

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 11th January, 2006**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Central Area Planning Sub-Committee

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

Councillors Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew,
A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie,
T.W. Hunt (ex-officio), 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.	
3. MINUTES	1 - 10
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To note the Council's current position in respect of planning appeals for the central area.	
APPLICATIONS RECEIVED	
To consider and take any appropriate action in respect of the planning applications received for the central area and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
5. DCCE2005/1752/O - LAND AT REAR OF DENCO SITE, HOLMER ROAD, HEREFORD, HR4 9SH	13 - 26
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11.	DATE OF NEXT MEETING	
	The next scheduled meeting is 8th February, 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, 14th December, 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, A.C.R. Chappell, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, Mrs. S.J. Robertson, Mrs E.A. Taylor, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox and A.L. Williams

In attendance: Councillors T.W. Hunt (ex-officio) and J.B. Williams (ex-officio)

107. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. W.U. Attfield, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell, Miss F. Short and R.M. Wilson.

The Chairman welcomed Councillor Mrs. E.A. Taylor, a recently elected Tupsley Ward Member, to her first Sub-Committee meeting. The Chairman also introduced Lucy Davies, Assistant Solicitor in her capacity as legal adviser to the Sub-Committee on this occasion.

The Chairman advised that agenda items 5 and 12 had been withdrawn from the Agenda.

108. DECLARATIONS OF INTEREST

The following declarations of interest were made.

Councillors	Item	Interest
Mrs. S.J. Robertson and Mr. Simon Withers, Central Team Leader	Item 7 – DCCW2005/3713/F Land Adjacent to 84 White Horse Street, Hereford, HR4 0ER	Declared prejudicial interests and left the meeting for the duration of this item.
D.B. Wilcox	Item 9 - DCCW2005/3439/F 96 Park Street, Hereford, Herefordshire, HR1 2RE	Declared a personal interest.
A.L. Williams	Item 10 - DCCW2005/3425/F Herons Croft, Tillington, Hereford, HR4 8LW	Declared a prejudicial interest interest and left the meeting for the duration of this item.
Ms. A.M. Toon	Item 11 – DCCE2005/1752/O - Land at Rear of Denco Site, Holmer Road, Hereford, HR4 9SH	Declared a personal interest.

109. MINUTES

RESOLVED:

That the Minutes of the meeting held on 16th November, 2005 be approved as a correct record.

110. ITEM FOR INFORMATION - APPEALS

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

Councillor D.B. Wilcox felt it regrettable that an appeal had been received in respect of planning application DCCE2005/2356/F, Carfax House, Aylestone Hill, Hereford given that the Sub-Committee had approved a design that was considered more acceptable at the last meeting [planning application DCCE2005/3258/F, Minute 103 refers].

The Chairman announced that Mr. D. Baxter, Principal Buildings Conservation Officer had left the Council recently to continue his conservation work in Romania. The Chairman read out a letter from the Conservation Manager which outlined Mr. Baxter's significant contribution to Hereford City Council and latterly Herefordshire Council. The Chairman said that he would write to Mr. Baxter on behalf of the Sub-Committee to acknowledge his efforts and to wish him well for the future.

The Central Team Leader advised that planning application DCCW2005/3733/F for the erection of new workshop building and expansion of service/storage yard at The Lakes, Swainshill, Hereford, HR4 7PU would be reported to the Sub-Committee on 11th January, 2006 and suggested that it would be apposite to undertake a site inspection in the intervening period.

111. DCCE2005/3115/F - THE WYE NURSERY, 79 ST. MARTINS STREET, HEREFORD, HR2 7RG [AGENDA ITEM 5]

Change of use of first floor from living accommodation to a children's nursery and ancillary operations.

The Central Team Leader advised that paragraph 1.1 of the report, on page 23 of the agenda, should refer to class D1 use and not B1.

In accordance with the criteria for public speaking, Mr. Wrinch (the applicant) spoke in support of the application.

Councillor R. Preece, a Local Ward Member, noted that the proposal would complement the existing ground floor nursery use and supported the application. Councillor A.C.R. Chappell, also a Local Ward Member, felt that the application was acceptable with appropriate conditions.

Councillor D.B. Wilcox, noting that the Traffic Manager had raised objections on the grounds of inadequate parking provision, questioned whether a temporary planning permission would enable the situation to be monitored and provide an opportunity to reconsider the acceptability of the proposal at a later date. In response, the Central Team Leader advised that the applicant did not feel that a temporary permission would be feasible. The Central Team Leader commented that the proposal should not compromise highway safety given the cul-de-sac position and the shortfall in parking was mitigated by the central location of the site which was close to public car

parks and public transport routes.

Other Members commented on the benefits of the application and noted that arrival and departure times at nurseries were staggered and, therefore, the parking arrangements were acceptable in this instance.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

- 2. A09 (Amended plans).**

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

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

- 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.

112. DCCE2005/3595/O - 50 LEDBURY ROAD, HEREFORD, HEREFORDSHIRE, HR1 2SY [AGENDA ITEM 6]

Proposed outline planning application for 14 no. 1 & 2 bedroomed residential dwellings.

This application had been withdrawn from the Agenda prior to the commencement of the meeting.

113. DCCW2005/3713/F - LAND ADJACENT TO 84 WHITE HORSE STREET, HEREFORD, HR4 0ER [AGENDA ITEM 7]

Proposed detached dwelling.

The Principal Planning Officer reported the receipt of three additional letters of objection and advised that the comments were similar to those summarised in the representations section of the report.

In accordance with the criteria for public speaking, Mr. Kelly spoke in objection to the application.

Councillor Mrs. E.M. Bew, a Local Ward Member, noted that there was traffic congestion in the area but did not feel that this application would have a significant detrimental impact on the locality. Other Members supported this view.

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. 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.
114. DCCE2005/3572/F - 1 MORTIMER ROAD, HEREFORD, HEREFORDSHIRE, HR4 9SP [AGENDA ITEM 8]

Retrospective application for a replacement garage.

Councillors Mrs. P.A. Andrews and Ms. A.M. Toon, Local Ward Members, concurred with the Officer's appraisal and recommendation.

RESOLVED:

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.**

115. DCCE2005/3439/F - 96 PARK STREET, HEREFORD, HEREFORDSHIRE, HR1 2RE [AGENDA ITEM 9]

Conversion of semi-detached house into two self-contained flats.

In accordance with the criteria for public speaking, Mr. Wagstaff (the applicant) spoke in support of the application.

Councillor Mrs. M.D. Lloyd-Hayes, the Local Ward Member, expressed concerns about the traffic congestion issues in Park Street and the surrounding area. In particular, she was concerned that the development would exacerbate parking problems and compromise any future residents' parking scheme.

Councillor W.J. Walling, also a Local Ward Member, noted that the parking problems in Park Street were similar to many other streets in Hereford and that this individual proposal was unlikely to make too much difference to the current situation.

The Sub-Committee discussed the parking issues in detail. The Chairman acknowledged the problems but reminded Members that there was no residents' parking scheme in place at the present time.

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. **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.

**116. DCCW2005/3425/F - HERONS CROFT, TILLINGTON, HEREFORD, HR4 8LW
[AGENDA ITEM 10]**

Conversion of garage to study and erection of detached double garage.

Councillor Mrs. S.J. Roberton, the Local Ward Member, noted that the Parish Council had some concerns but, with the reduction in the ridge height as indicated on amended plans and with the retention of a boundary hedge, the proposal was considered acceptable.

RESOLVED:

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.**

117. **DCCE2005/1752/O - LAND AT REAR OF DENCO SITE, HOLMER ROAD, HEREFORD, HR4 9SH [AGENDA ITEM 11]**

Class A1 non-food retail development, car parking, associated facilities and services.

The Principal Planning Officer reported that the objections of Sport England and the Highways Agency had been withdrawn.

Councillor Mrs. P.A. Andrews, a Local Ward Member, noted that a number of Members did not know the application site and proposed that a site inspection be undertaken. Councillor Mrs. Andrews also felt that the provision of two football pitches at Aylestone Park, in lieu of the loss of private open space at this site, would cost more than the proposed financial contribution of £154,000 from the developer.

Councillor Ms. A.M. Toon, also a Local Ward Member, supported these views. In response to questions about highway safety, the Principal Planning Officer advised that access and junction improvements had been secured in relation to other recent planning permissions [CE2003/3392/O and CE2004/4378/RM refer] and further modifications and contributions would be required as part of any planning permission for this development. He added this proposal would not have an effect on the parking facilities associated with other business operations in the area.

A number of Members felt that a site inspection and further negotiations regarding financial contributions were necessary. The Development Control Manager noted that a feasibility study in May 2004 referred to the figure of £154,000 for the football pitches but the actual cost was now likely to be greater. Therefore, the current cost needed to be calculated accurately and a suitable timetable determined.

RESOLVED:

That consideration of planning application DCCE2005/1752/O be deferred for further information and for a site inspection on the following ground:

- **the setting and surroundings are fundamental to the determination or to the conditions being considered.**

118. **DCCW2005/3474/F AND DCCW2005/3484/C - TOWNEND, WELLINGTON, HEREFORD, HR4 8AT [AGENDA ITEM 12]**

Two detached bungalows to replace existing sectional bungalow.

These applications had been withdrawn from the agenda prior to the commencement

CENTRAL AREA PLANNING SUB-COMMITTEE WEDNESDAY, 14TH DECEMBER, 2005

of the meeting as no objections had been received during the consultation period. Therefore, planning permission had been granted under delegated powers.

119. DATE OF NEXT MEETING

It was noted that the next scheduled meeting was 11th January, 2006.

The meeting ended at 3.09 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCCW2005/2713/F**

- The appeal was received on 6th December, 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. J.T.W. Lyon.
- The site is located at Fairhaven, 36 Three Elms Road, Hereford, Herefordshire, HR4 0RH.
- The development proposed is Use of property as house in multiple occupation.
- The appeal is to be heard by Hearing.

Case Officer: Peter Clasby on 01432 261947

Application No. DCCE2005/1453/O

- The appeal was received on 12th December, 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. A. Gregory.
- The site is located at Rarespares, Withington Station, Whitestone, Hereford, HR1 3SE.
- The development proposed is Site for provision of parking, new platform and office to facilitate proposed re-opening of railway station.
- The appeal is to be heard by Written Representations.

Case Officer: Russell Pryce on 01432 261957

Application No. DCCW2005/1293/F

- The appeal was received on 21st December, 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 B. Gray.
- The site is located at Bathfield, Hope-under-Dinmore, Herefordshire, HR6 0PX.
- The development proposed is Retrospective application for stable block.
- The appeal is to be heard by Hearing.

Case Officer: Kevin Bishop on 01432 261946

APPEALS DETERMINED

Application No. DCCE2005/0405/F

- The appeal was received on 19th September, 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 Mr. A. Prosser.
- The site is located at Plot in garden of Lavenda Court Gardens, Fownhope, HR1 4PB.
- The application, dated 8th February, 2005, was refused on 4th May, 2005.
- The development proposed was Erection of detached bungalow.
- The main issue is the effect of the proposal on highway safety in Court Orchard.

Decision: The appeal was UPHELD on 8th December, 2005.

Case Officer: Adam Sheppard on 01432 261961

Application No. DCCW2005/1249/F

- The appeal was received on 12th September, 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 Mr. & Mrs. E.M. Brimfield.
- The site is located at Land adjacent to Dorgar, Shelwick, Hereford, Herefordshire, HR1 3AL.
- The application, dated 31st March, 2005, was refused on 26th May, 2005.
- The development proposed was Proposed detached dwelling with integral garage.
- The main issues are the effect of the proposal on the character and appearance of the surrounding area, and the effect of the proposal on highway safety in the surrounding area.

Decision: The appeal was UPHELD on 19th December, 2005.

Case Officer: Peter Clasby on 01432 261947

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

5 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

UPDATE

This application was deferred at the December Central Area Planning Sub-Committee to enable Members to inspect the site and provide officers time to negotiate a possible increase in the financial contribution for off site recreational facilities. Following further negotiations, the applicants have now agreed to increase the size of the contribution from £154,000 to £215,000. The money will be used at the Aylestone Park development for the provision of grass football pitches and ancillary facilities. The applicants have also advised that a replacement car park is to be provided for that lost as part of the proposed development. Further details including plans are awaited on this matter.

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.

In response to the initially revised financial contribution (£154,000), Sport England comment:

...Sport England are satisfied that the proposed replacement facilities are capable of providing a replacement playing field to meet the exception E4 of our policy (criteria iii of paragraph 15 in PPG17). In these circumstances, subject to the proposals for replacement facilities being secured by condition or agreement within an agreed timescale, Sport England withdraws their objection to the application”.

- 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: The requested information has been provided and the Agency has confirmed that the submitted information has addressed their previous concerns and consequently, they withdraw their objection subject to a condition concerning the access construction.
- 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 grass 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 have subsequently withdrawn their original objection based upon the contribution of £154,000 offered by the applicant. As noted in the update above further negotiations requested by the Committee have resulted in an additional contribution totalling £215,000.

Other Matters

- 6.16 The Highways Agency have also withdrawn their objection to the application. The information requested by the Highways Agency has been provided and forms the basis of a condition. 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 package is considered to be an acceptable replacement for the loss of the private open space. 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.

RECOMMENDATION:

1. 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,
2. 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.

20 - No development within the application area shall be occupied or brought into use unless the proposed access as shown on drawing number 031102/02 Rev B has been completed to the satisfaction of the Local Planning Authority after consultation with the Highways Agency.

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

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.

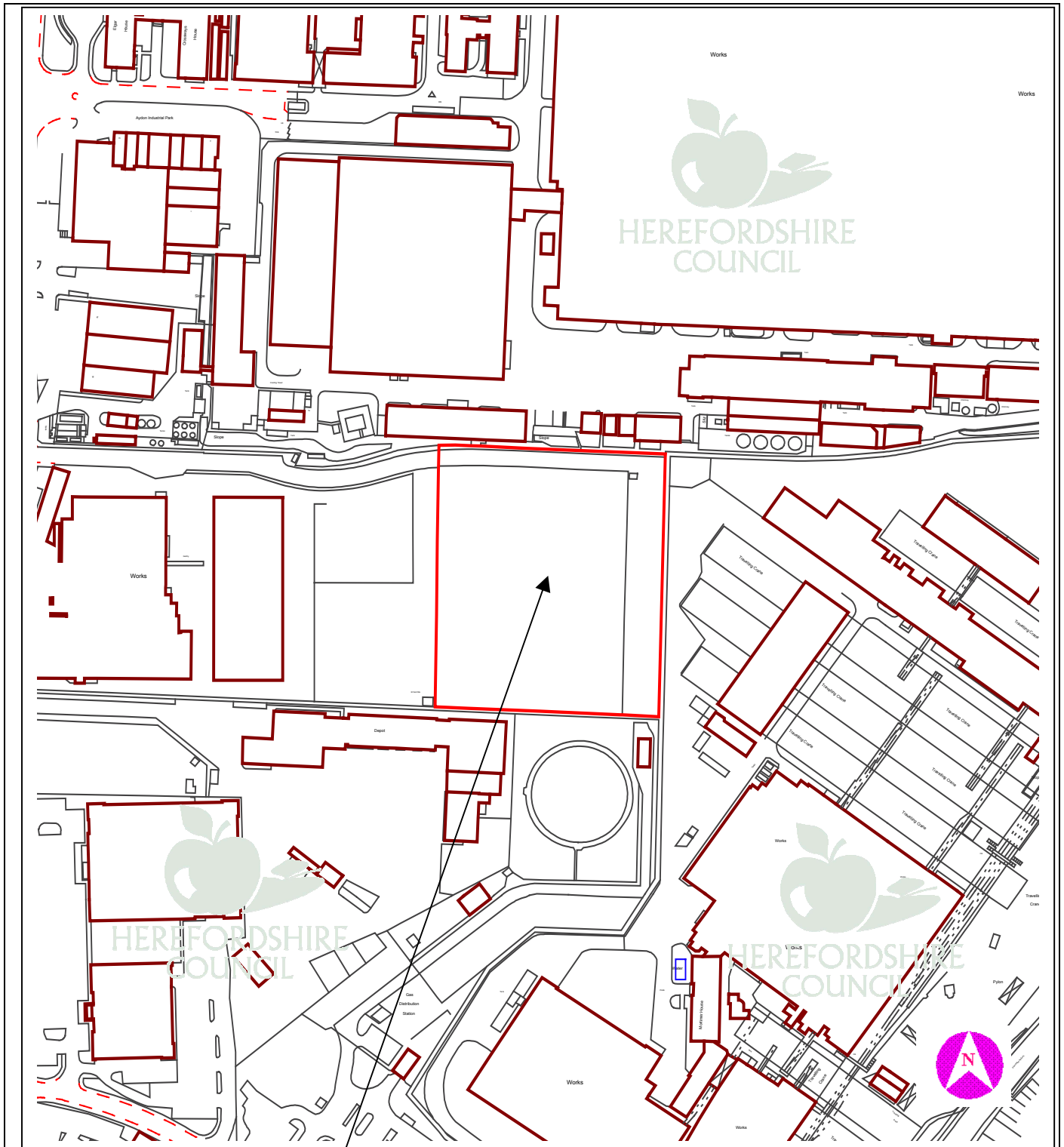
Decision:

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

6 DCCE2005/3306/F - RETROSPECTIVE APPLICATION FOR RAISED DECKING TO REAR GARDEN, NEW BOUNDARY FENCING AND RAILINGS AT 48 HAFOD ROAD, HEREFORD, HR1 1SQ

**For: Milbury Care Service per Homewood Design Ltd.,
Units 2 & 3 Mitchell's Court, Lower Gungate,
Tamworth, Staffordshire, B79 7AF**

Date Received: 14th October, 2005 Ward: Tupsley Grid Ref: 52388, 39633

Expiry Date: 9th 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 permission for the retention of a raised decking area with associated lower patio level, new boundary fencing and railings. The application site is 48 Hafod Road, Hereford, a large detached property recently converted from a dwelling to a residential care home by virtue of application DCCE2005/0292/F.
- 1.2 The area of decking requiring permission has been erected along the rear of the property with a lower level patio constructed on the garden. Railings have been introduced to enclose the patio area. Boundary fencing running along the southern boundary has also been introduced but this does not actually require permission as it is under 2 metres in height. The application has been revised following one of the two letters of objection to include new planting to the south and western boundaries in the interests of the privacy of neighbouring properties.

2. Policies

2.1 Hereford Local Plan:

Policy ENV14	-	Design
Policy H12	-	Established Residential Areas – Character and Amenity
Policy CON13	-	Conservation Areas – Development Proposals
Policy CON14	-	Planning Applications in Conservation Areas

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S6	-	Transport
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy HBA6	-	New Development Within Conservation Areas
Policy CF7	-	Residential Nursing and Care Homes

3. Planning History

- 3.1 DCCE2004/4282/F Change of use from residential C3 to residential C2 care home for adults with learning disabilities, including two storey rear extension. Withdrawn 25th January, 2005.
- 3.2 DCCE2005/0292/F Change of use from residential C3 to residential C2 care home for adults with learning disabilities, including two storey rear extension. Approved 9th March, 2005.
- 3.3 DCCE2005/3467/F Revision of parking layout and relocation of bin store. Approved 30th November, 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager - No objection.
- 4.3 Conservation Manager - No response received.

5. Representations

- 5.1 Hereford City Council - No objection.
- 5.2 Local residents. Two letters of objection have been received to this application.
- 5.3 The first objection was received at an early stage in the consultation period from Mrs. Sally Morgan, 47 Lichfield Avenue expressing concerns over the retrospective nature of this application and the loss of privacy associated with the proposal. A high fence was requested to overcome the concerns. Having regard to the character of the locality a revised scheme with a landscaping screen on the affected boundary was requested and received. This revised scheme was subsequently forwarded to Mrs. Morgan for comment. The covering letter advised that if no response to the re-consultation was received within 10 days it would be assumed that the objections raised had been overcome. No further correspondence has been received.
- 5.4 The second objection came at the end of the consultation period and was received from Mr. Duncan Wilkins, 50 Hafod Road, Hereford. The objections raised within this letter can be summarised as follows:
1. Drainage problems will result from the garden alterations undertaken.
 2. The garden level has been increased.
 3. A patio has been constructed without permission.
 4. The development has reduced privacy.
 5. The decking is 'flimsy' and dangerous.
 6. The decking poses a fire risk.

In respect of the above points it is advised that points 1, 5 and 6 are not material planning considerations in this instance.

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 precise extent of earthworks undertaken on site is somewhat difficult to determine due to the retrospective nature of this application. This is a regrettable situation, however, from evidence gathered during the assessment of the previous applications on site it would appear that the earthworks have regularised the stepped banking historically found on site to enable the introduction of a level patio area. The decked area is partly in the location of a historic raised stone level found to the rear. The new timber decking extends the full width of the rear, stopping adjacent to the boundary with No. 50 Hafod Road to the south.
- 6.2 The two principal issues associated with this application are considered to be the design and impact upon visual amenities and the impact upon residential amenities.
- 6.3 The decked area is currently visually stark being only recently introduced. The decking therefore appears somewhat awkward against the well established property. That said, the decking is solid and with time will age so as to sit more comfortably within the garden area. The siting of the decking to the rear ensures limited visibility of it from public vantage points. The extensive on site landscaping screens the area well and this will be complemented by the additional landscaping proposed in this application. The patio is well laid with attractive black steel railings. Overall it is considered that the development provides an effective decked/patio area for utilisation by the residents of this care facility which will, with time, soften and blend into the site. The garden area associated with this property required remodelling following a period of neglect and this has now been undertaken with the new users of the property in mind. It is considered that the development is acceptable in design and scale and does not compromise the visual amenities of the locality. It is assessed that the character and appearance of the Conservation Area are preserved through this development.
- 6.4 Turning to the issue of privacy, the distance from the decking area to the properties to the west of the site is considered adequate to ensure privacy, however, additional landscaping on this boundary will offer additional screening. To the south, the raised decking does allow overlooking of the garden area associated with No. 50 Hafod Road. It is of note that the relationship between these properties is such that significant overlooking was possible prior to these works but equally it is the case that the decking further compromises privacy. To mitigate against this a landscape screen is proposed to ensure effective protection against overlooking and a loss of privacy. A condition requiring a landscaping scheme is proposed to ensure the provision of the boundary screening. The revised plans suggest a conifer screen but it may be the case that this is not the most appropriate species in this Conservation Area. A condition is therefore proposed to approve the final species to be introduced. Having regard to the proposed privacy screening it is assessed that the impact upon the residential amenities of neighbouring properties will be acceptable.

RECOMMENDATION:

That planning permission be granted subject to the following conditions:

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

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

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

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

- 3. **A09 (Amended plans).**

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

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

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

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

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

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

Reason: To safeguard the amenity of the area.

Informatives:

- 1. **N03 - Adjoining property rights.**
- 2. **N15 - Reason(s) for the Grant of Planning Permission.**

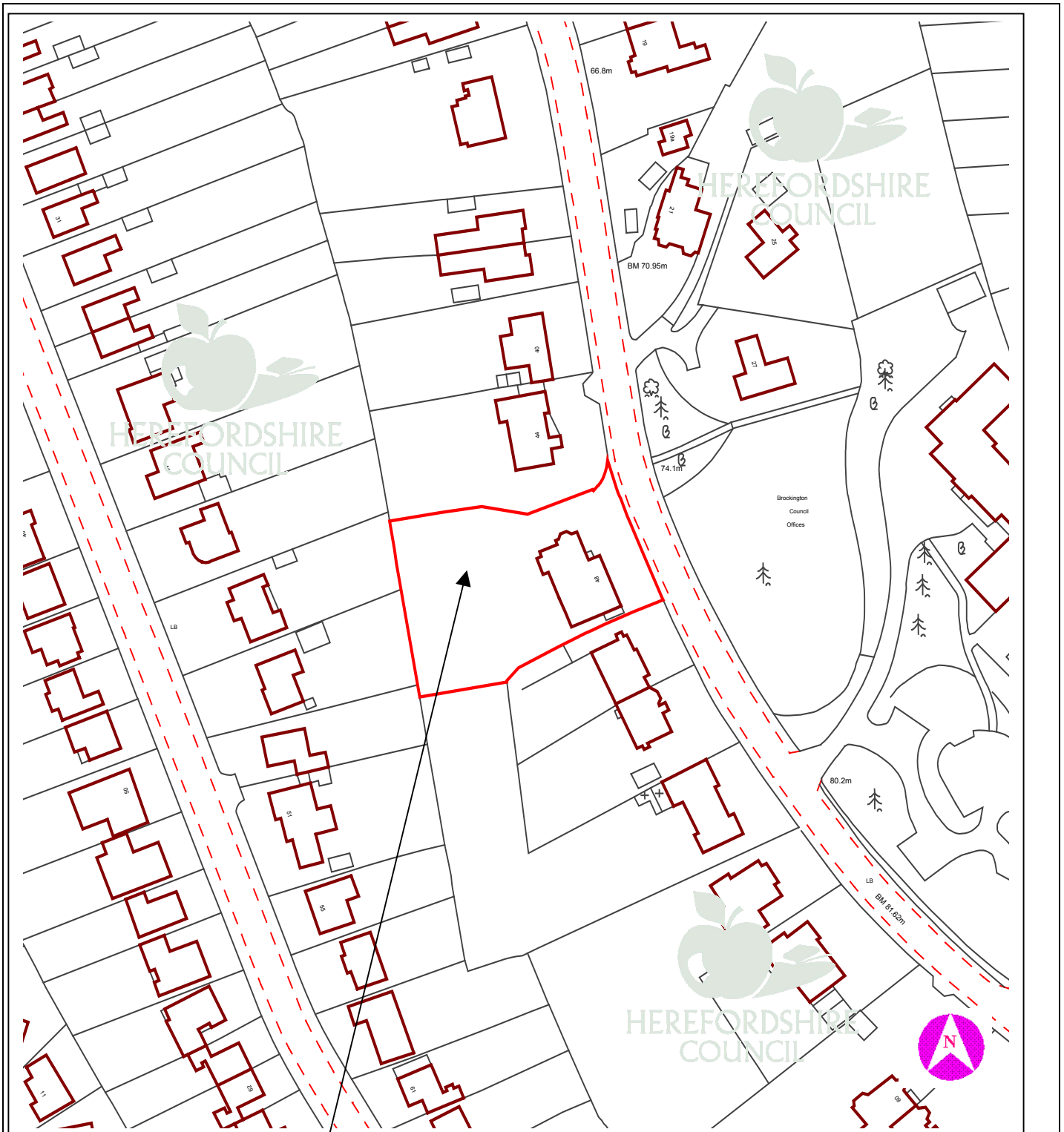
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2005/3806/F

SCALE : 1 : 1250

SITE ADDRESS : 48 Hafod Road, Hereford, HR1 1SQ

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7 DCCW2005/3733/F - ERECTION OF NEW WORKSHOP BUILDING AND EXPANSION OF SERVICE/STORAGE YARD AT THE LAKES, SWAINSHILL, HEREFORD, HR4 7PU

For: T.J. Crump Oakwrights Ltd., per White Young Green, Ropemaker Court, 12 Lower Park Row, Bristol, BS1 5BN

Date Received: 21st November, 2005

Ward: Credenhill

Grid Ref: 46008, 41934

Expiry Date: 16th January, 2006

Local Member: Councillor R.I. Matthews

1. Site Description and Proposal

- 1.1 This site is located on the northern side of the A438 Hereford to Brecon road at Swainshill and comprises a converted residential dwelling, The Lakes, now used as offices, workshop and extraction plant building together with parking, services and storage yards.
- 1.2 The proposal is to construct a new assembly workshop and expand the service and storage areas to the north and west of the existing site. The new workshop building would measure 43 metres by 21 metres and would be 6.3 metres to the ridge. Materials proposed are weatherboarding for the walls under a metal profile sheet roof to match the existing building. The slab level of the building will be set at the same level as the existing workshop. The building will be set on the eastern side of the plot with timber storage racking around the extremity of the service yard and on the side of the workshop. The remainder of the land to the north and west will be used as a landscape buffer to St. Mary Magdalene's church to the north and residential property to the west. This landscape buffer will range from a minimum depth of 13 metres to approximately 30 metres.
- 1.3 The planning application includes a planting schedule prepared by Wyevale and a Noise Assessment prepared by SLR Consulting Limited.

2. Policies

2.1 Planning Policy Guidance:

PPS7	-	Sustainable Development in Rural Areas
PPG24	-	Planning and Noise

2.2 Hereford and Worcester County Structure Plan:

Policy E6	-	Development in Rural Areas
Policy ECT9	-	Development Criteria

2.3 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy ED3	-	Employment Proposals
Policy ED5	-	Expansion of Existing Businesses
Policy T3	-	Highway Safety Requirements
Policy C29	-	Setting of Listed Buildings

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirement
Policy S4	-	Employment
Policy DR2	-	Land Use and Activity
Policy E6	-	Expansion of Existing Businesses
Policy E8	-	Design Standards for Employment Sites
Policy E11	-	Employment in the Smaller Settlements and Open Countryside
Policy T9	-	Road Freight
Policy T11	-	Parking Provision
Policy HBA4	-	Setting of Listed Buildings

3. Planning History

- 3.1 SH970687/PO New steel framed workshop, 3 bay garage, restriction of existing buildings, new entrance to property and site road. Approved 31st March, 1998. Section 106 Agreement not to develop areas of the site.
- 3.2 SC980709/PF Change of use from private house to office. New steel framed workshop and one 3 bay open garage with ancillary works. Approved 21st July, 1999.
- 3.3 CW2000/0056/F Amendment to existing planning permission (SC980709PF) and position of proposed workshop. Approved 4th May, 2000.
- 3.4 CW2001/1528/F Retention of 1) Additional 40 sq.m. yard space added to side of existing yard. 2) 10 steel stacking racks to side of workshop for storage of oak. Undetermined.
- 3.5 CW2002/1228/F Extension of existing workshop - gate posts and gateway brought closer to main road to give clearer access to delivery lorries. Tarmaced parking area. Approved 17th June, 2002.

4. Consultation SummaryStatutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager - No objection.

4.3 Conservation Manager - No objection to setting of listed building.

Landscape impact – “The existing yard, containing workshops and an office building is located on the north side of the A438, to the east of the junction of this road with the A4013. To the east of the site is an open agricultural field. There is a row of four houses to the west of The Lakes, on the A438 frontage and housing extends along the eastern side of the A4103 up to the site of St. Mary Magdalene's Church, which is a listed building. The area proposed for the expansion of the business is the area of ground between the existing yard and the church. Some trees have already been planted along the eastern and western boundaries of the application site. This area is described as Principal Timbered Farmlands in the Landscape Character Assessment.

I do not think that the proposed development would be unduly intrusive in the rural landscape, because the area of ground proposed for development is visually contained on three sides by built development. When viewed from the countryside to the east, the new workshop building would be seen against the backdrop of the houses.

I think that the most significant landscape issue is the impact of the development on the setting of St. Mary Magdalene Church. At present, the church stands in a prominent, slightly isolated position, on higher ground to the north of the site. Even though substantial tree planting belts are proposed around the extension to the yard, extending built development close to the edge of the church yard will detract from its setting, to a moderate degree. However, the proposed development would not detract from the quality of the churchyard environment, because there are dense hedgerows and trees around the perimeter of the churchyard, which screen views out of the churchyard towards The Lakes. On balance, I do not think that a landscape objection in terms of adverse impact on the setting of the church could be sustained.

I support the proposal to set the new workshop at a similar level to the existing workshop, to ensure that it would lie as low in the landscape as possible. Substantial tree planting, as proposed, would be appropriate in this landscape type. However, I would recommend some modifications to the detailed planting plan.

With regard to the north-eastern site boundary, a hedgerow, with hedgerow trees within it, is indicated for this boundary. I will require a plant specification for both the hedgerow and trees. I am concerned that there is only a 3 metre clearance between the eastern edge of the new workshop building and the site boundary, which means that there would only be sufficient space for very small tree species. I recommend that the new workshop should be sited a minimum of 5 metres from the north-eastern site boundary, to allow sufficient space for larger hedgerow trees to grow.

The planting plan is rather over-complicated for this relatively small site and it includes some species that are not characteristic of Herefordshire such as *Carpinus betulus* (Hornbeam), *Fagus sylvatica* (Beech), *Tilia cordata* (Small-leaved Lime) and *Sorbus acupuparia* (Rowan). In addition, *Acer pseudoplatanus* (Sycamore) should not be used because it has a low biodiversity value. Given that the key aims of the planting is to provide a good screen, native trees set within a densely planted shrub matrix would be the most effective and low maintenance form of planting. I recommend therefore, that the following specification be used for the whole of the areas of tree planting to the north and west of the new workshop building:

The following shrub species should be planted at 1 metre centres: 25% Hawthorn (*Crataegus monogyna*), 20% Hazel (*Corylus avellana*), 15% Field Maple (*Acer*

campestre), 15% Blackthorn (*Prunus spinosa*), 10% Holly (*Ilex aquifolium*), 5% Dogwood (*Cornus sanguinea*), 5% Dog Rose (*Rosa canina*) and 5% Guelder Rose (*Viburnum opulus*). These plants must be at least 300mm in height. Oak trees (*Quercus robur*) and Ash trees (*Fraxinus excelsior*) should be planted at 10 metres within the shrub matrix. They should not be planted in lines. The oak and ash trees should be 'Selected Standard' size, 10-12 cm. girth, 2.75-3.0 metres tall, bareroot or rootballed and healthy and vigorous. The planting should be carried out during the planting season (December to March). The tree and shrub species should be planted in ground that has been previously cultivated and cleared of grass and weeds. They should all be protected from rabbit damage with a suitable tree shelter and from stock damage by appropriate fencing. All plants should be bareroot, healthy and vigorous."

4.4 Head of Environmental Health & Trading Standards -

"I visited the site on two occasions and had concerns regarding the extraction system which is currently serving the existing workshop. The noise from this system was the most notable noise source on site and at the time of my visits masks the majority of noise coming from inside the workshop. I have spoken to the agent, Chris Hays of White Young Green Planning and was informed that due to the nature of the work being carried out in the proposed workshop that a new extraction system would not be required. I am therefore satisfied that there will not be a noise increase from this source and the positioning of the new workshop may actually reduce the noise impact from the existing extraction system from the properties to the North West of the site.

I have read the noise report submitted with the application and am satisfied with its findings. The report indicates that although an increase in noise levels on site are likely, the increase is of marginal significance and unlikely to give rise to complaints. With a condition that limits the type of equipment that can be used in the workshop, the impact should be further reduced.

I would recommend the following conditions:

- (a) Scheme of Noise Attenuating Measures (Standard Condition F01).
- (b) Before any fixed extraction, ventilation, or other noise penetrating plant is used on the premises. The applicant shall submit for the prior approval of the local planning authority a scheme of noise attenuating measures. The approved scheme shall be implemented before the first use of the development to which it relates commences and shall be retained for the duration of use.

A suitably qualified consultant should be employed to prepare the scheme and identify any nearby residential properties that may be affected by noise from the proposed development and detail predicted noise levels at those properties in accordance with BS4142.

- (c) Restriction on hours of use (Standard Condition E05).
- (d) No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times; 8.00am to 6.00pm Mondays to Fridays and 8.00am to 1.00pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.

(e) Closure of doors/openings

The large metal clad doors on the north and south elevation of the building should remain closed at all times, except during deliveries or movement of stock. All other doors and openings shall remain closed whilst work operations are taking place except for access to and exit from the building.”

4.5 Head of Economic Development - Comments awaited.

5. Representations

5.1 Stretton Sugwas Parish Council: “Stretton Sugwas Parish Council have given proper and due consideration to the application. As a result of that consideration we would wish to confirm that we object to the proposals submitted by the applicant.

The justification and reasons for this objection are set out below:

1. The Parish Council was opposed to the original application for development on this site believing it to be wholly inappropriate in a residential and rural area, the applicant and the local authority entered into a duly signed and completed Section 106 Agreement limiting development to the 'front field', thereby securing the 'rear field' as protected from development. We therefore hope and trust that the planning officer will re-affirm the conditions in the 106 Agreement and refuse the application in this instance. The Parish Council recognises that the existence of a 106 Agreement in itself does not prevent an application being made but it does believe that the reasons for the 106 Agreement being entered into at that time are still entirely meritorious and that this application should be refused.
2. The Parish Council believe that the development proposed is entirely out of scale to the rural setting of the site combined with the entirely residential and agricultural setting. The Parish Council believe that the proposals will have a severely deleterious affect on the local inhabitants surrounding the site.
3. The Parish Council would respectfully point out that the applicant has failed to comply with a number of conditions set out in his original consent and indeed the records will clearly demonstrate that both individuals in the area and the Parish Council on their behalf have brought to the attention of the enforcement officer such breaches, seeking the help of the Council's planning department in remedying these. Therefore the Parish Council believe that the applicant has a history of breaching conditions and that it is likely that these would continue and be increased if this development were permitted.
4. The Parish Council recognize that the applicant has a busy and successful business that needs to expand and grow with demand but it does not believe that this is the appropriate site for this. The scale of the proposed use and activity indicates that the business should re-locate to more appropriate premises in a manufacturing area such as Rotherwas or Moreton-on-Lugg perhaps and the parish council would hope that the economic development department of the local authority would assist the applicant in furthering his ambitions in a more appropriate site for this expansion.
5. The Parish Council has very grave concerns over the possible road safety and congestion problems on the A438 given the limited vision splays, the levels of

traffic and the likely increased traffic movements to and from the site with the development. Consequently on this issue we trust the planning department and highways department will agree with the Parish Council and therefore recommend refusal.

6. The Parish Council does not accept the applicant's agreement regarding local employment, the applicants agents make great play about local employment yet give no details as to the current employment register in terms of numbers of locally employed people. The argument is entirely specious unless the applicant makes a binding commitment to employ local people, which is entirely impractical.
7. The Parish Council do have concerns with regard to the applicant's 'Noise Impact Assessment'. These concerns are:
 1. The position of the monitoring points should be revised and queried to take account of prevailing wind directions, etc.
 2. The Parish Council believes that the principle of 'he who pays the consultant gets the answer he pays for' may apply and we believe that the applicant should pay the local authority's environment health department to carry out a truly independent 'Noise Impact Assessment'.
 3. The noise assumed to be generated cannot be guaranteed in terms of machinery and/or activity once the development is built, we could not truly control activity or the noise generated.
8. The Parish Council believe that the applicant failed to comply with the landscaping conditions of his original scheme and consequently why would he comply with any if this scheme were approved, therefore prior failure to comply lends further weight to the argument for refusal.
9. The Parish Council believe that the proposed development would have a deleterious effect on the landscape of this residential settlement, the Parish Council would argue that in Stretton Sugwas the dominant physical feature should be the church of St. Mary Magdalene and the surrounding settlement not an industrial manufacturing complex.

In conclusion the Parish Council recommend refusal on the grounds that the proposed development

- (i) Is out of scale to the surroundings.
- (ii) Is not a complementary fit with the neighbourhood (residential).
- (iii) Would create a potential highway problem.
- (iv) Would break a 106 Agreement which was put on the site for valid reasons and which still apply.
- (v) The proposed development would dominate the settlement.
- (vi) The potential noise issues are not entirely resolved.

- (vii) Prior planning breach history by the applicant leads the Parish Council to question commitment to conditions.
- (viii) The scale of the proposals and enlargement of the site of the operation lead one to question the appropriateness of the activity to a rural settlement.
- (ix) The proposals would dominate the settlement and its historic setting.
- (x) The landscaping scheme would take many years to mature.
- (xi) The 106 Agreement principles still apply to the site. These were entered into by two willing parties, the same applicant and the same local authority representing the people.

However the Parish Council would request that if the local authority were minded to approve the application then they would at the very least consider conditioning any consent with the following but not limited to

- A. The operating times of the premises be limited to Mon-Friday 7.30am-6.00pm and Saturday 08.00-1.00pm and no activity on bank holidays.
- B. The development should not be occupied and operated until the full landscaping scheme has been implemented.
- C. All planting of trees should be fully mature specimens across the whole site.
- D. Appropriate noise levels should be agreed and limited by condition.
- E. The consent should be limited to the applicant and for the purpose of the application i.e. the manufacture and production of oak framed timber buildings. Any divergence from this should require a new full application and would be conditioned by a 106 agreement.”

5.2 Eleven letters of objection have been received, the main points raised:

- This is a rural setting for residential purpose.
- The existing industrial complex already impinges on existing residential properties.
- Traffic congestion already occurs and expansion will simply increase this danger.
- Noise pollution already occurs from this site.
- There is a Section 106 Agreement protecting this land from future development.
- The applicants ignore their working conditions at the site with vehicles leaving in the early hours and working on Saturdays and Sundays.
- Employees cars are often parked on the pavement.
- The 900 sq.m. workshop will more than double the size of the existing workshop area.

- The landscaping would take many years to develop.
- The size of the new complex is manifestly bigger than anything else in the locality.
- This proposal does not comply with Putting People First, Providing for Our Communities, Preserving our Heritage, Promoting the County and Protecting Our Future.

5.3 The applicant's agent has submitted the following information:

1. There is no spare space for introducing new machinery.
2. There is insufficient covered space for properly assembling and checking oak frames prior to dispatch.
3. Significant time is wasted double and treble handling the product with covered space at such a premium.

The demands on open-air space are also causing significant problems:

4. There is insufficient parking space for staff, customers and visitors.
5. There is insufficient space to store finished products ready for dispatch.
6. There is insufficient space to enable dedicated areas for service and delivery vehicles.
7. The demand for Oakwrights' oak-framed houses is such that there is scope to increase production, with a likely increase in the workforce by around 10% (5 or 6 full-time jobs). This would enable the business to significantly reduce production and operational costs, thereby increasing the competitiveness and long-term viability of the business. This is considered essential if Oakwrights is to maintain its position as one of the UK's leading manufacturers of oak-framed houses, particularly as technically-advanced competitors from Germany are starting to get a toe-hold in the UK market.
8. In considering their options for expansion, Oakwrights has looked at a wholesale move to alternative premises in addition to exploring ways of extending their current premises. Notwithstanding that no suitable alternative site has been identified, there are important commercial reasons why Oakwrights want to stay at their current site, namely:
9. The site is conveniently located for the vast majority of its workforce. Re-locating to Rotherwas, Moreton-on-Lugg, or other main employment sites in Herefordshire is likely to lead to increased travel to work distances, and therefore, is unlikely to promote sustainable transport objectives, and could cause the loss of key employees who may not be prepared to face rush hours traffic congestion or increase in journey times to and from work.
10. Buying and living in an oak-framed house is a lifestyle choice. Clients expect the business to be rural-based. All of Oakwrights main competitors (without exception) are located in rural areas, mainly on the sites of former farms or

sawmills. Potential clients expect to visit workshops that are in keeping with the style of building they are proposing to build and it is considered that the business would be severely commercially disadvantaged by relocating to an urban area of industrial estate.

11. The cost of wholesale relocation is estimated at around £0.6m. There are extraordinary costs associated with moving large and complex machinery and having to stop production during the period of relocation. Expanding at the current site (through the proposals hereby submitted) is estimated to cost around £0.25m, and will allow continuity of production. It is estimated that the additional costs associated with a relocation would take approximately five to six years to recoup. During this time, Oakwrights would be unable to properly invest in developing their product and is likely to lose ground to their main competitors (many of whom will increasingly be from outside the UK).

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 of Development
2. Amenity Issues
3. Highways
4. Setting of Listed Building
5. Section 106 Agreement

Principle of Development

- 6.2 The existing premises were granted planning permission in the late 1990's as a base for this construction business. The original dwelling was converted to offices and a new workshop erected. Therefore the principle of a commercial use at this site has been established. Notwithstanding this the applicant is now seeking to double his operational space and extend into the open field to the rear of the site. Policy ED5 of the South Herefordshire District Local Plan supports the expansion of businesses in countryside locations provided they fulfil the criteria of ED3. Therefore the principle to expand is also acknowledged subject to it being appropriate in scale, nature and design to the settlement; having no adverse effect upon the environment and amenity; having adequate vehicular access and complying with other policies of the Plan. In this respect the responses of the Conservation Manager, Traffic Manager and Head of Environmental Health and Trading Standards are critical. In all respects, subject to minor modification to the siting of the building as required by the Conservation Manager, the proposal is considered acceptable. Policy E6 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) is also broadly supportive of the principle of expanding businesses subject to similar criteria as defined in the adopted Local Plan.

Amenity

- 6.3 The new building would be set at the same slab level as the existing workshop and will be used for the assembly of timber framed buildings manufactured in the existing

workshop. The machinery proposed would be an overhead crane and power hand tools only.

- 6.4 The planning application includes a full noise assessment which has been thoroughly assessed by the Head of Environmental Health and Trading Standards, who subject to conditions is satisfied that the assessment is acceptable. The main noise generator is the existing extraction system and the Head of Environmental Health and Trading Standards confirms that the new workshop may actually reduce its impact.
- 6.5 In landscape terms the Conservation Manager is satisfied that the buffer proposed with extensive planting will assimilate the development acceptably into the landscape. The operational matters raised by local residents will be monitored and where appropriate action taken on existing and any proposed conditions.

Highways

- 6.6 The Traffic Manager has thoroughly assessed the planning application and is satisfied that the existing access is acceptable and that sufficient parking and turning facilities are available on site. The concerns regarding highway safety are acknowledged but based upon the advice provided there are no grounds for refusal on this issue.

Setting of the Listed Building

- 6.7 The Conservation Manager has assessed the impact of the development on the setting of the church and considers that it would have a minimal impact and is therefore acceptable.

Section 106 Agreement

- 6.8 The Section 106 Agreement was imposed when the original workshop was approved. It does not prevent the positive determination of the planning application but it would need to be modified to cater for the intrusion into the land associated with this planning application.
- 6.9 Procedurally were this application approved, it would be necessary for the applicant to apply separately for a variation of the existing Section 106 Agreement.

Conclusion

- 6.10 All of the main issues have been thoroughly assessed and the development is considered to be acceptable subject to minor modification and the following conditions.

RECOMMENDATION:

That planning permission be granted subject to the following conditions and any additional highway conditions deemed reasonable and necessary:

- 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. Notwithstanding the submitted plans the new workshop shall be sited to ensure that there is five metres from the eastern boundary.**

Reason: In order to protect the tree lined hedge.

3. **The only machinery to be used in the new workshop are hand held tools and an overhead crane. No other fixed machinery shall be installed.**

Reason: In order to protect the amenity of nearby residents.

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

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

5. **Before any fixed extractions, ventilation, or other noise penetrating plant is used on the premises, the applicant shall submit for the prior approval of the local planning authority a scheme of noise attenuating measures. The approved scheme shall be implemented before the first use of the development to which it relates commences and shall be retained for the duration of use.**

Reason: In the interests of protecting residential amenity.

6. **No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: 8.00am to 6.00pm Mondays to Fridays and 8.00am to 1.00pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.**

Reason: In the interests of protecting residential amenity.

7. **The large metal clad doors on the north and south elevation of the building should remain closed at all times, except during deliveries or movement of stock. All other doors and openings shall remain closed whilst work operations are taking place except for access to and exit from the building.**

Reason: In the interests of protecting residential amenity.

8. **Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the building approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority to match the slab of the existing workshop. Development shall be carried out in accordance with the approved details.**

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

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

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. **G07 (Details of earth works).**

Reason: (Special Reason)

12. G09 (Retention of trees/hedgerows).

Reason: To safeguard the amenity of the area.

13. G28 (Monitoring of landscaping).

Informative:

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

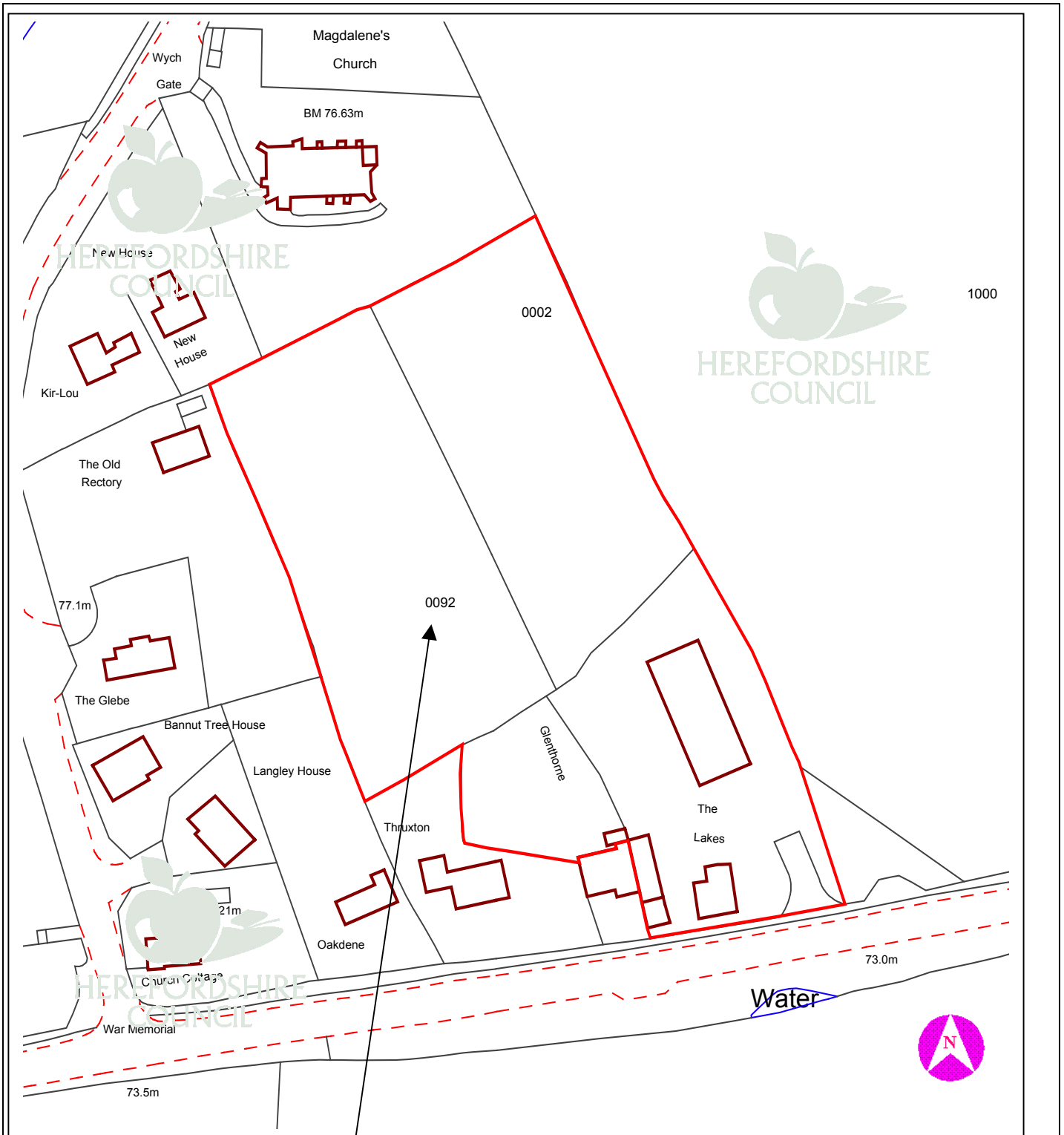
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2005/3733/F

SCALE : 1 : 1250

SITE ADDRESS : The Lake, Swainshill, Hereford, HR4 7PU

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8 DCCW2005/3988/F - RETROSPECTIVE APPLICATION FOR WROUGHT IRON GATES AT 1 BREINTON LEE, HEREFORD, HR4 0SZ

For: Robert & Jennifer A. Underhill, Baggins Holt, 1 Breinton Lee, Hereford, HR4 0SZ

Date Received: 6th December, 2005 Ward: Credenhill Grid Ref: 47277, 41330

Expiry Date: 31st January, 2006

Local Member: Councillor R.I. Matthews

1. Site Description and Proposal

- 1.1 The application site is comprised of the vehicular access serving a small residential development known as Breinton Lee, which is located on the southern side of Kings Acre Road, to the west of the City of Hereford.
- 1.2 The application seeks retrospective consent to regularise the erection of a pair of automated gates, which have been erected across the vehicular access.

2. Policies

2.1 South Herefordshire District Local Plan:

Policy GD1 - General Development Criteria

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy DR1 - Design

3. Planning History

- 3.1 None relevant.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.1 Traffic Manager - Comments awaited.
- 4.2 Head of Environmental Health & Trading Standards - comments awaited.

5. Representations

- 5.1 Breinton Parish Council - no objection.

- 5.2 Mr. Richards, 5 Lambourne Gardens - verbal objection received. Formal comments will be reported at Committee.
- 5.3 Thompsons Land & Property on behalf of Mr. and Mrs. Wakeley – objection on the grounds that the gates impeded a civil right of way enjoyed by their clients to access land which lays to the south of the access road.

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 gates are situated at the end of a quiet cul-de-sac and secure the entrance to a private pedestrian and vehicular access serving a group of five dwellings.
- 6.2 The gates and associated metal fence, which flank either side, effectively form a continuation to the gated entrance to the adjoining private residential development Lambourne Gardens, therefore visually the gates are not discordant or out of character within the street scene.
- 6.3 The neighbour has raised concerns with regard to the noise associated with automated gates but it is not considered that the impact is such that a reason for refusal could be substantiated.
- 6.4 With regard to the claimed impedance of the access to the land to the south, this is a civil matter and as such it is not a material planning consideration, as the granting of planning permission for the gates, would not interfere with the interested parties taking the appropriate civil action to ensure that their right of access is maintained.
- 6.5 Consequently whilst the comments of the neighbour are noted, it is not considered that the presence of the gates gives rise to a form of development, which is to demonstrably harmful to the visual or residential amenity of the area to justify refusal in this instance.

RECOMMENDATION:

That retrospective planning permission be granted.

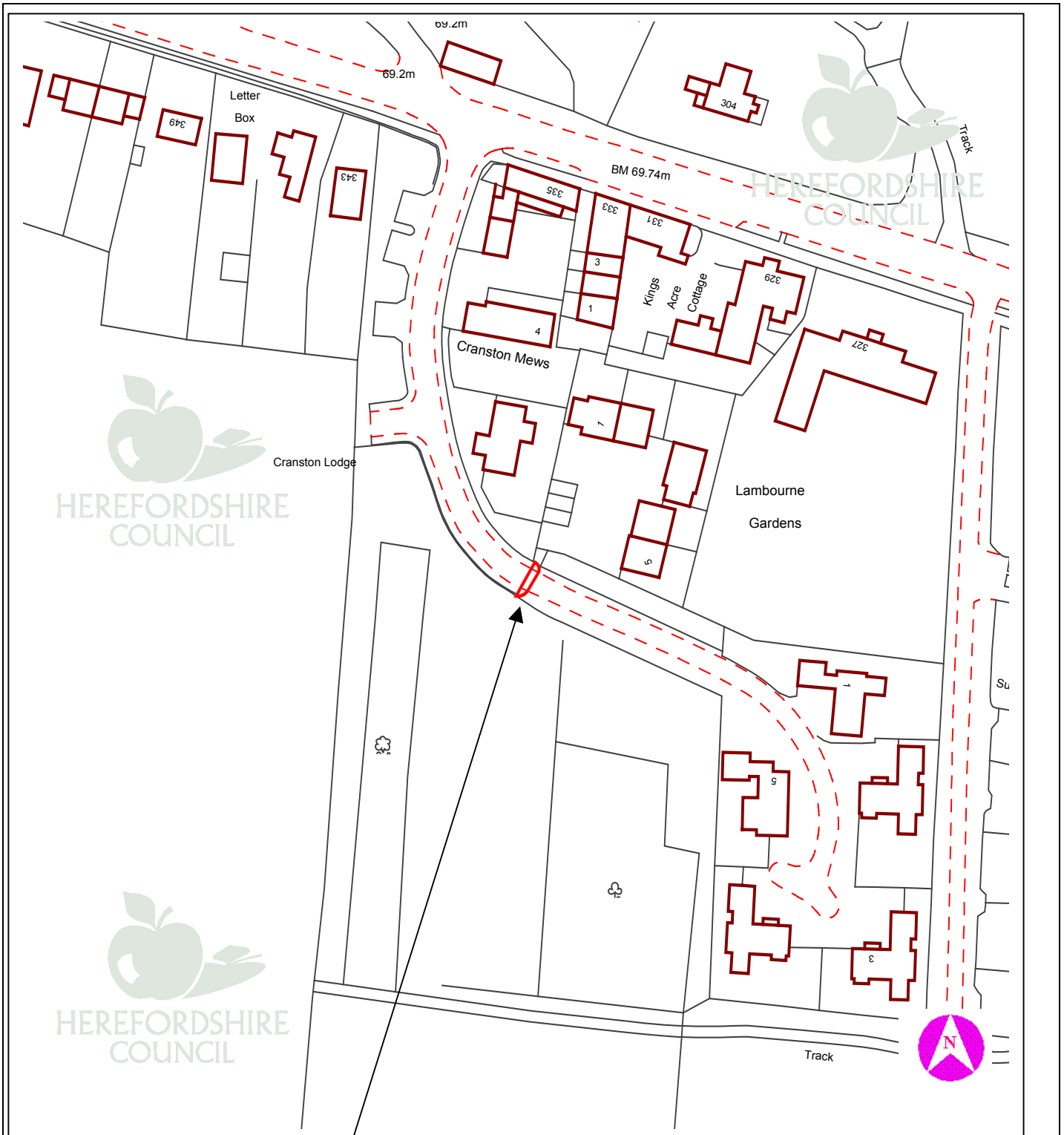
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2005/3988/F

SCALE : 1 : 1250

SITE ADDRESS : 1 Breinton Lee, Hereford, HR4 0SZ

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9 DCCW2005/3971/F - DEMOLITION OF EXISTING DWELLING AND REPLACEMENT WITH 6 NO. APARTMENTS, 37 HOLMER ROAD, HEREFORD, HR4 9RX

For: Mr. N. May per Mr. R. Walker, 41 The Pastures, Lower Bullingham, Hereford, HR2 6EU

Date Received: 5th December, 2005 Ward: Three Elms Grid Ref: 50573, 41222
Expiry Date: 30th January, 2006

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

1. Site Description and Proposal

- 1.1 The application site is comprised of a detached two-storey dwelling, located on the western side of Holmer Road within an Established Residential Area.
- 1.2 Residential curtilages form the boundaries to the south and west, whilst a petrol filling station and industrial estate are located across a service road to the north.
- 1.3 The application site lies adjacent but just outside of the northern boundary of Widemarsh Common Conservation Area.
- 1.4 The application seeks to demolish the existing dwelling, and erect a purpose built block of 6 residential flats, in the form of a terraced development.
- 1.5 The principle elevation faces north towards the service station, whilst the rear (south facing) elevation has its windows restricted to the ground floor, with two roof lights.
- 1.6 The remaining land to the west would be retained as communal garden, and no parking is proposed in light of the restrictive nature of the access to the site.

2. Policies

2.1 Planning Policy Guidance:

PPG3	-	Housing
PPG13	-	Transport
PPG15	-	Planning and Historic Environment

2.2 Hereford Local Plan:

Policy ENV14	-	Design
Policy H3	-	Design of New Residential Development
Policy H13	-	Established Residential Areas – Loss of Features
Policy H14	-	Established Residential Areas - Site Factors
Policy CON13	-	Conservation Areas – Development Proposals
Policy T12	-	Cyclist Provision

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft);

Policy DR1	-	Design
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density

3. Planning History

- 3.1 DCCW2005/0854/F Alterations to form two self-contained flats from existing dwelling. Approved 3rd May, 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency - Comments awaited.

- 4.2 Welsh Water - No objection.

Internal Council Advice

- 4.3 Traffic Manager - Comments awaited.

- 4.4 Conservation Manager - Comments awaited.

- 4.5 Environmental Health & Trading Standards Manager – No objection subject to the imposition of standard conditions to protect residential amenity during construction.

5. Representations

- 5.1 Hereford City Council - Comments awaited

- 5.2 Letters of objection have been received from Mrs. Bramble, 22 Holmer Road and Mr. Earl, 33 Holmer Road summarised as follows:

- no further development of any kind should be allowed in the vicinity, due to the increased danger from traffic
- increased noise, extra parking and loss of privacy

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

6. Officers Appraisal

- 6.1 The application site is within an Established Residential Area and therefore the principle of residential redevelopment is broadly acceptable subject to the proposal being acceptable in terms of the impact on the amenity of adjoining dwellings, and the visual impact on the character and appearance of the locality and the adjacent Conservation Area.

- 6.2 It is considered that the bulk, massing and terraced design of the proposed development are acceptable having regard to the mixed character of the locality and with particular reference to the terraced properties comprising Spring Gardens to the west.
- 6.3 More importantly in this case the development has been designed to protect the amenity of the adjoining dwelling to the south, by omitting windows in the rear elevation at first floor level, whilst the building steps down in height to form a transition between the larger dwellings on Holmer Road and the smaller terraced properties to the west.
- 6.4 Overall the proposed development is not considered to give rise to any demonstrable loss of residential amenity, or have an adverse impact on the character or visual amenity of the adjoining conservation area or wider locality.
- 6.5 It is of note that the proposal does not provide any on site parking and whilst this element of the proposal is largely driven by the concerns relating to the intensification of use of the access onto Holmer Road, it is considered that the location of the site on a bus route, and reasonably close proximity to the centre of Hereford, is such that a car-free scheme is reasonable and acceptable in this case.
- 6.6 However, in order to facilitate alternative means of sustainable transport it is considered reasonable to impose a condition requiring the provision of separate secure cycle storage, in accordance with policy T12 of the Local Plan
- 6.7 Overall the proposal complies with the relevant policies in the Local Plan, and as such, approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

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

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

- 5. H08 (Access closure).**

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

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

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

- 7. 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.

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

Reason: To protect the amenity of local residents.

- 9. No materials or substances shall be incinerated within the application site during the demolition and construction phase.**

Reason: To safeguard residential amenity and prevent pollution.

Informatives:

- 1. N03 - Adjoining property rights.**
- 2. N14 - Party Wall Act 1996.**
- 3. All machinery and plant shall be operated and maintained in accordance with BS5228:1997 'Noise control of construction and open sites'.**
- 4. N15 - Reason(s) for the Grant of Planning Permission.**

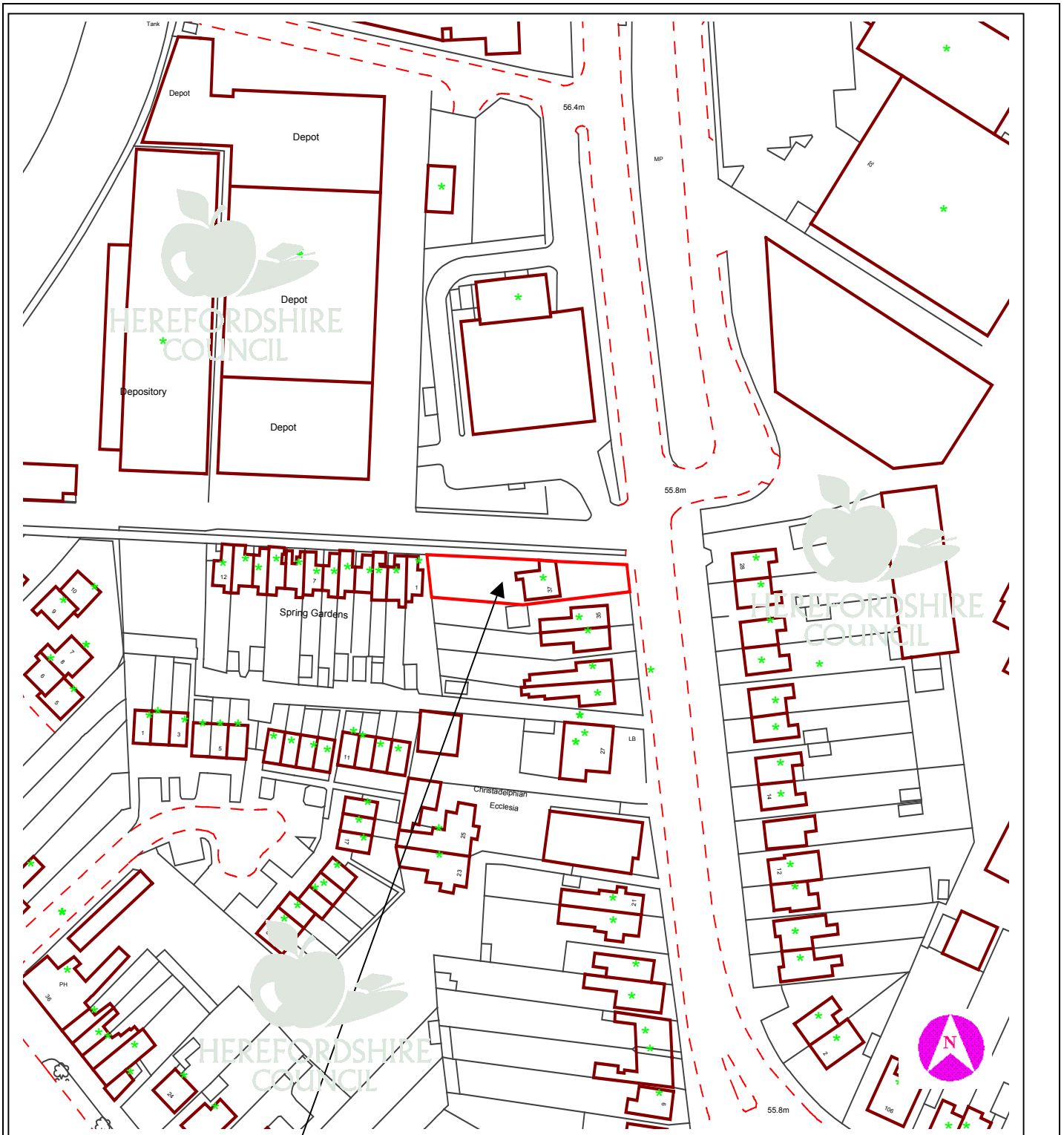
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2005/3971/F

SCALE : 1 : 1250

SITE ADDRESS : 37 Holmer Road, Hereford, HR4 9RX

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10 DCCW2005/3897/F - REPLACEMENT REFRIGERATION UNIT AT 18 - 20 MEADOW DRIVE, CREDENHILL, HEREFORDSHIRE, HR4 7EF

For: OneStop Stores Ltd. per Apex Road, Brownhills, Walsall, West Midlands, WF8 7TS

Date Received: 29th November, 2005

Ward: Credenhill

Grid Ref: 44786, 43168

Expiry Date: 24th January, 2006

Local Member: Councillor R.I. Matthews

1. Site Description and Proposal

- 1.1 The application site is comprised of a three-bayed ground floor A1 retail unit, with flats above, located within a small parade, which serves as a neighbourhood shopping centre for the settlement of Credenhill.
- 1.2 The application seeks retrospective consent to regularise the installation of replacement air-conditioning and refrigeration units to the rear of the property.

2. Policies

2.1 Planning Policy Guidance:

PPG24 - Planning and Noise

2.1 South Hereford District Local Plan:

Policy GD1 - General Development Criteria

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy DR1 - Design
 Policy DR4 - Environment
 Policy DR13 - Noise

3. Planning History

- 3.1 CW2000/0277/F Extension to shop to house sub-post office. Approved March 2000.
- 3.2 CW2000/2741/F Joining two shops together and altering frontages of both. Approved December 2000.

4. Consultation Summary

Internal Council Advice

- 4.1 Traffic Manager - No objection.

- 4.2 Environmental Health & Trading Standards Manager - Comments awaited although it is understood that following a complaint, noise monitoring has been undertaken and this has not identified any statutory nuisance.

5. Representations

- 5.1 One letter of objection has been received from Mr. Everall, 22 Meadow Drive, commenting that the units cause noise and vibration nuisance, and therefore should be enclosed in an acoustic enclosure or removed.
- 5.2 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 units have been installed on the rear elevation of the property, which is accessed via a service road/yard, and as such the units are not considered to be visually discordant.
- 6.2 Therefore it is considered that primary issue in determining this application is whether the units will have an adverse impact on the residential amenity of the wider locality.
- 6.3 Some of the units are already enclosed within a purpose built acoustic enclosure, however 3 of the air-conditioning units have been installed under a lean-to timber shed, which offers little to prevent the emission of noise, therefore in order to ensure a satisfactory relationship with the surrounding residential properties, it is considered expedient to require their enclosure within an appropriate acoustic enclosure.
- 6.4 Subject to appropriate acoustic enclosures, the proposal complies with the relevant policies in the Local Plan, and as such, approval is recommended.

RECOMMENDATION

That subject to no objection being raised by the Environmental Health & Trading Standards Manager, planning permission be granted subject to the following condition:

- 1. Within two months of the date of this permission, the air conditioning/refrigeration units hereby permitted shall be enclosed within acoustic enclosures in accordance with a scheme to be submitted to and approved in writing by the local planning authority, and the approved acoustic enclosure shall thereafter be retained for as long as the air-conditioning/refrigeration units remain in situ.**

Reason: To safeguard the amenity of the area.

Informative:

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

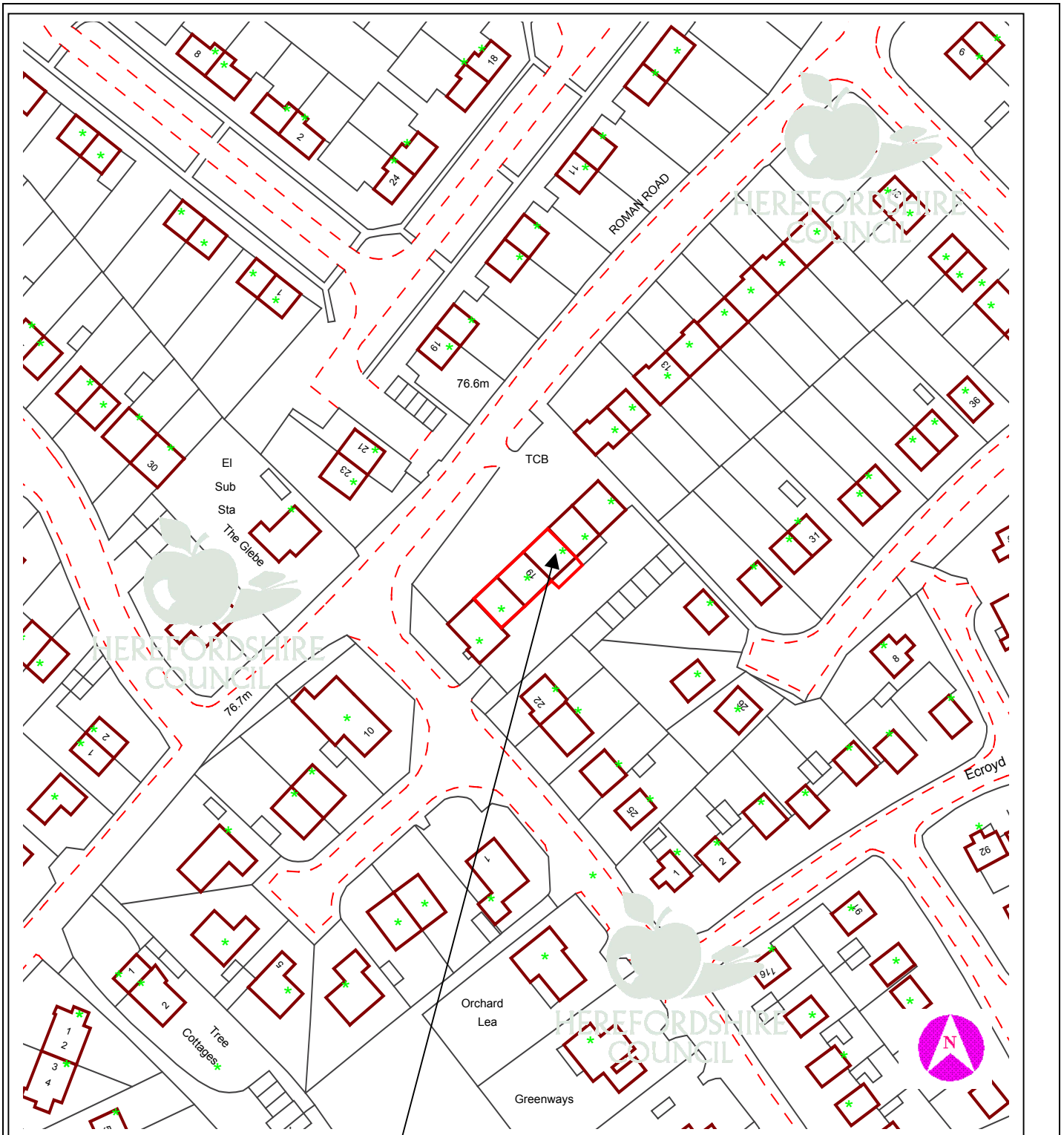
Decision:

Notes:

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Background Papers

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APPLICATION NO: DCCW2005/3897/F

SCALE : 1 : 1250

SITE ADDRESS : 18 - 20 Meadow Drive, Credenhill, Herefordshire, HR4 7EF

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