

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 20th October, 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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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 27th September, 2004.	
4. ITEM FOR INFORMATION - APPEALS	19 - 20
To note the Council's current position in respect of planning appeals for the central area of Herefordshire.	
5. TREE PRESERVATION ORDER 507 AT UN-ADOPTED OPEN SPACE TO THE REAR OF DORCHESTER WAY, BELMONT	21 - 22
To consider the representations made in relation to a Tree Preservation Order.	

Ward: **Belmont**

REPORTS BY THE HEAD OF PLANNING SERVICES

To consider and take any appropriate action in respect of the planning applications received for the central area of Herefordshire 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 6 was deferred for a site visit at the last meeting and items 7 and 8 are new applications.

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|---|----------------|
| <p>6. DCCW2004/1978/F - ADJACENT TO BRECKLANDS, MARDEN, HEREFORDSHIRE, HR1 3EW</p> <p>Proposed four bedroom dwelling and garage.</p> <p>Ward: Sutton Walls</p> | <p>23 - 26</p> |
| <p>7. DCCE2004/3188/F - 18 HAROLD STREET, HEREFORD, HR1 2QU</p> <p>Two storey side extension.</p> <p>Ward: Tupsley</p> | <p>27 - 30</p> |
| <p>8. DCCW2004/2345/O - 79-83 WIDEMARSH STREET, HEREFORD, HR4 9EU</p> <p>Demolition of existing buildings and construction of mixed use development comprising commercial offices or shops and 17 one bed flats.</p> <p>Ward: Central</p> | <p>31 - 36</p> |
| <p>9. DATE OF NEXT MEETING</p> <p>The next scheduled meeting is Wednesday 17th November, 2004.</p> | |

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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 Monday, 27th September, 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, P.J. Edwards, G.V. Hyde, R.I. Matthews, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell, Mrs. S.J. Robertson, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox and R.M. Wilson

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

41. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, J.C. Mayson, Miss F. Short and A.L. Williams.

42. DECLARATIONS OF INTEREST

No declarations of interest were made.

43. MINUTES

RESOLVED:

That the Minutes of the meeting held on 25th August, 2004 be approved as a correct record and signed by the Chairman.

44. DCCE2004/2658/F - 6 ST. PAUL ROAD, HEREFORD, HR1 1SR (AGENDA ITEM 4)

Demolish and rebuild existing garage and add first floor extension.

The Local Ward Members spoke in support of the appraisal by Officers.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

Reason: To ensure adherence to the approved plans in the interests of a

satisfactory form of development.

3. B02 (Matching external materials (extension)).

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

4. E17 (No windows in side elevation of extension).

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

Informative:

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

45. DCCW2004/1978/F - ADJACENT TO BRECKLANDS, MARDEN, HEREFORDSHIRE, HR1 3EW (AGENDA ITEM 5)

Proposed four bedroom dwelling and garage.

Councillor D.B. Wilcox outlined the views of the Local Ward Member to the Sub-Committee. It was noted that the Local Ward Member felt that scheme could be interpreted as over-intensive backland development and the concerns of Marden Parish Council regarding access issues were also considered significant.

The Central Team Leader advised that the site was within the settlement boundary for Marden, that the site could accommodate a dwelling of the size proposed, that direct overlooking should not be an issue having regarding to the distances involved, and the Transportation Unit had raised no objections.

A number of Members felt that, given the concerns outlined on behalf of the Local Ward Member, a site visit should be undertaken as the setting and surroundings were fundamental to the determination or to the conditions being considered.

RESOLVED

That consideration of planning application DCCW2004/1978/F be deferred for a site visit.

46. (A) DCCW2004/1762/F AND (B) DCCW2004/1763/L - PIGEONHOUSE BUILDINGS, BREINTON, HEREFORD (AGENDA ITEM 6)

(A) Conversion to one dwelling with annexe, garaging and storage buildings.

(B) Conversion of listed barn to one dwelling, conversion of curtilage granary / stable to annexe and restoration of small curtilage buildings to garaging and storage.

The Local Ward Member spoke in support of the appraisal by Officers.

RESOLVED:

In respect of DCCW2004/1762/F:

That planning permission be granted subject to the following conditions:

1. **A01 (Time limit for commencement (full permission)).**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. **B01 (Samples of external materials).**
Reason: To ensure that the materials harmonise with the surroundings.
3. **B05 (Alterations made good).**
Reason: To maintain the appearance of the building.
4. **Notwithstanding the approved drawings, details of the following shall be submitted to and approved by the local planning authority prior to the commencement of any works. The development shall be carried out in accordance with the approved details:-**
 - (a) Full schedule of repairs to be submitted to and approved in writing.
 - (b) Full details of the internal treatment of walls.
 - (c) Full details of the method of insulation.
 - (d) Full joinery details and finishes.
 - (e) Full joinery details of the new stairs and gallery.
 - (f) Finishes to flues.**Reason: To safeguard the character and appearance of this building of special architectural or historical interest.**
5. **G01 (Details of boundary treatments).**
Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
6. **G04 (Landscaping scheme (general)).**
Reason: In order to protect the visual amenities of the area.
7. **G05 (Implementation of landscaping scheme (general)).**
Reason: In order to protect the visual amenities of the area.
8. **G10 (Retention of trees).**
Reason: In order to preserve the character and amenities of the area.
9. **G11 (Retention of hedgerows (where not covered by Hedgerow Regulations)).**
Reason: To ensure that the application site is properly landscaped in the interests of the visual amenity of the area.
10. **E09 (No conversion of garage to habitable accommodation).**
Reason: To ensure adequate off street parking arrangements remain available at all times.

11. E16 (Removal of permitted development rights).

Reason: To preserve the character and appearance of this conversion scheme.

12. E29 (Occupation ancillary to existing dwelling only (granny annexes)).

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

13. F18 (Scheme of foul drainage disposal).

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

14. G39 (Nature Conservation - site protection).

Reason: To ensure that the nature conservation interest of the site is protected.

15. H01 (Single access - not footway).

Reason: In the interests of highway safety.

16. H05 (Access gates).

Reason: In the interests of highway safety.

17. H12 (Parking and turning - single house).

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

Informatives:

- 1. HN01 - Mud on highway.**
- 2. HN04 - Private apparatus within highway.**
- 3. HN05 - Works within the highway.**
- 4. HN10 - No drainage to discharge to highway.**
- 5. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

In respect of DCCW2004/1763/L:

That Listed Building Consent be granted subject to the following conditions:

1. CO1 – Time limit for commencement (Listed Building Consent).

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

2. B01 (Samples of external materials).

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

3. B05 (Alterations made good).

Reason: To maintain the appearance of the building.

4. Notwithstanding the approved drawings, details of the following shall be submitted to and approved by the local planning authority prior to the commencement of any works. The development shall be carried out in accordance with the approved details:-

- (a) Full schedule of repairs to be submitted to and approved in writing.**
- (b) Full details of the internal treatment of walls.**
- (c) Full details of the method of insulation.**
- (d) Full joinery details and finishes.**
- (e) Full joinery details of the new stairs and gallery.**
- (f) Finishes to flues.**

Reason: To safeguard the character and appearance of this building of special architectural or historical interest.

5. G01 (Details of boundary treatments).

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

Informative:

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

47. DCCW2004/2667/F - BEWELL STREET CAR PARK, BEWELL STREET, HEREFORD (AGENDA ITEM 7)

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

The Central Team Leader reported the receipt of 7 additional letters of support, a number of which were from city centre retailers.

The Sub-Committee was advised that, in response to the reasons for refusal in respect of planning application DCCW2004/0950/F (Minute 17 2004-05 refers), this revised scheme lowered the height of the building and made minor changes to fenestration.

The Chairman, speaking in his capacity as Local Ward Member, felt that the development would make a positive design contribution to the city centre and noted that the indicative illustrations of the proposal had been significantly enhanced. A number of Members spoke in support of the application.

Some Members felt it regrettable that an access to Hereford Bowling Club would be lost. Whilst this was not an issue that the planning process could resolve, it was noted that Officers would give every possible assistance to the Club in identifying alternative potential access arrangements.

Councillor D.B. Wilcox expressed concerns about the lack of parking. The view was expressed that car free developments were impractical in Herefordshire given the lack of public transport infrastructure and the rural nature of the County. Councillor

Wilcox proposed that a condition, recommended by the Head of Engineering and Transportation, to prevent car parking on site be removed.

In response to Members' concerns, the Senior Engineer advised that a car free development was considered acceptable having regard to all the services and amenities which were available locally. He added that this type of city centre living represented a life-style choice by residents and there was an opportunity to obtain a parking permit for a local car park. Some Members felt that parking should be provided on site where possible and that car parks should cater for commercial and tourism traffic rather than parking for residential developments. The Central Team Leader reminded the Sub-Committee that it had to consider the application before them and that this scheme contained no provision for parking.

In order to promote alternative modes of transport, Councillor P.J. Edwards proposed that the developer be required to provide bikes for all the residential units. The Central Team Leader advised that a Section 106 Agreement would be required to secure this. Councillor W.J.S. Thomas considered that bike parking was all that could be reasonably required and that it was not necessary to ask the developer to provide the bikes.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2. B01 (Samples of external materials).

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

3. C02 (Approval of details).

Reason: To safeguard the character and appearance of this building of special architectural interest.

4. D01 (Site investigation - archaeology).

Reason: To ensure the archaeological interest of the site is recorded.

5. D04 (Submission of foundation design).

Reason: The development affects a site on which archaeologically significant remains survive. A design solution is sought to minimise archaeological disturbance through a sympathetic foundation design.

6. E06 (Restriction on Use).

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

7. F15 (Scheme of noise insulation).

Reason: To safeguard the amenity of the area.

8. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

9. F18 (Scheme of foul drainage disposal).

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

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

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

11. F38 (Details of flues or extractors).

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

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

Reason: To safeguard residential amenity and prevent pollution.

13. G13 (Landscape design proposals).

Reason: In the interests of visual amenity.

14. H27 (Parking for site operatives).

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

15. H29 (Secure cycle parking provision).

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

Informatives:

1. HN22 - Works adjoining highway.
2. N03 - Adjoining property rights.
3. N04 - Rights of way.
4. N08 – Advertisements.
5. N12 - Shopfront security.
6. N15 - Reasons for the Grant of PP/LBC/CAC.

48. DCCW2004/1429/F - BARTON YARD, REAR OF J. SAINSBURY PLC, HEREFORD, HR4 0AG (AGENDA ITEM 8)

Construction of 22 dwellings comprising 13 houses and 9 flats.

The Central Team Leader advised that a Section 106 Agreement would be required to secure the provision of a play area and for affordable housing for local housing needs.

In response to questions, the Central Team Leader explained the design, siting and layout of the scheme and commented on the valuable contribution that the development would make to affordable housing provision in the City.

A number of Members welcomed the imaginative design approach and spoke in support of the application.

Some Members felt that the development should not increase risks for users of Great Western Way and that measures to improve safety and lighting should be considered. It was also felt that measures to ameliorate noise and disturbance from the Sainsbury's Supermarket should be fully explored.

In response to a question, the Central Team Leader noted the concerns of Hereford Civic Society and the Conservation Area Advisory Committee but felt that the architectural style of the scheme was acceptable having regard to the restraints caused by the particular layout of this site.

A suggestion was made that there should be a safe access between the site and Sainsbury's Supermarket.

A number of Members commented on the importance of protecting the integrity and potential future development of the Great Western Way. The Central Team Leader advised that, whilst a refusal reason based on potential future development was unlikely to be sustained on appeal, Officers would look at the position of buildings carefully and would try to locate them further away from the Great Western Way if possible.

RESOLVED:

Delegated Authority to Officers to consider the siting and layout issues raised by Members. On the satisfactory resolution of these issues :-

1) **The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town & Country Planning Act 1990 to ensure the approved housing remains affordable as set out in Government Circular 06/98 and a financial contribution of £9406.00 is received to provide 10 years maintenance for the toddler play facilities;**

2) **Upon completion of the planning obligation, Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:**

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

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

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

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

3. Prior to the commencement of development, architectural details of the proposed balconies including a sample of the proposed finish shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure a satisfactory form of development.

4. C11 (Specification of guttering and downpipes).

Reason: To safeguard the character and appearance of the Conservation Area.

5. E16 (Removal of permitted development rights).

Reason: Having regard to the design of the development approved and to ensure the character and appearance of the Conservation Area is preserved or enhanced.

6. F13 (Scheme to protect new dwellings from road noise).

Reason: To protect the residential amenities of the future occupiers of the properties.

7. F18 (Scheme of foul drainage disposal).

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

8. F27 (Interception of surface water run off).

Reason: To prevent pollution of the water environment.

9. G01 (Details of boundary treatments).

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

10. G04 (Landscaping scheme (general)).

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

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

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

12. G31 (Details of play equipment).

Reason: To ensure the play area is suitably equipped.

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

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

14. H29 (Secure cycle parking provision).

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

Informatives:

1. **HN02 - Public rights of way affected.**
2. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

49. DCCE2004/2003/F - LAND ADJACENT TO MORTIMER ROAD AND BURCOTT ROAD, HEREFORD (AGENDA ITEM 9)

Storage compounds (7) together with perimeter fence.

The Principal Planning Officer recommended an additional condition to restrict the types of material that could be stored on the site.

In accordance with the criteria for public speaking, Mr. Pritchard had registered to speak in support of this application but decided not to take the opportunity to address the Sub-Committee.

The Principal Planning Officer noted that a significant consideration was that the development should not compromise the redevelopment of the Herefordshire and Gloucestershire Canal. Given that the Canal Trust could not provide a timescale for the redevelopment, it was felt that a two-year temporary permission for the proposed use would be an acceptable form of development. The Local Ward Members concurred with the appraisal by Officers.

A number of Members felt that there should be safeguards to prevent the storage of any potentially hazardous materials on site. The Principal Planning Officer advised that this concern could be addressed through conditions on any planning permission granted.

In response to questions, the Central Team Leader and the Legal Practice Manager explained how temporary permission would operate and the options available to the Council should there be any breach of conditions.

RESOLVED

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

1 E21 (Temporary permission and reinstatement of land)

Reason: The site lies on the route of the Herefordshire and Gloucestershire Canal where Policy R15 of the Hereford Local Plan resists permanent development that would prevent restoration.

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 G01 (Details of boundary treatments)

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

4 F43 (Restriction on height of open air storage)

Reason: To protect the appearance of the locality.

5 E06 (Restriction on Use)

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

6 No permanent structures shall be erected within or around the site other than those specified in this permission or conditions attached to this permission.

Reason: The site lies on the route of the Herefordshire and Gloucestershire Canal where Policy R15 of the Hereford Local Plan resists permanent development that would prevent restoration.

7. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

8. There shall be no storage of oils/fuels/chemicals or hazardous substances on the site without the prior written consent of the local planning authority.

Reason: To protect the site form pollution and to define the term so this permission

INFORMATIVES:

- 1. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 2. It is brought to the attention of the applicant that this permission does not give consent for the sale of motor vehicles from the site.**
- 3. You are advised in respect of Condition 8 that separate written consent may be required from the Environment Agency for the storage of oils/fuels, chemicals or hazardous substances.**

50. DCCE2004/2601/F - HOLMER TRADE PARK, HOLMER ROAD, HEREFORD (AGENDA ITEM 10)

Erection of 1890 square metres of new build commercial/industrial units and refurbishment of existing B1/B8 units. Demolition of flat roof extension.

The Local Ward Members noted the importance of the conditions proposed.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2 A07 (Development in accordance with approved plans)

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

3 B01 (Samples of external materials)

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

4 E06 (Restriction on Use)

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

5 The use hereby permitted shall not be open to customers between the hours of 11.00 p.m. and 7.00 a.m. daily.

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

6 There shall be no open air operation of plant, machinery or equipment within the application site between the hours of 7.30 a.m. and 9.30 p.m. daily following occupation of the building.

Reason: To protect the amenities of nearby properties.

7 Details of any floodlighting and/or external lighting shall be submitted to and approved in writing by the local planning authority before the building is occupied. 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.

8 H08 (Access closure)

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

- 9 F38 (Details of flues or extractors)
Reason: In the interests of the amenity of the area.
- 10 F39 (Scheme of refuse storage)
Reason: In the interests of amenity.
- 11 F40 (No burning of material/substances)
Reason: To safeguard residential amenity and prevent pollution.
- 12 F42 (Restriction of open storage)
Reason: To protect the appearance of the locality.
- 13 F48 (Details of slab levels)
Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.
- 14 G01 (Details of boundary treatments)
Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
- 15 G04 (Landscaping scheme (general))
Reason: In order to protect the visual amenities of the area.
- 16 G05 (Implementation of landscaping scheme (general))
Reason: In order to protect the visual amenities of the area.
- 17 H15 (Turning and parking: change of use - commercial)
Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.
- 18 H21 (Wheel washing)
Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.
- 19 H26 (Access location)
Reason: In the interests of highway safety.
- 20 H27 (Parking for site operatives)
Reason: To prevent indiscriminate parking in the interests of highway safety.
- 21 H29 (Secure cycle parking provision)
Reason: To ensure that there is adequate provision for secure cycle

accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

INFORMATIVES:

- 1 N01 - Access for all
 - 2 N04 - Rights of way
 - 3 N08 - Advertisements
 - 4 N13 - Control of demolition - Building Act 1984
 - 5 HN01 - Mud on highway
 - 6 HN05 - Works within the highway
 - 7 HN07 - Section 278 Agreement
 - 8 HN15 - Affected street lighting or illuminated signs
 - 9 N15 - Reason(s) for the Grant of PP/LBC/CAC
51. DCCE2004/1930/F - LAND ADJACENT TO 68 ST. GUTHLAC STREET, HEREFORD, HR1 2EX (AGENDA ITEM 11)

Proposed house.

The Chairman, speaking in his capacity as the Local Ward Member, expressed concern about the potential impact of this proposal on the character of the street scene but noted that there were no substantial planning reasons to justify refusal of this application.

The Central Team Leader noted that an application had been refused on this site in May, 2004 and he explained how this revised design addressed the previous reason for refusal.

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. D01 (Site investigation - archaeology).
Reason: To ensure the archaeological interest of the site is recorded.
4. E16 (Removal of permitted development rights).

Reason: Having regard to the size and scale of the development and to ensure the local planning authority retain control over any further extension and alterations.

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

Reason: To protect the amenity of local residents.

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

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

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

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

- 8. 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.

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

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

Informatives:

- 1. N01 - Access for all.**

- 2. N04 - Rights of way.**

- 3. N05 - Council ownership.**

- 4. The applicant's attention is drawn to the site's location within the defined Hereford Area of Archaeological Importance. You are strongly advised to contact the County Archaeology Service to discuss the archaeological condition of this planning permission.**

- 5. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

- 52. DCCE2004/2455/F - CWM CRAIG FARM, LITTLE DEWCHURCH, HEREFORD, HR2 6PS (AGENDA ITEM 12)**

Demolition and rebuilding of a stone barn to incorporate a two bedroom bungalow for the use of a disabled person.

The Central Team Leader advised that, for clarity, the recommendation as detailed in the report should be divided into two separate reasons for refusal as the proposal would be contrary to South Herefordshire District Local Plan policies SH11 (Housing in the Countryside) and GD1 (General Development Criteria).

In accordance with the criteria for public speaking, Mr. Cook spoke on behalf of Little Dewchurch Parish Council and Mrs. Francis spoke in support of the application.

Councillor W.J.S. Thomas, the Local Ward Member, disagreed with the appraisal by officers and felt that planning permission should be granted. He felt that weight should be given to a number of considerations, these included: the applicants' health problems and the potential for this proposal to assist in their quality of life; the importance of farm diversification and how the bed and breakfast business ensured the viability of this farm; the view that the proposed bungalow would not have a significantly greater impact than that of the store building that it would replace; and the scattered nature of settlements in this part of the County meant that many were outside village envelopes.

The Central Team Leader stressed that Officers remained very sympathetic to the personal circumstances of the applicants but, nevertheless, had to ensure that proposals complied with established and adopted planning policy. He advised that the proposal did not represent a conversion and had to be considered as a stand-alone new build. In this respect, the principle of a new dwelling in this location was contrary to both national and local planning policy which sought to protect areas of open countryside. Despite the offer of a unilateral undertaking to ensure that the building would be tied to the farmhouse and not sold separately, the material reasons put forward with the application did not outweigh the fundamental policy objections.

A number of Members spoke in support of the application and commented on the need for flexibility and awareness when considering such applications; some felt that the development plan should take local need into account in respect of small developments.

In response to questions by Members, the Central Team Leader advised that the application did not fully demonstrate why alternatives, such as conversion of the ground floor or extension to the farmhouse or conversion of a suitable building elsewhere, would not provide the type of accommodation required.

Councillor Thomas felt that the internal alterations to the farmhouse would not be suitable given the nature of the building and the need to retain the bed and breakfast facility, that a stair-lift would not resolve the situation given the personal circumstances of the applicants, that an extension would be detrimental to the character of the farmhouse and the conversion of another building further away would not provide the level of care required. He believed this scheme to be the best option and that it should be supported.

The Chief Development Control Officer re-iterated that the scheme represented new build in open countryside and the reasons put forward did not carry sufficient weight to set aside the adopted policies in this case.

A number of Members felt that the exceptional circumstances of the applicants, the offer of a unilateral undertaking to restrict use and other reasons outlined in the application justified approval in this instance.

RESOLVED

That

- (i) The Central Area Planning Sub-Committee is minded to approve the application, subject to the conditions 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:**

- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee the Officers named in the Scheme of Delegation to Officers be instructed to approve the application, subject to such conditions referred to above.**

(Note: The Chief Development Control Officer advised that, as the Central Area Planning Sub-Committee was minded to make a decision which was contrary to the Officer recommendation and which placed crucial policy issues at stake, he would refer the application to the Head of Planning Services.)

53. DATE OF THE NEXT MEETING

It was noted that the next scheduled meeting was Wednesday 20th October, 2004.

The meeting ended at 3.22 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED**

None.

APPEALS DETERMINED**Application No. DCCE2003/3495/F**

- The appeal was received on 17th March, 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 Mrs. Charmer.
- The site is located at 47 Hoarwithy Road, Hereford, Herefordshire, HR2 6HB.
- The application, dated 20th November, 2003, was refused on 31st December, 2003.
- The development proposed was Proposed new driveway and access.
- The main issue is the effect of the proposal on the street scene in Hoarwithy Road and on the character and appearance of the surrounding area.

Decision: The appeal was UPHELD on 22nd September, 2004 subject to conditions relating to time commencement period, details of design and construction and access.

Case Officer: Dave Dugdale on 01432 261957

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

5 TREE PRESERVATION ORDER 507 AT UN-ADOPTED OPEN SPACE TO THE REAR OF DORCHESTER WAY, BELMONT

Report By: Head of Planning Services

Wards Affected

Belmont Ward

1 Purpose

- 1.1 To consider the representations made in relation to a Tree Preservation Order on oak trees to the rear of Dorchester Way, Belmont, Hereford, and to determine whether to confirm the Order.

2 Order Description and Details

- 2.1 County of Herefordshire Tree Preservation Order 507 (Un-adopted Open Space to the rear of Dorchester Way, Belmont, Herefordshire) concerns one individual oak tree (T1) and a group of four oak trees (G1). The trees are situated along the northern boundary of open space awaiting adoption by Herefordshire Council on the south side and to the rear of properties along Dorchester Way, Belmont. The trees within the order were shown as retained within the most recent planning application for the site as a whole.

3 Policies

- 3.1 South Herefordshire District Local Plan trees and management Policy C.17 states: -
 "PARTICULARLY WITHIN SETTLEMENTS AND WHERE PROPOSALS FOR DEVELOPMENT ARE ADVANCED, THE COUNCIL WILL SUPPORT THE INCREASE AND PROTECTION OF THE STOCK OF TREES IN THE PLAN AREA IN THE INTERESTS OF AMENITY BY:
 (i) CONTINUING TO SERVE TREE PRESERVATION ORDERS, IN APPROPRIATE CIRCUMSTANCES, WHERE THERE IS A DANGER TO THE AMENITY OF THE AREA BY THE LOSS OF TREES:
 (ii)"

4 Representations

- 4.1 The TPO was placed on the trees following representations made by Belmont Rural Parish Council.
- 4.2 A letter of support for the TPO has been received from C. Bird of 105 Dorchester Way.
- 4.3 One letter of objection has been received, from Mr. and Mrs. R. Harris of 103 Dorchester Way who have the group of oak trees sited a few metres from their southern boundary. The objection is on the grounds that one of the trees is double trunked and they consider this is possibly unsafe and sways badly in bad weather moving 6-8 ft. The objector indicates *"I have had two Tree surgeons have a look at*

the trees to give me their opinion on whether they are safe or not. Obviously they could only give an opinion as I believe they are not insured to give me a written report but basically they have both informed me that there is a possible crack appearing in the base of one of the trunks with possible decay". There was no objection to the protection of the remaining trees within the group or the individual oak tree.

5 Officer Appraisal

- 5.1 Although no representations question the amenity value of the trees, Members are advised that they were assessed using the tree evaluation rating being utilised by the Council. The individual oak tree scored 20 points and the group of oaks scored 19. The benchmark rating for making a TPO is 15, and the individual tree and group of trees scored well in most categories on the rating form.
- 5.2 Following receipt of the representations, Herefordshire Council's Arboricultural advisers visited the trees once again and they agree that the tree, whose health is questioned, is in good to fair condition and is not of questionable structural stability. With regard to the alleged cracking none was visible to your officers who tested the tree for soundness and structural weaknesses. None were apparent on the day of inspection.
- 5.3 Trees that have low branch unions sometimes crack between the two stems as a result of excessive wind loading that forces the two stems apart. Trees that have the twin stems very close to each other in a 'V' shape can compress and trap bark between the stems creating a potential weak spot. Defective trees such as these are at greater risk of breaking in extreme weather conditions, compared to trees that have a more open 'U' shaped union.
- 5.3 The tree in question has a strong 'U' shaped union rather than a tight 'V' shaped union. No other characteristics that might indicate a possible defect were noted. Thinning the tree by 10-15% would reduce the trees sail area to prevailing wind and thus the risk of future problems/concerns. Permission for such works carried out to the appropriate British Standard would not be withheld should an application be made.

RECOMMENDATION

THAT:

- (a) Tree Preservation Order no. 507 be confirmed without modification.**

6 DCCW2004/1978/F - PROPOSED FOUR BEDROOM DWELLING AND GARAGE ADJACENT TO BRECKLANDS, MARDEN, HEREFORDSHIRE, HR1 3EW

For: Mr. & Mrs. R. Downey per Country Homes, The Mill House, Marsh Farm, Cross Keys, Withington, HR1 3NN

Date Received: 28th May, 2004

Ward: Sutton Walls

Grid Ref: 52664, 47795

Expiry Date: 23rd July, 2004

Local Member: Councillor J.G.S. Guthrie

This application was deferred at the meeting of the Central Area Planning Sub-Committee on the 27th September, 2004 in order that Members could undertake a site visit, held on 4th October, 2004.

1. Site Description and Proposal

- 1.1 This full planning application seeks planning permission for the erection of a four bedroom dwelling with integral double garage, on land immediately to the north of the property known as "Brecklands". The site measures approximately 20 metres by 50 metres and is bounded to the west by Rudge Close and to the east by the established residential cul-de-sac, Springfield Close. The site falls within the defined Marden settlement boundary.
- 1.2 Proposed vehicular access is via a driveway shared with Brecklands and taken from the C1124 which runs west to east through the village.

2. Policies

2.1 Planning Policy Guidance:

PPG3	-	Housing
PPG13	-	Transport

2.2 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy C2	-	Settlement Boundaries
Policy C43	-	Foul Sewerage
Policy SH6	-	Housing Development in Larger Villages
Policy SH14	-	Siting and Design of Buildings

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR4	-	Environment
Policy H4	-	Main Villages – Settlement Boundaries

Policy H13 - Sustainable Residential Design

3. Planning History

- 3.1 DCCW2001/0449/F Four bedroom domestic dwelling and garage (Brecklands).
Approved with conditions 19th April 2001.

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory consultations were necessary.

Internal Council Advice

- 4.2 Head of Engineering and Transportation - no objections.

5. Representations

- 5.1 Marden Parish Council - "Marden Parish Council is opposed to this application on the grounds that the access to the site is too narrow to support vehicular access for two dwellings, both of which have double garages. The access onto the main road is also too narrow for safety."
- 5.2 Two letters of representation have been received from Mrs. S. Mumby, Brenick, High Close, Bovey Tracey, Devon, TQ13 9EX and Miss S. Smith, 18 Rudge Close, Marden, HR1 3HD.

The objections to the proposed development can be summarised as follows:

- The development would adversely affect the privacy currently enjoyed by adjacent properties.
 - The proposed access is dangerous and an intensification should be avoided.
 - The presence of the dwelling and associated private cars will create unacceptable noise levels.
- 5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The key issues for consideration in determining this application are the principle of the proposed development, the siting, design and layout of the site and any access and transportation issues associated with the scheme.
- 6.2 The site lies within the settlement boundary for Marden in both the adopted South Herefordshire District Local Plan and the emerging Unitary Development Plan. Policy SH8 allows new housing within the settlement boundaries subject to the development being of a size, scale and character in keeping with the settlement and meeting highway safety standards/requirements. Whilst on plan the application site represents a backland location, it can clearly accommodate a dwelling of the size and scale of

which is proposed without being detrimental to adjoining properties. Access is proposed by using the shared driveway to the recently constructed "Brecklands" and the application site originally formed the curtilage indicated for that property when permission was granted in 2001. Having regard to the site specific characteristics, it is not considered that an objection in principle to a new dwelling could be sustained in this instance.

- 6.3 The proposed design, siting and scale are similar to that of the adjoining dwelling and has a one and a half storey design. Given the size of the plot, it is considered that the siting, design and scale are acceptable and that the proposed unit would sit comfortably alongside "Brecklands" without giving an overdeveloped or cramped appearance to the site.
- 6.4 Issues of potential overlooking have been carefully considered, however first floor windows will not create direct overlooking having regard to the distances involved and the existing boundary screening.
- 6.5 With regard to access and transportation issues, both the Parish Council and letters of objection have raised this as a strong concern on this proposal. Presently access is obtained to "Brecklands" on a relatively narrow (4.5 metres width) access drive surfaced with loose stone chippings. Careful consideration has been given to both the access width, visibility at the junction and the potential level of disturbance through a more intensive use of the driveway to local residents on either side of the access. The Transportation Unit raise no objections and it is considered difficult to sustain an argument that the traffic generated by two properties would be sufficiently detrimental to warrant refusal having regard to the existing use of the driveway. A condition to ensure the existing loose stone chippings are not dragged onto the adjoining carriageway is suggested should Members be minded to approve the scheme.
- 6.6 After careful consideration the proposed scheme represents a development in accordance with the existing and emerging Development Plan policies and would not be detrimental to the amenity of adjoining residential properties. 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. G01 (Details of boundary treatments).**

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

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

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

- 5. G05 (Implementation of landscaping scheme (general)).

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

- 6. 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.

Informative:

- 1. N15 - Reasons for the Grant of PP.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 DCCE2004/3188/F - TWO STOREY SIDE EXTENSION AT 18 HAROLD STREET, HEREFORD, HR1 2QU

For: Mr. & Mrs. French per Mr. A. Venables, 7 Emlyn Avenue, Whitecross, Hereford

Date Received: 19th August 2004

Ward: Tupsley

Grid Ref: 51611, 39398

Expiry Date: 14th October 2004

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

1. Site Description and Proposal

- 1.1 The site is located to the south side of Harold Street and situated within the established residential area of Bartonsham. It is a semi-detached property with a single storey extension to the east elevation. Access and parking is provided within the large grounds to the front of the property. To the rear is a relatively small garden and neighbouring properties. The eastern side of the property provides an access road serving the rear properties and the TA Centre.
- 1.2 A previous application was received on the 2nd June 2004 for a two storey extension, was refused under the Scheme of Delegation to Officers by virtue of its scale and design and overbearing impact upon the neighbouring property.
- 1.3 This application seeks planning permission to alter the existing 'L' shaped single storey extension from 2.5 metres to 3.5 metres. The total measurement would be 5.7 metres x 3.5 metres. The first floor extension accommodates a further bedroom/ensuite measuring 4 metres x 3.5 metres.

2. Policies

2.1 Hereford Local Plan:

Policy ENV14	-	Design
Policy H12	-	Established Residential Areas – Character and Amenity
Policy H14	-	Established Residential Areas – Site Factors
Policy H16	-	Alterations and Extensions

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S2	-	Development Proposals
Policy H18	-	Alterations and Extensions
Policy DR1	-	Design

3. Planning History

- 3.1 DCCE2004/2016/F Proposed two storey extension. Refused 22nd July 2004.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency - no comment.

Internal Council Advice

4.2 Head of Engineering and Transportation - no objection.

5. Representations

5.1 Hereford City Council - observations awaited.

5.2 One letter of objection has been received from Carver Jones, Solicitors acting on behalf of Mrs. Wemyss of 20 Harold Street. The concerns raised can be summarised as follows:-

- The visibility from windows will be substantially diminished as will light to both her property and gardens.
- The proposal will inevitably diminish the value of our client's property.

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 the determination of the application are the scale of development in relation to both the existing dwelling and the character and appearance of the surrounding area and the effect of the proposal upon the amenities of neighbouring occupiers.

6.2 In considering extensions to dwellings regard must be had to Policy H16 of the Hereford Local Plan which states that alterations and extensions should be in scale and in keeping with the character of the existing dwelling.

6.3 In this regard the extension is formed over the existing ground floor and has a lower roofline. The rear building line is set back 1.2 metres having a lean-to roof to the ground floor element which will remain subservient to the existing dwelling. In policy terms the scale and design of the extension is considered acceptable.

6.4 The concerns raised by the neighbouring property are noted. The distance between the two properties is approximately 10 metres and at present the neighbouring property lies at right angles to the application site. In the Officer's opinion there would be no detrimental impact on the loss of light issue particularly with the recess of the new extension. The proposed extension also has no window to the rear which omits any overlooking to the side of the neighbouring dwelling.

6.5 In summary, it is considered that the proposal accords with the relevant plan policy in terms of scale, design and impact upon the residential amenity. As such it is recommended that planning permission be granted.

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 (drawing nos. 105.11A, 105.12A, 105.13A, 105.14A, 105.15A).**

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

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

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

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

Informative:

- 1. **N15 - Reasons for the Grant of Planning Permission.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 DCCW2004/2345/O - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF MIXED USE DEVELOPMENT COMPRISING COMMERCIAL OFFICES OR SHOPS AND 17 ONE BED FLATS AT 79-83 WIDEMARSH STREET, HEREFORD, HR4 9EU

For: Bluebell Properties Ltd. per JBD Architects, Mortimer House, Holmer Road, Hereford, HR4 9TA

Date Received: 28th June 2004

Ward: Central

Grid Ref: 51040, 40349

Expiry Date: 23rd August 2004

Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

- 1.1 The application site is located on the west side of Widemarsh Street between the Garrick House multi-storey car park and the Blackfriars Street junction. As identified in the existing Hereford Local Plan the site is shown as white land (no allocation) and adjoins the Central Conservation Area. The site comprises of properties 79-83 and includes a large car parking/rear courtyard area to the rear of those properties which adjoins the side of the Garrick House multi-storey car park and surface area car park. Access to the current parking area is from Blackfriars Street to the north of the site.
- 1.2 This application seeks outline planning permission for the demolition of 79-83 Widemarsh Street and the erection of a mixed use development comprising of commercial offices/shops on the ground floor and 17 one bed roomed flats to the rear. The application is submitted in outline form with all matters reserved for future consideration with the exception of access.

2. Policies

2.1 Planning Policy Guidance:

- PPG1 - General Policy and Principles
 PPG6 - Town Centres and Retail Development
 PPG15 - Planning and the Historic Environment

2.2 Hereford and Worcester County Structure Plan:

- Policy CTC9 - Development Criteria

2.3 Hereford Local Plan:

- Policy ENV14 - Design
 Policy ENV15 - Access for All
 Policy H3 - Design of New Residential Development
 Policy H6 - Amenity, Open Space Provision in Smaller Schemes
 Policy H7 - Communal Open Space

Policy H8	-	Affordable Housing
Policy H23	-	City Centre Residential Accommodation
Policy CON12	-	Conservation Areas
Policy CON13	-	Conservation Areas – Development Proposals
Policy CON19	-	Townscape
Policy CON20	-	Skyline
Policy CON35	-	Archaeological Evaluation
Policy T5	-	Car Parking – Designated Areas
Policy T12	-	Cyclist Provision

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S3	-	Housing
Policy S6	-	Transport
Policy T11	-	Parking

3. Planning History

- 3.1 HC/940444/PF Demolition of 79-83 Widemarsh Street and residential development comprising of 20 flats with office for Housing Association. Refused 25/01/1995.
- HC/950074/PF Demolition of 79-83 Widemarsh Street. Residential development comprising of 17 flats with office for Housing Association. Refused 19/07/1995.
- HC970001/PF Demolition of 79-83 Widemarsh Street and replacement with 17 flats, Housing Association office and laundry facilities. Approved 20/03/1997.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water - no objection subject to conditions.

Internal Council Advice

- 4.2 Head of Engineering and Transportation - no objection subject to previous conditions being imposed.
- 4.3 County Archaeological Advisor - concern is expressed about the scale of the development although no objections are raised in principle. It is considered that an archaeological condition is required and I suggest standard condition DO1 with any forthcoming planning permission.

5. Representations

- 5.1 Hereford City Council - unsupportive of the demolition of the existing buildings which are considered worthy of retention in light of their contribution to the street scene and Conservation Area.

- 5.2 Conservation Area Advisory Committee - the Committee were very unhappy with these proposals. In principle extra shopping units are welcomed but this proposal would be detrimental to the Conservation Area. If these properties need to come down then the facade should be retained and any building then takes this into consideration. Widemarsh Street is an area so close to the city centre and has been badly affected with poor design. We welcome new build and new design but this is not the place and definitely not the design for anywhere in the city centre. Recommend refusal.
- 5.3 One private letter of objection has been received from M.R. Speak, 31 Castlefields, Leominster. Objections are raised to the demolition of 83 Widemarsh Street as it remains one of the few buildings of any architectural merit in this section of Widemarsh Street. Apart from the public library in Broad Street the Gothic frontage is unique for the city of Hereford thus adding to the variety in the street scene. The building was in fact designed in 1856 by the Diocesan Architect, Thomas Nicholson, as the Vicarage House to All Saints Church and it retained this use until it was sold in 1925.
- 5.4 A letter of support has been received from Knipe Whiting Heath Limited, 2 Blackfriars Street, Hereford who state that we are writing to inform you that we support the above planning application which we feel will significantly enhance the area. We believe there would be planning gain in this development particularly in light of the improvements being made in the Edgar Street Grid proposal.

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 As submitted this outline application indicated that only landscaping was to be a reserved matter for future consideration. Following discussions with Officers the applicant has agreed that only the means of access is for consideration at this time with external appearance, siting, design and landscaping being left for future applications.
- 6.2 Given the site's proximity to the Central Conservation Area, the Chief Conservation Officer has raised some concerns that this is an outline application and that careful consideration will be required for the design, siting and scale of any building in this sensitive location.
- 6.3 In principle the redevelopment of this site is considered acceptable in planning terms with the creation of A1/A2 uses on the ground floor fronting Widemarsh Street and 17 one bedroomed flats served by 13 car parking spaces to the rear. The development sits comfortably with adopted planning policies and the latest Government advice for city centre planning.
- 6.4 The site at present contains three buildings, all of which have 19th century origins. Nos. 79 and 81 are three storey brick buildings with hipped slate roofs. These directly adjoin the multi-storey car park and the walkway/access which is formed by the high boundary wall. No. 83 is a double fronted two storey structure in brick with a slate roof and has a design based on Gothic architecture. It is currently in commercial uses containing a number of businesses. The whole of the rear curtilage of this building is a private car park and has an access shared with other adjoining uses on Blackfriars Street.

- 6.5 In 1997 it was considered that an argument could be made for the retention of the buildings only if they were within the designated Conservation Area. It was accepted that they do have certain townscape qualities but the buildings are not considered worthy of listing. Given the Council accepted these buildings could be demolished in 1997, it would be extremely difficult to now argue their retention given that the same policies are being applied to development in this part of Hereford. Having regard to the previously approved design, Officers consider that it would be unlikely to be supported in its approved form, however clearly the site is suitable for redevelopment as set out by the application.
- 6.6 No objections have been made on access or transportation grounds with 13 car parking spaces in a courtyard area accessed from Blackfriars Street.
- 6.6 In conclusion it is considered that this outline application is acceptable to establish the principle of the development and means of access only. Any detailed scheme for reserved matters approval will need to be supported with a full townscape analysis and design statement to enable a positive enhancement and contribution to this important city centre location.

RECOMMENDATION

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

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

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

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

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

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

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

- 4. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.**

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

- 5. Notwithstanding the approved plans visibility splays measuring 2 metres by 2 metres from the back of the footway and along the footway in each direction shall be provided and nothing within these splays shall exceed 0.75 metres in height.**

Reason: In order to provide for the safety of pedestrians on the public footway.

- 6. D01 (Site investigation – archaeology).**

Reason: To ensure the archaeological interest of the site is recorded.

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

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

- 8. F22 (No surface water to public sewer).**

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

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

Reason: To protect the amenity of local residents.

- 10. H29 (Secure cycle parking provision).**

Reason: To ensure the public right of way is not obstructed.

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

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

