

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 28th July, 2004**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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**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 - 10
To approve and sign the Minutes of the meeting held on 30th June, 2004.	
4. ITEM FOR INFORMATION - APPEALS	11 - 12
To note the Council's current position in respect of planning appeals for the central area.	
APPLICATIONS RECEIVED	
To consider and take any appropriate action in respect of the planning applications received for the central area and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
Agenda item 5 is an application that was deferred at the last meeting and agenda items 6 to 10 are new applications.	
5. DCCW2004/1053/F - NELSON TECHNICAL CENTRE, H.P. BULMER, WHITECROSS ROAD, HEREFORD, HR2 0LE	13 - 16
Change of use from laboratory facility to studios/classroom for educational purposes.	

6.	DCCW2004/1679/F - TESCO STORES LTD., ABBOTSMEAD ROAD, BELMONT, HEREFORD, HR2 7XS	17 - 20
	Amendment to planning permission ref: CW2001/1848/F to accommodate a re-positioning of the approved bulk store extension (no increase in floor space) together with a free standing canopy in association with home delivery service.	
7.	DCCE2004/1858/F - PAGETS SPRING, HAWKERS LANE, FOWNHOPE, HEREFORDSHIRE, HR1 4PZ	21 - 28
	Proposed stable block and hardstanding, retention of gates.	
8.	DCCE2004/1772/F - 35A MORTIMER ROAD, HEREFORD, HR4 9SP	29 - 32
	Change of use from Class B8 (Storage or Distribution) to B2 (Manufacture of Windows/Conservatories).	
9.	DCCW2004/1004/O - SCHOOL FIELD OPPOSITE EXISTING PRIMARY SCHOOL, SUTTON ST. NICHOLAS, HEREFORDSHIRE, HR1 3AZ	33 - 38
	Construction of a replacement primary school incorporating a village hall and the provision of 15 residential houses.	
10.	DCCE2004/1330/F - 62 COMMERCIAL STREET, HEREFORD	39 - 42
	Change of use to allow mixed A1/A3 coffee shop.	
11.	DATE OF NEXT MEETING	
	The next scheduled meeting is Wednesday 25th August, 2004.	

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 30th June, 2004 at 2.00 p.m.

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

Councillors: Mrs. W.U. Attfield, Mrs. E.M. Bew, 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, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox and R.M. Wilson

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

9. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. P.A. Andrews, A.C.R. Chappell, G.V. Hyde and A.L. Williams.

10. DECLARATIONS OF INTEREST

The following declarations of interest were made during the meeting.

<u>Councillor</u>	<u>Item</u>	<u>Interest</u>
Ms. A.M. Toon and D.J. Fleet	Agenda Item No. 6 – DCCW2004/1308/RM A new secondary school (1 single and two 2-storey teaching blocks) with associated sports fields, hard courts, car parking and associated landscaping at: VACANT FIELD, ADJACENT TO THREE ELMS ROAD, NORTH OF BONINGTON DRIVE, WHITECROSS, HEREFORD	Declared personal interests.
Mrs. S.J. Robertson	Agenda Item No. 8 - DCCE2004/1340/F Conversion of detached house into 4 no. self contained luxury apartments with garaging and parking at: CRESCENT HOUSE, 15 JUDGES CLOSE, HEREFORD, HR1 2TW	Declared a prejudicial interest and left the meeting for the duration of this item.
Ms. A.M. Toon	Agenda Item No. 9 - DCCW2004/0950/F Proposed redevelopment to incorporate 7 retail units and 14 residential units at: BOWLING GREEN CAR PARK, BEWELL STREET, HEREFORD	Declared a prejudicial interest and left the meeting for the duration of this item.

11. MINUTES**RESOLVED:**

That the Minutes of the meeting held on 2nd June, 2004 be approved as a correct record and signed by the Chairman.

The Chairman advised the Sub-Committee that Mr. P.N. Evans was to leave his position as the Central Divisional Planning Officer for a position in Highways and Transportation. The Chairman noted the staffing shortages in Planning and the need to remedy the situation.

12. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report about planning appeals for the central area.

RESOLVED:

That the report be noted.

13. DCCW2004/1290/F - LAND ADJACENT TO 21 GUILDFORD STREET, HEREFORD, HR4 0DS (AGENDA ITEM NO. 5)

Proposed house.

In response to questions about parking issues, the Central Divisional Planning Officer reported that guidance suggested a maximum of 1.5 parking spaces per unit with no minimum standard but in this instance the provision of two off-street parking spaces was recommended. It was anticipated that this would help with access and egress and would provide a break between the built forms.

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. A09 (Amended plans).**

Reason: To ensure the development is carried out in accordance with the amended plans.

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

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

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

Reason: To protect the amenity of local residents.

- 5. E18 (No new windows in specified elevation) (north and west elevations).**

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

6. H01 (Single access - not footway).

Reason: In the interests of highway safety.

7. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

8. H10 (Parking - single house).

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

9. H27 (Parking for site operatives).

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

10. E16 (Removal of permitted development rights).

Reason: To enable the local planning authority to maintain control over extensions and alterations in the interests of residential amenity.

11. G01 (Details of boundary treatments).

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

Informatives:

1. HN01 - Mud on highway.
2. HN04 - Private apparatus within highway.
3. HN05 - Works within the highway.
4. N15 - Reason(s) for the Grant of Planning Permission.

14. DCCW2004/1308/RM - VACANT FIELD, ADJACENT TO THREE ELMS ROAD, NORTH OF BONINGTON DRIVE, WHITECROSS, HEREFORD (AGENDA ITEM NO. 6)

A new secondary school (1 single and two 2-storey teaching blocks) with associated sports fields, hard courts, car parking and associated landscaping.

The Principal Planning Officer updated the Sub-Committee on transportation and access issues associated with the scheme.

The Local Ward Members noted the need for the new secondary school and the significant consultation process that had been undertaken. Comments were made about the need to ensure that safe pedestrian access was provided on Three Elms Road.

In response to a question, the Principal Planning Officer advised that pedestrian and vehicular circulation within the site was being examined; including issues relating to public access to the relocated cricket facilities as part of planning application DCCW2004/0938/F (Land at Pentland Gardens, Kings Acre, Hereford) that was approved at the last meeting.

In response to some Members' concerns, the Principal Planning Officer advised that the single point of access to the site was acceptable given the overriding security and safety issues associated with the school use. He added that boundary treatments would need to be secure enough to prevent any potential short-cuts being used.

In response to questions, the Principal Planning Officer explained that the scheme had been designed to accommodate bus/coach drop-off facilities.

A number of Members commented on the need to promote sustainable and safe modes of transport.

The Chairman suggested that recommendation include continued consultation with the Local Ward Members.

The Sub-Committee felt that the parties involved should be congratulated for their hard work on this application.

RESOLVED:

Subject to the receipt of further information and any required additional amended plans, Officers named in the Scheme of Delegation to Officers, in consultation with the Local Ward Members, be authorised to approve this reserved matters application following any necessary reconsultation with conditions as considered necessary by Officers.

15. DCCW2004/0933/F - LAND ADJACENT TO DORGAR, SHELWICK, HEREFORD, HR1 3AL (AGENDA ITEM NO.7)

Proposed two storey detached dwelling with integral garage.

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

The Local Ward Member felt that the application should be supported as in her view there had been other infill developments elsewhere in the village, additional traffic would be minimal, the size of the proposed development could not be reduced further and given the personal circumstances of the applicants. Some other Members also spoke in support of the application and felt that the neighbours concerns should be addressed if any planning permission was granted.

The Principal Planning Officer advised the Sub-Committee that, whilst in theory representing an infill location, the proposed dwelling represented an unacceptable form of development which would appear cramped, out of scale and unsympathetic in this attractive rural area. He added that, whilst Officers sympathised with the applicants' situation, it had not been clearly demonstrated that there was a local need for the development.

A number of Members felt that the development would cause harm to the attractive character and appearance of the immediate locality.

A motion to approve the application failed and the Sub-Committee agreed the resolution detailed below.

RESOLVED:

That planning permission be refused for the following reason:

The proposed dwelling represents a revised scheme to a previous refusal of planning permission under reference CW2003/0421/F. Notwithstanding the design alterations which reduce the overall size and height of the proposed unit, in accordance with adopted Policies SH10 and GD1 of the South Herefordshire District Local Plan, the proposed development is not acceptable. By virtue of its siting, design and scale the dwelling would have a cramped and overbearing appearance which would result in an over development of the application site. Furthermore, having regard to the site's location close to the edge of the settlement of Shelwick the proposal would cause harm to the attractive rural character and appearance of the area.

16. DCCE2004/1340/F - CRESCENT HOUSE, 15 JUDGES CLOSE, HEREFORD, HR1 2TW (AGENDA ITEM NO. 8)

Conversion of detached house into 4 no. self contained luxury apartments with garaging and parking.

The Central Divisional Planning Officer reported the receipt of correspondence from Mr. J. Walling expressing concerns about elements of the application. He also reported the receipt of a letter from the applicant's agent outlining waste disposal arrangements.

The Local Ward Member, whilst noting that property was not Listed nor lay within a Conservation Area, felt that the character of the building and the surrounding area should be preserved. To limit disturbance to neighbouring properties, it was suggested that any planning permission should be conditioned appropriately to ensure that vehicles and materials were contained within the perimeter of the site during the works and to ensure that hours of working were restricted.

In response to comments by Members, the Central Divisional Planning Officer suggested that the applicant's attention could be drawn, through an informative note, to the fact that any further sub-division or intensification of use of the property would require additional planning consents.

Some Members commented on the need to retain such classical Victorian properties.

In response to Members' concerns, an additional condition to retain and protect trees during works was proposed. It was noted that the external appearance of the building and the materials used would be controlled through a condition.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2 A07 (Development in accordance with approved plans)

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

3 Prior to the commencement of development and notwithstanding the detail shown on the approved plan, a plan showing the allocation of car parking spaces for residents and visitors shall be submitted to and approved in writing by the local planning authority. These spaces shall be demarcated in a method to be submitted to and agreed in writing by the local planning authority. These spaces shall be retained thereafter and kept available for those uses at all times.

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

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

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

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

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

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

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

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

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

8 H27 (Parking for site operatives)

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

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

Reason: To protect the amenity of local residents.

10. No development shall be commenced on the site or machinery or materials brought onto the site for the purpose of development until adequate measures have been taken to prevent damage to those trees which are to be retained. Measures to protect those trees shown must include:
- (a) Fencing, of a type and form agreed in writing with the local planning authority, must be erected around each tree or group of trees. This fencing must be at least 1.25 metres high and at a radius from the trunk defined by the canopy spread.
 - (b) No excavations, site works, trenches, channels, pipes, services, temporary buildings used in connection with the development or areas for the deposit of soil or waste or for the storage of construction materials, equipment or fuel or other deleterious liquids shall be sited within the crown spread of any tree without the prior written consent of the local planning authority.
 - (c) No burning of any materials shall take place within 6 metres of the furthest extent of the canopy of any tree or tree groups to be retained.
 - (d) There shall be no alteration of soil levels under the crown spread of any tree or group of trees to be retained.

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

Informatives:

- 1 If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.
- 2. Any further subdivision of the building will require a planning application.
- 3. The decision to grant planning permission has been taken having regard to the policies and proposals in the Herefordshire Unitary Development Plan and the Hereford Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Planning Policy Guidance:

PPG1 - General policy and principles

PPG3 - Housing

PPG13 - Transportation

Hereford Local Plan

H12 - Established residential areas - character and amenity

H17 - Conversion of houses into apartments

Herefordshire Unitary Development Plan (Revised Deposit Draft)

H17 - Subdivision of existing housing

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).

17. DCCW2004/0950/F - BOWLING GREEN CAR PARK, BEWELL STREET, HEREFORD (AGENDA ITEM NO. 9)

Proposed redevelopment to incorporate 7 retail units and 14 residential units.

The Principal Planning Officer reported the receipt of a letter from the solicitors acting on behalf of the applicant which confirmed that the Hereford Bowling Club no longer had any rights to access the bowling green from the current car park. The Principal Lawyer (Planning, Environment and Transport) stressed that the access issue did not constitute planning grounds to refuse.

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

The Principal Planning Officer noted that the access to the bowling green was a sensitive issue but was not an issue which the Council could consider in determining this application; it was noted that Officers would give every possible assistance to the Bowling Club to identify alternative potential access arrangements. He explained that the proposal complied with the Development Plan policy and outlined how the scheme could offer significant townscape enhancement and benefit to the Conservation Area.

Some Members expressed concerns about the architectural merit of the design and felt that this site was not an appropriate location for this design approach given the nature of the historic environment.

In response to questions on parking issues, the Principal Planning Officer advised that a car free development was considered acceptable having regard to all the services and amenities which were available associated with city centre living. Whilst noting national planning policy, some Members maintained the view that car free developments were impracticable in Herefordshire given the lack of public transport infrastructure in the County.

Some Members felt it highly regrettable that existing access to the bowling green would be removed and concerns were expressed about the future viability of the Bowling Club.

In order to promote alternative modes of transport, it was suggested that any planning permission granted should include the provision of one cycle per residential unit.

In response to concerns about the design approach, the Principal Planning Officer advised that detailed discussions had taken place with the Council's former Chief Conservation Officer and English Heritage in terms of the modern form and detail of the proposed building and it was considered that the proposal addressed the sensitive townscape issues well in terms of form, scale and detail. He reminded the Sub-Committee that the site was currently in use for car parking and detracted from the street scene.

In response to the view expressed by some Members that the materials should more in keeping with the area, the Principal Planning Officer advised the issue of materials had been considered carefully and it was felt that the high quality finish proposed would help to add visual interest to the street scene.

The Chairman, speaking in his capacity as the Local Ward Member, expressed his sympathy for the Bowling Club's predicament but noted that it was not an issue that the planning process could resolve on behalf of the Club. He noted concerns regarding parking provision but reminded the Sub-Committee of national planning policy on this issue. He also commented that there were other contemporary developments in the City where the contrast with the historic environment had worked well.

In order to promote alternative modes of transport, it was suggested that any planning permission granted should include the provision of one cycle per residential unit.

A motion to approve the application failed. The Chief Development Control Officer advised that, in view of local and national guidance and the advice of Officers, refusal reasons relating to private access arrangements and on-site parking provision were unlikely to be defensible on appeal. A debate about reasons for refusal followed and, after a short intermission, the Sub-Committee agreed the resolution detailed below.

RESOLVED:

That

- (i) **The Central Area Planning Sub-Committee is minded to refuse the application as it is considered that the development would not preserve or enhance the character of the area by virtue of the scale, design and inappropriate materials proposed and over-intensive for the site (and any further reasons for refusal felt to be necessary by the Head of Planning Services), provided that the Head of Planning Services does not refer the application to the Planning Committee; and**
- (ii) **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, subject to such reasons for refusal referred to above.**

(Note: The Chief Development Control Officer said that he would refer the application to the Head of Planning Services given the serious risk of costs against the Local Planning Authority.)

18. DCCW2004/1053/F - NELSON TECHNICAL CENTRE, H.P. BULMER, WHITECROSS ROAD, HEREFORD, HR4 0LE (AGENDA ITEM NO. 10)

Change of use from laboratory facility to studios/classroom for educational purpose.

The Principal Planning Officer reported the receipt of a memorandum from the Council's Economic Development unit in support of the application. He also reported the receipt of details from the applicant's agent about sustainable transport initiatives and in respect of a proposed contribution towards a residents' parking scheme for Whitecross. He added that, if Members were minded to support the application, a Section 106 agreement would be required to secure the delivery of such measures.

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

The Local Ward Members indicated their support for improvements in provision of

educational facilities at the College of Art and Design but expressed concerns about insufficient on-site parking and the possible impact of overflow parking on the surrounding area. Given that information had only recently been received about sustainable transport initiatives, it was suggested that consideration of the application be deferred.

A number of Members also expressed concerns about existing parking problems and congestion in this part of the city. Some Members suggested that consideration should be given to a temporary planning permission subject to initiatives to mitigate the reduced parking provision. The Principal Planning Officer re-iterated the main transport considerations.

RESOLVED:

That consideration of planning application DCCW2004/1053/F be deferred.

19. DATE OF NEXT MEETING

It was noted that the date of the next meeting was Wednesday 28th July, 2004.

The meeting ended at 4.35 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCCE2004/0442/F**

- The appeal was received on 23rd June, 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. R.T. Woolf
- The site is located at 3 Folly Lane, Hereford, Herefordshire, HR1 1LY
- The development proposed is Detached dwelling House.
- The appeal is to be heard by Written Representations

Case Officer: Kelly Gibbons on 01432 261949

Application No. DCCW2004/0364/F

- The appeal was received on 21st June, 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. & Mrs. Hind
- The site is located at 3A, Station Road, Credenhill, Hereford, Herefordshire, HR4 7EY
- The development proposed is First floor extension and porch
- The appeal is to be heard by Written Representations

Case Officer: Steve MacPherson on 01432 261946

Application No. DCCW2004/1256/O

- The appeal was received on 28th June, 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. & Mrs. C.A. Thomson
- The site is located at Fourth Milestone House, Swainshill, Hereford, Herefordshire, HR4 7QE
- The development proposed is Site for erection of single dwelling
- The appeal is to be heard by Written Representations

Case Officer: Steve MacPherson 01432 261946

APPEALS DETERMINED

Application No. DCCE2003/2455/F

- The appeal was received on 28th January, 2004
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr. Jones
- The site is located at 16 Nover Wood Drive, Fownhope, Hereford, Herefordshire, HR1 4PN
- The application, dated 10th August, 2003, was refused on 15th October, 2003
- The development proposed was Alterations to ground floor, new enclosed porch and first floor extension
- The main issue is the effect of the proposed development on the living conditions of the occupiers of No.17 Nover Wood Drive in terms of visual impact.

Decision: The appeal was DISMISSED on 22nd June, 2004

Case Officer: Kelly Gibbons on 01432 261949

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

5 DCCW2004/1053/F - CHANGE OF USE FROM LABORATORY FACILITY TO STUDIOS/CLASSROOM FOR EDUCATIONAL PURPOSE AT NELSON TECHNICAL CENTRE, H.P. BULMER, WHITECROSS ROAD, HEREFORD, HR4 0LE

For: Herefordshire College of Art and Design per Herefordshire Council Property Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB

Date Received: 23rd March, 2004

Ward: Three Elms

Grid Ref: 50418, 40149

Expiry Date: 18th May, 2004

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

This application was discussed at last month's meeting of the Central Area Planning Sub-Committee on the 30th June, 2004. The application was deferred to enable further consideration of the College's proposed Green Travel Plan and the possible contribution of £15,000 which would be made payable to Herefordshire Council to be used to implement a residents' parking scheme in the vicinity of the application site.

The report below remains as per the agenda of the 30th June, 2004, however it should be noted that a verbal update was given at that meeting confirming support for the scheme from the Economic Development Section of this Authority who confirmed the College of Art and Design plays a significant role as a local training provider and supports the development of a number of arts and crafts businesses in a sector which is now thriving in the county. The future development of the college and its courses are constrained by its current premises and this will provide essential additional floor space.

A draft Green Travel Plan has been received as part of this application and should Members be minded to grant either permanent or temporary planning permission, this could be controlled through the use of an appropriate planning condition. Furthermore, should an approval be granted by the Committee it would require the completion of a Section 106 legal agreement to enable the proposed £15,000 financial contribution to be made available to Herefordshire Council for the implementation of a residents' parking scheme.

1. Site Description and Proposal

1.1 The application site is located on the north side of Eign Street/Whitecross Road adjacent to the vehicular entrance to Aldi supermarket. The building itself which has a landmark position in the area is a modern building and the first part of the Bulmers complex one sees on travelling west out of the city centre.

1.2 This application seeks full planning permission for a change of use from the existing B1 classification to D1 (Non-residential Education and Training Centres) for the College of Art and Design currently based at Aylestone Hill. The details submitted with the application indicate the building would provide accommodation for between 150 and 200 staff and students and the provision of 15 parking spaces would be made available on land immediately to the west of the building for staff parking only. A detailed

supporting travel statement has been put in on behalf of the college which gives a breakdown of the hours of use of the building and that the college will encourage the following.

- a) Use of public transport - supported by closed proximity of existing bus stops.
- b) The limiting of the use of private vehicles on site by staff with authorised permit holders only.
- c) Students to make use of public car parking as present within the city.
- d) Drop-off point within the confines of designated parking area for mini-bus transfers from the main college campus as appropriate.
- e) Provision of a secure cycle shelter.
- f) Promotion of car sharing amongst staff.

- 1.3 There would be no external changes to the building and internally rooms would be set out for studios, offices, classrooms, low tech workshops and space for recreational breaks. The hours of use proposed would be 9 a.m. - 5 p.m. Monday to Friday, 9. a.m. - 7 p.m. (during college year Finals) and as the college curriculum determines. It should be noted that outside term time the building would not be in use.

2. Policies

- 2.1 Hereford and Worcester County Structure Plan:

Policy CTC9 - General Development Criteria

- 2.2 Hereford Local Plan:

Policy E2 - Established Employment Areas
 Policy E6 - Other Uses on Employment Land
 Policy T5 - Car Parking – Designated Areas
 Policy T11 - Pedestrian Provision
 Policy T12 - Cyclist Provision
 Policy SC6 - Permanent Educational Accommodation

- 2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy E5 - Safeguarding Employment Land and Buildings
 Policy E7 - Other Employment Proposals Within and Around Hereford and the Market Towns
 Policy T6 - Walking
 Policy T7 - Cycling
 Policy T8 - Road Hierarchy
 Policy T11 - Parking Provision
 Policy T16 - Access for All

3. Planning History

- 3.1 HC880543PF/W Demolition of two storey building and construction of new technical centre and link block situate opposite Grimmer Road Whitecross Road - Approved 22nd February 1989.

4. Consultation Summary

4.1 There are no statutory consultation responses on this application.

Internal Council Advice

4.2 Head of Engineering and Transportation - concerns are expressed regarding insufficient parking as students are likely to use the superstore and or residential areas as opposed to paying for car parking in the locality. A travel plan should be requested to mitigate the reduced parking provision.

4.3 Head of Environmental Health and Trading Standards - no objection.

5. Representations

5.1 Hereford City Council - recommend refusal on the grounds of inadequate parking facilities to support the use proposed.

6. Officers Appraisal

6.1 The key issues in the consideration of this application are the principle of the proposed development and the access and transportation issues associated with the change of use.

6.2 Bulmers Technical Centre consists of relatively modern office building and laboratory facility which has been decommissioned following the scaling down of operations on the site. It is proposed to change the use of the B1 building to allow its occupation by Herefordshire College of Art and Design with the building providing capacity of between 150 to 200 students and staff.

6.3 Policy E6 of the adopted Hereford Local Plan states that non Class B uses on established employment areas will not normally be permitted having regard to the need to ensure that sufficient land is available to meet likely unforeseeable needs for Class B employment uses to include the provision of a range of sites in terms of size, location and quality. Whilst the proposed D1 use does not sit comfortably with that adopted policy, the improvement in provision of educational facilities at the College of Art and Design is one which in principle Officers support. However, each building and site must be assessed on its own merits and in this instance the access and parking issues associated with the proposal must be the overriding consideration having regard to recognised parking and congestion issues in this part of the city centre.

6.4 The application is supported by a Transport Statement which indicates that there would be no availability for on site parking for students. This is supported with the college's commitment to encourage the methods and modes of transport in Part 1 of this report. Whilst in principle Officers welcome development proposals which promote sustainable forms of transport, in this case having regard to the strategic position of the existing college at Aylestone Hill and the location of the technical centre, it is considered unrealistic to expect almost all of the students to use public transport, the provision of mini-bus transfers or public pay and display car parks. Furthermore, there are no public car park facilities in close proximity to the application site which is likely to exacerbate the recognised parking problems within the surrounding streets.

- 6.5 Careful consideration has been given to the potential to increase parking provision on site, however it is extremely difficult to resolve. The full provision in accordance with adopted standards would require almost 90 spaces which is considered unsustainable. Should a reduced figure be suggested this will encourage the students to use private vehicles and once at capacity is likely to lead to overflow car parking on the side streets of Whitecross.
- 6.6 In view of the above, Officers conclude that the use of the building as proposed is not acceptable and is highly likely to exacerbate existing parking problems in this already congested part of the city. Whilst seeking to support the College of Art and Design in its aspirations to improve educational provision, this application fails to satisfy the fundamental transport issue and is also contrary to Policy E6 of the adopted Hereford Local Plan.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. **The site is located in a busy part of Hereford City where on-street parking and congestion are a recognised problem. Having regard to the limited parking facilities associated with the proposal and having regard to the intensive use as proposed, the development is highly likely to exacerbate access and parking issues to the detriment of the locality and highway safety. Furthermore, the proposed use conflicts with Policy E6 of the adopted Hereford Local Plan which seeks to retain Class B uses on established employment sites to ensure sufficient land is available to meet likely foreseeable needs of employment uses including the provision of a range of sites in terms of size, location and quality.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

6 DCCW2004/1679/F - AMENDMENT TO PLANNING PERMISSION REF: CW2001/1848/F TO ACCOMMODATE A RE-POSITIONING OF THE APPROVED BULK STORE EXTENSION (NO INCREASE IN FLOOR SPACE) TOGETHER WITH A FREE STANDING CANOPY IN ASSOCIATION WITH HOME DELIVERY SERVICE AT TESCO STORES LTD., ABBOTSMEAD ROAD, BELMONT, HEREFORD, HR2 7XS

For: Tesco Stores Limited per Development Planning Partnership, 14 Windsor Place, Cardiff, CF10 3BY

Date Received: 6th May, 2004

Ward: Belmont

Grid Ref: 49325, 38452

Expiry Date: 1st July, 2004

Local Members: Councillors P.J. Edwards, J.W. Newman and Ms. G.A. Powell

1. Site Description and Proposal

- 1.1 The Tesco store, Abbotsmead Road is located adjacent to the A465 trunk road approximately 2 miles to the southwest of Hereford City Centre. The adjoining A465 is the main access into the city from the southwest. The site is presently occupied by a Tesco's superstore which is currently in the process of being extended and altered including the recent relocation of the petrol filling station on land to the west of Abbotsmead Road. The recent planning permission which is currently being implemented was approved on the 8th September 2003.
- 1.2 This application seeks full planning permission for an amendment to permission CW2001/1848/F to allow the repositioning of an approved bulk store extension and the provision of a new freestanding canopy to the rear elevation of the store in connection with the dot.com home delivery service.

2. Policies

2.1 Hereford and Worcester County Structure Plan:

Policy S3 - Retail Development outside Town Centres
Policy CTC9 - Development Requirements

2.2 South Herefordshire District Local Plan:

Policy GD1 - General Development Criteria

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy DR1 - Design

Policy DR13 - Noise

3. Planning History

- 3.1 There is a detailed and complex planning history associated with this site since the store was first approved under reference SH88/1340PM on the 19th December 1988. It is not considered that any of the recent history affects the consideration of this scheme which should be assessed on its own merits.
- 3.2 This application is for an amendment to approval CW2001/1848/F - extension to existing supermarket and storage area, provision of cage marshalling area. Relocation of existing petrol filling station, alterations to car park layout and associated highway works. Approved 8th September 2003.

4. Consultation Summary

4.1 Statutory Consultations

None.

Internal Council Advice

- 4.2. Head of Engineering and Transportation - has no objection but recommends that any permission which the Authority may give includes conditions.
- 4.3 Head of Environmental Health & Trading Standards - comments awaited.

5. Representations

- 5.1 Belmont Rural Parish Council - Belmont Rural Parish Council does not support the proposed development on the grounds that the additional noise generated from the activity proposed would be intrusive for those living in close proximity to the store. The existing operation is resulting in many complaints of noise nuisance from the loading and unloading activities and any expansion of this activity will exacerbate the situation.

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

6. Officers Appraisal

- 6.1 The key issues for consideration in this application are the design issues associated with the relocation of the bulk store extension and the addition of a freestanding canopy on the rear elevation of the building.
- 6.2 The proposal involves amendments which will enable the Tesco's dot.com home delivery service to operate from the site without causing congestion or nuisance to existing customers at the store entrance. An existing access which is presently gated on to Abbotsmead Road would be utilised for the delivery vehicles only and would give them direct access to the store area at the northern side of the existing building. Officers have carried out a detailed history search and there is no restriction on the use of the access which is provided onto Abbotsmead Road which would enable an element of control over the proposed dot.com service. It must be noted that the provision of the dot.com service from an existing access does not require the benefit of

any specific planning permission and is clearly ancillary to the overall operation of the Tesco's site. As such the critical planning considerations as set out above are the visual impact associated with relocating the bulk store extension and the provision of a new canopy over the area where dot.com vehicles would be loaded.

- 6.3 The proposed bulk store extension measures 4.5 metres to the ridge and is a flat roofed structure which would be finished with a panel cladding system. It is a very well concealed position to the rear of the store and adjoins a significant strip of Lleylandii trees which separate the retail premises from adjoining residential properties. Given that the extension will be attached to the main store which measures 8.3 metres to the ridge and having regard to the existing landscape belt between the site and adjoining residential properties, Officers do not consider the extension would have an overbearing or detrimental impact on residential amenity. Furthermore, the canopy proposed would be situated under the eaves level of the existing building and again having regard to its position on the rear of the store, an objection on design grounds could not be sustained.
- 6.4 At the time of writing this report, comments from the Council's Environmental Health Officer were awaited, however it is stressed that any noise issues associated with activity on site must be dealt with under the appropriate environmental legislation and would not be a planning issue given the use of the access by dot.com vehicles does not require as a specific planning permission. The applicant's agent has indicated that the home delivery service would involve the use of four small vans which would be loaded no earlier than 0700 hours and would typically depart by about 0900 hours. The vehicles are reloaded (if necessary) at about 1600 hours and the only activity after 1900 hours would be returning vehicles.
- 6.5 In view of the above, subject to the outstanding comments from the Council's Environmental Health & Trading Standards Officer, planning permission is recommended subject to the conditions as set out.

RECOMMENDATION

Subject to the receipt of the comments from the Council's Head of Environmental Health and Trading Standards, Officers named in the Scheme of Delegation to Officers be authorised to grant planning permission subject to the following conditions:

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

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

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

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

- 3. H16 (Parking/unloading provision - submission of details).**

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

- 4. H23 (Canopies/signs/projections over the highway).**

Reason: In the interests of highway safety.

5. H26 (Access location).

Reason: In the interests of highway safety.

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 DCCE2004/1858/F - PROPOSED STABLE BLOCK AND HARDSTANDING, RETENTION OF GATES AT PAGETS SPRING, HAWKERS LANE, FOWNHOPE, HEREFORDSHIRE, HR1 4PZ

For: Veronica F. Scully of the same address

Date Received: 20th May, 2004

Ward: Backbury

Grid Ref: 59523, 34477

Expiry Date: 15th July, 2004

Local Member: Councillor Mrs. J.E. Pemberton

1. Site Description and Proposal

- 1.1 The site lies on the southern side of the unclassified road 72215 road known as Hawkerc Lane leading to Woolhope. The property known as 'Pagets Spring' is approximately 140 metres from the unclassified road via a steep drive through fenced paddocks. The property is a large detached dwelling situated in irregular grounds and against the backdrop of Paget's Wood. To the south-east, north and north-west lies Lea and Pagets Wood Site of Special Scientific Interest (SSSI). Public Footpaths FWA4 and FWA6A cross the parcel of land parallel to the driveway from north-west to north-east known as the Wye Valley Walk. In planning policy terms the site is in open countryside and designated Area of Outstanding Natural Beauty and Area of Great Landscape Value.
- 1.2 The application is to retain the structure of the gates situated midway along the long drive of double stone pillars measuring 2.62 metres at its highest and electronic green copper gates designed with curved shapes and long stems measuring 3 metres at its highest.
- 1.3 The application also proposes to provide a small hardstanding adjacent to the field gate parallel to the driveway and a stable block to the north-east of the land adjacent Lea Wood. The stable block measures 9.6 metres x 8.5 metres comprises four stables, which will be constructed of weatherboarding and tiled roof.

2. Policies

2.1 Planning Policy Guidance:

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

2.2 Hereford and Worcester County Structure Plan:

- Policy CTC1 - Development in Areas of Outstanding Natural Beauty
 Policy CTC2 - Development in Areas of Great Landscape Value
 Policy CTC9 - Development Criteria

2.3 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy C1	-	Housing in the Open Countryside
Policy C5	-	Development within Areas of Outstanding Natural Beauty
Policy C8	-	Development within Areas of Great Landscape Value
Policy C12	-	Statutory Protection of Nature Conservation Sites
Policy SH23	-	Extensions to Dwellings

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S2	-	Development Requirements
Policy S7	-	Natural and Historic Heritage
Policy DR1	-	Design
Policy DR14	-	Lighting
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy LA6	-	Landscaping Schemes
Policy NC4	-	Sites of Local Importance

3. Planning History

- 3.1 SH970688PF Retention of buildings, previously to be demolished for use as outbuildings/storage to main building - Approved 23.07.97.

4. Consultation Summary

Statutory Consultations

4.1 Open spaces Society observe:-

"Registered Footpath FAW4 runs approximately north then west from Pagets Wood, the existing gate or other physical works must not form an obstruction over the registered way."

4.2 Environment Agency - has no objections.

4.3 Forestry Commission - no comment to make upon the application.

4.4 The Ramblers' Association observe:-

"The development does not appear to have any impact upon the adjacent public right of way FAW. The gates are unsuitable in such an unspoilt rural setting."

4.5 English Nature - would have no objection to this planning application provided there are conditions stating that all animal waste materials from the stable block are contained and not allowed to pollute the pond and stream.

4.6 Hereford Nature Trust - no response received.

Internal Council Advice

- 4.7 The Chief Conservation Officer - has no objections to the proposed stables and hardstanding. The retention of the gates would have a harmful effect on the character of the Area of Outstanding Natural Beauty and Area of Great Landscape Value.
- 4.8 Head of Engineering and Transportation - has no objection. The development would affect the public footpath, however, the hardstanding is to tidy the area and recommends an informative to the decision of the application.

5. Representations

- 5.1 The applicants have submitted a further letter of support from the metal sculptor of the gates. It states the importance of the design to ensure that the gates would be a unique and have a sympathetic benefit to the environment. The 'verdigris' green copper panel has been especially chosen to complement the natural greenery of the surrounding trees and leaves. The angle iron is heated and forged to give the gentle curves and copper panels are then riveted in between using large copper domed head rivets. Mr. & Mrs. Scully support local 'Arts & Crafts' and are fully aware of their responsibilities of the community.

- 5.2 Fownhope Parish Council observe:-

"The Parish Council would like to express its concern at the retrospective nature of the application, but supports the retention of the gates. The proposed stable block and hardstanding is also supported."

- 5.3 Fownhope Residents Association observe: "We are writing to inform you that we object to the applicant's construction of the gate and pillars. Their design is such that they are totally inappropriate in the chosen location, a particularly beautiful valley within an Area of Outstanding Natural Beauty. We also have been informed that they are lit at night. We understand that there is significant support for the view expressed above. We have no objection to the other two aspects of the application.

- 5.4 Two letters of objection have been received:-

Malcolm Harrison Architectural Design Ltd. representing Mr. Watts of Stone Cottage, Common Hill, Hawkers Lane, Fownhope and Mrs. J. Edmondson, Common Hill Farm, Fownhope. The main points being:-

- ° Piece of land at Pagets Spring is very visible and the landscaping and gates impact significantly on the area.
- ° No objection to the stable block.
- ° Visual intrusion of the size and nature of the gates.
- ° These gates and the surrounding stonework are not of a sensitive construction and bear no relationship to their surroundings, which looks out of place.
- ° The gates are lit up if something triggers them.

- ° The siting of the hardstanding and gates can be visually seen from the rear of the cottage and lane.
 - ° To lessen the impact mixed hedging should be planted down the edge of the drive, reduce the lighting significantly and area for hardstanding be restored to its original state.
- 5.5 One letter of support has been received from Mrs. W. Jackson, Stonehouse, Hawkers Lane, Fownhope. The main points being:-
- ° The stable block of wooden construction will blend in with the environment.
 - ° The gates are exciting and intriguing.
 - ° Their design reflects the wildness of nature and when the stone has mellowed and weathered may well become a local landmark.
- 5.6 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 the consideration of this proposal are the effect on the visual appearance upon the landscape quality and the amenities of the neighbouring properties.
- 6.2 The site is in the open countryside and designated Areas of Outstanding Natural Beauty and Area of Great Landscape Value having Lea and Paget Wood to its south, north and east. Visually, the woods screen Pagets Spring form the top of Hawkers Lane, however, the access drive and parcel of land to the north-east of the driveway is predominantly open to view at this point. The existing gates and proposed hardstanding are visible against the backdrop of the surrounding woodlands and concerns raised by neighbouring properties relate to this issue.
- 6.3 Policies C5 and C8 of the South Herefordshire District Local Plan seeks to ensure that proposals within these designated areas are small in scale and are of a high standard of design to either enhance or have minimal adverse effect upon the scenic quality of the landscape. The application seeks to retain the gates as built and whilst concerns have been raised by the Head of Conservation regarding the scale and design within the designated areas, it is considered that due to their sculpture abstract they create a different feature set amongst the rural landscape of this area. They are small in scale and are of a high standard of design, which prominently announces the entrance to Pagets Spring, which is visually screened from the roadside.
- 6.4 The concerns raised by neighbouring properties relating to the lighting of the gates are noted, however, the light intrusion into the night skies can be reduced through the use of appropriate conditions.
- 6.5 With regard to the area of hardstanding proposed lying parallel to the existing driveway, the area at present has little grass showing signs of dilapidation and whilst the applicants have stated its purpose is to tidy the area and reduce the muddiness during the winter months, it will not be used for parking purposes. It is considered that

through the use of appropriate conditions, the area would be enhanced without significantly harming the surrounding landscape.

- 6.6 The proposed stable block to the north-eastern boundary of Lea Wood would not be visually intrusive nor would it have an adverse effect upon the Site of Special Scientific Interest.
- 6.7 In conclusion, it is considered that the proposal would not adversely affect the special scenic quality of the area nor would it affect the amenities of the neighbouring properties

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 The development shall be carried out in all respects strictly in accordance with the approved plans date stamped 20th May 2004.**

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. Notwithstanding the approved details, the external lighting to illuminate the entrance of the gates shall be submitted to and approved in writing by the local planning authority.**

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

- 5. Notwithstanding the approved drawings, ground levels and drainage of the hardsurfacing area shall be submitted to and approved in writing by the local planning authority.**

Reason: To ensure that the development is of a scale and height appropriate to the area.

- 6. Notwithstanding the approved drawings, details of any materials surfacing the hardstanding including technical engineering specification of the area shall be submitted to and approved in writing by the local planning authority.**

Reason: To protect the visual amenities of the area.

- 7. E11 (Private use of stables only).**

Reason: In order to safeguard the residential amenity of the area.

8. The waste material from the development is to be disposed of on site, none of the material should be disposed of inside the SSSI boundary and neither spread across the meadow.

Reason: To protect the natural environment.

Informatives:

1. Referring to Conditions 5 and 6, the local planning authority in the absence of the information requested has concerns regarding the surface of the area and request discussions with the local planning authority prior to commencement of the submitted application.
2. The right of way should remain at its historic width and suffer no encroachment or obstruction during the works or at any time after completion and should remain open at all times. If development works are perceived to be likely to endanger members of the public then a temporary closure order should be applied for from the Public Rights of Way Department, preferably 6 weeks in advance of work starting.
3. All washwaters, manures and stable waste should be collected, stored and disposed of in accordance with DEFRA "Code of Good Agricultural Practice for the Protection of Water".
4. Developments on this scale in these lower risks locations outside zone 3 fall outside the scope of formal standing advice. The following is offered to aid local planning authorities and developers in managing the surface water runoff issues for information purposes only as a pointer towards best practice for surface water disposal.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of Building Regulations 2000 sets out a hierarchy for surface water disposal which encourage a SUDs approach.

In accordance with Approved Document Part H of the Building Regulations 2000, the first option for surface water disposal should be the use of sustainable drainage methods (SUDS) which limit flows through infiltration e.g. soakaways or infiltration trenches, subject to establishing that these are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries ground water pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365.

- 5. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environment Protection Act 1990.
- 6. N15 - Reason(s) for the Grant of Planning Permission.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 DCCE2004/1772/F - CHANGE OF USE FROM CLASS B8 (STORAGE OR DISTRIBUTION) TO B2 (MANUFACTURE OF WINDOWS/CONSERVATORIES). 35A, MORTIMER ROAD, HEREFORD, HEREFORDSHIRE, HR4 9SP

For: Window Wise, per Mr. J.W. Roger, 37 Broomy Hill, Hereford, HR4 OLJ

Date Received: 13th May, 2004

Ward: Three Elms

Grid Ref: 50763, 41211

Expiry Date: 8th July, 2004

Local Member: 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 a vacant warehouse and yard positioned to the rear of residential properties fronting the north-west side of Mortimer Road and with access between Nos. 35 and 37 Mortimer Road. The warehouse was last used for the storage and distribution of clothing, although previous to this was used as a joinery workshop and for motor vehicle body and mechanical repairs. The yard is shared with a small haulage company.
- 1.2 The proposal is to change the use from storage/warehouse to a B Use for the manufacture of windows and conservatories.

2. Policies

2.1 Hereford Local Plan:

E2	-	Established Employment Areas
E7	-	Criteria for Employment Development
H12	-	Established Residential Areas
H21	-	Compatibility of Non-Residential Use

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

S2	-	Development Requirements
DR9	-	Air Quality
DR13	-	Noise
H1	-	Established Residential Areas
E5	-	Safeguarding Employment, Land and Buildings

3. Planning History

- 3.1 CE2003/3505/F - Change of use from storage/warehousing to blacksmiths workshop to include erection of two chimneys. Approved with conditions 11th February, 2004.

- 3.2 HC/900075/SZ - Use as a motor vehicle body and mechanical repair shop. Planning permission not required 7th March, 1990.
- 3.3 HC/900436/PF - Use for storage and distribution of corporate clothing. Approved 23rd October, 1990.

4. Consultation Summary

Statutory Consultations

- 4.1 There are no statutory comments.

Internal Council Advice

- 4.2 Head of Engineering and Transportation, response from Transportation Manager: Requested further information.
- 4.3 Head of Environmental Health and Trading Standards: Whilst the building is of substantial brick/blockwork construction, the large sliding doors to the front are light weight metal clad and the roof is also of light weight construction. In view of this and the close proximity of occupied dwellings, concern expressed at the potential impact of the proposal on nearby residents by reason of noise and vibration. To this end, conditions are recommended requiring details of noise attenuating measures and limiting hours of power tools.

5. Representations

- 5.1 Hereford City Council: No objection provided condition imposed requiring adequate sound attenuation works to be included to the satisfaction of the Environmental Health Officer.
- 5.2 Two objection letters have been received from No. 33 and 39 Mortimer Road, summarised as follows:
- Inadequate parking facilities for staff and provision for deliveries of plastics, glass, materials etc residents often find it difficult to park on the street.
 - Possible pollution for sealants, bondings, etc.
 - Building appears unsuitable for machinery, saws, drills, etc in terms of sound levels. Concern about noise production.
 - Access to building is in the form of a shared access shared by another business.
- 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 impact of the proposed use on the character of the area and the amenities of nearby residential properties in Mortimer Road.
- 6.2 The warehouse building itself lies within an Established Employment Area, although the access drive and adjacent houses are within an Established Residential Area. Policy E2 of the Local Plan allows Class B1, B2 and B8 uses within the Established Employment Areas provided that they are in accordance with Policy E7. Policy E7

requires such development to be environmentally acceptable, in particular in terms of the relationship with neighbouring properties. Policy H12 relates specifically to the relationship with neighbouring properties. Policy H12 relates specifically to Established Residential Areas requiring their character and amenity to be protected or enhanced. Policy H21 requires non-residential development in or immediately adjoining Established Residential Areas to be compatible with adjacent residential uses.

- 6.3 The overall scale of the development and the expected levels of activity are considered appropriate for the residential setting. Specifically, it is not considered that five members of staff and perhaps two to three delivery vehicle movements per day should cause nuisance, particularly having regard to the previous uses of the site as a storage and distribution warehouse and for car repairs. Conditions are recommended limiting times for delivery and collection by commercial traffic.
- 6.4 The site has provision to the front of the building for five on site car parking spaces. At any one time there would normally be only one car and two small vans. The application currently owns four vans two of which are normally out 'on site' during the day. Having regard to the previous uses on the site and the proposed nature of the use it is considered that the parking can be contained within the site and would cause detriment to the nearby residents or adjacent commercial building.
- 6.5 The applicant maintains that there will be limited noise from the site although no objection is raised on environmental health grounds subject to an appropriate standard of noise attenuation being provided in the building. Conditions are recommended requiring details to be submitted prior to the use commencing and also requiring the front doors to be kept closed whilst machinery or noisy tools are in use. With these safeguards, it is not considered that any adverse harm would be caused to residential amenity

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 No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 7.30am to 6.00pm Monday to Friday and 8am to 1pm on Saturday nor at any time on Sundays, Bank or Public Holidays.

Reason: In order to protect the amenity of occupiers of nearby properties.

3 The premises shall be used for the manufacture of windows and conservatories only and for no other purpose (including any other purpose in Class B2 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The local planning authority wish to control the specific use of the land/premises, in the interests of local amenity.

- 4 The applicant shall submit for the prior written approval of the local planning authority a scheme of noise attenuating measures. The approved scheme shall be implemented before the first use of the development to which it relates commences and shall be retained for the duration of the use. The scheme shall be based on a noise and vibration report from a suitably qualified and experienced consultant who shall specifically refer to the impact of the development on nearby residential properties in terms of both noise and vibration and shall quantify the effects of any proposed mitigation measures.

Reason: To safeguard the amenity of the area.

- 5 The front doors of the building containing the manufacturing workshop shall be kept closed whenever machinery and/or tools are in use.

Reason: To safeguard the amenities of the area.

- 6 Prior to the commencement of the use of the building a plan showing the access parking and turning areas shall be submitted to and approved in writing by the local planning authority. The area shall be retained for the paring and turning of vehicles at all times.

Reason: To prevent indiscriminate parking on the highway safety.

- 7 The car parking spaces shown on the plan detailed by Condition 7 shall be clearly demarcated in a method to be submitted to and agreed in writing by the local planning authority.

Reason: To clarify the parking areas and prevent indiscriminate parking on the highway.

Informatives:

- 1 For the purposes of Condition Nos. 4 and 6, 'Artists' Blacksmith Workshop' is defined as a blacksmith's workshop where sculptures, fine art, ornate gates and railings and other ornate metal items are manufactured. The definition specifically excludes the manufacture of horseshoes and/or the shoeing of horses at the site and general engineering.

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

9 DCCW2004/1004/O - CONSTRUCTION OF A REPLACEMENT PRIMARY SCHOOL INCORPORATING A VILLAGE HALL AND THE PROVISION OF 15 RESIDENTIAL HOUSES AT SCHOOL FIELD OPPOSITE EXISTING PRIMARY SCHOOL, SUTTON ST. NICHOLAS, HEREFORDSHIRE, HR1 3AZ

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

Date Received: 19th March, 2004 Ward: Sutton Walls Grid Ref: 53481, 45738

Expiry Date: 14th May, 2004

Local Member: Councillor J.G.S. Guthrie

1. Site Description and Proposal

- 1.1 The application site consists of 2.74 hectares of land located on the northeastern edge of the village of Sutton St. Nicholas adjoining the C1125 road which bisects the village and forms the site's western boundary. It is directly opposite the existing primary school site and adjoins residential development on its southern and southwestern boundaries. The site's northwestern boundary adjoins existing arable farmland.
- 1.2 This proposal seeks outline planning permission for the erection of a new replacement primary school incorporating a village hall and the provision of 15 new dwellings. With the exception of means of access all other matters are reserved for future consideration which includes siting, design, landscaping and external appearance.
- 1.3 As submitted, 15 dwellings are proposed, 35% (5) of which would be affordable housing to meet local affordable housing needs.

2. Policies

2.1 Planning Policy Guidance:

- PPG1 - General Policy and Principles (1997)
 PPG3 - Housing (2000)
 PPG7 - The Countryside (1997)
 PPG13 - Transport (2002)
 PPG17 - Sport and Recreation
 PPG24 - Planning and Noise (1994)

2.2 Hereford and Worcester County Structure Plan (1993):

- Policy A1 - Development on Agricultural Land

2.3 South Herefordshire District Local Plan (1999):

Policy GD1	-	General Development Criteria
Policy C1	-	Development Within Open Countryside
Policy C11	-	Protection of Best Agricultural Land
Policy SH14	-	Siting and Design of Buildings
Policy SH15	-	Criteria for New Housing Schemes
Policy CF1	-	Retention and Provision of New Community Facilities

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy CF5	-	New Community Facilities
Policy CF8	-	School Proposals
Policy DR13	-	Noise
Policy DR14	-	Lighting
Policy H4	-	Main Villages – Settlement Boundaries
Policy H5	-	Main Villages – Housing Land Allocations
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H16	-	Car Parking
Policy S11	-	Community Facilities and Services
Policy LA3	-	Setting of Settlements
Policy LA5	-	Protection of Trees, Woodland and Hedgerows
Policy LA6	-	Landscaping Schemes
Policy NC1	-	Nature Conservation and Development

3. Planning History

- 3.1 There is no record of any planning applications previously submitted on the application site.

4. Consultation SummaryStatutory Consultations

- 4.1 Welsh Water (revised comments dated the 24th May 2004) - following discussions with the agent we would allow foul water flows from the proposed primary school to connect to the public sewer system. However, in relation to the residential part of the proposed development we understand it is intended to facilitate the foul flows by way of a private treatment plant until improvements have been undertaken in the public sewer system. In light of this information, we would request our previous objection to the proposed primary school are removed and that conditions be attached with advisory notes to any planning permission granted.
- 4.2 Environment Agency - comments awaited.
- 4.3 Sport England (West Midlands) - Sport England would support this application which offers the opportunity to provide new sports facilities for the school and community. The benefits of sport and physical activity to health and the well being are recognised and set out in the planning objectives of Planning Policy Guidance Note 17 Sport and Recreation. Sport England would hope that the uses proposed meet the identified local need and make further comments on the sizes of pitches and suitability of mains services etc.

Internal Council Advice

- 4.4 Head of Engineering and Transportation - it is noted that the redevelopment of the existing school site is proposed and that site has no vehicular access which is considered to be potentially problematic in traffic and highway terms. The proposed site offers many benefits, namely the provision of on-site parking/turning, footways adjacent and a crossing facility for pedestrians, and potentially cyclists. It is considered that adequate visibility can be achieved at the proposed site access junction and consequently there are no "in principle" objections in traffic and highway terms.

Vehicle speeds on the C1125 are high. Consideration will need to be given to the provision of a 20mph zone adjacent to the school. Regarding the proposed site layout, concerns would be expressed on the indicative layout shown and residential access roads will need to meet Herefordshire Council's adoptable standards given the number of units proposed.

- 4.5 Head of Environmental Health and Trading Standards - no objections.

5. Representations

- 5.1 Sutton St. Nicholas Parish Council - we agree broadly with the proposal. We have concerns with the close proximity of new houses to the existing properties and the lack of privacy afforded to each. Car parking - on previous occasions we have indicated that we wish for 50 car parking spaces to be accommodated at the school and new community facilities. Fifteen are indicated, we have made a point on numerous occasions, we would wish for more direct access for minibuses for the elderly to the community hall.
- 5.2 Nine private letters have been submitted on the proposal, some of which object to the development and others which make mixed comments on the scheme. Letters have been received from Mr. & Mrs. M. Lewis, 25 St. Ethelbert's Close, Sutton St. Nicholas; Mrs. Greenhalf, 40 Fieldway, Sutton St. Nicholas; J.A. & S. Smith, Elmstone, Churchway, Sutton St. Nicholas; T.W. Mills, The Willows, Sutton St. Nicholas; Mr. D. & Mrs. M. Parsons, "Glenside", 8 Churchway, Sutton St. Nicholas; M.E. and C.A. Caulfield, 6 Churchway, Sutton St. Nicholas; The Governors of Sutton Community Primary School; J. Icke, 9 Churchway, Sutton St. Nicholas and a second letter from J. Smith, Elmstone, Churchway, Sutton St. Nicholas.

The objections raised can be summarised as follows:

- The development of this greenfield site would be detrimental to the village and adjoining residents.
- Objections are made on the basis of nature conservation and the impact that the proposed development would have on wildlife and ecology.
- Issues of noise and disturbance for adjoining local residents are raised as a concern as is potential for light intrusion to adjoining residents.
- Concerns are raised about pedestrian and general highway safety issues associated with the scheme.

- To use a large productive agricultural field to achieve a significant increase in the builtup area of the village is of concern which will cause light, visual and noise pollution. Concerns are also raised about the potential proximity of new housing to existing dwellings and this should be taken into account by the Local Authority.
- Concerns are raised about drainage issues and the steep sided ditch on the southeastern boundary of the site which frequently floods and fills with deep pools of water. This would be particularly dangerous for children.
- Comments are made about the reduction in child numbers in the village whether this justified the erection of a new school.

5.3 In support of the application, a number of letters comment that there are no objections to the replacement of the primary school, it is accepted that the existing facility is in a poor condition with inadequate access. The Governors of Sutton Community Primary School also state they support the principle of the outline plan for the construction of a replacement primary school incorporating a village hall and provision of 15 new houses.

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 considerations in determining this outline application are the principle of the proposed development and the means of access to the site. It should be noted that the indicative layout suggested is not for consideration at this time but simply identifies the uses which are proposed with the application. A detailed supporting planning statement is also part of the application covering issues of biodiversity, landscape and visual effects and drainage. A full transportation assessment has also been provided with the scheme.
- 6.2 The need for a replacement primary school at Sutton St. Nicholas was an issue raised in the South Herefordshire District Local Plan. Land opposite the existing school has been identified in the emerging Unitary Development Plan for a replacement primary school and community facilities including playing fields. This is also reflected in the Council's own Development Brief for the site dated November 2003.
- 6.3 The site itself comprises of agricultural land currently under arable production and bounded by hedgerows on all sides with narrow grassed headlands alongside the hedgerows. There are a number of mature trees along the southern boundary of the site as well as a ditch delineating the southeastern edge. The land is currently in private ownership. The site is relatively flat in the southwest corner adjacent to (Willows) residential property. To the east of the site the land rises and continues to rise to the northeast toward Sutton Hill and the disused quarry. There are no public rights of way or footpaths crossing or bordering the site on the definitive footpaths map.
- 6.4 Given the site's inclusion in the revised deposit draft of the Unitary Development Plan (May 2004), it is considered that more weight can now be attached to the allocation in the Plan. It should be noted however that following the recent completion of the consultation at revised deposit stage, a small number of objections to the allocation have been submitted. It is understood that this includes one from the existing landowner.

- 6.5 In view of the fact that the site has not been formally adopted through the Development Plan processes one should consider any other material considerations that are also relevant to determining this scheme. It is clear that the existing primary school is extremely constrained with no suitable vehicular access point, substandard accommodation and amenity areas. In this respect the provision of a new facility directly opposite this site will enable significant improvements in the education provision and must carry some weight. Furthermore, the wider benefits of the proposed development for the community of Sutton St. Nicholas including a new village hall and recreation and playing field facilities add further weight and support to this outline application. Officers consider that in light of the significant education and community benefits offered by this scheme that the principle of development is acceptable at this time notwithstanding that formal adoption of the Unitary Development Plan has not been completed.
- 6.6 On the access and transportation issues associated with the scheme, as noted above a full transportation assessment has been submitted at this outline stage. There is no in principle objection to the detail of the transportation assessment which again can offer significant improvements in highway safety to the existing school site. Detailed discussions are however required with regard to parking provision, particularly in light of the Parish Council's comments for both the school building and the community elements and this should be reflected in any application for reserved matters approval at a later date.
- 6.7 The detailed planning statement with the application also covers a number of detailed site-specific ecology, landscape and drainage issues. Conclusions clearly indicate that a number of technical matters will need to be addressed at the reserved matters stage, however there are no issues which would justify refusal on these specific issues.
- 6.8 In conclusion, it is considered the proposal is on balance acceptable subject to the detailed conditions awaited from the Head of Engineering and Transportation.

RECOMMENDATION

Subject to the receipt of detailed highways conditions that Officers named in the Scheme of Delegation to Officers be authorised to grant outline planning permission subject to conditions considered necessary by Officers.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10 DCCE2004/1330/F - CHANGE OF USE TO ALLOW MIXED A1/A3 COFFEE SHOP AT 62 COMMERCIAL STREET, HEREFORD.

For: Starbucks Coffee (UK) Ltd per Pegasus Planning Group, 6-20 Spitalgate Lane, Circencester, Gloucs., GL7 2DE

Date Received: 13th April, 2004

Ward: Central

Grid Ref: 51097, 40042

Expiry Date: 8th June, 2004

Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

- 1.1 The application site is located at 62 Commercial Street and at the time of writing this report it is still occupied by the Cheltenham and Gloucester Building Society, however the current occupier is to move to 59/61 Commercial Street and a change of use of that premises was subject to a separate application approved in April 2003 by the Central Area Planning Sub-Committee. This current application seeks change of use of the existing premises at 62 Commercial Street to a mixed A1/A3 coffee shop use. The premises as currently occupied by the Cheltenham and Gloucester is trading as an A2 (Financial and Professional Services), however with the granting of the relocation of the Cheltenham and Gloucester Building Society, a unilateral undertaking was submitted by Cheltenham and Gloucester Building Society that upon their relocation No. 62 Commercial Street would be used as at ground floor level for A1 (Retail) purposes only.
- 1.2 The application site is extremely prominent and its frontage is within that defined as a primary shopping frontage in the Hereford City Local Plan. It is adjacent to the Grade I listed Old House and has a frontage on both Commercial Street and St. Peters Street.

2. Policies

2.1 Planning Policy Guidance:

- PPG1 - General Policy and Principles
PPG6 - Town Centres and Retail Development

2.2 Hereford Local Plan:

- Policy S1 - Role of the Central Shopping Area
Policy S2 - Retail Development within the Central Shopping Area
Policy S5 - Primary Shopping Frontages
Policy S8 - Window Displays
CON12 - Conservation Areas
CON13 - Conservation Areas – Development Proposals

2.3 Herefordshire Unitary Development (Revised Deposit Draft):

Policy S5	-	Town Centres and Retail
Policy DR5	-	Planning Obligations
Policy TCR1	-	Central Shopping and Commercial Areas
Policy TCR2	-	Vitality and Viability
Policy TCR3	-	Primary Shopping Frontages
Policy TCR6	-	Non-retail Uses
Policy HBA6	-	New Development within Conservation Areas

3. Planning History

- 3.1 H/P/26569 Change of use of first floor flat into building society offices. Refused. 1984 appeal dismissed 18th February 1985.
- 3.2 H/26570/LB Internal alterations with first floor flat to form office accommodation. Listed Building Consent refused 1984. Appeal dismissed 18th February 1985.
- 3.3 CE2001/1085/F Change of use of first floor to office use ancillary to ground floor building society office. Refused June 2001.

4. Consultation Summary

Statutory Consultations

- 4.1 English Heritage - no objections.

Internal Council Advice

- 4.2 Head of Engineering and Transportation - has no objections to the proposed change of use, however if seating is to be proposed on the public highway in future as a consequence of the use then a licence will be required from Herefordshire Council, the footway adjacent to the building shall be kept clear at all times to ensure pedestrian flows along the street and building frontage.
- 4.3 Head of Conservation - no objections to the change of use, but the position of any external seating must be fully considered together with its impact on the Grade I listed Old House.

5. Representations

- 5.1 Hereford City Council - fully supports the application.
- 5.2 There are no third party representations.

6. Officers Appraisal

- 6.1 The main issues for the consideration of this proposal are
- The extent of permitted non-retail representation in the frontage concerned, the prominence of the premises within the street scene, the impact of the proposal on

the city centre vitality and viability, the need to avoid the introduction of a dead frontage, the provision made for servicing.

- 6.2 The premises currently occupied by the Cheltenham and Gloucester is located in an extremely prominent corner position of St. Peters Street and Commercial Street directly opposite the Grade I listed Old House. As part of the Cheltenham and Gloucester's relocation a Planning Obligation was entered into by Cheltenham and Gloucester Building Society stating that the premises subject of this application would be used for only A1 retail use. Clearly the use of the premises for A1 retail use is fully in accordance with the Local Plan policy for the primary frontages, however in considering appropriate uses for primary frontages, issues such as footfall and vitality and viability must also be considered and this was a major factor in the planning appeal when William Hill Bookmakers was granted permission by the Secretary of State in St. Peters Street.
- 6.3 The character and retail offer in urban town centres has changed over the years and retailers/operators such as Starbucks Coffee Shops are now common place in the fabric of our cities. Clearly the proposed use which in this case is a mixed A1/A3 use does not fully accord with the retail policy for a primary shopping frontage and therefore other factors in relation to the use must be considered. The applicant's agent has provided footfall information comparing a Starbucks Coffee Shop to other uses which are commonly located in city centres.
- 6.4 From the information submitted its attraction and associated pedestrian movements in the city centre is not dissimilar to and is indeed higher than many other uses. The use of the premises would not have a traditional retail appearance but due to the large shop windows and its corner position, activity would clearly be visible from Commercial Street and St. Peters Street and would appear as a vibrant unit on the retail frontage. Having regard to these characteristics, the use would be one that offers an attractive and interesting visual appeal.
- 6.5 Having regard to the appropriateness of the use, another material consideration is the availability of other premises on the primary frontages for retail purposes that are currently unoccupied. Within close proximity to the site, there are a number of units which have been vacant for some time which have a negative impact on the locality. Therefore having regard to these issues, it is considered that the provision of the use proposed would not have a detrimental impact on the general appearance of this part of Hereford City and in your Officers opinion would enhance the town centre.
- 6.6 Lastly, in respect of the provision made for servicing, like most properties in Commercial Street and St. Peters Street, the site would need to be serviced from the highway as there are no other servicing provisions. Again, this issue is no different to that which is currently the situation for the majority of units in this locality.
- 6.7 Through the use of necessary conditions ensuring that the premises are used for the purpose applied for and no other use within Class A3, the scheme is considered to be acceptable in planning and land use terms having regard to the adopted policies of the Local Planning Authority and other material considerations. Due to the provision of the Planning Obligation under Section 106 of the Town and Country Planning Act, an application to discharge the current Planning Obligation will need to be made to this Authority prior to the issue of planning permission in respect of the proposed use.

RECOMMENDATION

Upon the submission and granting of an application for the discharge of the Planning Obligation affecting the site, Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to conditions.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.