard of open space, play space and environmental protection. This would have been made easier if a simple plan of the whole site was produced to give indications of the siting of major components of the site. The parish council is still concerned about the adequacy of the sewage system and the amount of traffic that will be generated by this development.

However it recognizes that these matters have already been decided and it is pointless to protest further.

- 5.3 Letters of representation have been received from 10 nearby residents (2, 5, 6, 7, 11 (x2), 12, 16 and 18 Bradbury Close; 50 Web Tree Avenue; and 205 Ross Road), summarised as follows:
- noise and disturbance to residents in Bradbury Close from users of pedestrian/cycle/emergency access to site;
 - extra vehicles in Bradbury Close will cause nuisance;
 - use of no man's land to rear of properties in Bradbury Close, Ross Road and Web Tree Avenue unclear;
 - loss of bird nesting areas;
 - house designs out of keeping with Bradbury Close;
 - concerned at proposals for slip road by Bradbury Close.
- 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 These applications comprise the first reserved matters following the grant of outline planning permission in January 2004. The outline planning permission has established the principle of residential development on the site, including the specific number of units and the implications for highway safety and drainage. The main issues now are the acceptability of the design and layout of the development, the mix and form of the units, the standards of privacy for both existing and proposed houses and the acceptability of the highway and drainage details.
- 6.2 The layout is fairly typical of any modern housing development with a range of house types set around local distributor roads and cul-de-sacs. The housing mix includes 2, 3, 4 and 5 bedroom units with a bias towards larger units in the private market housing. Notwithstanding this, the mix is considered to be acceptable, providing suitable accommodation on this part of the overall camp site adjacent to the predominantly three bedroom established housing in Ross Road, Bradbury Close, Garrick Avenue and Web Tree Avenue.
- 6.3 Privacy margins between units on the site and with adjacent existing properties are considered to be acceptable. To ensure a smooth transition with established surrounding development, all existing artificial banks within the application site would be removed and ground levels reduced to original levels, including with Web Tree Avenue. The areas of former "no mans' land" at the edges of the camp with Ross Road and Bradbury Close are not affected by the proposals.
- 6.4 The application originally incorporated a pedestrian/cycle/emergency link between the site and Bradbury Close. This has been deleted in the interests of amenity. There is no technical justification for an access in this location. The existing, sub-standard turning head at the end of Bradbury Close is proposed to be replaced by a larger turning head which would allow safe turning of larger vehicles. Four new houses would be served off this turning head with access via Bradbury Close. The four houses are considered appropriate, providing a proper "end" to the road. Traffic generation from just four units would not adversely affect the residential amenities of the close. The design of the units is contemporary but not unacceptable within the context of established development in the locality.

- 6.5 The outline application established that existing infrastructure in Hoarwithy Road in particular is capable of accommodating both foul and surface water discharges from Phase 1. Notwithstanding this, the application contains full details of the layout of services for approval. The Drainage Engineer's comments will be verbally presented at the meeting.
- 6.6 The road layout is satisfactory and in accordance with local design guides. Junction improvements with Bullingham Lane and Ross Road already have the benefit of permission and the details now submitted broadly follow these agreed designs. The roundabout junction between the site and Bullingham Lane is slightly enlarged although this raises no amenity issues. Conditions on the outline application require all off-site road works to be carried out prior to the occupation of any part of the development. These off-site works include an improved pedestrian crossing point and link on Ross Road by Bullingham Lane and an improved crossing point by Bradbury Close. No changes are proposed to the Ross Road service road as part of this application.
- 6.7 Although the applicant has requested for landscaping to be considered at this stage, no landscaping scheme has been submitted and so this detail remains reserved. The layout includes adequate margins and spaces for new planting.
- 6.8 The layout includes three (3) toddler play areas as required by the outline planning permission. At this stage there is no requirement for the applicant to supply details of equipment, etc., on these areas. There is, however, adequate space to satisfy Council standards.
- 6.9 39 of the houses comprise affordable units in accordance with the Section 106 agreement (a further 19 affordable units will be provided on Phase 1b). The mix and layout is in accordance with the Head of Strategic Housing Services requirements.
- 6.10 Conclusion

This first phase of the development satisfies policy requirements in accordance with the original master plan and outline planning permission. Later phases will require an improved mix and it is recommended that this is drawn to the applicant's attention by way of an informative note. Subject to this, planning permission is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 Notwithstanding the details shown on Drawing No. 3795/24107/100B, 1.8 to 2.0 metre high close-boarded fences shall be erected on the boundary of the application site with adjoining properties in Ross Road, Bradbury Close, Garrick Avenue and Web Tree Avenue unless otherwise agreed in writing with the local planning authority. These fences shall be erected prior to the commencement of any building works on the site.**

Reason: To safeguard the amenities of adjoining properties.

- 2 The new turning head at the end of Bradbury Close shall be constructed, surfaced and drained to the satisfaction of the local planning authority prior to the occupation of units 19, 20, 21 or 22.

Reason: In the interests of highway safety.

Informatives:

- 1 The applicant's attention is drawn to Condition Nos. 6, 14, 27, 29, 30, 31, 32 and 36 which require further details to be submitted prior to commencement of development.
- 2 The applicant's attention is drawn to Condition No. 26 which requires all construction traffic to use Bullingham Lane only. No construction traffic should enter or leave the site via Bradbury Close.
- 3 This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
- 4 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 5 Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:
- Work on an existing wall or structure shared with another property**
Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property
Excavating near a neighbouring building.
- The legal requirements of this Act lies with the building/site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 - explanatory booklet. Copies are available from the Planning Reception, Blueschool House, Blueschool Street, Hereford.
- 6 The applicant is advised that later phases should include a greater proportion of smaller (1 and 2 bedroom) units together with single storey accommodation to ensure a balanced mix of house types in accordance with PPG3.

7 The decision to grant planning permission has been taken having regard to the policies and proposals in the Hereford Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

- ENV7 - Noise
- ENV8 - Contaminated land
- ENV14 - Design
- H3 - Design of new residential development
- H4 - Residential roads
- H5 - Public open space provision in larger schemes
- H12 - Established residential areas
- CAL15 - Long distance views
- NC6 - Criteria for development proposals
- T11 - Pedestrian provision
- T12 - Cyclist provision
- R2 - Deficiencies in public open space provision
- R4 - Outdoor playing space standard
- R5 - Loss of outdoor playing space
- R6 - Provision of outdoor playing space
- R8 - Children's play areas

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

4 DCCE2003/3392/O - CLASS A1 NON-FOOD RETAIL DEVELOPMENT, CAR PARKING, ASSOCIATED FACILITIES & SERVICES DENCO SITE, LAND AT HOLMER ROAD, HEREFORD**For: Morbaine Ltd, The Finlan Centre, Hale Road, Widnes, Cheshire, WA8 8PU.****Date Received: 11th November 2003 Ward: Three Elms Grid Ref: 50707, 41642****Expiry Date: 6th January 2004**

Local Members: Councillor Mrs. P.A. Andrews
Councillor Mrs. S.P.A. Daniels
Councillor Ms. A.M. Toon

1. Site Description and Proposal

- 1.1 The application site comprises offices and factory units occupied by "Denco" and located on the east side of Holmer Road. To the north side of the site is further industrial development with small wholesale warehouses beyond; to the south side is a BT depot with further retail warehouses beyond. Vehicular access to the site is via a private road which runs along the north side of the site providing access to Denco and further industrial land and a private playing field to the rear. A public footpath runs alongside the south side of the site.
- 1.2 All the properties on the east side of Holmer Road gain access to Holmer Road via a service road which runs parallel with Holmer Road. This service road gains access to Holmer Road at two points - opposite the existing vehicular access to the application site (where there is a mini-roundabout on the service road and a "T" junction with Holmer Road), and further to the south (where there is just a "T" junction). The service road also has a restricted exit only "T" junction with Roman Road to the north.
- 1.3 The application is for outline planning permission to demolish the existing offices and factory buildings and erect a non-food retail development with associated parking and servicing. All matters are reserved except means of access which would be by way of the existing private road on the north side of the site for service and delivery vehicles and a new "T" junction towards the south side of the site for customers' cars. Both accesses would be onto the service road. The existing northern access from the service road onto Holmer Road would be improved together with the mini-roundabout on the service road.
- 1.4 Illustrative drawings have been included with the applications suggesting possible layouts for the site. One option shows a single DIY warehouse of 5574 sq. metres and associated garden centre of 1115 sq. metres, and the other shows a row of five smaller retail warehouse units of 929 - 1858 sq. metres. Both include parking in the order of 309 - 319 spaces.
- 1.5 The application is supported by a Retail Assessment and Employment Land Study and a Traffic and Highways Report.

2. Policies

2.1 Hereford Local Plan:

ENV14 – Design
ENV15 – Access for all
ENV16 – Landscaping
E2 – Established employment areas
E6 – Other uses on employment land
S1 – Role of Central Shopping Area
S11 – Criteria for large scale retail development
T2 – Highway and junction improvements

2.2 Herefordshire UDP (Deposit Draft):

S1 – Sustainable development
S2 – Development requirements
S4 – Employment
S5 – Town centres and retail
TCR1 – Central shopping and commercial areas
TCR2 – Vitality and viability
TCR9 – Large scale retail development outside central shopping and commercial areas
TCR25 – Land for retail warehousing

3. Planning History

3.1 There is no relevant planning history.

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency : views awaited.
4.2 Dwr Cymru Welsh Water : recommend conditions.
4.3 Open Spaces Society : Interests not affected.
4.4 The Ramblers Association : Interests not affected.

Internal Council Advice

4.5 Head of Engineering and Transportation : A Green Travel Plan will be required. Detailed amendments will be required to the service road improvements before acceptable. Servicing arrangements will require amendments. Too many parking spaces under PPG13 advice although no objection to additional disabled bays.

The public footpaths should be kept clear at all times during development.

4.6 Environmental Health Manager : Recommend contaminated land condition.

5. Representations

5.1 Hereford City Council : Application is premature in the light of the yet undetermined policies envisaged in the emerging UDP.

5.2 There are no third party representations.

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 retail development on the site, the impact on the character of the area and highway safety.

6.2 Principle of Retail Development

Policy C1 of the Local Plan states that the Council will seek to protect and retain the central shopping area as the prime shopping area in Hereford. PPG6 confirms this approach, requiring new development to be focused, especially retail development, in central locations where the proximity of businesses facilitates competition from which all consumers are able to benefit. With this in mind, the PPG requires developers and local planning authorities to apply a sequential approach in selecting sites for new retail development, to demonstrate that all potential town centre options have been thoroughly assessed before less central sites are considered for town centre uses. Where there is no need or capacity for further developments, there will be no need to identify additional sites. With specific regard to retail warehouses, the PPG recognises that often these cannot be easily located in town centres. However, it further states that as they share many of the characteristics of large retail outlets, warehouses must, in any event, be treated as retail businesses.

6.3 The UDP Deposit Draft provides similar policy guidance through Policies S5, TCR1 and TCR2. However, in addition and with particular regard to quantitative need, the UDP acknowledges a requirement for between 11,000 – 15,000 sq. metres of additional retail warehouse floor space in Hereford to be provided within the Plan period. Historically this acknowledged shortfall in retail warehouse floor space was proposed to be met on land at Commercial Road and Widemarsh Street (the Hereford Local Plan Policy S12 area and, previous to this, “Sector F”), although these allocations have remained largely undeveloped for retail purposes. Policy TCR25 of the UDP, therefore, identifies land at Holmer Road (adjacent to the application site) and Blackfriars Street to fulfil some of the need. The Blackfriars Street allocation and the extant Local Plan allocations are now within the “Edgar Street Grid” where other uses are anticipated. Consequently, the only usable allocation in the UDP comprises the land at Holmer Road.

6.4 Having regard to this background, it is evident that there is an accepted shortfall of retail warehouse floor space and that this shortfall is not fulfilled by current local plan or proposed UDP land allocations. Sites not allocated for the purpose, such as the application sites, therefore cannot be ruled out as a matter of principle in quantitative terms and must be considered on their own particular merits having regard to qualitative and sequential test principles.

- 6.5 This conclusion is confirmed by the Retail Assessment and Employment Land Study (RA&ELS) which forms part of the planning application. The RA&ELS revisits the Council's own retail capacity assessment undertaken as part of the UDP process and, after taking into account other more recent retail warehouse development including the CASA site, concludes that there is further capacity. This conclusion is accepted, particularly in the light of the circumstances set out in the previous paragraphs. The RA&ELS also concludes that the impact of the proposed development on the retail economy of the city centre is likely to be insignificant.
- 6.6 Regarding qualitative need, the RA&ELS assesses business representation within Hereford and concludes that there is limited and, in certain sectors such as office equipment, no retail warehouse representation. The RA&ELS also lists companies who have a requirement for large stores in retail park locations within Hereford. Notwithstanding that a number of the companies on this list are not retailers of large, bulky goods requiring retail warehouse accommodation, these are considered to be sound qualitative arguments for allowing additional retail warehouse floor space in Hereford. A condition would, however, be required to limit the nature of goods sold to comparison bulky goods only. It is not considered that the RA&ELS provides any sound justification for allowing retail development for other and/or non bulky goods on out of centre sites such as the application site when vacant units and appropriate small sites exist in and/or closer to the town centre.
- 6.7 Having regard to the foregoing paragraphs, it is considered that there is a quantitative and qualitative need for further retail warehouse floor space within Hereford and that this need cannot be fully met by either current Local Plan allocations or proposed UDP allocations.
- 6.8 The Sequential Approach
- As stated previously, PPG6 requires a sequential approach to be applied when considering sites for new retail development. Essentially this means that first preference should be for town centre sites, followed by edge of centre sites, district and local centres and finally out of centre sites in locations that are accessible by a choice of means of transport.
- 6.9 By their very nature, retail warehouses require considerable land-take and this immediately limits the number of sites available, particularly in tight knit city centres such as Hereford. Notwithstanding this, the RA&ELS considers Bewell Street and Berrington Street/Victoria Street as potential town centre sites but rules these out as too small or intended for other purposes. Edge of centre sites considered include Friars Street, Widemarsh Street, Blackfriars Street and the Livestock Market site, but each is considered inappropriate in view of other allocated uses within the emerging UDP or their general unsuitability for the purpose intended. Out of centre sites include the football ground and the allocated Holmer Road site. The football ground fails in view of its intended allocation as a football ground. The Holmer Road site is ruled out in view of its "limited commercial appeal" stemming from its backland position and narrow frontage.

6.10 The RA&ELS's application of the sequential approach is considered to be thorough with reasoned and sound conclusions. It is considered that, having regard to the limited number of available sites for this form of development, the insufficient amount of land allocated for the purpose in the emerging UDP, and the general unsuitability of all of the sites discussed, that an alternative out of town centre site is an acceptable option.

6.11 The Application Site

The application site itself is designated as Established Employment Land in the Hereford Local Plan. Here Policy E6 resists proposals for non Class B uses as a matter of principle. The site is similarly designated in the emerging UDP, although land to the south is allocated for retail warehouse purposes.

6.12 Notwithstanding these allocations, there are a number of sound arguments for allowing retail warehouse development on the site. Firstly, the site lies on the Holmer Road frontage which is largely dominated by retail warehouse units. Secondly, the site lies on a main road with good public transport connections. PPG6 specifies that local planning authorities should seek to ensure that developments of this nature are located where they would be easily accessible by a choice of means of transport. The accessibility of the site and proximity of other retail units would ensure shared shopping trips in accordance with sustainable development principles.

6.13 Thirdly, the site is adjacent to an allocated retail warehouse site in the emerging UDP and is similar, in terms of its size and depth, to this allocation. In pure development control terms, benefits could potentially be gained by combining the sites.

6.14 Fourthly, the loss of employment land is not considered to be overriding in this instance, in view of other available sites for employment development, in particular at Rotherwas and Morton Park (where Denco intend to relocate), which can sustain future anticipated employment needs.

6.15 It is considered that these various material considerations outweigh the usual presumption against non-business use on this particular site. It is further considered that use for retail warehousing is appropriate within the context of the site and in view of the access to alternative transport means.

6.16 Detailed Considerations

Policy S11 of the Local Plan sets out detailed criteria for large scale retail development outside the city centre requiring, in particular, easy and safe access by both public and private transport, an acceptable impact on the local highway network, no adverse environmental consequences and compliance with other policies of the Local Plan.

6.17 The application is supported by a Traffic and Highway Report, the content of which is accepted. This concludes that the proposed development would not have any material adverse effects on the highways in the vicinity of the site. Changes are proposed to the site access and to the mini-roundabout junction to improve safety and aid traffic flows. In terms of parking provision, the illustrative drawings demonstrate that there is sufficient space to accommodate enough parking spaces to meet estimated demands (309 – 319 spaces).

- 6.18 The Report also notes that the site is close to public transport connections and is accessible to pedestrians but not cyclists. To encourage further walking and cycling trips it is considered that improvements would be required to nearby footpaths, and a Section 106 agreement is recommended requiring the applicant to make a financial contribution towards this. Such an obligation would confirm the applicant's intentions to achieve a sustainable development in accordance with both PPG13 and PPG6 principles.
- 6.19 All matters relating to layout and design are reserved. Notwithstanding this, within its commercial context it is not considered that the proposals would have a detrimental impact on amenity as a matter of principle. Indeed, the application offers an opportunity to upgrade and enhance the locality with a modern building and new landscaping.
- 6.20 Conclusion

In conclusion, it is considered that this proposal is acceptable, meeting an acknowledged need for further retail warehousing in Hereford in an appropriate and sustainable location. Loss of the employment land is not considered to be overriding in this case having regard to the particular characteristics of the site, the proximity of other retail warehouses and the demonstrated availability of other employment land in and near to the city. A condition is recommended limiting the nature of goods to be sold primarily to bulky items which require retail warehouse floor space in the interests of safeguarding the vitality and viability of the town centre.

RECOMMENDATION

That subject to no objection being raised to the development by the Highways Agency:

- i) the application be referred to the Government Office for the West Midlands under the departure procedures; and**
 - ii) subject to the Secretary of State confirming that he does not intend to call it in, the County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town & Country Planning Act 1990 requiring the applicant to make a financial contribution to cover the cost of upgrading footpaths in the locality to achieve improved pedestrian and cycle access to the site and any additional matters and terms as is considered appropriate; and**
 - iii) upon completion of the above mentioned planning obligation, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered necessary by officers.**
- 1 Approval of the details of the siting, design and external appearance of the buildings, the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

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

- 2 - Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

- 3 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

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

- 4 Plans and particulars of the reserved matters referred to above relating to the siting, design and external appearance of any buildings to be erected, the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

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

- 5 Notwithstanding the details of the means of access and off-site highways works shown on drawing No. 031102/01 attached with the Traffic and Highways Report dated November 2003, a revised drawing shall be submitted showing a change of priorities to facilitate the right turn in from Holmer Road / left turn out towards Holmer Road and a white lining scheme in place of kerb works. The development shall be carried out in accordance with the approved revised drawing.

Reason: In the interests of highway safety.

- 6 No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

- 7 The premises shall be used as a retail warehouse within Class A1 of the Town & Country Planning (Use Classes) Order 1987 with the exception of the following uses:

- i) the sale of food and drink to be consumed off the premises;
- ii) sale of clothing and footwear;
- iii) sale of cutlery, crockery and glassware;
- iv) sale of jewellery, clocks and watches;
- v) sale of toys, camping and travel goods;
- vi) sale of books, audio and visual recordings and stationery except for the retail sale of office supplies, office equipment and office furniture including the sale of both bulky and non-bulky catering packs of food and drink for office use;
- vii) sale of medical goods, cosmetics and toiletries;

- viii) sales of sports goods, equipment and clothing;
- ix) all uses within Categories A1 (B to F) of Class A1;

except where the retail sale of these goods forms a minor and ancillary part of the operation of any of the retail activity.

Reason: The Council's policy as set out in the Hereford Local Plan is directed towards the protection of the commercial viability of the existing central shopping area of Hereford. This condition is imposed in order to clarify the terms of the permission in accordance with the Council's stated policy, having regard to the need to protect the viability of the historic town centre.

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

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

- 9 There shall be no, direct or indirect, discharge of surface water or land drainage run-off to the public foul sewer.

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

- 10 Details of any floodlighting or external lighting proposed to illuminate the development shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason: To safeguard local amenities.

- 11 Prior to the commencement of development a scheme for the provision of storage, prior to disposal, of refuse, crates, packing cases and all other waste materials shall be submitted for the approval of the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted.

Reason: In the interests of amenity.

- 12 Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to, and avoid, risk to the environment when the site is developed. Development shall not commence until the measures approved in the scheme have been implemented.

Reason: To ensure that potential contamination of the site is satisfactorily assessed.

- 13 No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.

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

- 14 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

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

- 15 No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied]. Development shall be carried out in accordance with the approved details.

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

- 16 The development hereby permitted shall not be brought into use until areas for the manoeuvring, parking, loading and unloading of vehicles have been laid out, consolidated, surfaced and drained in accordance with a scheme to be submitted to and approved in writing by the local planning authority and such areas shall thereafter be retained and kept available for those uses at all times.

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

- 17 Development shall not begin until the engineering details and specification of the proposed car parks, roads and highway drains have been submitted to and approved in writing by the local planning authority.

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

- 18 Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

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

- 19 Before the development is commenced a scheme for the provision of secure cycle parking on site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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.

- 20 The development hereby approved shall not commence until details of improvements to public footpath HER9 have been submitted to and approved in writing by the local planning authority. These details shall form part of the overall siting details and will incorporate the footpath into the overall layout. The details shall include specification of construction and surfacing to enable potential pedestrian and cycle use, all to be agreed in writing by the local planning authority. The details shall be implemented as approved prior to the development opening to customers.

Reason: To ensure the proper planning of the site and achieve sustainable integration with the wider rights of way network.

Informatives:

- 1 The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- 2 A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.
- 3 This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. A.G. Culley, Divisional Surveyor (South), Unit 3, Thorn Business Park, Rotherwas, Hereford Tel: 01432-261955, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.
- 4 No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact Mr. R.J. Ball, Lead Planner (Transportation), PO Box 236, Hereford, HR4 9ZH to progress the agreement.
- 5 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic.

- 6 Your attention is drawn to the requirements of Part M of the Building Regulations 1991 in respect of the need to provide access and facilities for the disabled.
- 7 This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
- 8 This permission does not extinguish any rights of way which may exist over the site nor does it imply that such rights of way may be diverted or otherwise altered.
- 9 Your attention is drawn to Section 80 of the Building Act 1984 whereby no demolition may be carried out without proper notice to the local authority and a counter notice issued under Section 81.
- 10 Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

Work on an existing wall or structure shared with another property
Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property
Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 - explanatory booklet. Copies are available from the Planning Reception, Blueschool House, Blueschool Street, Hereford.

11 - N15 - Reason(s) for the Grant of PP/LBC/CAC

The decision to grant planning permission has been taken having regard to the policies and proposals in the Hereford Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

ENV14 - Design

E2 - Established employment areas

E6 - Other uses of employment land

S1 - Role of central shopping area

S11 - Criteria for large scale retail development

T2 - Highway and junction improvements

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

- 12 If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a discharge consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru Welsh Water. The applicant should note that the issuing of a discharge consent is independent of the planning process and a consent may be refused although planning permission is granted.

- 13** 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 telephone 01443 331155.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

5 DCCW2004/0880/F - CHANGE OF USE FROM HAIR SALON TO OFFICE AT 13 HOLMER STREET, WHITECROSS, HEREFORD**For: G. Jaques, First Key, Holmer Road, Hereford, HR4 9RX****Date Received: 23rd March 2004****Ward: St. Nicholas****Grid Ref: 49688, 40307****Expiry Date: 18th May 2004**Local Members: Councillor Mrs. E.M. Bew
Councillor Miss F. Short**1. Site Description and Proposal**

- 1.1 The application site comprises a vacant business unit of approximately 65 sq. metres positioned on the south-east side of Holmer Street within an Established Residential Area. To its north side is a further business unit occupied by a hairdressers. To the south, east and west are residential properties.
- 1.2 The permitted use of the application site is a beauty salon, although historically it was offices and stores.
- 1.3 The proposal is to change the use of the premises to offices to be occupied by SCOPE, a charitable organisation supporting disabled people in both registered and domiciliary care. Some internal reorganisation of the building would be required although external changes are limited to a new front door and shallow ramp by the front entrance to enable safe wheel chair access. The unit has no parking facilities.

2. Policies**2.1 Hereford Local Plan:**

Policy ENV15	-	Access for all
Policy H12	-	Established residential areas
Policy H21	-	Compatibility of non-residential uses

2.2 Herefordshire Unitary Development Plan: (Deposit Draft):

Policy S1	-	Sustainable Development
Policy DR2	-	Land Use and Activity

3. Planning History

- 3.1 H/P/20791 - New offices and store to replace existing offices and store - approved 15th November 1977.
- 3.2 HC/890669/PF/W - Change of use from business system and office equipment to beauty salon - approved 21st December 1989.

4. Consultation Summary

Statutory Consultations

4.1 There are no statutory consultations.

Internal Council Advice

4.2 Head of Transportation : No requirements.

4.3 Head of Environmental Health & Trading Standards : No requirements.

5. Representations

5.1 Hereford City Council : No objections.

5.2 Letters of objection have been received from 15 and 17 Holmer Street and 2 Windsor Street summarised as follows:

- parking will be required for up to 10 staff, including disabled parking spaces;
- lack of parking will lead to on street parking/turning and nuisance and inconvenience to nearby residents and other users of the highway;
- fire escape at rear would require ramp onto adjoining property to which objection would be raised;
- when fire escape is propped open, nuisance is caused to adjoining residents.

5.3 In support of the application, the applicant makes the following points:

- Full time staff at the offices amounts to two managers, while a part time administrator and part time secretary alternate;
- visitors to the office who include service users and staff would use public transport and taxis which would simply drop them off and go, therefore not causing a parking issue;
- there would be no mini buses kept at the premises or accessing the area;
- staff would be respectful to residents;
- disabled fire escape would be by means of a new double door at the front of the premises. The rear exit is really for the neighbouring hairdressers.

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

6. Officers Appraisal

6.1 The main issues in this case are the suitability of the premises for the intended use and its impact on highway safety and residential amenity.

6.2 The site lies within an Established Residential Area where Policy H12 of the Local Plan requires environmental character and amenity to be safeguarded or enhanced. Policy H21 relates specifically to non-residential development requiring it to be compatible with adjacent residential uses, in particular in terms of amenity and highway safety.

6.3 The site supports an established business unit which historically was occupied by offices. The proposed use would return the unit to office use and, consequently, no objection is seen to this as a matter of principle.

- 6.4 The unit has no parking facilities and has never had any parking facilities. Inevitably this will lead to some on-street parking associated with the use. However, as this is a city location and a relatively low key proposal, and having regard to the likely similar levels of activity which would be generated by continued use as a beauty salon, an objection based on inadequate parking and resulting nuisance would not amount to a sustainable reason for refusing planning permission in this case.
- 6.5 The applicants have stated that they have no intention of modifying the rear emergency exit or using it for any purpose other than as an emergency exit. Under the Building Regulations the unit is not large enough to require two emergency exits as the front entrance is adequate for the purpose, although some internal re-ordering will be required and this will be drawn to the attention of the applicants by way of an informative. Notwithstanding this, the use of the neighbour's garden as an escape route is in any event a private matter between the applicants and the neighbour concerned.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 The development shall be carried out in all respects strictly in accordance with the approved plans received by the local planning authority on 23 March 2004.**

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

Informatives:

- 1 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.**
- 2 The applicant is advised that, to satisfy the Building Regulations, it will be necessary to isolate the kitchen area from other parts of the building, this requiring a corridor or lobby to be formed between the front office, rear office, toilet and kitchen area.**
- 3 The decision to grant planning permission has been taken having regard to the policies and proposals in the Hereford Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:**

ENV15 - Access for all

H12 - Established Residential Areas

H21 - Compatibility of non-residential use

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

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