

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 14th December, 2005**

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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Tel: 01432 261882*

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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), 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, Mrs. E.A. Taylor, 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.

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To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
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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.	
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13.	DATE OF NEXT MEETING	
	The next scheduled meeting is 11th January, 2006.	

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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, 16th November, 2005 at 2.00 p.m.

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

Councillors: Mrs. P.A. Andrews, Mrs. E.M. Bew, P.J. Edwards,
J.G.S. Guthrie, R.I. Matthews, J.W. Newman, 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 T.W. Hunt (ex-officio) and J.B. Williams (ex-officio)

90. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. W.U. Attfield, A.C.R. Chappell, Mrs. S.P.A. Daniels, Mrs. M.D. Lloyd-Hayes, J.C. Mayson, Mrs. J.E. Pemberton and A.L. Williams.

91. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillors	Item	Interest
Mrs. S.J. Robertson	Agenda Item 6, Minute 95 DCCE2005/2132/O 40 Newtown Road, Hereford, Herefordshire, HR4 9LL	Declared a prejudicial interest and left the meeting for the duration of this item.
R.M. Wilson	Agenda Item 13, Minute 102 DCCE2005/3180/F Rowberry, Lugwardine, Hereford, Herefordshire, HR1 4DS	Declared a personal interest and left the meeting for the duration of this item.
P.J. Edwards	Agenda Item 16, Minute 105 DCCW2005/3151/F 7-8 Walkers Green, Marden, Hereford, HR1 3DN	Declared a personal interest.

92. MINUTES

RESOLVED:

That the Minutes of the meeting held on 19th October, 2005 be approved as a correct record.

93. ITEM FOR INFORMATION - APPEALS

Details of the Council's current position in respect of planning appeals for the central

area were circulated at the meeting.

94. TREE PRESERVATION ORDER 523, CARFAX HOUSE, AYLESTONE HILL, HEREFORD [AGENDA ITEM 5]

The Landscape Officer presented a report which sought confirmation of a Tree Preservation Order in the grounds of Carfax House. It was noted that the trees not included in the Order were suppressed by other trees and were not considered worthy of retention.

RESOLVED:

THAT Tree Preservation Order no.523 at Carfax House, Aylestone Hill, Hereford be confirmed with the following modification:

- a) **Remove reference to 1 variegated Holly, 1 Chinese Thuja and 1 Beech tree in group G5.**

95. DCCE2005/2132/O - 40 NEWTOWN ROAD, HEREFORD, HEREFORDSHIRE, HR4 9LL [AGENDA ITEM 6]

Erection of 3 dwellings.

The Senior Planning Officer recommended an additional condition to remove Permitted Development Rights in relation to the rear boundary wall.

The Chairman, speaking in his capacity as Local Ward Member, noted the value of the site inspection that had been held and, with the additional condition, supported the application.

In response to questions, the Development Control Manager advised that the safeguarded route of the canal ran adjacent to, not through, the application site. It was noted that it would be unreasonable to request a contribution towards canal restoration, as the land would not be directly involved. However, if the occupiers of the proposed dwellings wished to benefit from the position of the land and have free access to the canal, the additional condition would ensure that the rear boundary wall could not be removed without prior approval by the authority. He added that the development would not prejudice redevelopment of the canal and, therefore, it complied with the Unitary Development Plan (Revised Draft Deposit).

RESOLVED:

Subject to there being no objection from the Environment Agency, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by Officers:

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

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

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

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

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

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
- 4. A09 (Amended plans)**

Reason: To ensure the development is carried out in accordance with the amended plans.
- 5. B01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings.
- 6. C16 (Detailed scheme of demolition operations).**

Reason: To minimise the risk of damage to the existing building.
- 7. E16 (Removal of permitted development rights).**

Reason: To ensure that the local planning authority retains effective control of the development of this site in the interests of the visual and residential amenities of the locality.
- 8. E17 (No windows in side elevation of extension).**

Reason: In order to protect the residential amenity of adjacent properties.
- 9. E19 (Obscure glazing to windows).**

Reason: In order to protect the residential amenity of adjacent properties.
- 10. F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.
- 11. W01 (Foul/surface water drainage).**

Reason: To protect the integrity of the public sewerage system.
- 12. W02 (No surface water to connect to public 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.
- 13. W03 (No drainage run-off to public system).**

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.
- 14. The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of**

the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

15. H05 (Access gates).

Reason: In the interests of highway safety.

16. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

17. 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.

Informatives:

1. N01 - Access for all.
2. N03 - Adjoining property rights.
3. HN01 - Mud on highway.
4. HN04 - Private apparatus within highway.
5. HN05 - Works within the highway.
6. HN10 - No drainage to discharge to highway.
7. N16 - Welsh Water Informative.
8. N15 - Reason(s) for the Grant of PP/LBC/CAC.

96. **DCCW2005/2579/F - ASHGROVE CROFT, MARDEN, HEREFORD, HR1 3HA
[AGENDA ITEM 7]**

Change of use from agricultural to a one family gypsy caravan site, permission for 2 caravans and stable block.

The Legal Practice Manager clarified the definition of 'gypsy' having regard to Government guidance and recent case law.

In response to questions about the parallels with other people that travel to find employment, the Legal Practice Manager commented that each case had to be assessed on its own facts and that temporary cessation of the nomadic way of life, whilst remaining within the definition of gypsy, was permissible in the context of the law.

The Senior Planning Officer noted that the condition to re-site the development to an area to be agreed was to ensure that visual impact was minimised.

Councillor J.G.S. Guthrie, the Local Ward Member, drew attention to the comments of Marden Parish Council and noted the concerns that this was a retrospective application and that the site was not within reasonable distance of local services.

CENTRAL AREA PLANNING SUB-COMMITTEE WEDNESDAY, 16TH NOVEMBER, 2005

Councillor Guthrie reported that he had received a significant number of representations from local residents but the main concern was the visual impact which should be addressed to some extent by the recommended conditions.

The Sub-Committee noted that condition 2 as detailed in the report should refer to the 'south-west' and not to the 'eastern' side of the application site.

In response to questions, the Senior Planning Officer confirmed that the application sought consent for the stationing of one static and one mobile caravan. In response to a suggested condition, the Senior Planning Officer commented that the external colour of the caravans could not be enforced in perpetuity given that they would need to be replaced over a period of time. Members, however, felt that an appropriate finish was important to ensure that visual impact was minimised and it was agreed that an informative note be added to any planning permission granted.

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. Within two months of the date of this permission a layout plan for the re-siting of the mobile home, touring caravan and associated structures onto the south west side of the application site shall be submitted to and approved by the local planning authority. The relocation of these structures shall be undertaken with a timescale to be agreed in writing with the local planning authority and shall thereafter be retained in the approved locations.**

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

- 3. This permission shall enure for the benefit of Mr. Ronald Jones and Mrs. Dorothy Jones only and not for the benefit of the land or any other persons interested in the land.**

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

- 4. This permission relates to the siting of one mobile home and one touring caravan only. No other units of accommodation shall be brought onto, or occupied, on the site.**

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

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

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

- 6. Within two months of the date of this permission, details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved**

scheme shall be implemented within three months of that written approval.

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

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

Reason: To safeguard local amenities.

8. G09 (Retention of trees/hedgerows).

Reason: To safeguard the amenity of the area.

9. Within two months of the date of this permission details of a scheme of landscaping shall be submitted to and approved by the local planning authority, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.

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

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

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

11. H05 (Access gates) (5 metres).

Reason: In the interests of highway safety.

12. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

Informatives:

1. N01 - Access for all.
2. HN01 - Mud on highway.
3. HN05 - Works within the highway.
4. N15 - Reason(s) for the Grant of PP.

97. DCCE2005/2884/F - SHIPLEY, HOLME LACY, HEREFORD, HR2 6LS [AGENDA ITEM 8]

Siting of temporary staff accommodation.

This application was withdrawn prior to the meeting.

98. [A] DCCE2005/3098/F & [B] DCCE2005/3099/L - 49 & 50 COMMERCIAL STREET (AND LAND BEHIND), HEREFORD, HR1 2DJ [AGENDA ITEM 9]

[A] & [B] Refurbishment of the above properties including the renewal of shop

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frontages and full repairs to roofs. Addition of new staircase with new roof, with glazed timber screens to either side and a slate roof to match existing.

The Principal Planning Officer advised that the Conservation Manager had not yet had an opportunity to view the amended plans in detail and, therefore, the recommendation remained the same as detailed in the report.

The Chairman, speaking in his capacity as Local Ward Member, felt that the Conservation Manager should be given the opportunity to consider the amended plans.

RESOLVED:

Subject to receipt of suitably amended plans, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission and Listed Building Consent subject to the following conditions and any additional conditions considered necessary by Officers:

In respect of DCCE2005/3098/F:

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

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

- 5. Prior to commencement of the construction of the new shopfronts, details including scaled plans and a schedule of materials for the new shopfronts, shall be submitted for approval in writing by the local planning authority. The new shopfronts shall be installed in accordance with the approved details prior to occupation of the development hereby permitted.**

Reason: To enable the local planning authority to control the specific design and materials for the shopfronts in the interests of safeguarding the character and appearance of the Listed Buildings and Conservation Area.

Informatives:

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

In respect of DCCE2005/3099/L:

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

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

2. A09 (Amended plans).

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

3. C02 (Approval of details).

- (a) Schedule of repairs.**
- (b) Joinery details.**
- (c) Glazing details.**
- (d) Finishes to external joinery.**
- (e) Specification of guttering and downpipes.**
- (f) Internal finishes to walls.**

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

4. C18 (Details of roofing material).

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

- 5. Prior to the commencement of any works/alterations to the listed buildings, the developer shall provide for approval in writing of the Local Planning Authority an investigative schedule including timescales for the proposed 'stripping out/soft strip' works to the Listed Buildings. There shall be no 'stripping out/soft strip' works until an agreed schedule with timescale has been devised by the developer and approved in writing by the local planning authority. The developer shall afford access to the local planning authority/Conservation Manager at all reasonable times in order to observe and record the investigative works.**

Reason: To ensure the architectural and historical interest of the Listed Buildings are recorded and safeguarded as necessary.

Informative:

1. N15 - Reason(s) for the Grant of Listed Building Consent.

99. DCCE2005/3026/F - 24 HAMPTON STREET, HEREFORD, HEREFORDSHIRE, HR1 2RA [AGENDA ITEM 10]

Two storey extension and loft conversion.

Councillor W.J. Walling, a Local Ward Member, noted that there were similar extensions to other dwellings in the street and felt that there were no planning reasons to object to this development.

The Sub-Committee agreed an additional condition to restrict the hours of working.

RESOLVED:

That planning permission be approved subject to the following conditions:

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

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

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

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

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

Reason: In the interests of the residential amenities of the locality.

4. **The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.**

Reason: In the interests of the residential amenities of the locality.

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

Reason: To protect the amenity of local residents.

Informatives:

1. **N03 - Adjoining property rights.**

2. **In the interests of clarification it is confirmed that Condition 3 above prevents the flat roofed area of the development authorised by this permission for any purpose other than maintenance, repair and emergency escape.**

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

100. DCCE2005/3153/F - LAND WEST OF OVERBURY HOUSE, OVERBURY ROAD, HERFORD, HR1 1JE [AGENDA ITEM 11]

4 no. 2-storey detached houses.

Mrs. Howarth had registered to speak against the application but was not present at the meeting.

Councillor D.B. Wilcox, a Local Ward Member, noted the concerns of local residents about the access strip to the west of the application site. The Senior Planning Officer confirmed that a condition would remove Permitted Development Rights and restrict vehicular access on this area.

In response to a question, the Senior Planning Officer advised that the low density of development was considered appropriate in this instance having regard to the Conservation Area and Tupsley Ridge designations and the specific circumstances of the site. The Senior Planning Officer also advised that, as they were sited in a Conservation Area, the trees on the site had some measure of protection, nevertheless recommended condition 13 would address this concern.

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. B03 (Matching external materials (general)).**

Reason: To ensure the satisfactory appearance of the development.

- 3. E08 (Domestic use only of garage).**

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.

- 4. E09 (No conversion of garage to habitable accommodation).**

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

- 5. E16 (Removal of permitted development rights).**

Reason: In the interests of the amenities of the locality.

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

Reason: To protect the amenity of local residents.

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

Reason: In the interests of highway safety.

- 8. H08 (Access closure).**

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

- 9. H11 (Parking - estate development (more than one house)).**

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

- 10. G02 (Landscaping scheme (housing development)).**

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

- 11. G03 (Landscaping scheme (housing development) - implementation).**

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

- 12. G09 (Retention of trees/hedgerows).**

Reason: To safeguard the amenity of the area.

13. G18 (Protection of trees).

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

14. W01 (Foul/surface water drainage).

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

15. W02 (No surface water to connect to public system).

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

16. W03 (No drainage run-off to public system).

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

Informatives:

1. N01 - Access for all.
2. N03 - Adjoining property rights.
3. HN01 - Mud on highway.
4. HN05 - Works within the highway.
5. HN10 - No drainage to discharge to highway.
6. N16 - Welsh Water Informative.
7. N15 - Reason(s) for the Grant of PP/LBC/CAC.

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).

101. DCCE2005/3160/F - THE LITTEN TREE, 58 COMMERCIAL ROAD, HEREFORD, HR1 2BN [AGENDA ITEM 12]

Variation of Condition 4 of planning permission HC/970513/PF/E to allow extended opening hours until 2 am.

The Senior Planning Officer reported the receipt of correspondence from the applicant's agent which indicated a willingness to explore the issue of a financial contribution towards the operation of CCTV in the locality. The Senior Planning Officer clarified the licensed operating hours and noted that a forty-five minute clearing out period was included so that the departure of customers was spread out.

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

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The Legal Practice Manager noted that the recommendation as detailed in the report should refer to the 'Head of Legal and Democratic Services' and not to the 'County Secretary and Solicitor'.

The Chairman, speaking in his capacity as Local Ward Member, noted that the Regulatory Sub-Committee had considered the licensing issues thoroughly.

The Legal Practice Manager advised that the Regulatory Sub-Committee would have taken the comments from West Mercia Police into account.

In response to questions, the Senior Planning Officer commented that Environmental Health and Trading Standards were of the opinion that the licensing regime was the most effective tool to control the operation of the public house. The Legal Practice Manager and the Development Control Manager explained the close links between the licensing and the planning controls.

Councillor R.I. Matthews, speaking in his capacity as Chairman of the Regulatory Committee, noted that licensed premises in the city centre had a significant number of conditions attached to them and many would be involved in clean up and security initiatives.

The Sub-Committee agreed that a summary of the conditions of the licence should be included in such reports in the future.

RESOLVED:

That Officers named in the Scheme of Delegation to Officers be authorised to negotiate the possibility of a financial contribution towards the operation of CCTV in the locality of the application site and if agreement is reached:

The Head of Legal and Democratic Services be authorised to complete a planning obligation/unilateral undertaking under Section 106 of the Town and Country Planning Act 1990; and

Upon completion of the planning obligation the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission.

102. DCCE2005/3180/F - ROWBERRY, LUGWARDINE, HEREFORD, HEREFORDSHIRE, HR1 4DS [AGENDA ITEM 13]

Proposed new dwelling.

The Senior Planning Officer reported that the existing non-mains sewerage system would be utilised initially but an additional condition was recommended to ensure that the development was connected to mains sewerage when it became available following improvement works. He also reported that additional conditions were recommended in respect of soak-away ditches and access arrangements.

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

In response to comments, the Senior Planning Officer advised that no alteration in soil levels was proposed and noted that the Building Control department was satisfied with the proposed drainage arrangements subject to the recommended conditions. The Central Team Leader advised that a condition to control planting might fail the tests of reasonableness in this instance.

CENTRAL AREA PLANNING SUB-COMMITTEE WEDNESDAY, 16TH NOVEMBER, 2005

Councillor R.I. Matthews noted that drainage was the principal area of concern and that the recommended conditions should address the issues.

In response to a comment, the Central Team Leader advised that consultation with the occupiers of neighbouring properties would be carried out in accordance with the relevant legislation.

In response to a question, the Development Control Manager advised that a 'Grampian condition', as referred to by Welsh Water, essentially meant the restriction of development or occupation of a site until necessary improvement works had been undertaken; the term had come into use following an appeal case in Scotland. However, alternative drainage provision was available in this instance and mains connection would follow at a later date. The soak-away arrangements were also clarified.

RESOLVED:

That, subject to the resolution of the drainage issue, and receipt of the required access revisions, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by Officers:

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

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

- 2. B03 (Matching external materials (general)).**

Reason: To ensure the satisfactory appearance of the development.

- 3. E16 (Removal of permitted development rights).**

Reason: In the interests of the residential amenities of the locality.

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

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

- 5. E19 (Obscure glazing to windows).**

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

- 6. W01 (Foul/surface water drainage).**

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

- 7. W02 (No surface water to connect to public system).**

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

- 8. W03 (No drainage run-off to public system).**

Reason: To prevent hydraulic overload of the public sewerage system

and pollution of the environment.

9. 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.

10. G01 (Details of boundary treatments).

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

Informatives:

1. N01 - Access for all.
2. N03 - Adjoining property rights.
3. N15 - Reason(s) for the Grant of PP/LBC/CAC.

103. [A] DCCE2005/3258/F & [B] DCCE2005/3259/C - CARFAX HOUSE SITE, AYLESTONE HILL, HEREFORD, HR1 1HX [AGENDA ITEM 14]

[A] Construction of 16 no. residential units, associated car parking & landscaping & [B] Demolition of Carfax House and associated buildings, replacement residential dwellings.

The Senior Planning Officer reported the receipt of letters of objection from the occupier of a neighbouring property and from Hereford Civic Society. The receipt of thirteen letters of support and correspondence from Hereford and Worcester Chamber of Commerce was also reported.

The Senior Planning Officer advised that the Conservation Manager had withdrawn his objection subject to an additional condition requiring the retention items of value. The Sub-Committee was also advised that the occupiers of the nearest residential dwelling to the application site had indicated that they would withdraw their objection subject to the distance between the buildings being increased by a further two metres. It was noted that it would be necessary to delegate authority to officers to address these matters.

The Senior Planning Officer reported that the applicant was prepared to contribute up to a maximum of £10,000 towards the costs associated with a new pedestrian crossing.

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

Councillor D.B. Wilcox, a Local Ward Member, welcomed the abandonment of the contemporary approach of the previous scheme [planning applications DCCE2005/2356/F and DCCE2005/2330/C refer] and the fact that the new design had taken into account the architectural styles of other buildings in the Conservation Area. He felt that, whilst it was unfortunate that Carfax House would be lost, the design was compatible with the character and appearance of the site and locality. Councillor Wilcox noted that the conditions should address concerns about the impact on residential amenities.

A number of Members felt it regrettable that Carfax House would be demolished but

felt the scheme was an improvement on the previous submission and would enhance this prominent site.

In response to a question, the Development Control Manager advised that a Section 106 Agreement was not required in respect of the proposed pedestrian crossing, as the applicant's agent had provided a written undertaking. He added that, as an access would need to be closed to provide the space to install the crossing, the crossing was dependent on the development in this instance.

RESOLVED:

Subject to receipt of suitably amended plans, the Officers named in the Scheme of Delegation to Officers be authorised to issue Conservation Area Consent and Planning Permission subject to the following conditions and any additional conditions considered necessary by Officers:

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

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

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

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

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

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

4. **E08 (Domestic use only of garage).**

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.

5. **E09 (No conversion of garage to habitable accommodation).**

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

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

Reason: In the interests of maintaining the special architectural value of this development.

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

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

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

Reason: To protect the amenity of local residents.

9. **F39 (Scheme of refuse storage).**

Reason: In the interests of amenity.

10. G01 (Details of boundary treatments).

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

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

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

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

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

13. G16 (Protection of trees covered by a Tree Preservation Order).

Reason: To ensure the proper care and maintenance of the trees.

14. G17 (Protection of trees in a Conservation Area).

Reason: To ensure the proper care and maintenance of the trees.

15. G18 (Protection of trees).

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

16. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

17. H08 (Access closure).

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

18. 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.

19. H27 (Parking for site operatives).

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

20. 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. NC01 - Alterations to submitted/approved plans.

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

DCCE2005/2330/C

1. C01 - (Time limit for commencement (full permission)).

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

2. Prior to the commencement of demolition, a photographic recording of Carfax House and Carfax Cottage shall be deposited with the Council in accordance with details to be agreed prior the conducting of said recording.

Reason: In the interests of maintaining a record of the history and development of this site

3. Prior to the commencement of demolition a schedule of reclamation of items of architectural and/or historical interest shall be submitted to and agreed in writing with the Local Planning Authority. The identified items shall then be reclaimed in accordance with the agreed details.

Reason: In the interests of preserving items of architectural or historic interest associated with this application site.

Informatives:

1. N03 – (Adjoining property rights).
2. It is advised that the staircase in Carfax House is of a high quality and it would be desirable for this to be salvaged. Please do not hesitate to contact the Conservation Manager on 01423 261950 to discuss this matter further.
3. N15 - Reason(s) for the Grant of PP/LBC/CAC.

104. DCCW2005/3138/F - 14 BAGGALLAY STREET, HEREFORD, HR4 0DZ [AGENDA ITEM 15]

Proposed demolition of detached garage and existing extension and erection of 3 no. two bedroom houses.

Councillor Mrs. P.A. Andrews, a Local Ward Member, noted the number of different architectural styles in the street and felt that the application was acceptable.

Councillors Ms. A.M. Toon, also a Local Ward Member, proposed an additional condition to restrict the hours of working.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

- 6. The balustrade/handrail on the balconies marked with a cross on the approved plan shall be set back a minimum distance of 0.7 metres from the rear edge of those balconies and maintained as such at all times thereafter.**

Reason: To protect the residential amenity of adjacent properties.

- 7. H09 (Driveway Gradient).**

Reason: In the interests of highway safety.

- 8. H11 (Parking – estate development (more than one house)).**

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

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

Reason: To protect the amenity of local residents.

Informatives:

- 1. N01 - Access for all.**

- 2. N03 - Adjoining property rights.**

- 3. N04 - Rights of way.**

- 4. N14 - Party Wall Act 1996.**

5. The development site is crossed by a public sewer and no building should be erected within 3 metres either side of the centreline of that sewer. Therefore the applicant is advised to contact Welsh Water on 01443 331155 for further information.
6. N15 - Reason(s) for the Grant of PP/LBC/CAC.

**105. DCCW2005/3151/F - 7-8 WALKERS GREEN, MARDEN, HEREFORD, HR1 3DN
[AGENDA ITEM 16]**

Use of former butchers shop as a fish and chip shop.

The Senior Planning Officer reported the receipt of a letter of support from the landowner of the premises.

In accordance with the criteria for public speaking, Mr. Jenkyn spoke against the application and Miss Lichfield spoke in support of the application.

Councillor J.G.S. Guthrie, the Local Ward Member, noted that Marden Parish Council and local residents had significant concerns about the proposal. Councillor Guthrie noted that there was a similar facility in Moreton-on-Lugg but he felt that the characteristics of this site were different. He noted that occupiers of neighbouring properties were not only concerned about the direct impact of the proposal on them but were also worried about the site becoming a focal point for anti-social behaviour. Councillor Guthrie felt that the traffic, noise and litter generated by the proposed use would have a detrimental impact on residential amenities and, therefore, moved refusal of the application.

A number of Members concurred with the views of the Local Ward Member.

In response to the suggestion that the proposal would not be compatible with other business uses in the vicinity, the Development Control Manager noted Members' concerns about residential amenity but this could not be applied to the impact on other businesses.

RESOLVED:

That (i) The Central Area Planning Sub-Committee is minded to refuse the application, subject to the reasons for refusal set out below 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:

1. Impact on residential amenities.

(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: Following the vote on this application, the Development Control Manager advised that he would not refer the decision to the Head of Planning Services.]

106. DATE OF NEXT MEETING

It was noted that the next scheduled meeting was Wednesday 14th December,

CENTRAL AREA PLANNING SUB-COMMITTEE WEDNESDAY, 16TH NOVEMBER, 2005

2005.

The meeting ended at 3.47 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCCE2005/2194/A**

- The appeal was received on 17th November, 2005.
- 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. I.R. Hudson.
- The site is located at Thorougoods, 44 Holme Lacy Road, Hereford, Herefordshire, HR2 6BZ.
- The development proposed is Existing fascia signage.
- The appeal is to be heard by Written Representations.

Case Officer: Ben Lin on 01432 261949.

Application No. DCCW2004/0393/F

- The appeal was received on 25th November, 2005.
- 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 Hussar Minerals.
- The site is located at Moreton Road, Upper Lyde, Hereford.
- The development proposed is Variation of condition 6 on CW2001/1427/F - widening of carriageway and construction of 6 passing bays.
- The appeal is to be heard by Written Representations.

Case Officer: Debby Klein on 01432 260136.

Application No. DCCE2005/2356/F

- The appeal was received on 29th November, 2005.
- 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 I.E. Developments Ltd.
- The site is located at Carfax House site, Aylestone Hill, Hereford, Herefordshire, HR1 1HX.
- The development proposed is Construction of 16 no. residential units, associated carparking and landscaping.
- The appeal is to be heard by Written Representations.

Case Officer: Adam Sheppard on 01432 261961.

APPEALS DETERMINED

Application No. DCCW2004/2341/A

- The appeal was received on 11th July, 2005.
- 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 Tesco Store Ltd.
- The site is located at Tesco Stores Ltd, Abbotsmead Road, Belmont, Hereford, Herefordshire, HR2 7XS.
- The application is dated 28th May, 2004.
- The development proposed was Internally illuminated gantry sign, various non illuminated directional & info signage, cupboard trolley bays.
- The main issue, on amenity grounds only, is the impact of the totem sign on the site and its mainly residential surroundings including the outlook and amenity enjoyed by local residents.

Decision: The appeal was DISMISSED on 7th November, 2005.

Case Officer: Kevin Bishop on 01432 261946

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

5 DCCE2005/3115/F - CHANGE OF USE OF FIRST FLOOR FROM LIVING ACCOMMODATION TO A CHILDRENS NURSERY AND ANCILLARY OPERATIONS. THE WYE NURSERY, 79 ST. MARTINS STREET, HEREFORD, HR2 7RG

For: Mr. M. Wrinch, 21 River View Close, Holme Lacy, Hereford

Date Received: 27th September, 2005 Ward: St. Martins & Hinton Grid Ref: 50810, 39257

Expiry Date: 22nd November, 2005

Local Members: Councillors Mrs. W.U. Attfield, A.C.R. Chappell and R. Preece

1. Site Description and Proposal

1.1 This application seeks permission for the change of use of the first floor of 79 St. Martins Street, Hereford from residential use (C3) to a children's nursery (B1) to complement the existing ground floor nursery use. The existing property is a two-storey premise with 'The Wye Nursery' on the ground floor and a first floor flat above providing accommodation for the existing owner, who is also the operator of the nursery. The unit is found in a cul-de-sac adjacent to Victoria Street and the roundabout with the A465 and the A49. The cul-de-sac area is accessed adjacent to the junction between St Martins Street and Victoria Street. The unit is in a semi-detached pair, the attached property to the south being a retail unit. The locality includes residential properties, a vehicle workshop, and a Public House. The proposal also involves the creation of a formal parking area and cycle parking provision.

2. Policies

2.1 Planning Policy Guidance:
PPG13 - Transport

2.2 Hereford City Local Plan:
ENV1 - Land liable to flood
T5 - Car parking - designated areas
T6 - Car parking - restrictions
SC4 - Day nurseries

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)
S1 - Sustainable development
S2 - Development requirements
S6 - Transport
DR2 - Land use and activity
DR3 - Movement
DR4 - Environment
T7 - Cycling
T11 - Parking provision
T12 - Existing parking areas

CF5 - New community facilities

3. Planning History

- 3.1 DCCE2005/2919/F – Change of use of retail shop to Class A5 hot food takeaway (adjacent unit). Refused 2nd November, 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency – No objection.

Internal Council Advice

- 4.2 Conservation Manager – No objection.

- 4.3 Traffic Manager – Objection on the following grounds:

- The inner row of spaces are intended for staff use, however, they may or may not, be the first in and last out;
- The outer row of spaces do not comply with the standards which require the first row of spaces to be 6m in depth with a 2x2 metres visibility splay at each side. It will also require vehicles to reverse across the footway with limited visibility;
- The parking provision level is below standards;
- The cycle store will be difficult to access.

5. Representations

- 5.1 Hereford City Council – No objection.

- 5.2 Local Residents – No responses received.

- 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 It is considered that the key aspects of this application are:

- Principle of development;
- Highway issues;
- Amenity issues.

Principle of Development

- 6.2 The adopted Hereford Local Plan Policy SC4 relates specifically to the provision of day nurseries. This policy states that such proposals will be permitted subject to an assessment of traffic generation and impact upon local amenities. Policy CF5 of the emerging Herefordshire Unitary Development (Revised Deposit Draft) considers the provision of new community facilities but also addresses the improvement/enhancement of such facilities. This policy states that such proposals will be permitted where the scale, amenity impact, and highway issues are acceptable. It is therefore considered that the principle of this development can be accepted.

Highway Issues

- 6.3 The most controversial aspect of this proposal is the highway and parking issue. This is confirmed by the Traffic Manager who maintains an objection against this proposal.
- 6.4 The existing nursery comprises 282 square metres of space on the ground floor. The conversion of the first floor will add a further 246 square metres, representing an increase of 87%. There are currently two informal parking spaces to the front of the unit and it is understood that the current owner/occupier has a parking permit for the parking area found opposite the application site. The existing adopted parking standard for this site, which is based on 1 space per 15 square metres of floor area, would be approximately 19 spaces. The proposed should provide 32 spaces based on this standard. The proposal actual proposes to provide 9 spaces, the number, layout and sizing of which is assessed as inadequate by the Traffic Manager.
- 6.5 In light of the evidence above, the objections of the Traffic Manager are considered reasonable and acceptable. However, in this instance it is considered that further issues require consideration.
- 6.6 The application site lies within the Category II area of Hereford, wherein Policy T6 of the adopted Hereford Local Plan states:

'Private non-residential parking shall be restricted having regard to the availability of alternative parking provision or modes of transport'

In this instance the application site lies opposite a modest parking area, adjacent to the public car park associated with the public swimming baths, is in close proximity to the town centre and public transport routes, and falls opposite the ASDA development, which includes a public transport interchange. It is also the case that Policy T11 of the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft) states that parking should be *'restricted as a maximum to that which is justifiably required...'*. Of further consideration is the lack of parking facilities currently on site. It is considered that these are material considerations offering a degree of flexibility in overall parking provision.

- 6.7 Clearly the Hereford Local Plan standards are not physically achievable, and, even if they were, are inappropriate and excessive in this central location. The issue therefore rests on the judgement upon the adequacy of the 5 sub-standard spaces for visitors, and 4 spaces for staff.
- 6.8 In this instance it is considered that, in light of the policy and locational factors outlined in paragraph 6.6 a sound argument exists for a high degree of flexibility in this instance. The central location and availability of public transport and parking are significant factors, as is the fact that the cul-de-sac provides parking and is off the main highway, allowing manoeuvrability without interference with the adjacent main road. The 4 staff spaces are welcomed, particularly having regard to the lack of such provision currently. The 5 drop-off and collection point spaces are substandard in length, however, it is assessed that the characteristics of this cul-de-sac allow for such inadequacies without unacceptable risk. On balance, in this specific instance, it is considered that the parking facilities are acceptable subject to conditions requiring a travel and parking management plan and a restriction of the use of the four rear spaces for staff only.

- 6.9 The cycle parking provision is welcomed and although it is recognised that its accessibility will be restricted, this facility is most likely to be utilised by staff, who are most likely to be the first on site, and the last to leave.

Amenity Issues

- 6.10 Having regard to the character and layout of the locality, as well as, the likely operational parameters of this premises, it is considered that the residential amenities of the locality will be preserved.

Other Issues

- 6.11 The adjacent premise to this application site, number 81, was recently subject to an application for a change of use from a retail use (A1) to a hot food takeaway (A5). This application was refused over concerns relating to the impact upon the amenities of the locality, as well as, highway issues. In this instance no parking provision is available to serve this unit and the operation of the proposed use significantly different to both the existing A1 retail use and the use proposed in this current application.

Conclusion

- 6.12 Whilst there are concerns in relation to the provision of parking, it is considered that the shortfall of spaces would not be significantly harmful to highway safety and when weighed against the benefits of the proposed use, the recommendation is one of approval.

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. A09 (Amended plans)

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

3. E10 (Use restricted to that specified in application)

Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to safeguard the amenities of the locality.

4. G01 (Details of boundary treatments)

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

5. H13 (Access, turning area and parking)

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

- 6. The four rear parking spaces identified as spaces 2, 4, 6 and 8 on amended plan received 8th November, 2005 are for the use of staff employed on the application site only, and not for use by members of the public or for deliveries, loading or unloading.**

Reason:

- 7. A Parking Management and Travel Plan containing measures for the control and management of the parking facilities, and to promote alternative modes of transport for staff and visitors using the approved development, including a schedule for its implementation, shall be submitted to and approved in writing by the local planning authority within 6 months of the date of the commencement of the use hereby approved. A detailed written record should be kept of the measures undertaken shall be made available for inspection by the local planning authority upon reasonable request.**

Reason: To ensure that a range of sustainable transport initiatives are available to employees and visitors.

- 8. 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. N03 - Adjoining property rights**
- 3. HN01 - Mud on highway**
- 4. HN05 - Works within the highway**
- 5. HN10 - No drainage to discharge to highway**
- 6. N15 - Reason(s) for the Grant of PP/LBC/CAC**

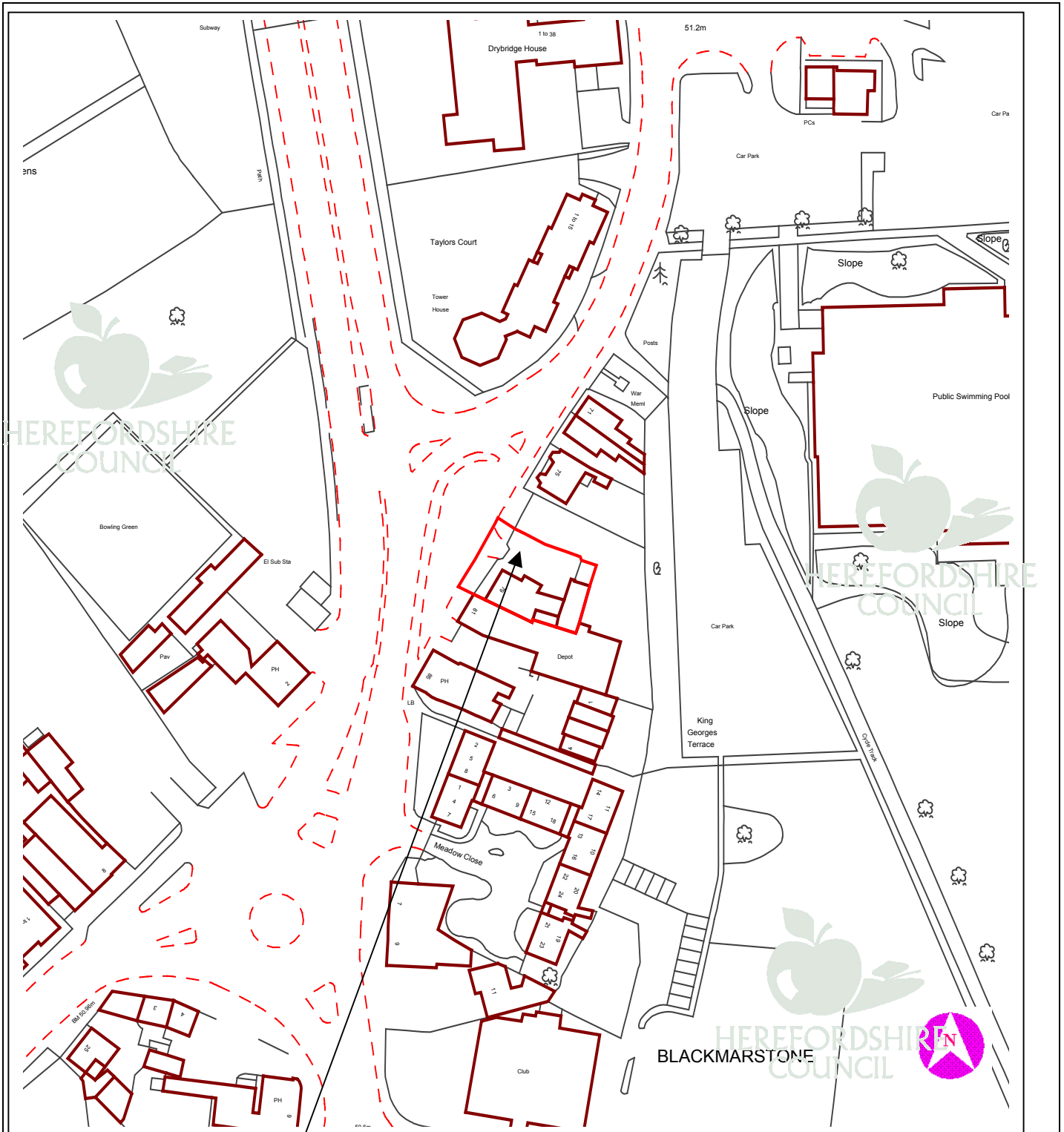
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2005/3115/F

SCALE : 1 : 1250

SITE ADDRESS : The Wye Nursery, 79 St. Martins Street, Hereford HR2 7RG

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6 DCCE2005/3595/O - PROPOSED OUTLINE PLANNING APPLICATION FOR 14 NO. 1 & 2 BEDROOMED RESIDENTIAL DWELLINGS. 50 LEDBURY ROAD, HEREFORD, HEREFORDSHIRE, HR1 2SY

For: E.M. Grove, Interplan Design Ptr Ltd, 41 Millbrook Street, Hereford, HR4 9LF

Date Received: 7th November, 2005 Ward: Tupsley Grid Ref: 51865, 39753

Expiry Date: 2nd January, 2006

Local Members: Councillors Mrs. M.D. Lloyd-Hayes, Mrs. E.A. Taylor and W.J. Walling

1. Site Description and Proposal

1.1 This application seeks Outline Planning Permission for 14 dwellings on the site of 50 Ledbury Road, Hereford. The site is currently home to 'White Lodge', a guest house. All matters are reserved with the exception of the means of access. The application proposes 6 two bedroomed units, and 8 one bedroomed units, served by 15 car parking spaces. An indicative layout plan has been submitted to confirm the access arrangements which involve a 'cart way' style opening in a frontage development with access to a rear parking courtyard. A railway line runs to the east of the application site.

2. Policies

2.1 Planning Policy Guidance:

PPS1 - Delivering sustainable development
PPG3 - Housing

2.2 Hereford Local Plan:

ENV14 - Design
H3 - Design of new residential development
H6 - Amenity open space provision in smaller schemes
H8 - Affordable housing
H12 - Established residential areas – character and amenity
H13 - Established residential areas – loss of features
H14 - Established residential areas – site factors
T5 - Car parking – designated areas

2.3 Hereford Unitary Development Plan (Revised Deposit Draft):

S1 - Sustainable development
S2 - Development requirements
S3 - Housing
S6 - Transport
DR1 - Design

DR2	-	Land use and activity
DR3	-	Movement
DR5	-	Planning obligations
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H9	-	Affordable housing
H15	-	Density
H16	-	Car parking
T11	-	Parking provision

3. Planning History

3.1 None identified.

4. Consultation Summary

Statutory Consultations

4.1 Water Authority – No objection subject to conditions

4.2 Environment Agency – No comment

4.3 Railway Authority – No response received

Internal Council Advice

4.4 Traffic Manager – No objection subject to conditions

4.5 Environmental Health Manager – No response received

4.6 Conservation Manager – No response received

5. Representations

5.1 Hereford City Parish Council – Objection on the grounds of over-development

5.2 Local Elected Members – Express reservations in relation to over development and traffic issues.

5.3 Local Residents – Five letters of objection have been received from local residents objecting to this application. The comments made can be summarised as follows:

- Loss of privacy;
- Unacceptable access arrangements;
- Inadequate parking facilities;
- Traffic generation from this development, particularly when other recent large scale schemes in this area are taken into account, is unacceptable in this area;
- Loss of property value.

In the interests of clarification it is advised that an adverse impact upon local property values is not a material planning consideration.

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 It is considered that the following points represent the salient issues for consideration in this application:
- Principle of Development;
 - Density;
 - Highway Issues;
 - Amenity Issues.

Principle of Development

- 6.2 The application site falls within the settlement boundary for this part of Hereford. The site is also developed by way of the existing guest house, which would be demolished if the proposal were permitted. As such this site is also classed as brown field land as defined in Annexe C of PPG3. Although the existing guest house is in good condition, it is of no particular architectural or historic merit and the site does not fall within a Conservation Area. There is therefore no planning policy protection to enable the existing guest house to be retained. In view of the above, the principle of residential development of the site including the demolition of the existing property is acceptable.
- 6.3 The site is also regarded as a windfall site, that is to say that it is not specifically allocated for residential development within the adopted Hereford Local Plan or the emerging Herefordshire Unitary Development Plan. A number of objectors have commented on whether there is the need for additional housing in the area. The Herefordshire Unitary Development Plan identifies that 40% of all housing anticipated to be built between 2006 and 2011 in Hereford would result from windfall sites such as this. Therefore, based on these figures the need for additional housing is justified.

Density

- 6.4 The density of this proposal is high, representing approximately 150 dwellings to the hectare. Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy H15 advises that in the town centre and adjacent sites, at least 50 dwellings to the hectare is required, whilst national guidance contained within PPG3 (Housing) encourages the efficient use of land, suggesting 30 – 50 per hectare as appropriate. In consideration of the location of this site it is suggested that a higher density is appropriate.
- 6.5 Notwithstanding the above, the concerns raised regarding potential development are noted. However, it is advised that no maximum level of density is specified in any policy guidance and in this case the indicative plan suggests that two and a half storey connecting blocks could be developed to provide 12 of the 14 units, with the remaining two located above garaging to the rear. Whilst this plan is only indicative it demonstrates that 12 units can occupy an area similar to that of two pairs of relatively substantial semi-detached dwellings of the type found adjacent to this site. It is suggested that this indicative layout demonstrates the ability of this site to accommodate these units whilst remaining appropriate in scale and massing for the locality. It is considered, therefore, that the density of this development is acceptable.

Highway Issues

- 6.6 Concerns have been expressed over the limitations of the access, as well as, the inadequacies of the parking facilities. The Traffic Manager undertook pre-application discussions to identify the issues and requirements associated with this site. The proposed access complies with the required access standards, furthermore, having regard to the location of this site, the proximity of public transport, and the modest nature of the residential units, the parking provision is considered adequate. On this basis the access and parking arrangements are assessed to be acceptable. It is considered that the traffic generation associated with this development will not result in unacceptable levels of congestion in the locality.

Amenity Issues

- 6.7 It must be stressed that this application seeks Outline permission only with only access confirmed for detailed consideration. That said, the indicative site plan suggests a potential layout for this development. In consideration of this plan it is suggested that the proposed development could be introduced without detriment to the visual or residential amenities of the locality. With the layout as indicated, ample distance exists between the application site and the dwellings opposite (24 metres minimum) and those found to south west (27 metres minimum) to ensure that privacy within these properties is preserved. The potential overlooking of the rear gardens areas to the south west would not be inappropriate in the context of the suggested layout and a condition could ensure that no habitable openings are introduced into the south east facing ('side') elevation of the rear projection as proposed. Turning to the visual amenities of the locality, the site is raised above the roadway, however, it is of note that the existing property and neighbouring properties in this frontage are substantial in height for two storey properties, suggesting that a two and half storey development could be introduced without being excessive in scale or representing an incongruous feature within the street scene. It is considered that the proposed development could be introduced without detriment to the visual or residential amenities of the locality.
- 6.8 With respect to the proximity of the railway line, comments from the Environmental Health Manager and Network Rail were awaited at the time of writing and as such the recommendation reflects this outstanding information.

RECOMMENDATION

Subject to there being no objection from Network Rail, Environmental Health Manager, or Conservation Manager, the Officers named in the scheme of delegation be authorised to approve the application subject to the following conditions and any further conditions considered necessary by Officers:

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

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

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

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

3. A05 (Plans and particulars of reserved matters)

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

4. B01 (Samples of external materials)

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

5. E08 (Domestic use only of garage)

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.

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

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

7. E16 (Removal of permitted development rights)

Reason: In order to retain effective control over this high density development in the interests of the residential and visual amenities of the locality.

8. F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

9. 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.

10. F18 (Scheme of foul drainage disposal)

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

11. G01 (Details of boundary treatments)

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

12. G04 (Landscaping scheme (general))

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

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

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

14. G08 (Retention of trees/hedgerows (outline applications))

Reason: To safeguard the amenity of the area.

15. H06 (Vehicular access construction)

Reason: In the interests of highway safety.

16. H07 (Single access - outline consent)

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

17. H08 (Access closure)

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

Informatives:

- 1. N01 - Access for all
- 2. N03 - Adjoining property rights
- 3. HN01 - Mud on highway
- 4. HN04 - Private apparatus within highway
- 5. HN05 - Works within the highway
- 6. N15 - Reason(s) for the Grant of PP/LBC/CAC

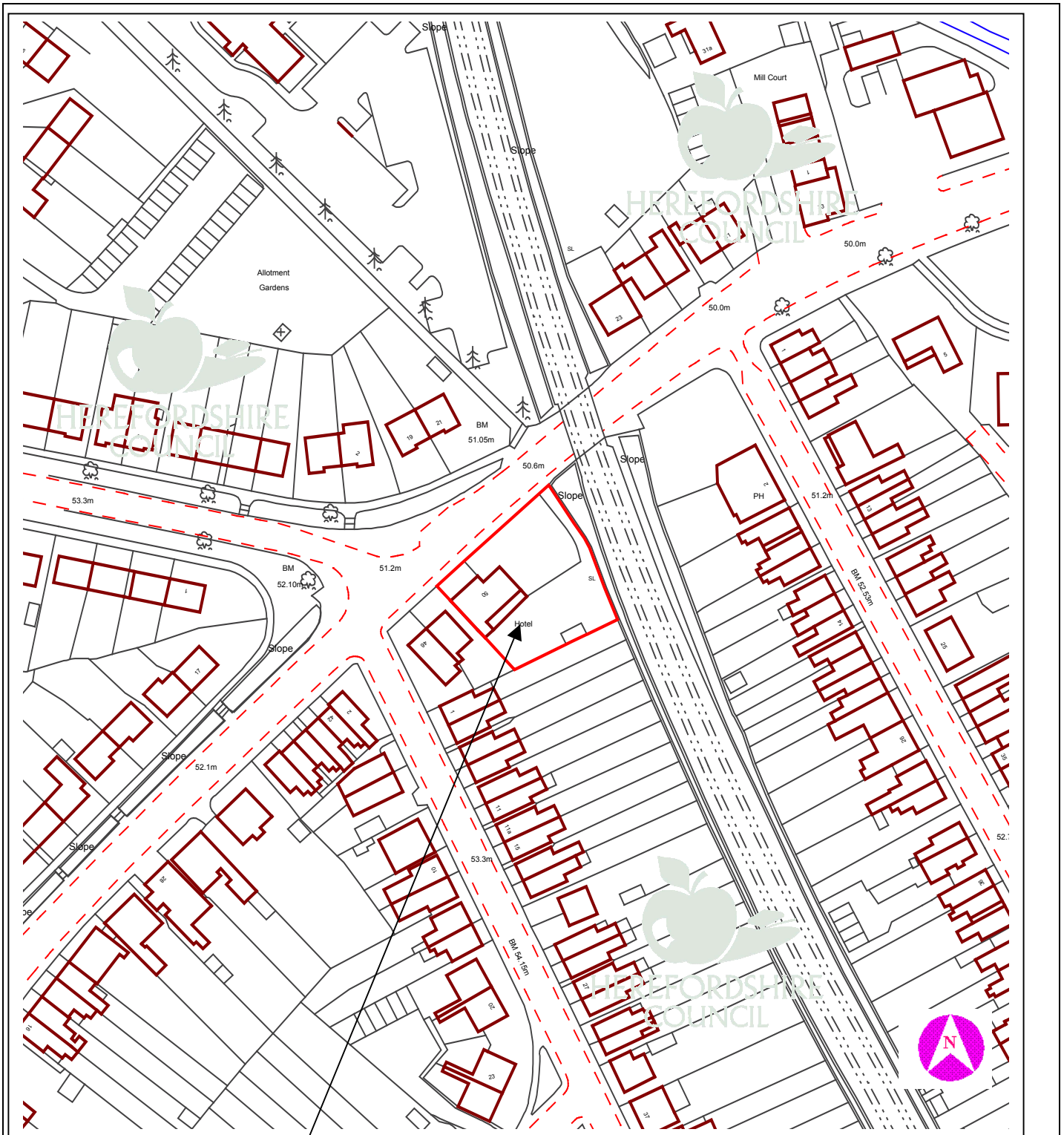
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2005/3595/O

SCALE : 1 : 1250

SITE ADDRESS : 50 Ledbury Road, Hereford, Herefordshire, HR1 2SY

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7 DCCW2005/3713/F - PROPOSED DETACHED DWELLING AT LAND ADJACENT TO 84 WHITE HORSE STREET, HEREFORD, HR4 0ER

For: G.F.A. Bassi per Mr. J. Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH

Date Received: 17th November, 2005 Ward: St. Nicholas Grid Ref: 49849, 39958

Expiry Date: 12th January, 2006

Local Members: Councillors Mrs. E.M. Bew and Miss F. Short

1. Site Description and Proposal

- 1.1 This site is located between 80 and 84 White Horse Street, Whitecross, Hereford. It presently forms the extended garden of No. 84 and has a frontage of 13 metres with a depth of 20 metres. It is laid to lawn with orchard trees.
- 1.2 The proposal is to erect a three bed detached dwelling with off-street parking for two cars. Full details are submitted for approval and provide for a red brick wall under a natural slate roof.
- 1.3 Publicity on the application was undertaken by means of neighbour letters, the time period for which expires on 12th December, 2005. Any additional consultation responses will be reported verbally.

2. Policies

2.1 Planning Policy Guidance:

PPS1 - Delivering Sustainable Development
PPG3 - Housing

2.2 Hereford Local Plan:

Policy ENV14 - Design
Policy H3 - Design of New Residential Development
Policy H12 - Established Residential Areas – Character and Amenity
Policy H13 - Established Residential Areas – Loss of Features
Policy H14 - Established Residential Areas – Site Factors

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy H1 - Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H13 - Sustainable Residential Design
Policy H15 - Density
Policy H16 - Car Parking
Policy S1 - Sustainable Development
Policy S2 - Development Requirements

3. Planning History

- 3.1 CW2003/2026/F Proposed site for residential development. Outline permission refused 1st September, 2003.
- 3.2 DCCW2005/1865/F Proposed new detached house. Withdrawn 22nd July, 2005.
- 3.3 DCCW2005/2860/F Proposed new detached house. Refused 7th October, 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: Recommends conditions.

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 Previous responses to earlier applications have raised the following concerns:-

This is an overdevelopment of the site and its development would impinge on the privacy and amenity of adjoining residential properties.

- The development will add further congestion in White Horse Street which is also used by residents in Westfaling Street for parking.
- Cars are also parked in the bus stop which is outside this site causing buses to off load in the middle of the road which caused further congestion.
- Disturbance will also occur from the narrow off-road parking with cars moving together with associated fumes.
- A school bus drops off and collects children from the White Horse Street/Westfaling Street junction and parents park in the street.
- This will be a modern house with much older Victorian properties and will be out of keeping.

6. Officers Appraisal

- 6.1 This application falls to be considered under three main headings; Principle of Development, Highway Safety and Impact on Residential Amenity.

Principle of Development

- 6.2 The site is located within an established residential area as identified in the Hereford Local Plan where the principle of development is acceptable subject to highway safety and impact on adjoining dwellings.

- 6.3 The plot of land has a width of 13 metres with a depth of 20 metres which in density terms equates to approximately 35 dwellings to the hectare. Members will be aware that this is at the lower end of the densities recommended by PPG3.
- 6.4 The design has also been well considered by the agent with a full height front bay with gable over reflecting characteristics of the dwellings in the street. The use of traditional red brick under a slate roof is also compatible and is similar to other infill developments that have occurred in the area. It is considered that the scale and design as proposed would complement the street scene whilst also allowing space between dwellings of 5 metres.

Highway Safety

- 6.5 The proposal provides for two off-road parking spaces to the side of the dwelling with parking spaces of 2.8 x 5.2 metres which complies with the requirements contained in the Hereford Local Plan. The vehicular access is located to the north of the site with the bus stop in the southern corner. It should however be noted that the Traffic Manager has raised no objection subject to conditions pertaining to the construction of the access.

Impact on Residential Amenity

- 6.6 This aspect falls to be considered not only on the impact on amenity of adjoining dwellings but also of the severed garden serves No. 84 White Horse Street.
- 6.7 Since the previous withdrawn and refused applications the new dwelling has been moved and the design changed. This provides for a more balanced positioning of dwelling within the street scene and allows for space between existing dwellings. In addition the rear extending gable has been reduced to single storey. This means that first floor windows are now 10.4 metres back from the rear boundary with 65 Westfaling Street reducing the impact upon this property to an acceptable level.
- 6.8 The northern boundary has an extensive hedge and the concerns raised previously by the occupants of No. 80 White Horse Street whilst noted are not considered sufficient to warrant refusal given the revised juxtaposition of the new dwelling. In addition the small first floor window in the end gable is to provide light to the stairs and is to be obscure glazed which will be conditioned to ensure privacy is maintained.
- 6.9 Finally, there is considered to be sufficient amenity land retained for 84 White Horse Street and the proposed dwelling.

Conclusion

- 6.10 The scheme has been well designed and sited and forms a natural infill proposal within an established residential area. The concerns of neighbours are noted, however the Traffic Manager raises no objection on highway grounds and the positioning of the dwelling on the plot complements the dwellings either side providing space of approximately 5 metres. Overlooking has been reduced to the rear by removal of the first floor of the extended gable.

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. **E16 (Removal of permitted development rights).**
Reason: In the interest of residential amenity.
4. **F16 (Restriction of hours during construction).**
Reason: To protect the amenity of local residents.
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. **H05 (Access gates).**
Reason: In the interests of highway safety.
9. **H06 (Vehicular access construction).**
Reason: In the interests of highway safety.
10. **H11 (Parking - estate development (more than one house)).**
Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.
11. **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.

Informatives:

1. **HN05 - Works within the highway.**

- 2. **HN10 - No drainage to discharge to highway.**
- 3. **N15 - Reason(s) for the Grant of Planning Permission.**

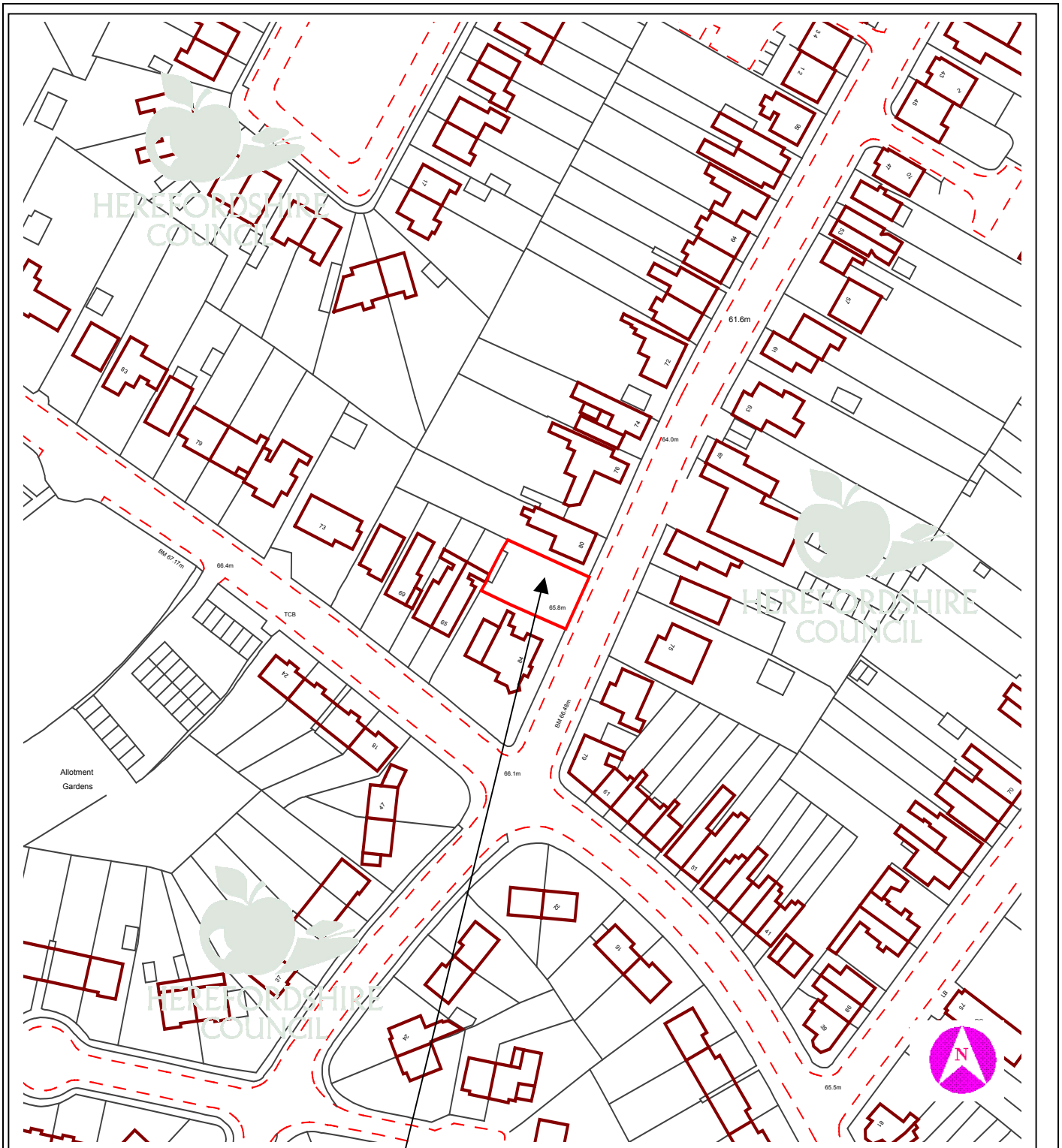
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2005/3713/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent to 84 White Horse Street, Hereford, HR4 0ER

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8 DCCE2005/3572/F - RETROSPECTIVE APPLICATION FOR A REPLACEMENT GARAGE 1 MORTIMER ROAD, HEREFORD, HEREFORDSHIRE, HR4 9SP

For: P Davies, 1 Mortimer Road, Hereford, HR4 9SP

Date Received: 4th November, 2005 Ward: Three Elms Grid Ref: 50749, 41067

Expiry Date: 30th December, 2005

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

1. Site Description and Proposal

1.1 This application seeks retrospective planning permission for the retention of a replacement garage at 1 Mortimer Road, Hereford. The application site is located within the established residential area of Hereford in a corner position on the junction with Newtown Road. The replacement garage is a timber structure adjacent to the boundary with 3 Mortimer Road.

2. Policies

2.1 Hereford Local Plan:

ENV14 - Design
H16 - Alterations and extensions

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 - Sustainable development
S2 - Development requirements
DR1 - Design
H18 - Alterations and extensions

3. Planning History

3.1 DCCE2003/1938/F – Proposed residential extension. Approved 5th August, 2003.

3.2 DCCE2002/1188/F – Proposed vehicle access. Planning Permission not required 14th June, 2002.

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Advice

4.2 Traffic Manager – No objection

5. Representations

- 5.1 Hereford City Parish Council – No objection.
- 5.2 Local Residents – A single letter has been received from the neighbouring property, number 3 Mortimer Road. The comments raised can be summarised as follows:
- Lost of light and overbearing impact;
 - Fire risk;
 - Proximity to boundary.

In the interests of clarification it is confirmed that there is no minimum distance development is required to be from a boundary under planning legislation, and the fire risk associated with this structure being constructed of wood is not, in this instance, a material planning consideration

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

Principle

- 6.1 Hereford City Local Plan policy H16 relates to residential development. This policy states that development should be of an appropriate design and scale in the context of the existing situation, and be acceptable in relation to the visual amenities of the locality and highway issues. Herefordshire Unitary Development Plan (Revised Deposit Draft) policy H18 reflects this position. Hereford City Local Plan policy ENV14 and Herefordshire Unitary Development Plan (Revised Deposit Draft) policy DR1 require a high standard of design in new development.

Residential Amenity

- 6.2 The principal issue associated with this application is the impact upon the detached neighbouring property to the north, number 3 Mortimer Road. It is of note that a kitchen window is found in the affected elevation and the garage is sited adjacent to the boundary. A degree of light loss and overbearing impact will therefore result. However, the garage has an eaves height of 2.15 metres with a ridge height of 2.65 metres. In this context it is considered that the impact associated with it will be within acceptable limits and it would be unreasonable to resist the application on this ground.

Design, Scale and Visual Amenities

- 6.3 The garage is of timber construction and this is considered appropriate. The building is of a reasonable size and is appropriate in the context of the application site, as well as, the wider area and as such this proposal represents an acceptable form of development which will preserve the visual amenities of the locality.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 E08 (Domestic use only of garage)**

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.

Informative:

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

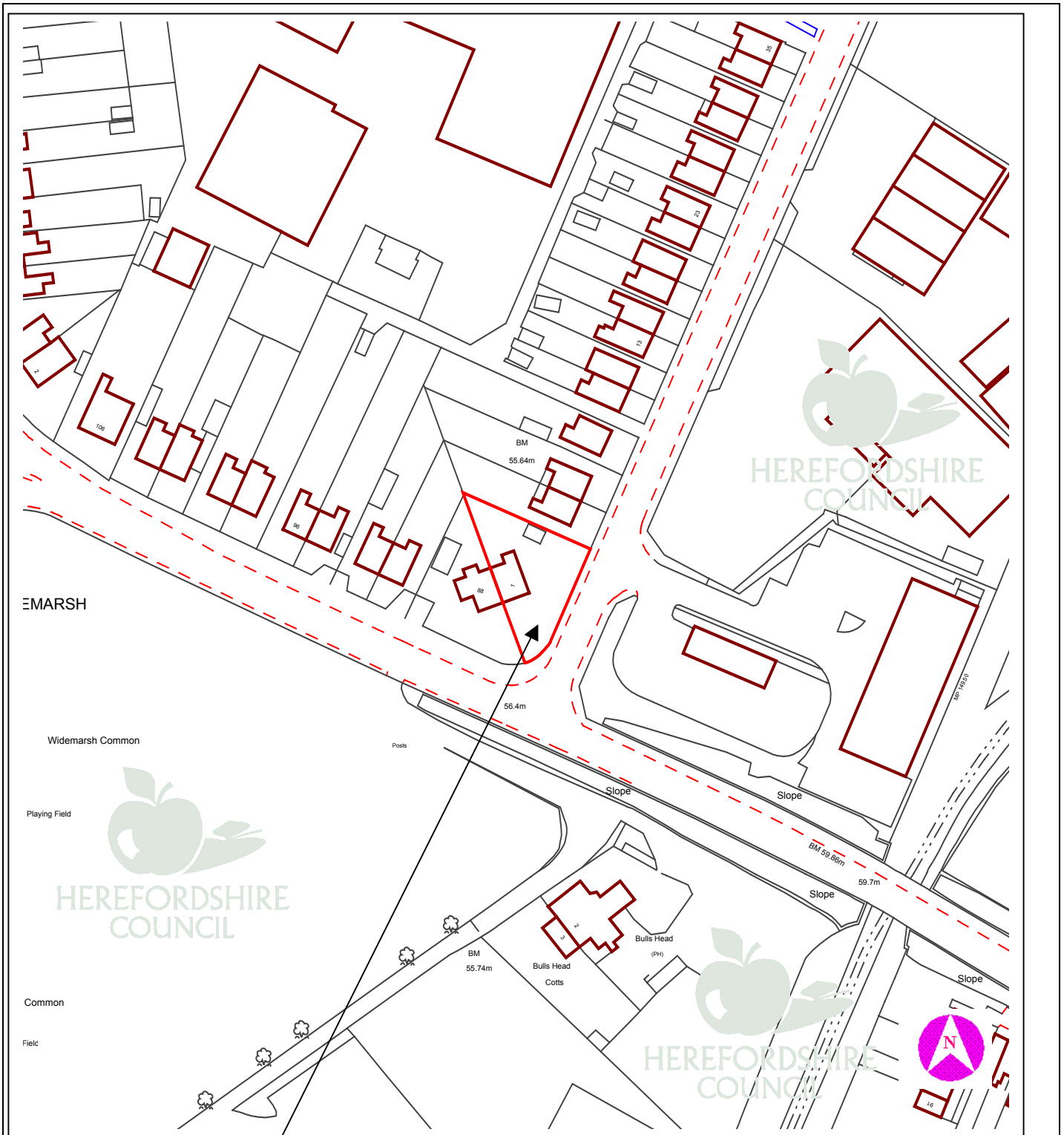
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2005/3572/F

SCALE : 1 : 1250

SITE ADDRESS : 1 Mortimer Road, Hereford, Herefordshire, HR4 9SP

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9 DCCE2005/3439/F - CONVERSION OF SEMI-DETACHED HOUSE INTO TWO SELF-CONTAINED FLATS. 96 PARK STREET, HEREFORD, HEREFORDSHIRE, HR1 2RE

For: Mr. N.E. Wagstaff, 96 Park Street, Hereford, HR1 2RE

Date Received: 27th October, 2005 Ward: Tupsley Grid Ref: 51876, 39346

Expiry Date: 22nd December, 2005

Local Members: Councillors Mrs. M.D. Lloyd-Hayes, Mrs. E.A. Taylor and W.J. Walling

1. Site Description and Proposal

1.1 This application seeks planning permission for the subdivision of 96 Park Street, Hereford. The existing property is a semi-detached dwelling house located within the established residential area of Hereford. The neighbouring property to the east has already been subdivided in the same manner as is proposed here. A passageway runs between the application property and the attached neighbour to the west. The majority of the dwellings on Park Street are frontage properties and have no off-street parking facilities. The external alterations are limited to a new entrance in the side of the property, a small rear canopy above the existing rear 'patio' doors, and a new flue. It is proposed to convert the existing three bedroomed property into two, one bedroomed, flats.

2. Policies

2.1 Planning Policy Guidance:

PPS1 - Delivering sustainable development
PPG3 - Housing

2.2 Hereford Local Plan

H12 - Established residential areas – character and amenity
H13 - Established residential areas – loss of features
H14 - Established residential areas – site factors
H17 - Conversion of houses into flats
T5 - Car parking – designated areas
T6 - Car parking - restrictions

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1 - Sustainable development
S2 - Development requirements
S3 - Housing
S6 - Transport
H16 - Alterations and extensions
H17 - Sub-division of existing housing

T11 - Parking provision

3. Planning History

3.1 None identified.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Traffic Manager: No objection.

5. Representations

5.1 Hereford City Council: No objection.

5.2 Local Residents: A single letter of objection has been received. The comments can be summarised as follows:

- Increased parking pressure caused by intensification of use.

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 It is considered that the main issues associated with this proposal are as follows:

- Principle of Development;
- Highway Issues;
- Amenity Issues.

Principle of Development

6.2 The adopted Hereford Local Plan Policy H17 and the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy H17 specifically consider the subdivision of existing housing. These policies state that the conversion of suitable residential buildings will be permitted provided that adequate and appropriate car parking is available, a satisfactory standard of accommodation will be provided, and no unacceptable impact upon the amenities of the locality will result. It is therefore assessed that the proposal is acceptable in principle.

Highway Issues

6.3 The majority of dwellings in this area have no off street parking facilities. It is further the case that the high density layout of the area significantly limits the ability of the locality to deal with this off street parking with large extents of the highway being reduced to single carriageway due to the on street parking on one side of the road. Parking is clearly an issue in this area.

- 6.4 In light of the above, it is clearly appropriate to consider thoroughly the potential for intensification associated with this proposal. In this case the existing dwelling would require two off-street parking spaces. A one bedroomed flat should be provided with a single space, therefore, two one bedroomed flats require a total of two spaces. Based on these standards there is no intensification between the existing situation and the proposed. Notwithstanding the limitations of the off-street parking, there would be no increased pressure upon the off-street parking than is the case with the existing situation. It is therefore assessed that although the off-street parking is limited in its availability, no intensification will result from this proposal, and the application is supported by the Traffic Manager.

Amenity Issues

- 6.5 The external alterations proposed are limited in their extent. The resultant conversion will not materially alter the appearance of this property and as such it is considered that no adverse impact will result upon the visual amenities of the locality. Turning to the impact upon residential amenities, it is considered that the occupation of this property as two flats will not result in an increased level of disturbance or nuisance. No loss of privacy or overbearing impact will result and the impact upon residential amenities is therefore considered acceptable.

RECOMMENDATION

That planning permission be approved 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 F16 (Restriction of hours during construction)**

Reason: To protect the amenity of local residents.

Informatives:

- 1 N01 - Access for all**
- 2 N03 - Adjoining property rights**
- 3 N15 - Reason(s) for the Grant of PP/LBC/CAC**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2005/3439/F

SCALE : 1 : 1250

SITE ADDRESS : 96 Park Street, Hereford, Herefordshire, HR1 2RE

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10 DCCW2005/3425/F - CONVERSION OF GARAGE TO STUDY AND ERECTION OF DETACHED DOUBLE GARAGE AT HERONS CROFT, TILLINGTON, HEREFORD, HR4 8LW

For: Mr. M. Dixon per D. Carr, 20 Glenthorne Road, Hereford, HR4 9RW

Date Received: 26th October, 2005 Ward: Burghill, Holmer & Lyde Grid Ref: 45331, 45974

Expiry Date: 21st December, 2005

Local Member: Councillor Mrs. S.J. Robertson

1. Site Description and Proposal

- 1.1 The application site is comprised of a detached bungalow set within its own curtilage, located within the hamlet of Tillington Common.
- 1.2 The application seeks consent to convert the existing integral garage to ancillary accommodation and erect a detached double garage between the dwelling and the highway to the north.

2. Policies

2.1 South Herefordshire District Council:

Policy GD1	-	General Development Criteria
Policy C8	-	Development within Areas of Great Landscape Value
Policy SH23	-	Extensions to Dwellings

3. Planning History

3.1 None.

4. Consultation Summary

4.1 Statutory Consultations

None.

Internal Council Advice

4.2 Traffic Manager: no objection.

5. Representations

5.1 Burghill Parish Council: No objection to the conversion of the integral garage, but raised concern about the proposed location of the detached garage as it was considered out of character with the surrounding area.

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 proposed addition of a pitched roof in replacement for the flat roof above the integral garage and its conversion to provide habitable accommodation are not considered to give rise to any loss of either visual or residential amenity to the wider locality.
- 6.2 However, the application site forms part of the boundary between the built form of the settlement and the open land to the west, which in addition to its status as common land also falls within the designated Area of Great Landscape Value. Therefore the principal considerations in determining this application are the impact of the proposed detached garage on the character and appearance of the adjoining Area of Great Landscape Value and the amenity of the surrounding locality.
- 6.3 The pattern of development in the surrounding area is one of detached dwellings fronting onto the highway, set back varying distances resulting in an irregular building line, as opposed to one, which is strictly delineated.
- 6.4 The proposed detached garage will be sited between the dwelling and the public highway, behind an established and mature group of trees and shrubs that act to significantly screen the front of the property from wider view.
- 6.4 The narrow width of the application site prohibits the siting of the garage to the rear or side of the dwelling, and whilst the proposed garage will be sited away from the dwelling, it is considered that placing it closer to the front of the dwelling will give rise to a greater sense of urbanisation by grouping the buildings in very close proximity, as opposed to the more open form of development, which is proposed in the application.
- 6.5 The height of the garage as originally submitted was considered to be excessive, therefore the applicant has been invited to revise the scheme to reduce the ridge height thereby reducing the bulk, and massing of the proposed garage.
- 6.6 Additionally, in order that the visual impact of the garage is minimised as far as possible, it is considered expedient to secure by condition the prior approval and implementation of a planting scheme on the western boundary to soften the transition with the adjoining common land.
- 6.7 Therefore whilst the comments of the Parish Council are noted, it is not considered subject to the amended plans and the imposition of appropriate conditions that the proposal will give rise to a form of development, which is demonstrably harmful to the visual amenity of the Area of Great Landscape Value or the wider settlement and as such, approval is recommended.

RECOMMENDATION

Subject to the receipt of suitable amended plans, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers

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

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

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

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

5. E08 (Domestic use only of garage).

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.

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. 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.

Informatives:

1. N01 - Access for all.

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2005/3425/F

SCALE : 1 : 1250

SITE ADDRESS : Herons Croft, Tillington, Hereford, HR4 8LW

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11 DCCE2005/1752/O - CLASS A1 NON-FOOD RETAIL DEVELOPMENT, CAR PARKING, ASSOCIATED FACILITIES AND SERVICES AT LAND AT REAR OF DENCO SITE, HOLMER ROAD, HEREFORD HR4 9SH

For: Morbaine Ltd, The Finlan Centre, Hale Road, Widness, Cheshire, WA8 8PU

Date Received: 27th May, 2005 Ward: Three Elms Grid Ref: 50852, 41639

Expiry Date: 22nd July, 2005

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

1. Site Description and Proposal

- 1.1 The site is located to the rear (east) of Denco's former offices in the northern part of Hereford. Access is presently gained via unclassified road 80331 which runs alongside the A49. To the north and east is Wiggins's Special Metals and south is a gas holding tank. A number of buildings presently occupy land to the west but these are shortly to be demolished to accommodate the new B&Q Superstore for which detailed planning permission was approved last year.
- 1.2 The site in question is presently undeveloped and is largely set out to grass having previously been used as a football pitch. The southern boundary is enclosed by a row of mature poplar trees, the remainder of the site being relatively open. Running along the eastern and southern boundary is public footpath reference HER9. The site itself is designated within both the Hereford Local Plan and the Herefordshire Unitary Development Plan (Revised Deposit Draft) as private outdoor play space.
- 1.3 Outline planning permission is sought for the construction of Class A1 non-food retail development and associated car parking and landscaping. Means of access is also to be considered under this application with the external appearance, siting, design and landscaping reserved for future consideration. An illustrative layout plan has also been provided which identifies three retail units with a total retail floorspace of 3623 sq metres along with 176 parking spaces and associated servicing and lorry manoeuvring areas. The application is also accompanied by a traffic and retail impact assessment.

2. Policies

2.1 Planning Policy Guidance:

Planning Policy Statement 6 – Planning for Town Centres
 Planning Policy Guidance Note 17 – Planning for Open Space, Sport and Recreation

2.2 Hereford Local Plan:

ENV6	-	Hazardous installations
ENV14	-	Design
ENV15	-	Access for all
S1	-	Role of central shopping area

S11	-	Criteria for large scale retail developments outside of the city centre
E6	-	Other uses on employment land
T2	-	Highway and junction improvement
T11	-	Pedestrian provision
T12	-	Cyclist provision
R5	-	Loss of private outdoor playing space
R6	-	Provision of outdoor playing space
IMP3	-	Planning obligations

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
S5	-	Town centres and retail
S8	-	Recreation, sport and tourism
DR2	-	Land use and activity
DR3	-	Movement
DR5	-	Planning obligations
DR12	-	Hazardous substances
TCR1	-	Central shopping and commercial areas
TCR2	-	Vitality and viability
TCR9	-	Large scale retail and leisure development outside central shopping and commercial areas
TCR25	-	Land for retail warehousing
T8	-	Road hierarchy
T11	-	Parking provision
T16	-	Access for all
RST4	-	Safeguarding existing recreational open space
RST5	-	New open space in adjacent settlements

3. Planning History

- 3.1 No history exists for the site subject of this application but the following relates to the adjoining site and is of relevance.
- 3.2 CE2003/3392/O - Class A1 non-food retail development, car parking, associated facilities and services, Denco site, land at Holmer Road, Hereford. Outline planning permission approved 17th November, 2004.
- 3.3 CE2004/4378/RM - Class A1 non food retail development, car parking, associated facilities and servicing, Denco site, land at Holmer Road, Hereford. Reserved matters approval 9th March, 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 Sport England: The applicants are offering £100,000 as compensation for the loss of the area of open space. However, the STRI Report indicates that development of the pitch at Aylestone Park will cost in excess of £100,000. If the current application were to proceed a pitch (or the potential space for a pitch) will be lost on land that is allocated for open space purposes, in an area where it is needed. It would not appear

that any assessment has been undertaken to indicate that the Denco site is not required for any of the open space uses that it might fulfill, including that of playing fields, in accordance with advice in PPG17. The £100,000 offer represents only part of the value of the playing pitch. In reality, a replacement pitch would also involve land costs, infrastructure costs and maintenance costs. In a recent appeal decision compensation of £250,000 was not considered acceptable.

Sport England considers that the rationale for the compensation should be clear and that either one of the exceptions to playing field policy should be satisfied or a case should be made to clarify the very special circumstances that might mean this case could be considered as an exception to policy.

Comments are awaited on the proposed increased financial contribution.

- 4.2 Health and Safety Executive - Hazardous Installations Directorate: The Health and Safety Executive is a statutory consultee for certain developments within the consultation distance of major hazard installations, complexes and pipelines. The Health and Safety Executive does not advise on safety grounds against the grant of planning permission in this case.
- 4.3 Highways Agency: This new application alongside the recently approved B&Q development will lead to an increase in floor space together with an increase in car parking provision. The PICADY Assessment of the A49 link road junction is incorrectly modelled or the cycling/walking catchment areas are inaccurate. Therefore an up-to-date Traffic Assessment is required to take account of these issues. The Agency therefore maintains their objection at this stage.

The requested information has now been provided and is presently being assessed by the Highways Agency.

- 4.4 Open Spaces Society: Circular 5/94 – ‘Planning out Crime’ states that development should not create intimidating corridors out of existing public footpaths by erecting wooden panels. Paths must also be overlooked, have an open aspect and lit at night.
- 4.5 Ramblers Association: This development doesn't appear to have any impact upon the adjacent public rights of way. However the developer should be aware that there is a legal requirement to maintain and keep clear the public right of way at all times. As part of the development the developer should be encouraged to provide a hard surface for the footpaths and suitable lighting for both the security of the footpath as well as the proposed retail units.
- 4.6 Welsh Water: No objection subject to conditions regarding foul and surface water drainage.

Internal Council Advice

- 4.7 Public Rights of Way Manager: The proposed development does not affect public footpaths HER9 and HER41.
- 4.8 Parks and Countryside Manager: The application is fully supported in respect of the financial contribution to off site provision of new sports facilities elsewhere in the town. This should avoid objection from Sport England as it meets with their Exception Policy E4 - Replacement of Lost Facilities. The contribution is to be used towards Aylestone

Park development, which is being developed as a result of other lost football pitches in the area.

- 4.9 Community and Economic Development Manager: No objection:
- 4.10 Environmental Health and Trading Standards Manager: No objection.
- 4.11 Conservation Manager: No objections subject to conditions concerning landscaping.
- 4.12 Traffic Manager: No objections subject to standard conditions including a condition requiring the provision of a Travel Plan. Additional traffic calming within the adjoining site may also be required along with a possible financial contribution towards a new bus stop to serve the development should be investigated.
- 4.13 Forward Planning Manager: In the emerging UDP the site constitutes an area of land designated as safeguarded recreational space under Policy RST4 of the Plan. It is understood this matter has been resolved through negotiation but does need to be checked.

Policy TCR9 of the Plan regarding large scale retail developments requires any proposal for such development outside of the Central Shopping and Commercial Area to demonstrate both a quantitative and qualitative need for the development in the location proposed. The application includes a Retail Assessment for Hereford which highlights the UDP's Retail Background Paper Capacity Assessment. The Background Paper, produced in 2002, states that there is a current shortage of existing durable goods retail floorspace, and identifies a further need of 11,000 to 15,000 sq metres of floor space over the plan period. The UDP identifies the site at Holmer Road as a location where the majority of this requirement should be located. Any further introduction of large scale retail development outside of allocated sites should be assessed in terms of Policy TCR9.

If need has been demonstrated, which in this case, it has, then a sequential approach to site selection is required. The UDP states that the most sequentially appropriate site for retail warehousing is at Holmer Road. This site is adjacent to the A49 and would complement existing retail warehouse facilities in the area thus facilitating linked trips. The applicants have also gone further to review other sites which would be sequentially preferable to out of centre sites. It is considered that such analysis is acceptable to a level that satisfies the requirements of Policy TCR9 of the UDP.

5. Representations

- 5.1 Hereford City Council: The City Council recommends refusal on the ground of deleterious impact on the city centre retail outlets. It is also considered to be contrary to the rational behind the planning consent for the existing development at the site.
- 5.2 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 relevant to the consideration of this application are:

1. The Principle
2. Retail impact
3. Loss of private open space.
4. Other matters
5. Conclusion

The Principle

- 6.2 The application is accompanied by a Retail Assessment, which examines existing shopping patterns within the catchment area and provides an assessment of non-food retail provision in Hereford. The report goes on to assess the need for the proposed development and considers the sequential approach to site selection and finally, the report considers the likely retail trading effects of the proposed development.
- 6.3 The starting point for the retail assessment is the Retail Background Paper prepared in conjunction with the Unitary Development Plan. Figures obtained from the UK Shopping Index for 2003/2004 identify Hereford placed 77th in the UK rankings of shopping centres, this now being ahead of a number of neighbouring regional centres including Shrewsbury and Gloucester. Hereford's ranking under the similar Shopping Index in 1995/96 was 136th. This background information demonstrates that Hereford has a viable and commercially attractive shopping environment with a strong comparison goods retail sector.
- 6.4 In assessing this proposal, the applicants must first demonstrate a retail need for the additional floor space proposed. This is fulfilled by considering the quantitative need (i.e. expenditure capacity) and a qualitative need (i.e. any deficiencies in existing retail provision and market demand). The Retail Background Paper prepared in support of the Unitary Development Plan states the following:
- “The capacity of existing durable goods retail floor space is failing to satisfy current levels of spending. This is resulting in substantial leakage of spending to centres outside the catchment. In order to make good this leakage and maintain Hereford's position within its catchment, some 14,000 – 16,000 sq metres of city centre floor space and a further 11,000 – 15,000 retail warehouse floor space will be required over the UDP period”.
- 6.5 The applicant's retail study utilises more up-to-date expenditure and population figures than that which led to the above conclusion and identifies an even greater need for retail warehouse floor space totalling between 17 and 22,000 sq metres net over the plan period. Based on this information, it is clear therefore that there is surplus retail expenditure capacity to support additional retail warehousing in Hereford and consequently, a quantitative need has been proven.
- 6.6 In terms of a qualitative need, no occupiers have yet been identified for the proposed retail units. However, a number of national retailers have expressed an interest for a large store in a retail park location such as Holmer Road. The report argues that there are deficiencies in Hereford's retail warehouse provision on the basis that there are a number of national retailers located in neighbouring regional centres which do not have stores in Hereford. This may be the case but it is unrealistic for every national retailer selling carpets, for example, to have or even want a store in Hereford. Furthermore, the qualitative case is somewhat out of date as for example; it suggests that there is a very limited electrical sector, which, of course, is no longer the case with the new Comet store and the recently approved Maplin Electronics store adjacent to Halfords.

Therefore, the case made for a qualitative need is relatively weak. However, policy TCR9 of the UDP states that greater weight should be placed on the quantitative need for new retail provision and it is considered that in this instance, the quantitative need has been proven.

- 6.7 Once the need for additional retail bulky goods floor space has been demonstrated a sequential approach to site selection must then be adopted. This approach gives first preference to town centre sites, in Hereford this means land and buildings within the Central Shopping and Commercial Area, second preference is land and buildings on the edge of centre which normally means within walking distance of up to 500 metres from the centre and third preference is for an out of centre location which is well served by public transport but does not lie outside of the defined settlement boundary.
- 6.8 The Eign Gate Regeneration Area is identified in the UDP as a possible city centre retail site but this is generally earmarked for smaller comparison goods units. The Edgar Street Grid area offers the only major opportunity for edge of centre retail development. However, this is a long term opportunity and the retail provision is again, likely to be focused on non-bulky comparison goods floor space to compliment and enhance the vitality and viability of the existing shopping provision and therefore is unlikely to be available for bulky goods retail warehousing. As to out of centre sites, land south and south west of the application site is specifically allocated for additional retail warehousing as confirmed under Policy TCR25 of the UDP. Policy TCR25 states that the majority of the additional 11,000 – 15,000 sq metres net retail warehousing floor space referred to above should be located at Holmer Road which is considered to be the most sequentially appropriate site. No objections were lodged to this policy and therefore it is likely that it will be adopted.
- 6.9 The applicants argue that this site has limited commercial appeal due to length of its frontage on Holmer Road and the fact that part of the site is located to the rear of the existing B&Q store. This is not dissimilar to the relationship of this application site to the new B&Q site in terms of the frontage width and the principle of having backland style retail units. Therefore, this could be regarded as a sequentially preferable site in terms of the fact that it is specifically allocated for further retail warehousing. However, in locational terms, the UDP allocated site is no more sustainable than this proposed site and given that a quantitative need has already been demonstrated, it is considered that there is additional retail capacity for the application site. In locational terms, it will also complement other retail warehousing in the locality, leading to linked trips and will be sustainable in terms of its accessibility by a choice means of transport. Therefore as required by Policy TCR9, a retail need has been demonstrated and the site is sequentially acceptable.

Retail Impact

- 6.10 Having identified a retail need and established the most appropriate site, the retail impact of the development on Hereford city centre must be assessed. The proposals will inevitably lead to the diversion of some trade away from the city centre. The retail report estimates (based on 2004 figures) the combined city centre turnover (comparison and convenience goods) in 2006 to be £226.8M and the trade diverted from recent and proposed developments will be £11.2M. This effectively means that the new B&Q, Comet site and this development would take an additional 4.7% of total retail turnover away from the city centre. This figure is relatively insignificant and also must be considered against other factors. Some retail leakage to other regional centres referred to above and in the UDP will be clawed back by this and other recent

developments/approvals. Furthermore, the retail turnover for Hereford City will have increased by almost 19% between 2001 and 2006, which highlights that although Hereford's out of centre retail provision is continuing to grow, there has been no adverse impact on the city centre retail sector. Therefore, based on recent and projected figures the retail impact is acceptable.

Loss of Private Open Space

- 6.11 The site in question is allocated within both the Local Plan and Unitary Development Plan as private open space, being most recently used as a football pitch by Denco employees. Policy R5 of the Hereford Local Plan and RST4 of the Herefordshire Unitary Development Plan state that development proposals that would result in the loss of private open space with recreational value, or facilities that help meet the recreational needs of the community will not be permitted. There is essentially two exceptions to these policies:
1. There is a clear excess of outdoor playing space in the area taking account of the wider recreational provision or
 2. Alternative provision of at least equivalent community benefit is provided in a convenient and accessible location.
- 6.12 Paragraph 15 of Planning Policy Guidance No. 17 entitled Planning for Open Space, Sport and Recreation states that where a robust assessment of need has not been undertaken, planning permission for development should not be allowed unless (Criteria 3) the playing field that would be lost as a result of the proposed development will be replaced by a playing field or fields of equivalent or better quantity and quality in a suitable location. Para. 16 of PPG17 goes on to state that in considering planning applications, authorities should weigh any benefits being offered to the community against the loss of open space that will occur.
- 6.13 The applicants have not undertaken a Recreational Land Study and therefore the criteria above is relevant. To compensate for the loss of the site as an area of private open space the applicants have offered a financial contribution of £154,000 to be provided by way of a unilateral undertaking. It is proposed that this money would be used at the Aylestone Park development and is sufficient to fund the cost of providing two all weather football pitches – one full sized and one junior pitch. This figure was arrived at following a feasibility study undertaken by the Council in May 2004. The original offer of £100,000, which would equate to the cost of one full sized pitch was not considered to be a reasonable and commensurate contribution. Following negotiations and discussions the applicants agreed to the cost of providing two pitches (although given the feasibility study was in May 2004, the actual cost is now likely to be greater).
- 6.14 The loss of the open space is unfortunate, particularly as there is already a shortfall of recreational space within the catchment area of the site. However, the likelihood of the land being used for private let alone public or community usage in the future is extremely limited. Therefore, the community benefit of enabling the Aylestone Park site to be developed considerably quicker than would be the case if the money provided by this development were not available is on balance, considered to be of greater benefit to Hereford City as a whole than retaining and protecting the application site for private open space.
- 6.15 Sport England maintain their objection to the proposal partly in principal but more so that the rationale behind the level of compensation may not be sufficient citing a recent

appeal decision where compensation of £250,000 was not considered acceptable by a Planning Inspector. There is some justification in this stance as for example; the applicants do not have any land acquisition costs that would have to be factored in if the Aylestone Park development were not on going. However, ultimately, the development will facilitate the creation of a full size and junior all weather pitch in replacement of one grass football pitch in private ownership which may never be brought back into a recreational use let alone a community recreational use. Therefore, whilst Sport England maintain their objection it is considered that the requirements of the relevant planning policy have been satisfied i.e. an alternative provision of at least equivalent community benefit is provided in a convenient and accessible location. The Principal Leisure and Countryside Recreation Officer supports this view.

Other Matters

- 6.16 The Highways Agency are also presently maintaining an objection to the application principally on the basis that insufficient analysis has been undertaken on the effect of additional traffic as a result of this development particularly in relation to the junction with the A49. An updated traffic assessment to that which was provided with the application for the new B&Q Store back in 2003 is also necessary. The information requested by the Highways Agency has now been provided and is currently being assessed. No formal response has been received to date but the Agency has confirmed that their concerns are all resolvable. To assist in the costs of the possible junction improvements on the A49 and the promotion of other public transport measures such as a new bus stop, the applicants are also proposing a financial contribution of £5,500 to be used by either the Highways Agency or Herefordshire Council towards the cost of highway related improvements.
- 6.17 An indicative layout has been provided that indicates three different size retail units, the largest being 1393 sq metres (15,000 sq feet) the smallest being 1115 sq metres (12,000 sq feet). A further 176 parking spaces are proposed along the western boundary and extending on from the proposed parking associated with the B&Q Store with the servicing area to the rear (east) of the site. There may be some issues with the layout such as, for example, the relationship of the large retail unit to the footpath with potential impact on the usability of the footpath. However, the layout indicates that three units of the size proposed can be accommodated on the site along with the associated infrastructure and parking. Ultimately, the layout along with the scale, design, materials and landscaping will be assessed and determined under a reserved matters application should outline planning permission be granted.
- 6.18 Financial contributions proposed by the applicants are to be provided via a Unilateral Undertaking under Section 106 of the Town and Country Planning Act. The undertaking has already been provided and assessed by the Council's Legal Officer and is ready to be signed should outline permission be approved.

Conclusion

- 6.19 Although there are weaknesses in the retail case presented in support of the application, the report alongside the Unitary Development Plan Policy identify a need for further retail warehousing floor space and the application site and area generally is regarded as sequentially the most appropriate location for such development. The compensation of two new all weather pitches is considered to be an acceptable replacement for the loss of the private open space again in line with the tests contained

within the UDP Policy and PPG17. Therefore, subject to a number of conditions including a condition limiting the nature of goods sold to primarily bulky non-food items in order to safeguard the vitality and viability of the town centre, the proposal is considered acceptable. If Sport England maintains their objection, the application will have to be referred to the Government Office for the West Midlands.

RECOMMENDATION

1. **If the objection by Sport England is maintained, the application be referred to the Government Office for the West Midlands under the departure procedure.**
2. **If the objection by Sport England is withdrawn and subject to there being no objection from the Highways Agency to the additional information and traffic assessment and secondly;**
3. **Subject to the applicants providing an appropriately completed Unilateral Undertaking under section 106 of the Town and country Planning Act 1990 providing financial contributions for the off site provision of recreation facilities, highway works and public transport measures and any additional matters and terms considered necessary and appropriate by the local planning authority, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered necessary by Officers:**
 1. **A02 (Time limit for submission of reserved matters (outline permission))**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
 2. **A03 (Time limit for commencement (outline permission))**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
 3. **A04 (Approval of reserved matters)(delete access)**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
 4. **A05 (Plans and particulars of reserved matters)(delete access)**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
 5. **B01 (Samples of external materials)(delete details)**
Reason: To ensure that the materials harmonise with the surroundings.
 6. **The premises shall be used as a retail warehouse within Class A1 of the Town & Country Planning (Use Classes) Order 1987 with the exception of the following uses:**
 - i) **the sale of food and drink to be consumed off the premises;**

- ii) sale of clothing and footwear;
- iii) sale of cutlery, crockery and glassware;
- iv) sale of jewellery, clocks and watches;
- v) sale of toys, camping and travel goods;
- vi) sale of books, audio and visual recordings and stationery except for the retail sale of office supplies, office equipment and office furniture including the sale of both bulky and non-bulky catering packs of food and drink for office use;
- vii) sale of medical goods, cosmetics and toiletries;
- viii) sales of sports goods, equipment and clothing;
- ix) all uses within Categories A1 (B to F) of Class A1;

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

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

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

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

8. 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.

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

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

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

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

13. H27 (Parking for site operatives)

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

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.

15. H17 (Junction improvement/off site works)

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

16. F39 (Scheme of refuse storage)

Reason: In the interests of amenity.

17. F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

18. G01 (Details of boundary treatments)

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

19. The development hereby approved shall not commence until details including scaled plans of the improvements to public footpath HER9 have been submitted to, and approved in writing by the Local Planning Authority. These details shall form part of the overall site development and should incorporate the footpath into the overall layout. The details shall include details of construction, surfacing, drainage and lighting including a specification to enable potential pedestrian and cycle use, all to be agreed in writing by the Local Planning Authority. The details shall be implemented as approved prior to the development opening to customers.

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

Informatives:

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

2. N02 - Section 106 Obligation

3. The applicant is advised that additional traffic calming may be required within the approved site for the new B&Q store based upon the illustrative layout provided.

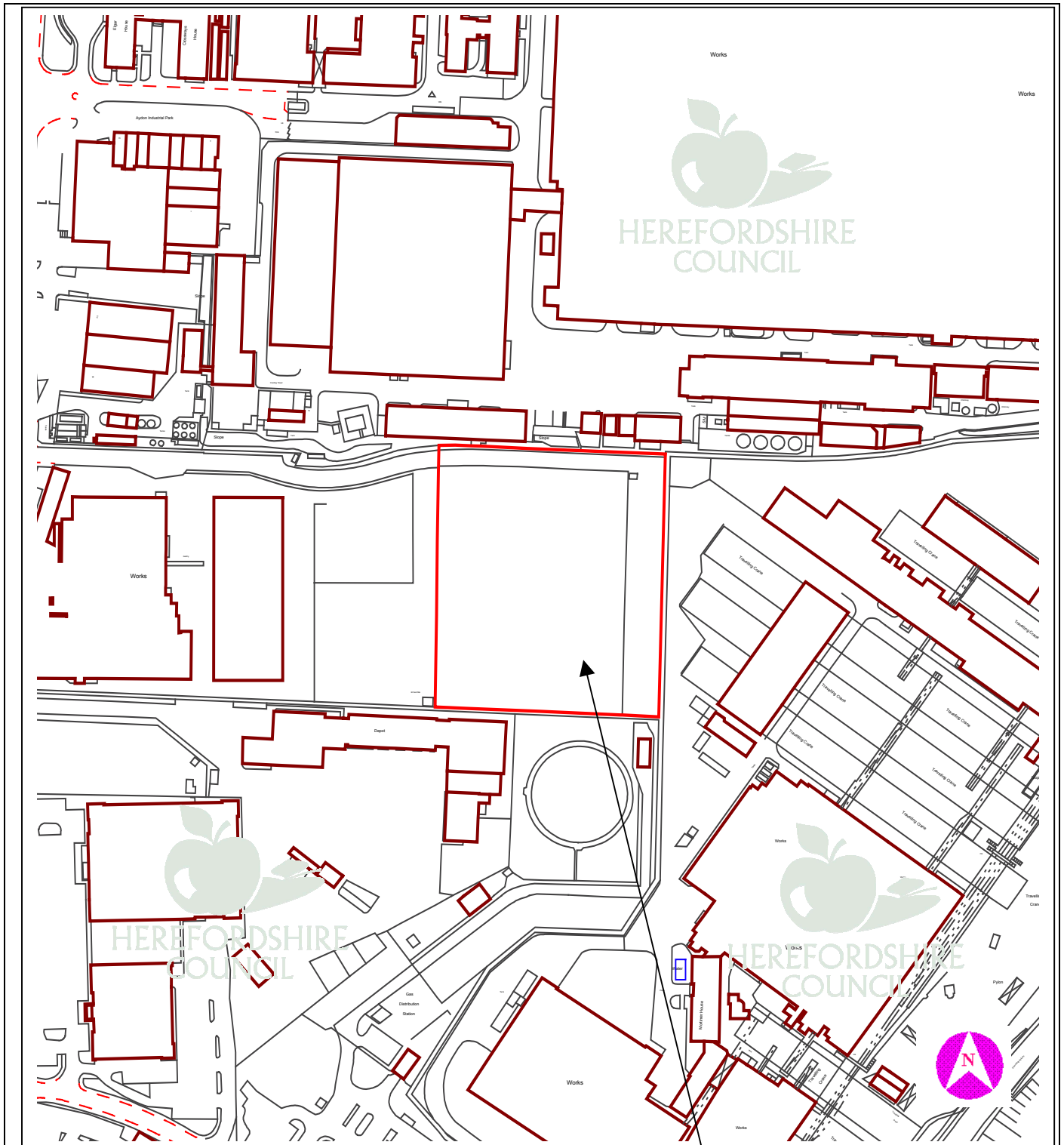
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2005/1752/O

SCALE : 1 : 2500

SITE ADDRESS : Land at rear of Denco site, Holmer Road, Hereford HR4 9SH

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Further information on the subject of this report is available from Mr. R Pryce on 01432 261957

**12A DCCW2005/3474/F - TWO DETACHED BUNGALOWS
TO REPLACE EXISTING SECTIONAL BUNGALOW AT
TOWNEND, WELLINGTON, HEREFORD, HR4 8AT**

12B DCCW2005/3484/C - AS ABOVE

For: Mr. D. Palmer at above address.

Date Received: 28th October, 2005 Ward: Wormsley Ridge Grid Ref: 48865, 48104

Expiry Date: 23rd December, 2005

Local Member: Councillor J.C. Mayson

1. Site Description and Proposal

- 1.1 Townend is located on the southside of the main road leading through Wellington between properties known as Ferriby and Kerria. The site is elevated above the road and contains a small prefabricated bungalow. Substantial hedging abutts the roadside and the boundary with Ferriby. Two large trees, a beech and lime are located at the front of the site. The whole plot measures approximately 33m wide by 34m deep. The existing vehicular access is shared with Kerria.
- 1.2 The site is located within the Wellington Conservation Area and a listed building, Ashely House is sited opposite.
- 1.3 The proposal is to demolish the existing bungalow and replace with two small three-bed bungalows. One will have access off the existing drive whilst a new driveway off the main village road is proposed for the other bungalow. The bungalows are set back into the plot to protect the lime and beech tree which are both retained. External materials proposed are a red mix facing brick under an interlocking roof tile colour slate blue.

2. Policies

PPG1 – Delivering Sustainable Development
PPG3 – Housing
PPG7 – Sustainable Development in Rural Areas
PPG15 – Planning and Historic Environment

South Herefordshire District Local Plan

C2 – Settlement Boundaries
SH6 – Housing Developments in Larger Villages
SH8 – New Housing Development Criteria in Larger Villages
C22 – Maintain Character of Conservation Area
C23 – New Development Affecting Conservation Areas
C24 – Demolition in Conservation Areas
C25 – Demolition and Redevelopment
C29 – Setting of a Listed Building
GD1 – General Development Criteria

Unitary Development Plan

DR1 – Design

S1 – Sustainable Requirements

S2 – Development Requirements

S3 – Housing

H4 – Main Villages – Settlement Boundaries

HBA4 – Setting of Listed Buildings

HBA6 – New Development Within Conservation Areas

HBA7 – Demolition of Unlisted Building in Conservation Areas

3. Planning History

CW04/1834/C - Demolition of prefab bungalow - Refused 28th July, 2004.

CW04/1833/F - Demolition of prefab bungalow and erection of 2 dormer bungalows - Refused 28th July, 2004.

CW05/0562/C - Demolition of existing prefab bungalow and erection of two bungalows - Withdrawn 18th July, 2005.

CW05/1203/C - Demolition of existing prefab bungalow and erection of two bungalows - Withdrawn 18th July, 2005.

4. Consultation Summary

Statutory Consultations

4.1 Transportation Manager recommends conditions.

4.2 Conservation Manager confirms that the proposal is tolerable.

5. Representations

5.1 Wellington Parish Council raise no objections.

6. Officers Appraisal

6.1 The site is located within the Settlement Boundary for Wellington as identified in both the South Hereford District Local Plan and Unitary Development Plan. Therefore provided the proposal does not impact detrimentally on the character of the area, neighbours and highway safety, the proposal would be acceptable. In this respect the site is contained within the Conservation Area and the Conservation Manager has confirmed that the proposal is tolerable. In addition the existing trees at the front of the site are also retained.

6.2 Neighbours have been protected by siting the bungalows away from the boundaries and with no windows in the end gables. The Traffic Manager is satisfied with the access proposals. Therefore the proposal is considered to be acceptable and complies with the development plan.

RECOMMENDATION**CW2005/3474/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. **A06 (Development in accordance with approved plans)**

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

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

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

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

Reason: In order to protect the residential amenity of adjoining dwellings.

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

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

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

Reason: To protect the amenity of local residents.

7. **F48 (Details of slab levels)**

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

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

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

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

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

10. **G09 (Retention of trees/hedgerows)**

Reason: To safeguard the amenity of the area.

11. **G17 (Protection of trees in a Conservation Area)**

Reason: To ensure the proper care and maintenance of the trees.

12. G18 (Protection of trees)

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

13. G19 (Existing trees which are to be retained)

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

14. G21 (Excavations beneath tree canopy)

Reason: To prevent the unnecessary damage to or loss of trees.

15. H04 (Visibility over frontage)

Reason: In the interests of highway safety.

16. H05 (Access gates)

Reason: In the interests of highway safety.

17. H09 (Driveway gradient)

Reason: In the interests of highway safety.

18. 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.

Informatives:

- 1. HN01 - Mud on highway**
- 2. HN05 - Works within the highway**
- 3. HN10 - No drainage to discharge to highway**
- 4. N15 - Reason(s) for the Grant of Planning Permission**

CW2005/3484/C

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

- 1. C01 – Time limit for commencement (Listed Building Consent)**
- 2. C14 – Signing of contract before demolition**
- 3. N15 - Reason(s) for the Grant of Conservation Area Consent**

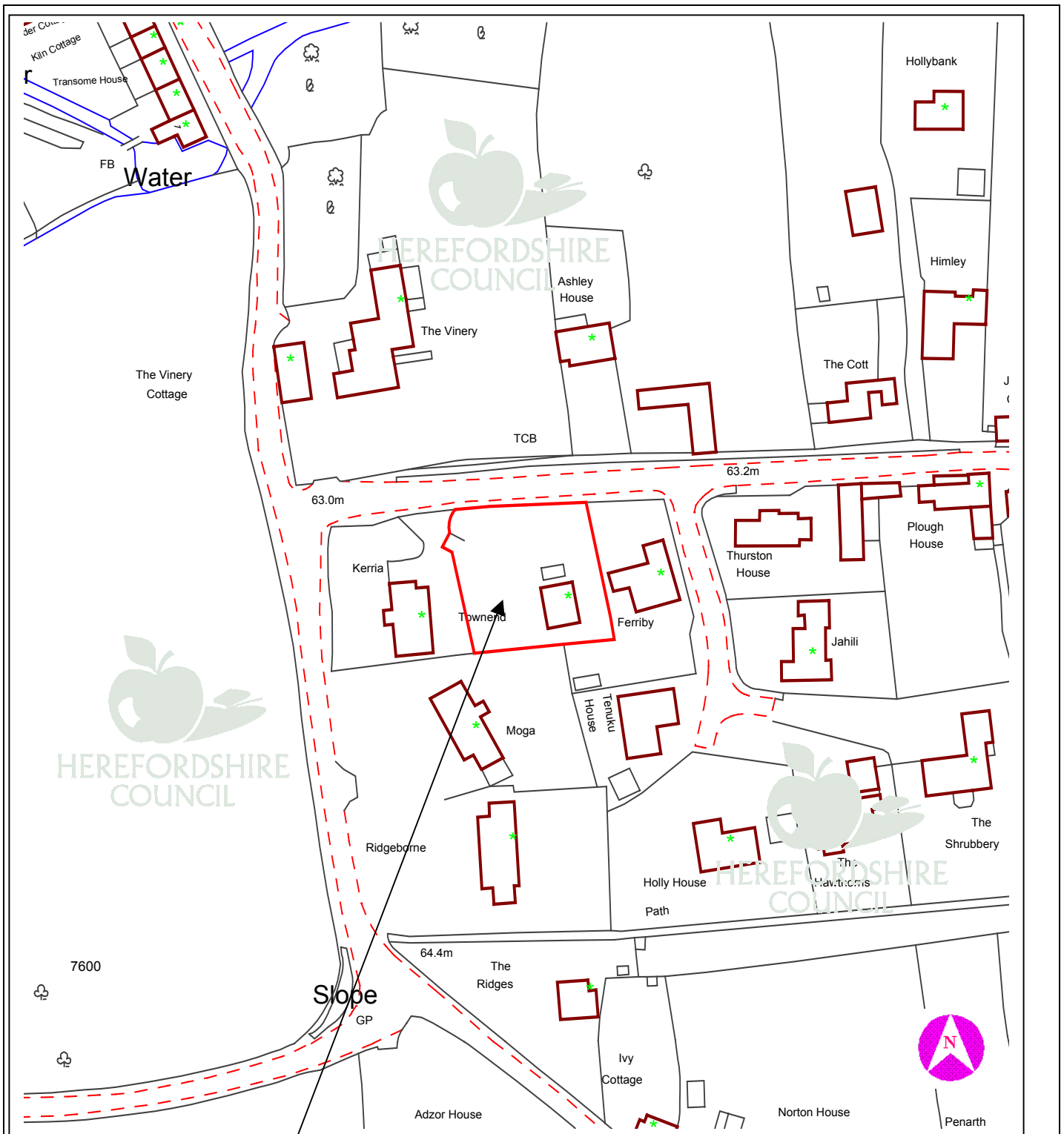
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2005/3474/F

SCALE : 1 : 1250

SITE ADDRESS : Townend, Wellington, Hereford, HR4 8AT.

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