

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 17th January, 2007**

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

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 24
To approve and sign the Minutes of the meeting held on 13th December, 2006.	
4. ITEM FOR INFORMATION - APPEALS	25 - 28
To note the Council's current position in respect of planning appeals for the central area.	
APPLICATIONS RECEIVED	
To consider and take any appropriate action in respect of the planning applications received for the central area and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
Agenda item 5 was deferred at the last meeting and the rest of the items relate to new applications.	
5. DCCE2006/3614/F - 10 KYRLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2ET	29 - 36
Variation of Condition 4 of planning consent ref. no. DCCE2006/2424/F to permit movement of one cart and associated support vehicle in the yard, and into and out of the yard between 6.00am and 10.00pm.	
Ward: Central	

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| 6. | DCCE2006/3665/F - CLUB MO, GAOL STREET, HEREFORD, HR1 2HU | 37 - 42 |
| | Variation of hours to nightclub of planning permission H/P28121/E To: Monday - Thursday 12.00-02.00; Friday - Saturday 12.00-03.00; Sunday 12.00 – 02.00 | |
| | Ward: Central | |
| 7. | DCCW2006/3705/F - WEIR VIEW, BREINTON, HEREFORD, HR4 7PR | 43 - 48 |
| | New detached house with garage and vehicular access thereto. | |
| | Ward: Credenhill | |
| 8. | DCCE2006/3622/F - 57-59 COMMERCIAL ROAD, HEREFORD, HEREFORDSHIRE, HR1 2BP | 49 - 60 |
| | Demolition of the rear two-storey extensions and the construction of a new extension to provide halls of residence living accommodation and extension to the public house. | |
| | Ward: Central | |
| 9. | DCCW2006/3583/F - THE WORKSHOPS, CORNER FRIAR STREET AND CROSS STREET, HEREFORD, HR4 0AS | 61 - 66 |
| | Proposed additional residential unit to Approved Planning Application DCCW2006/1324/F. | |
| | Ward: St. Nicholas | |
| 10. | DCCW2006/3671/F - TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HR2 7XS | 67 - 70 |
| | Installation of two temporary refrigerated storage units. | |
| | Ward: Belmont | |
| 11. | DATE OF NEXT MEETING | |
| | The next scheduled meeting is Wednesday 7th February, 2007. | |

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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, 13th December, 2006 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, P.J. Edwards, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, Mrs. S.J. Robertson, Mrs E.A. Taylor, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams and R.M. Wilson

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

118. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs. W.U. Attfield, Mrs. S.P.A. Daniels, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell and Miss F. Short.

119. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
See Interest panel	Minute 123, Agenda Item 6 DCCW2006/2619/O Land to the North of Roman Road, Holmer, Hereford, HR1 1LE	Mrs. S.J. Robertson* and Ms. A.M. Toon declared prejudicial interests and left the meeting for the duration of the item. D.J. Fleet, Mrs. M.D. Lloyd-Hayes and Mrs. E.A. Taylor and declared personal interests. Principal Planning Officer K. Bishop declared a personal interest and left the meeting for the duration of the item.
Mrs. S.J. Robertson	Minute 124, Agenda Item 7 DCCE2006/2211/F Land to the Rear of Beech Business Park, Tillington Road, Hereford, Herefordshire, HR4 9QJ	Declared a prejudicial interest and left the meeting for the duration of the item.

CENTRAL AREA PLANNING SUB-COMMITTEE WEDNESDAY, 13TH DECEMBER, 2006

A.L. Williams	Minute 125, Agenda Item 8 DCCE2006/3474/G 1 to 5 Aylestone Court Mews, Rockfield Road, Hereford, HR1 1HS	Declared a personal interest.
Mrs. S.J. Robertson	Minute 128, Agenda Item 11 DCCW2006/3160/F Taste for Adventure Centre, The Hafod, Credenhill, Hereford, HR4 7DA	Declared a prejudicial interest and left the meeting for the duration of the item.
D.B. Wilcox	Minute 131, Agenda Item 14 DCCE2006/3614/F 10 Kyrle Street, Hereford, Herefordshire, HR1 2ET	Declared a personal interest.
Mrs. S.J. Robertson and D.B Wilcox	Minute 134, Agenda Item 17 DCCE2006/2981/F 38 Hampton Dene Road, Hereford, Herefordshire, HR1 1UX	Declared prejudicial interests and left the meeting for the duration of the item.
Mrs. S.J. Robertson	Minute 135, Agenda Item 18 DCCE2006/3508/O Land to the Rear of 105 Gorsty Lane (Ryder Close), Hereford, Herefordshire, HR1 1UN	Declared a prejudicial interest and left the meeting for the duration of the item.

* Councillor Mrs. S.J. Robertson said that she did not believe that she had a prejudicial interest but she would abide by the legal advice given prior to and at the meeting. She commented that the Code of Conduct had denied her the opportunity to represent her constituents and felt that it demonstrated the weaknesses of the Code in its present form. A number of Members expressed sympathy for the position of the Local Ward Member.

120. MINUTES

The Minutes of the last meeting were received.

RESOLVED: That the Minutes of the meeting held on 15th November, 2006 be approved as a correct record and signed by the Chairman.

121. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report about the Council's current position in respect of planning appeals for the central area.

RESOLVED: That the report be noted.

122. DCCW2006/3153/F - THE BIRCHES STABLES, BURGHILL, HEREFORD, HR4 7RU [AGENDA ITEM 5]

Change of use from agricultural to a 2 family gypsy site.

The Principal Planning Officer reported the receipt of a revised access plan.

In accordance with the criteria for public speaking, Mrs. Reynolds spoke on behalf of

CENTRAL AREA PLANNING SUB-COMMITTEE WEDNESDAY, 13TH DECEMBER, 2006

Burghill Parish Council, Mr. Swancott spoke against the application and Mr. Baines spoke in support of the application.

In response to a comment made by a public speaker, Councillor Mrs. S.J. Robertson, the Local Ward Member, commented that a speed limit recently introduced in the vicinity of the site had taken three years to achieve and was not related to this proposal.

In response to a question, the Principal Planning Officer confirmed that a length of hedgerow would need to be removed in order to improve visibility at the access.

Councillor Mrs. Robertson noted the value of the site inspection that had been undertaken by the Sub-Committee. She briefly explained the planning history of the site and commented that the local community, whilst generally supportive of gypsy families, had raised a number of important concerns about the application. It was felt that there was not a safe and adequate means of access to the site and the proposal would have a detrimental impact on the adjacent Scout Hut. She drew attention to the views of Burghill Parish Council with regard to the policy considerations. Some concerns were expressed about the justification for the application given that the applicant had obtained a similar planning permission in Marden; claims about the costs of water connection at that site were disputed.

Councillor Mrs. Robertson proposed refusal of the application but suggested that if planning permission were granted the hedgerow should be translocated within the site in order to maintain the rural character of the area and the use should be restricted through a personal condition relating to the applicants only. The grounds for refusal were: the development was outside the approved settlement boundary and did not meet the criteria as an exceptional case; highways safety; impact on the Scout Hut; impact on the hedgerow; and the proposal was contrary to the Burghill Parish Plan.

The Principal Planning Officer clarified the recent planning history of the site. He advised that recommended condition 3 could be amended to include the translocation of the hedge.

Councillor R.I. Matthews noted the concerns of the Burghill Scout and Guide Group and Burghill Parish Council, particularly in relation to highways safety and amenity issues, and felt that there were grounds for refusal.

The Central Team Leader commented that this proposal provided the opportunity to improve the existing substandard access.

Councillor A.C.R. Chappell felt it regrettable that this was a retrospective application but did not feel that there were planning grounds to warrant refusal of the application. He commented that the proposed access arrangements were similar to many along rural roads. It was noted that the lack of availability of authorised pitches was a material consideration.

Councillor J.G.S. Guthrie commented that some local residents did not feel able to write to the Council about their concerns regarding this proposal.

In response to a question from Councillor Ms. A.M. Toon about the definition of gypsy, the Principal Planning Officer advised that sufficient evidence had been provided to substantiate the applicants' gypsy status and, therefore, the proposal accorded with Policy H12 (Gypsies and Other Travellers).

Councillor P.J. Edwards noted the worth of the site inspection. He concurred with

the Local Ward Member that planning permission should be restricted to the applicants for their lifetime and felt that the number of caravans had to be controlled in order to protect the visual amenities of the area. It was noted that some concerns had been expressed as to whether the proposal accorded with Policy H12, particularly with regard to local need.

A number of other Members commented on the lack of authorised pitches but felt that, given the concerns raised, the use of the site should be made personal to the applicant through a condition.

The Central Team Leader acknowledged Members' concerns about landscaping and the need to maintain rural character of the area and agricultural appearance of the land.

A motion to refuse the application was lost. The recommendation was then agreed subject to the additional conditions identified. The Local Ward Member asked that she be kept informed of any further developments.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1. No more than two mobile homes and one touring caravan shall be stationed on the land at any time. No other structure apart from those existing on the site at the time of the application including those permitted by the caravan site licence shall be erected without the approval of the local planning authority.**

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

- 2. This permission shall enure for the benefit of Mr and Mrs R. Jones and Miss Rosanne Jones and not for the benefit of the land or any other persons interested in the land. On cessation of their occupation the land shall revert to agricultural use.**

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

- 3. Notwithstanding the submitted plans and within one month of the date of this permission a new vehicle access shall be constructed providing visibility splays of 2 metres x 60 metres in each direction and any entrance gates set back 5 metres, full details of which shall be submitted for approval in writing of the local planning authority and the access shall be constructed in accordance with the approved details and retained in perpetuity.**

Reason: In the interests of highway safety.

- 4. Within one month of the date of this permission, details of a scheme of landscaping which shall include translocation and replacement hedgerow planting behind the new access and visibility splay shall be submitted to and approved in writing by the local planning authority, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course**

of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.

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

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

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

6. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.

Reason: In the interests of highway safety.

7. Prior to the use of the application site hereby approved the existing vehicular access onto the adjoining highway shall be permanently closed. Details of the means of closure of this existing access shall be submitted to and approved in writing by the local planning authority prior to the commencement of work on the development hereby approved.

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

8. No goods, plant, material or machinery shall be deposited or stored outside the buildings on the land hereby permitted unless otherwise agreed in writing with the local planning authority.

Reason: To protect the appearance of the locality.

Informatives:

1. N19 - Avoidance of doubt.
2. N15 - Reason(s) for the Grant of PP/LBC/CAC.

[Note: In accordance with Constitution SO 5.10.2, Councillor P.J. Edwards wished it to be recorded that abstained from voting on this application.]

123. DCCW2006/2619/O - LAND TO THE NORTH OF ROMAN ROAD, HOLMER, HEREFORD, HR1 1LE [AGENDA ITEM 6]

Residential development (300 dwellings) including access from Roman Road, essential infrastructure, open space, balancing pond, landscaping, roads, parking, footpaths, cycleway and engineering, earth works.

The Principal Planning Officer reported the following:

- Welsh Water had removed their objection subject to conditions relating to adequate on site foul drainage and a condition or additional clause drawn into the Section 106 Agreement preventing occupation of any dwellings until the on and off site foul drainage infrastructure had been installed; the extent of the off site works would need to be informed by a hydraulic modelling exercise funded by the developers.
- Correspondence had been received from Sport England. Off site cycle links with existing / proposed recreation facilities were welcomed and it was suggested that secure cycle parking should be made available to each dwelling. Continuing concerns expressed in relation to the off-site recreation contribution and whether this was adequate to meet the identified need for playing pitches north of the river. Their objection was therefore maintained.
- A letter had been received commenting that some land should be made available for environmentally friendly self-build housing.
- A letter had been received from the Headteacher of Barrs Court School which highlighted the challenges faced by the school, as the only secondary school in the County catering specifically for pupils with severe and multiple learning difficulties, and suggested that a contribution should be made towards the Hydrosense appeal which sought funds for a new building to house a range of specialist facilities.
- A further letter had been received from Holmer and Shelwick Parish Council which re-iterated previous concerns, particularly regarding foul drainage and road capacity, and advised that, unless infrastructure could be provided for the best interests of the community, the Parish Council could not support the application.
- An e-mail had been received from Councillor Ms. A.M. Toon suggesting that the skate park contribution should be increased to £100,000 and education contribution should be enhanced with £30,000 towards the wind turbine at Whitecross School and £75,000 for a new portacabin at Trinity School to enable the nursery to be extended. The Principal Planning Officer advised that no further comments had been received from the Head of Education on this matter.
- It was reported that further meetings had taken place with regard to affordable housing provision and, as a result and with full support of Strategic Housing, the mix had now changed to 65% rented and 35% shared ownership with no low cost discount market housing; it was noted that this form of housing was not proving to be affordable on other sites where it had been negotiated.
- It was also reported that a further letter had been received from the applicants shortly before the Sub-Committee meeting and was summarised as follows:
 - ◆ The charge for any existing residents to connect to the new foul drainage system would be related to the costs of works only and there would be no 'ransom' charge.
 - ◆ Crest would also not resist connections until the new foul infrastructure had been adopted but Welsh Water may do.
 - ◆ With regard to the sustainability of the site, Crest stressed that it was an industry leader in constructing buildings with high standards of energy efficiency and the development would meet if not exceed the standards contained in the Sub-Committee report and proposed Section 106

Agreement.

- ◆ It was also reported that Crest was aware of recent further requests for additional contributions and, therefore, offered two mechanisms by which the contributions could be increased. The first was to re-distribute the £25,000 plus £10,000 maintenance charge allocated for public art to another use. The second was to change the affordable housing mix from 65/35 to 60/40 which would make a further £180,000 available for a use reasonably related to the development such as education. The Principal Planning Officer advised that the latter suggestion did not have the support of Strategic Housing.

In accordance with the criteria for public speaking, Mr. Owen spoke on behalf of Holmer and Shelwick Parish Council, Mr. Holland spoke in objection to the application and Mr. Hodgson spoke in support of the application.

Following comments made by the public speakers, the Principal Planning Officer responded as follows:

- Planning permission was sought for the construction of 300 dwellings but full details of the types of units to be provided had not been listed in the application. As an outline application, all matters were reserved for future consideration with the exception of the means of access to the site. The number of dwellings would be restricted to 300 through conditions.
- The concerns that had been raised about foul drainage would be fully explored through the study required by Welsh Water and would be addressed through the Section 106 Agreement and conditions.
- In terms of ecology, the creation of a surface water balancing pond in an area of land north of the development site would mitigate some of the ecological impact of the development and enhance bio-diversity.
- Suggestions about measures to discourage the 'rat running' of vehicles along Munstone Road could be further discussed and negotiated with the developers; as an outline planning application, the specific road layout had not been determined at that stage.
- The means of access to the site had been considered by independent consultants for the Council, the Highways Agency and the developers and all had determined that a new signalised junction arrangement would be the optimum solution.
- It was noted that numerous comments had been made about the need for improvements to Munstone Road, College Road and Old School Lane. Whilst the development could not be expected to resolve all highway problems in the area, the Section 106 Agreement would require off-site junction and highway works.

Councillor R.M. Wilson commented that he had been asked to convey a number of issues raised by local residents to the Sub-Committee, some of the matters raised are outlined below:

- It was noted that the Unitary Development Plan (UDP) process had not yet been completed and this application could be considered premature.
- The Section 106 Agreement was inadequate and greater emphasis should be given to infrastructure improvements within the Parish, particularly to Roman Road, Attwood Lane and Munstone Road.

CENTRAL AREA PLANNING SUB-COMMITTEE WEDNESDAY, 13TH DECEMBER, 2006

- Given the volumes of traffic in the locality and potential highway safety problems, improvements were needed to minimise congestion and prevent 'rat running'.
- The traffic situation in the vicinity of the Royal National College for the Blind needed to be addressed.
- A pedestrian crossing on the A49 was needed to enable the safe passage of residents to the Church and Village Hall at Holmer.
- Funding should be provided for all schools in the catchment area, including Barrs Court School.
- Given the problems on the Wentworth Park estate, more detailed information was needed on the foul and surface water drainage arrangements.
- A concern was expressed that the area for development was greater than that indicated in the UDP.
- The archaeological importance of the land should be investigated prior to development.

Councillor Wilson also expressed his own views that: the access arrangements should not hinder traffic using the A4103 Roman Road; the Section 106 Agreement was inappropriate and should be reconsidered; appropriate speed limits were needed; contributions should be concentrated on enhancements within the Ward; and funding for the skate park should be redirected to other matters, particularly as land had already been made available to Hereford City Council for the skate park.

Councillor W.J. Walling commented that the affordable housing should be spread throughout the development to prevent these dwellings being perceived as separate to the rest of the estate.

Councillor P.J. Edwards acknowledged that outline planning permission was sought but felt that the application was premature and that insufficient information had been made available to the Sub-Committee. He proposed that the application be refused on the grounds that the proposal failed to address the essential infrastructure requirements and was contrary a number of policies in the Herefordshire Unitary Development Plan (Revised Deposit Draft) and South Herefordshire District Local plan. He drew attention to references in the report to 'no comments received' from statutory consultees and to additional information and plans awaited from the developers. He commented that the proposed contributions were inadequate and that detailed consideration of both existing and future infrastructure needs was required. He felt it unacceptable that matters relating to electricity cabling, sewerage provision and highway improvements were still outstanding. He also felt that the proposed £138,000 contribution towards the cost of improving the existing railway bridge on Roman Road was unsatisfactory and would not advance the improvements envisaged by the Local Plan Inspector.

Councillor Mrs. P.A. Andrews felt that the contributions proposed in the Section 106 Agreement should be allocated to relevant schools in the catchment area, including Barrs Court School. She commented on the need for the affordable housing to be of appropriate types, with greater emphasis on family homes rather than flats. She also commented that the contribution to the skate park would help to provide a much needed recreational facility for the 12-18 age group.

CENTRAL AREA PLANNING SUB-COMMITTEE WEDNESDAY, 13TH DECEMBER, 2006

In response to points raised by Members, the Principal Planning Officer advised that: there were differences of opinion about the most appropriate means to discourage 'rat running' on roads in the locality; the location of the proposed emergency access could be reviewed with the developers; the allocation of the contributions could be reviewed in order to provide funding towards educational facilities at Barrs Court School; a watching brief would be required in respect of archaeology; a mix of affordable housing types would be provided, with some flats and a high proportion of family dwellings; the Sub-Committee could consider priorities for off-site junction and highway works; the contribution of £138,000 towards the cost of providing a new bridge had been identified as a proportionate figure arising from the traffic impact of the development (the estimated total cost of a new bridge was given as £2.5m); the costs associated with re-routing of electricity cables which crossed the development were explained; and none of the key consultees had raised any objections in principle subject to conditions.

Councillor R.I. Matthews felt that the development should be restricted to the site identified in the UDP and that the proposed balancing pond outside this area should not be considered as amenity space. He expressed concerns about the way in which the proposed contributions and allocations had been identified. He commented that, if a substantial contribution could not be secured towards the cost of providing a new bridge, the sums should be allocated towards viable infrastructure improvements. He felt that the current proposals were inadequate and the application should be refused.

Councillor A.C.R. Chappell emphasised the need for planning gain to be relevant to the needs of the local area involved.

Councillor D.B. Wilcox outlined the potential impact of the development on traffic issues in the Aylestone Ward and, given the concerns raised about the perceived inadequacy of the proposed infrastructure improvements, proposed that consideration of the application be deferred for further discussions and negotiations between the developers and senior officers. He noted that contribution from each dwelling towards infrastructure improvements would be less than the Stamp Duty paid on many of the properties and felt this situation was totally inadequate. He commented that £138,000 was not enough to bring forward improvements to the railway bridge and there was a risk that this amount would be given back to the developers after ten years. Given this possibility and the concerns expressed by local residents, he suggested that funds would be better allocated towards junction and highway works on College Road and Old School Lane. He concurred with other Members that funds should be provided for Barrs Court School but felt that this should be an additional contribution by the developers. He commented that, at a public display and consultation meeting, a view had been expressed that the RNCB development scheme would bring about the necessary improvements to the College Road/Venns Lane/Old School Lane junction but in actual fact further contributions were needed to enhance the traffic control situation in this area. He also noted the accident history at the Munstone Road/College Road junction and the Attwood Road/Old School Lane junction and commented on the need for improvements to these routes.

Councillor Mrs. M.D. Lloyd-Hayes noted that there was significant demand for housing in this part of Hereford. She commended officers for the report and noted that not all the problems in the area could be resolved by this one application. She felt that contributions should not be too narrowly focussed and, in particular, welcomed the suggested contribution towards Barrs Court School. In response to earlier comments, Councillor Mrs. Lloyd-Hayes felt that the proposed contribution towards a skate park was justified given that a number of facilities for younger people in the north of the city had been closed in recent years. She welcomed the

comments of Welsh Water and noted the ongoing work to address outstanding issues.

Councillor W.J.S. Thomas felt that it was regrettable that, due to the current Code of Conduct, the Local Ward Member was unable to contribute to the debate. He felt that the level of contributions proposed were inadequate and that further discussions should be held with the developer to resolve the areas of concern.

The Central Team Leader commented that deferral for further negotiations might not achieve significant additional contributions but suggested that it would be helpful if Members gave Officers a steer with regard to the priorities for the allocation of the developer contributions identified.

A motion to defer consideration of the application was lost. Then a motion to refuse the application was lost. The recommendation to approve was then agreed with Officers agreeing to discuss the specific allocation of contributions with the developer.

RESOLVED:

- 1. Subject to there being no objection from Sport England by the end of the consultation period and the Traffic Manager's concerns being addressed.**
- 2. The application be referred to the Government Office for the West Midlands under the Departure Procedures.**
- 3. Subject to the Secretary of State confirming that she does not intend to call the application in, the Head of Legal and Democratic Services be authorised to complete a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 covering the matters detailed in the Heads of Terms appended to this report and any additional matters that he considers necessary and appropriate.**
- 4. Upon completion of the above mentioned Planning Obligation, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to conditions.**

CONDITIONS

Due to the scale of the development, the wording of the conditions are still being discussed and agreed with the applicants. However, conditions will be included to cover the following:

- **Standard outline conditions regarding commencement and submission of reserved matters details.**
- **Phasing of the development and phasing of the construction of affordable housing.**
- **Access and internal road construction including traffic calming and parking provision.**
- **Off site junction and highway works.**
- **A residential travel plan.**
- **Tree and hedgerow protection and a landscape and biodiversity maintenance and management plan.**
- **Further ecological surveys.**
- **Foul and surface water drainage to include a restriction that no development can commence until the drainage works have been agreed**

by the Council and Welsh Water.

- Restriction on construction times, strategy for minimising dust and noise during construction.
- Archaeological watching brief.
- Details of boundary treatments, materials, site and slab levels, hard landscaping, lighting.
- Specification for the play areas.
- Restriction on the number of dwellings to 300.

[Note: In accordance with Constitution SO 5.10.2, Councillor D.B. Wilcox wished it to be recorded that he voted against approval of this application.]

124. DCCW2006/3362/F - LAND TO THE REAR OF BEECH BUSINESS PARK, TILLINGTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 9QJ [AGENDA ITEM 7]

Proposed change of use to agricultural machinery and equipment storage area.

In accordance with the criteria for public speaking, Mrs. Stevens spoke in objection to the application and Mr. Hughes spoke in support of the application.

Councillors Mrs. P.A. Andrews, the Local Ward Member, noted the history of the site and that the Inspector for the Herefordshire Unitary Development Plan had amended the settlement boundary in order that the land was included within the settlement boundary for Hereford City. She commented that she had not received any complaints about noise from the site directly. Given these considerations and subject to appropriate boundary treatments, she supported the application.

Councillor Mrs. A.M. Toon, also a Local Ward Member, commented on the need for an operating hours condition to reduce disturbance to local residents.

Councillor R.I. Matthews noted that the application would relieve pressure on the working area and should not generate significant extra traffic. He acknowledged the concerns of local residents and felt it essential that the floodlighting should be carefully positioned so that there was no adverse affect on residential amenity.

In response to issues raised by Members, the Principal Planning Officer confirmed that no buildings were proposed on the land, the Environmental Health and Trading Standards Manager had not received any nuisance complaints, recommended condition 6 would control floodlighting, and conditions 8 and 9 would address boundary treatments and landscaping issues.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. **F07 (Restriction on hours of operation of plant/machinery/equipment).**

Reason: To safeguard the amenity of the area.

3. **F20 (Scheme of surface water drainage).**

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

4. **F22 (No surface water to public sewer).**

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

5. **F26 (Interception of surface water run off).**

Reason: To prevent pollution of the water environment.

6. **F32 (Details of floodlighting/external lighting).**

Reason: To safeguard local amenities.

7. **The use of the site shall be for the storage of agricultural plant and equipment in association with Ravenhills Farm Services only.**

Reason: In order to clarify the terms under which this planning permission is granted.

8. **G01 (Details of boundary treatments).**

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

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

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

Informatives:

1. **N19 - Avoidance of doubt.**
2. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

125. **DCCE2006/3474/G - 1 TO 5 AYLESTONE COURT MEWS, ROCKFIELD ROAD, HEREFORD, HR1 1HS [AGENDA ITEM 8]**

Variation of Condition 6 of planning permission DCCE2005/1017/F granting C1 use - hotel use only. Now requesting both hotel and residential use.

The Principal Planning Officer reported the receipt of correspondence from the applicant confirming that two units were currently being occupied in association with the hotel.

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

In response to comments made by the speakers, the Principal Planning Officer reported that the dedicated off-street parking would remain attached to these units and, subject to this arrangement, the Traffic Manager had no objection to the application.

In response to a question from Councillor Mrs. M.D. Lloyd-Hayes, the Principal

Planning Officer advised that the intention of the proposal was to provide a degree of flexibility for the use to alternate between residential and hotel accommodation. He added that the situation with regard to Council Tax was unclear at that time and would be a matter for the Tax and Rates Section.

Councillor P.J. Edwards commented on the need to address objectors' concerns about traffic and parking problems on Rockfield Road. In response, the Principal Planning Officer advised that Rockfield Road was not an adopted highway but an informative note could be added to highlight the issues to potential occupiers.

Councillor Ms. A.M. Toon commented on the need for various types of tourist accommodation and questioned whether these units could be retained for this use. The Central Team Leader acknowledged that there was strong support for the retention of tourist accommodation but there were no policies which specifically required tourist accommodation to be safeguarded within the city. He emphasised that the proposal had to be considered on its own merits and residential use of the units was considered appropriate.

RESOLVED:

That planning permission be approved subject to the following conditions:

- 1. A10 (Amendment to existing permission).**

Reason: For the avoidance of doubt.

- 2. The apartments hereby permitted shall be occupied for C1 and C3 Use in association with Aylestone Court Hotel and for no other purpose within Class C of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.**

Reason: In order to clarify the terms of the permission and the interests of the amenity of the area.

- 3. The five parking spaces identified within the curtilage of the hotel shall be for the sole use of the residents of the accommodation hereby permitted.**

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

Informatives:

- 1. N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 2. N19 - Avoidance of doubt.**

126. DCCE2006/3200/O - THINGHILL COURT, WITHINGTON, HEREFORD, HEREFORDSHIRE, HR1 3QG [AGENDA ITEM 9]

Erection of 2 no 16000 bird, free range egg laying units.

The Principal Planning Officer reported the receipt of the comments of Ocle Pychard Parish Council. The Sub-Committee was advised that the Parish Council had requested that other vehicle and lorry movements from the property also be included in the traffic management agreement. Given the potential impact of traffic generated

by the development, further works within the highway were proposed and included the provision of two passing bays, piping of a section of open ditch and minor works to some of the highway hedges.

Councillor R.M. Wilson, the Local Ward Member, commented on the need for the applicant to maintain the adjacent bridleway. He also felt that existing traffic from the site should be included in the traffic management agreement.

The Principal Planning Officer outlined the responsibilities of landowners in respect of bridleways and drew attention to recommended condition 9 which would require the appropriate signage to safeguard the safety of users of the bridleway. He also advised that a traffic management agreement could only be required in relation to the specific operation involved but an informative note could be added to highlight the preferred route for large vehicles.

RESOLVED:

Subject to there being no objection from Ocle Pychard Parish Council by the end of the consultation period and

Subject to Head of Legal and Democratic Services being authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 by the 3rd January, 2007 in accordance with the Heads of Terms attached to this report and any additional matters and terms he considers appropriate,

Upon completion of the aforementioned planning obligation officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers.

1. **A02 (Time limit for submission of reserved matters (outline permission)).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
2. **A03 (Time limit for commencement (outline permission)).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. **A04 (Approval of reserved matters).**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
4. **A05 (Plans and particulars of reserved matters).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
5. **F18 (Scheme of foul and surface drainage disposal).**
Reason: In order to ensure that satisfactory drainage arrangements are provided.
6. **H13 (Access, turning area and parking).**

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

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

Reason: To safeguard local amenities.

8. **G08 (Retention of trees/hedgerows (outline applications)).**

Reason: To safeguard the amenity of the area.

9. **Prior to the commencement of development, details including scaled plans of the proposed signage and its location to be erected both during the construction phase and thereafter shall be submitted for the approval in writing of the local planning authority. The approved signs shall be erected in accordance with the agreed details prior to the commencement of the development.**

Reason: In order to safeguard the safety of users of bridleway WT21.

10. **H17 (Junction improvement/off site works).**

11. **G26 (Landscaping management plan).**

Informative:

1. **HN21 - Extraordinary maintenance.**
2. **N02 - Section 106 Obligation.**
3. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

127. **DCCE2006/3471/F - NEWCOURT PARK WITH CHANDOS HOUSE, LUGWARDINE, HEREFORD, HR1 4DP [AGENDA ITEM 10]**

Convert existing house presently divided into three flats to six flats.

The Principal Planning Officer reported an additional letter of objection querying whether the applicants owned the land to create the new driveway. It was reported that the applicants had confirmed that they had lawful ownership of the land. It was also reported that, in response to suggestions made by nearby residents, the applicant had advised that it would not be possible to close the existing drive as third parties had legal rights to use the access. However, further traffic calming was suggested in the form of 'sleeping policemen' on the access drive. The applicants had commented that considerable expense was required to maintain New Court and this proposal provided an opportunity to ensure the survival of the listed buildings.

In accordance with the criteria for public speaking, Mr. Harrison spoke in objection to the application and Mr. Smith spoke in support of the application.

Councillor R.M. Wilson, the Local Ward Member, noted that the Conservation Manager had considered the application to be acceptable in principle. It was also noted that the new access should reduce the amount of traffic using the existing access rather than increasing it. He felt that adherence to recommended condition 2 was of particular importance.

A number of Members commented on the history of New Court and noted the high running costs of maintaining listed buildings.

RESOLVED:

Subject to receipt of suitably amended plans and additional information addressing the concerns of the Conservation Manager 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. **Details of the specification for the new access driveway shall be submitted for the approval in writing of the local planning authority prior to the commencement of the development hereby permitted. The proposed new access/driveway shall be constructed in accordance with the approved specification and made available for use prior to commencement of any other development.**

Reason: In the interests of highway safety.

3. **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.

4. **H03 (Visibility splays).**

Reason: In the interests of highway safety.

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

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

Informatives

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

128. **DCCW2006/3160/F - TASTE FOR ADVENTURE CENTRE, THE HAFOD, CREDENHILL, HEREFORD, HR4 7DA [AGENDA ITEM 11]**

Proposed improvements to existing access and turning facilities.

In response to a question from Councillor R.I. Matthews, the Principal Planning Officer advised that no comments had been received from Credenhill Parish Council. Councillor Matthews noted that the proposal would enhance the visibility splay and, thereby, provide a safer access to the site. He stressed the need to retain the existing hedgerow.

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) (2nd November 2006).**

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

3. **G01 (Details of boundary treatments).**

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

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

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

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

Reason: To safeguard the amenity of the area.

6. **F32 (Details of floodlighting/external lighting).**

Reason: To safeguard local amenities.

Informatives:

1. **N19 - Avoidance of doubt.**

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

129. DCCW2006/3387/O - BANNUT TREE COTTAGE, STATION ROAD, CREDENHILL, HEREFORD, HR4 7DW [AGENDA ITEM 12]

New dwelling.

The Principal Planning Officer advised that no comments had been received from Credenhill Parish Council.

Councillor R.I. Matthews, the Local Ward Member, supported the recommendation of approval subject to conditions.

In response to a question, the Principal Planning Officer confirmed that slab level and window details would be addressed through the conditions.

RESOLVED:

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

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

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

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

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

3. A04 (Approval of reserved matters) (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. E18 (No new windows in specified elevation) (side elevations).

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

6. 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.

7. H03 (Visibility Splays) (2.4 x 90).

Reason: In the interests of highway safety.

8. H05 (Access Gates).

Reason: In the interests of highway safety.

9. H06 (Vehicular Access Construction).

Reason: In the interests of highway safety.

10. H09 (Driveway Gradient).

Reason: In the interests of highway safety.

11. H12 (Parking and Turning - single house).

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

Informatives:

1. HN5 - Works within the highway.

2. N19 - Avoidance of doubt.

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

130. DCCW2006/3276/F - 225 ROMAN ROAD, HOLMER, HEREFORD, HR4 9QT
[AGENDA ITEM 13]

Proposed first floor extension.

Councillor Mrs. P.A. Andrews, a Local Ward Member, noted that there were similar extensions in the locality and that this application was considered acceptable subject to conditions.

In response to a question, the Principal Planning Officer advised that there was existing parking to the rear of the property.

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

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

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

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

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

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

Informatives:

1. **N19 - Avoidance of doubt.**

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

- 131. DCCE2006/3614/F - 10 KYRLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2ET [AGENDA ITEM 14]**

Variation of Condition 4 of planning consent ref. no. DCCE2006/2424/F to permit movement of carts and support vehicles in the yard, and into and out of the yard between 6.00am and 10.00pm.

The Central Team Leader suggested that consideration of the item be deferred to enable both the principal objector and the applicant to be represented at the meeting.

RESOLVED:

That consideration of the item be deferred.

- 132. DCCE2006/3313/F - 9 FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1 1LY [AGENDA ITEM 15]**

First floor extension over existing garage.

The Principal Planning Officer reported the receipt of the comments of Hereford City

Council (no objections).

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

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

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

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

4. **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.**
4. **N19 - Avoidance of doubt.**

- 133. DCCE2006/3355/F - BROCKINGTON LODGE, OLD EIGN HILL, HEREFORD, HEREFORDSHIRE, HR1 1TX [AGENDA ITEM 16]**

Change of use from residential to commercial office.

The Senior Planning Officer reported the receipt of an additional letter of objection. The comments of the Economic Development Manager were also reported (the application was supported given the nature of the operation). A further condition (F42 - Restrictions of Open Storage) was recommended in order to control external storage.

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

Councillor W.J. Walling, a Local Ward Member, commented that he had reservations about the application initially but noted that the applicant had demonstrated sensitivity to the needs of the area, particularly with the recent high quality replacement of the roof. He noted that there were other office uses in the locality, including the Council offices at Brockington, and felt that there was no reason to refuse the proposal.

In response to a question, the Senior Planning Officer confirmed that, unlike residential properties, commercial offices did not have any permitted development

rights.

A number of Members felt that the change of use was unfortunate but did not consider that there were any material planning considerations to warrant refusal. The Senior Planning Officer drew attention to recommended condition 4 (E27 - Personal Condition) which sought to safeguard the future use of the building.

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. **E02 (Restriction on hours of delivery).**

Reason: To safeguard the amenities of the locality.

3. **E06 (Restriction on use).**

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

4. **E27 (Personal condition).**

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

5. **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. **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.

7. **No goods, plant, material or machinery shall be deposited or stored outside the building hereby permitted.**

Reason: To protect the appearance of the locality.

Informatives:

1. **N01 - Access for all.**
2. **N03 - Adjoining property rights.**
3. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
4. **N19 - Avoidance of doubt.**

[Note: In accordance with Constitution SO 5.10.2, Councillor Mrs. P.A. Andrews wished it to be recorded that she abstained from voting on this item.]

134. DCCE2006/2981/F - 38 HAMPTON DENE ROAD, HEREFORD, HEREFORDSHIRE, HR1 1UX [AGENDA ITEM 17]

Proposed two storey extension.

The Central Team Leader recommended an additional condition (E15 – Restriction on Separate Sale) to ensure that the extension was used as ancillary accommodation to the main dwelling house.

Councillor W.J. Walling, a Local Ward Member, felt that the application was acceptable subject to conditions.

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

Reason: To ensure the satisfactory appearance of the development.

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

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

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

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

6. **The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 38 Hampton Dene Road.**

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

Informatives:

1. **N03 - Adjoining property rights.**
2. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
3. **N19 - Avoidance of doubt.**

135. DCCE2006/3508/O - LAND TO THE REAR OF 105 GORSTY LANE (RYDER CLOSE), HEREFORD, HEREFORDSHIRE, HR1 1UN [AGENDA ITEM 18]

Proposed new dwelling.

In accordance with the criteria for public speaking, Mr. Mant spoke in objection to the application and Mr. Whyatt spoke in support of the application.

Councillor W.J. Walling, a Local Ward Member, commented that the plot was not as large as others in Ryder Close but was of sufficient size to accommodate some form of development. He felt that the loss of part of the existing mature hedge was unfortunate but noted that this could not be controlled through planning legislation in this instance.

Other Members commented on the need to remove permitted development rights, for the appropriate siting of windows to minimise the impact of the development on adjacent properties and for suitable slab levels having regard to surrounding dwellings.

In response to concerns expressed by Members, the Central Team Leader advised that this was an application for outline planning permission with all matters reserved. He commented that the layout was indicative and a reserved matters application would need to demonstrate that a detailed scheme could be satisfactorily accommodated. He added that it was likely that objections would be received to a reserved matters application and, therefore, was likely to be submitted for the Sub-Committee's consideration in the future.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1. A02 (Time limit for submission of reserved matters (outline permission)).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 2. A03 (Time limit for commencement (outline permission)).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 3. A04 (Approval of reserved matters).**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
- 4. E16 (Removal of permitted development rights).**
Reason: [Special Reason].
- 5. E17 (No windows in side elevation of extension).**
Reason: In order to protect the residential amenity of adjacent properties.
- 6. F16 (Restriction of hours during construction).**
Reason: To protect the amenity of local residents.

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

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

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

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

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

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

10. **H03 (Visibility splays).**

Reason: In the interests of highway safety.

11. **H06 (Vehicular access construction).**

Reason: In the interests of highway safety.

12. **H09 (Driveway gradient).**

Reason: In the interests of highway safety.

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

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

Informatives:

1. **N03 - Adjoining property rights.**
2. **HN05 - Works within the highway.**
3. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
4. **N19 - Avoidance of doubt.**

136. DATE OF NEXT MEETING

17th January, 2007.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCCE2006/1306/F**

- The appeal was received on 13th December, 2006.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr. I.R. Barratt.
- The site is located at 35 Hinton Avenue, Hereford, Herefordshire, HR2 6AW.
- The development proposed is 1.83 metre high fence to front boundary – retrospective.
- The appeal is to be heard by Written Representations.

Case Officer: Russell Pryce on 01432 261957

Application No. DCCW2006/0927/N

- The appeal was received on 12th December, 2006.
- 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 Hereford City Sports Club.
- The site is located at Hereford City Sports Club, Grandstand Road, Hereford, Herefordshire, HR4 9NG.
- The development proposed is Retention and re-profiling of earth bund.
- The appeal is to be heard by Written Representations.

Case Officer: Debby Klein on 01432 260136

APPEALS DETERMINED**Application No. DCCW2006/1815/F**

- The appeal was received on 21st September, 2006.
- 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. S. Crane.
- The site is located at 1 Coppin Rise, Belmont, Hereford, Herefordshire, HR2 7UE.
- The application, dated 1st June, 2006, was refused on 26th July, 2006.
- The development proposed was Separation of existing dwelling to form two dwellings.
- The main issue is the effect of off-street parking arising from the proposal on the character and appearance of the area.

Decision: The appeal was ALLOWED on 20th December, 2006.

Case Officer: Kevin Bishop 01432 261946

Application No. DCCE2005/2432/F

- The appeal was received on 25th January, 2006.
- 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. W. Scully.
- The site is located at Paget's Spring, Hawkes Lane, Fownhope, Hereford, HR1 4PZ.
- The application, dated 20th July, 2005, was refused on 16th September, 2005.
- The development proposed was Extensions and alterations to dwelling, erection of detached garaging/store.
- The main issue is effect of the proposed extensions on the character and appearance of the existing dwelling.

Decision: The appeal was DISMISSED on 18th December, 2006.

Case Officer: Adam Sheppard on 01432 261961

Application No. DCCE2006/0418/F

- The appeal was received on 22nd May, 2006.
- 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. Scully.
- The site is located at Paget's Spring, Hawkes Lane, Fownhope, Hereford, HR1 4PZ.
- The application, dated 3rd February, 2006, was refused on 27th March, 2006.
- The development proposed was Extensions and alterations to dwelling, erection of detached garage/store.
- The main issue is the effect of the proposed extensions on the character and appearance of the existing dwelling.

Decision: The appeal was DISMISSED on 18th December, 2006.

Case Officer: Adam Sheppard on 01432 261961

Application No. DCCE2006/0851/F

- The appeal was received on 5th September, 2006.
- 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 Windsor Life Assurance Ltd.
- The site is located at Unit A2 Brook Retail Park, Commercial Road, Hereford HR1 2BQ.
- The application, dated 10th March, 2006, was refused on 8th May, 2006.
- The development proposed was Variation of Condition 2 attached to planning permission HC970294/PF/E.
- The main issue is the effect of the proposed removal of the condition on the vitality and viability of Hereford, with particular reference to the present town centre and its proposed extension to the existing livestock market site.

Decision: The appeal was ALLOWED on 14th December, 2006.

Case Officer: Adam Sheppard on 01432 261961

Application No. DCCE2006/0217/F

- The appeal was received on 23rd August, 2006.
- 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 M. Jarrett.
- The site is located at 54 The Shires, Lower Bullingham, Hereford, Herefordshire, HR2 6EZ.
- The application, dated 25th January, 2006, was refused on 24th February, 2006.
- The development proposed was Removal/variation of condition 5 of planning application CE2002/0871/F to turn existing garage into a room - retrospective.
- The main issue is the effect of the proposal on highway safety and parking.

Decision: The appeal was DISMISSED on 8th December, 2006.

Case Officer: Adam Sheppard on 01432 261961

Application No. DCCW2006/1299/F

- The appeal was received on 22nd August, 2006.
- 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. C. Merriman.
- The site is located at 6 Belvoir Court, Belmont, Hereford, Herefordshire, HR2 7SJ.
- The application, dated 18th April 2006, was refused on 9th June 2006.
- The development proposed was Two storey extension to front of property.
- The main issue is the effect of the proposal on the character and appearance of the existing dwelling.

Decision: The appeal was DISMISSED on 7th December, 2006.

Case Officer: Peter Clasby on 01432 261947

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

5 DCCE2006/3614/F - VARIATION OF CONDITION 4 OF PLANNING CONSENT REF. NO. DCCE2006/2424/F TO PERMIT MOVEMENT OF ONE CART AND ASSOCIATED SUPPORT VEHICLE IN THE YARD, AND INTO AND OUT OF THE YARD BETWEEN 6.00AM AND 10.00PM 10 KYRLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2ET

For: Mr. J. Gardner per RPS Planning, Highfield House, 5 Ridgeway, Quinton Business Park, Birmingham, B32 1AF

Date Received: 15th November, 2006

Ward: Central

Grid Ref: 51447, 40097

Expiry Date: 10th January, 2007

Local Member: Councillor D.J. Fleet

Introduction

This application was originally to be heard at the Central Area Planning Committee held on the 13th December, 2006. However, due to issues associated with the consultation responses in respect of this application the item was deferred to allow all parties an appropriate period for comment. The report has been updated to reflect correspondence received in the interim period. Of greatest significance is the receipt of the advice of the Environmental Health Manager and the subsequent revision of the proposal such that the relaxation of the condition would apply to a single cart, and its associated support vehicle, only.

1. Site Description and Proposal

- 1.1 This application seeks permission for the variation of Condition 4 attached to planning permission DCCE2006/2424/F. The application relates to a commercial activity at No. 10 Kyrle Street, Hereford. Activities on site originally commenced following planning permission granted by virtue of application CE1999/2467/F that allowed an area of hardstanding for a mixed residential/commercial parking use and the use of existing residential sheds for conducting a sign writing business. A subsequent application, DCCE2003/0405/F, secured permission to vary this permission to allow for storage of four coffee bar trailers and one swing boat trailer as opposed to the previous arrangement which allowed for two coffee bars trailers and one swing boat trailer. More recently, application DCCE2006/2424/F secured permission to vary Conditions 1 and 2 of application DCCE2003/0405/F, thereby allowing the storage of 4 mobile coffee carts, 1 freezer cart, 1 fridge car, and 4 non-HGV associated support vehicles. This permission was subject to conditions, No. 4 of which states:

'Notwithstanding the connections of the freezer and fridge carts to a mains power supply, the coffee carts and support vehicles described in the description of development shall not be moved or operated in the yard or over into or out of the yard before 7am or after 9pm on any day except in the case of emergency.'

Reason: To safeguard the amenities of the locality.'

This application now seeks to vary this condition to allow **one** of the aforementioned coffee carts and an support vehicle to be moved or operated in the yard, or moved into or out of the yard no earlier then 6am or after 10pm on any day except in the case of emergency.

- 1.2 The application site itself comprises a semi-detached house and associated yard positioned on the south east side of Kyrle Street. Immediately to the south of the site is a tyre business and two vacant units last used as hairdressers shops. To the north and west a mix of residential and commercial uses are found.

2. Policies

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

S2	-	Development requirements
DR2	-	Land use and activity
DR13	-	Noise
E9	-	Home based businesses

3. Planning History

- 3.1 CE1999.2467/F - New hardstanding for both residential and commercial (non-HGC) parking to include a 16ft trailer mounted set of swingboats. Use of existing residential shed for conducting family signwriting business. Approved 19th January, 2000.
- 3.2 DCCE2003/0405/F - Retention of existing sheds and variation of Condition 2 of planning permission CE1999/2476/F to permit storage of mobile coffee bars and trailer mounted swing boats. Approved 11th June, 2003.
- 3.3 DCCE2006/2424/F - Variation of Conditions 1 and 2 of planning permission DCCE2003/0405/F to permit the storage of 4 mobile coffee carts, 1 freezer cart, 1 fridge cart, and 4 non-HGV support vehicles. Approved 25th September, 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Environmental Health Manager: *'No objections but the movements between 6am – 7am and 9pm – 10pm should be restricted to 1 coffee cart as detailed in the supporting statement'*
- 4.3 Traffic Manager: No objections.

5. Representations

- 5.1 Hereford City Council: No response.

5.2 Local Residents:

5.2.1 Support:- Two letters of support have been received, one from Hereford Tyres Ltd, which is found on the boundary to the south of the application site, and one from 9 Kyrle Street (opposite). The latter comments that '*...the alleged noise activity at 10 Kyrle Street, which our house over looks, neither spoils or detracts the quiet enjoyment of living in Kyrle Street.*'

5.2.2 Objection:- A letter of objection has also been received on behalf of number 12 Kyrle Street, the comments of which can be summarised as follows:

1. The circumstances have not changed following the previous application and it seems that the applicants are effectively attempting a re-hearing;
2. Real problems and disturbance are being caused because of the commercial activities next door;
3. Sleep has been disrupted and comfort was taken from the last Committee decision, although these hours were less than ideal;
4. To bring the hours forward would result in an intolerable position;
5. The hours are beyond those normally permissible to most businesses and this is doubly significant in this mixed residential area;
6. The location is in a quite area which is primarily residential and located some distance from main roads. Extended hours would be inconsistent with the character of the area;
7. The variation would have an adverse effect upon the neighbours enjoyment of their property;
8. The level of use on the site has more than doubled in the last seven years;
9. No evidence of steps to relocate the business to a more appropriate site have been put forward;
10. The quality of life for the neighbouring property has degraded and it is increasingly difficult to sleep in the summer with windows open.

5.3 In support of this application a supporting statement was submitted, the contents of which can be briefly summarised as follows:

1. The requested extension in hours is absolutely essential to enable the Coffee Cart Co to continue to operate as a viable business;
2. An extended temporary permission is also requested, particularly having regard to the limited timescale associated with the extant business;
3. Kyrle Street is not a primarily residential street with a variety of commercial activities in close proximity of the site;
4. A number of premises on Commercial Road are accessed via Kyrle Street, including extended hours licensed uses, with associated HGV movements;
5. The site is also a residential property occupied not by the applicant/owner, but by his parents;
6. The site is established and well maintained;
7. Vehicle movements and associated noises are low;
8. One of the Coffee Carts is licensed by Herefordshire Council to operate in High Town. This has been undertaken for 8 years running from 7am (8am on Saturdays), To get on site and set up departure from the application site must be at 6am;
9. The licence permits the service between 6am and 9pm and have been issued annually for the last 8 years without debate or discussion;
10. Other carts are used for 'events' nationally and as such need flexibility in hours;

11. No objections were received from the Environmental Health Manager to the previous application and, although monitoring and loading/unloading restrictions were requested, no restriction on hours of operation were requested;
 12. Condition 7 attached to permission DCCE2006/2424/F requires approval of noise control measures and will ensure appropriate noise control;
 13. The variation of Condition 4 is for real and reasonable business needs and are necessary to allow the business to continue to operate and compete;
 14. The hours variation is to allow the business to continue to operate within its existing contracts;
 15. A 2 year period is considered appropriate to allow for effective monitoring;
 16. The 'fallback' (DCCE2003/0405/F) allows for fewer carts to be stored, but places no hours of restriction, either on the hours of operation or the loading/unloading.
- 5.4 In addition to the supporting statement, the applicant has also forwarded a copy of an item of correspondence from the Environmental Health and Trading Standards Department to the applicant in response to a personal query. This correspondence states that *'This department has received five official complaints regarding noise from No.10 Kyrle Street, all of which have come from a nearby property. Noise monitoring has been carried out over 13 days with the installation of noise monitoring equipment at the complainant's property. This department through its noise monitoring or through Officer observations has never established Statutory Nuisance. I can confirm that no Abatement Notices for nuisance have ever been served nor are any pending.'*
- 5.5 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 commercial activities on this site, including the units stored and the areas of operation, are established and accepted by virtue of the existing planning history. The matters for consideration are limited to the request to extend the hours of operation by 1 hour at each end of the day for one cart, and the question of the length of time appropriate for a temporary permission,
- 6.2 The Environmental Health Manager has confirmed previously that although complaints have been received regarding this business, these have not been substantiated following investigation. It is significant that previously the Environmental Health Manager requested restrictions upon deliveries, but not hours of operation. It is also assessed that the conditions suggested will allow for effective monitoring of the activities on site and the issuing of a temporary permission will allow for the review of operations and restrictions on site.
- 6.3 This application seeks permission for an extension in the hours of activity on site to allow the business to operate and comply with the requirements of its existing contracts. Of particular note is the operating of a coffee cart in High Town. In accordance with a licence from Herefordshire Council. This operation commences on site at 7am weekdays, necessitating a departure from the application site at 6am. It is on the basis of this unit in particular that the Environmental Health Manager has recommended that the existing condition be relaxed to allow one trailer more flexible hours of operation. Although originally pursuing a full relaxation for all units through this application, the applicant is in agreement with this revised arrangement which would apply to a single cart only.

- 6.4 The limited variation in hours is considered reasonable having regard not only to the existing business operations on site, but also to the advice of the Environmental Health Manager and the safeguards in place through the conditioning of this permission. It is notable that neither hours of operation nor hours for deliveries have historically been restricted on this site.
- 6.5 Turning to the temporary permission status, it is suggested that 2 years is reasonable in consideration of the need to balance the desire to review the activities on site at an appropriate time against the need to be reasonable and considerate of the business implications of an excessively short time restriction.

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. **E02 (Restriction on hours of delivery).**
Reason: To safeguard the amenities of the locality.
3. **Notwithstanding the connections of the freezer and fridge carts to a mains power supply, the coffee carts and support vehicles described in the description of development shall not be moved or operated in the yard or moved into or out of the yard before 7am or after 9pm on any day except in the case of emergency, with the exception of one cart and its associated support vehicle which shall be permitted to be moved into or out of the yard between 6am and 10pm.**
Reason: To safeguard the amenities of the locality.
4. **This consent shall expire on the 17th January, 2009. Unless further consent is granted in writing by the local planning authority prior to the end of that period, the restrictions on activities on site shall revert to those as approved by virtue of planning permission DCCE2003/0405/F, or DCCE2006/2424/F if said permission has been implemented.**
Reason: To enable the local planning authority to give further consideration of the acceptability of this proposed use after the temporary period has expired.
5. **The permission hereby granted is an amendment to planning permission CE1999.2467/F (as amended by application DCCE2003/0405/F and DCCE2006/2424/F) and, otherwise than is expressly altered by this permission, the conditions attached thereto remain.**
Reason: For the avoidance of doubt.
6. **Before the development hereby permitted commences a scheme shall be agreed with the local planning authority which specifies the provisions to be**

made for the monitoring of, and control of, noise emanating from the site. The use shall be carried out in accordance with the approved details.

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

Informatives:

1. N01 - Access for all.
2. N03 - Adjoining property rights.
3. N15 - Reason(s) for the Grant of PP/LBC/CAC.
4. N19 - Avoidance of doubt.

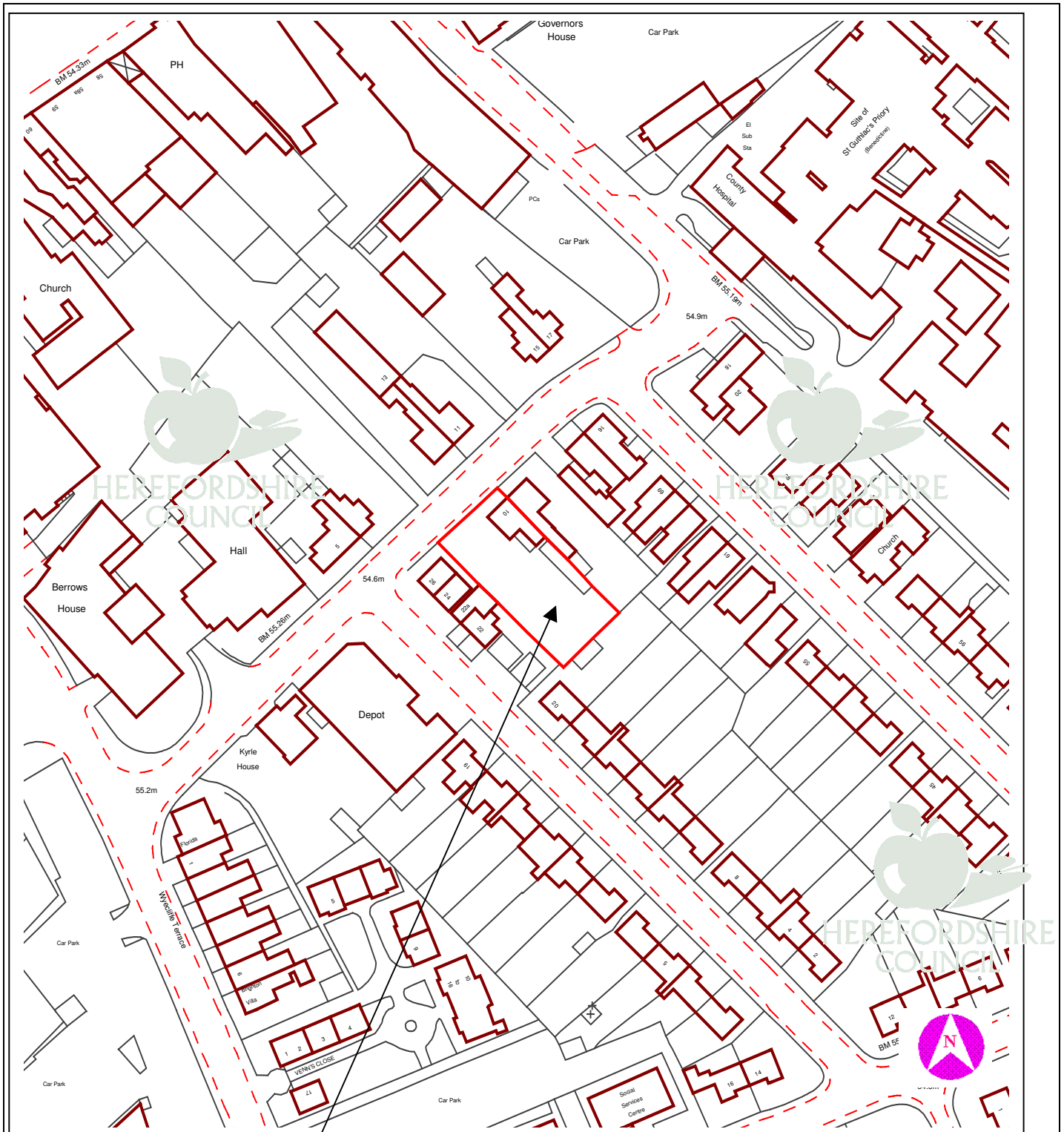
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/3614/F

SCALE : 1 : 1250

SITE ADDRESS : 10 Kyrle Street, Hereford, Herefordshire, HR1 2ET

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**6 DCCE2006/3665/F - VARIATION OF HOURS TO NIGHTCLUB OF PLANNING PERMISSION H/P28121/E TO:
 MON - THURS 12.00-02.00
 FRIDAY - SAT 12.00-03.00
 SUNDAY 12.00-02.00
 CLUB MO, GAOL STREET, HEREFORD, HR1 2HU**

For: Mr. S. Harrison, Club MO, Gaol Street, Hereford, HR1 2HU

Date Received: 21st November, 2006 Ward: Central Grid Ref: 51238, 40054

Expiry Date: 16th January, 2007

Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

1.1 This application seeks permission to vary Condition 1 attached to planning permission H/P/28121/E to allow extended opening hours at Club M O, 1 Gaol Street, Hereford. The site is located on the northern side of Gaol Street, adjacent to the Probation Service facility. The site lies within the Central Hereford Conservation Area, the Central Shopping and Commercial Area, and an Area of Archaeological Importance.

1.2 Condition 1 attached to permission H/P/28121/E states that:

'The hours of opening shall be in accordance with the applicants stated intentions as follows: Sundays - 8.00pm to 10.30pm, Mondays and Tuesdays - 8.00pm to 11.00pm, Wednesdays, Thursdays, Fridays and Saturdays - 8.00pm to 1.00am'.

1.3 This application seeks to vary Condition 1 to extend opening hours to: Monday to Thursday 12.00pm to 02.00am, Fridays and Saturdays 12.00pm to 03.00am, Sundays 12.00pm to 02.00am.

2. Policies

2.1 Planning Policy Statement 6 – Planning for Town Centres
 Circular 11/95 – The Use of Conditions in Planning Permissions

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S2	-	Development requirements
S5	-	Town centres and retail
S7	-	Natural and historic heritage
DR13	-	Noise
TCR1	-	Central shopping and commercial areas
HBA6	-	Development within conservation areas
ARCH7	-	Hereford Area of Archaeological Importance

3. Planning History

- 3.1 H/P/28121/E - Change of use of disused warehouse to nightclub, situated at Gaol Street Warehouse (adj Old St Peter's School). Approved 6th November, 1985.

4. Consultation Summary

Statutory Consultations

- 4.1 West Mercia Police: No comment.
- 4.2 Traffic Manager: No objection.
- 4.3 Conservation Manager: No objection.
- 4.4 Environmental Health and Trading Standards Manager: 'I have examined the application and have no objection to the proposed variation of hours'.
- 4.5 Licensing Manager: Confirmed that the licensed opening hours that will be in operation:
- Supply of alcohol and late night refreshment Monday 12.00pm - 02.00am, Tuesday to Thursday 12.00pm - 02.30am, Fridays and Saturdays 12.00pm - 03.00am, Sundays 12.00pm to 01.30am;
 - Non standard hours: Christmas Eve 12.00pm to 02.00am, New Year's Eve 24 hour, Bank Holidays 12.00pm to 03.00am.

Internal Council Advice

5. Representations

- 5.1 Hereford City Council: 'Hereford City Council recommends refusal on the grounds that potential noise and vibration nuisance may arise which will impact detrimentally on adjacent residential properties'.
- 5.2 Local Residents: A single letter of objection has been received objecting on the grounds of noise, nuisance and disturbance to residential properties, many of which are historic with old style windows.
- 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 On the 24th November, 2005 the Licensing Act 2003 came into force. The act removes standard licensing hours enabling licensed premises to apply to remain open for longer. It is stated that the act should:

'...enable flexible opening hours for premises, with the potential for up to 24 hours opening, seven days a week, subject for consideration of the impact on local residents, businesses and the expert opinion of a range of Authorities in relation to licensing objectives. This will help to minimise public disorder resulting from fixed closing times'. (Licensing Act 2003).

6.2 The Circular advises that a condition which duplicates the effects of other controls will be unnecessary and one whose requirements conflict with those of other controls will be ultra-vires because it is unreasonable. Notwithstanding this, the Circular also states that even where other controls are available, a condition may be needed when the considerations material to the exercise of the two systems of control are substantially different. In the case of planning controls the broader considerations of amenity are considered. It is of note that the Licensing Act of 2003 is specifically intended to consider the following four objectives:

- 1) The prevention of crime and disorder;
- 2) Public safety;
- 3) The prevention of public nuisance; and
- 4) The protection of children from harm.

The objectives outlined above clearly have implications upon the preservation of residential amenities, however, it is the case that the operations of the unit in question will have wider implications upon the residential amenities of local residents and the proximity of dwellings to this premise renders the retention of a condition controlling opening hours necessary and reasonable.

6.3 In relation to the specific hours requested, the Environmental Health Manager expressed no concerns over the impact of the hours requested. Typically it is assessed that the Licensing Act should provide effective controls and this is considered to be the case here. On this basis it is proposed that the condition be varied to reflect the hours of operation confirmed by the Licensing Manager.

6.4 Notwithstanding the comments above, the longer opening hours requested will potentially place an additional burden on the operation of the existing CCTV system within Hereford generally and on the immediate locality of the site in particular, as well as, causing further issues associated with street maintenance, dispersal policies, and taxi availability. The existing CCTV system does not operate 24 hours. This premise, along with many other bars and clubs in Hereford, are requesting to remain open for a longer time period which will therefore necessitate the extension of the existing CCTV operations to operate 24 hours a day. It is considered reasonable that the application property, along with other bars and clubs, contribute towards the continued and extended operation of CCTV in their respective parts of Hereford. Furthermore, the increased burden being placed upon resources having regard to the aforementioned street maintenance, dispersal policies and taxi availability management require mitigation. Therefore, a financial contribution is requested for this purpose. No response has been received from the applicant as yet and therefore a condition is proposed to be attached to secure an appropriate financial contribution.

RECOMMENDATION

That planning permission be approved subject to the following conditions:

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

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

- 2. The use hereby permitted shall not be open to customers outside the following hours: Monday 12.00pm - 02.00am, Tuesday to Thursday 12.00pm - 02.20am, Fridays and Saturdays 12.00pm - 03.00am, Sundays 12.00pm - 01.30am.

Reason: In the interest of the amenity of the locality.

- 3. The permission hereby granted is an amendment to planning permission H/P/2821/E and, otherwise than is expressly altered by this permission the conditions attached thereto remain.

Reason: For the avoidance of doubt.

- 4. Within two months of the date of this permission, details including a timetable and the method of providing a contribution(s) and/or other assistance towards the operation and management of Closed Circuit Television system, street cleaning and client dispersal policy in the locality of the application site shall be submitted for the approval in writing of the local planning authority. The agreed contributions and/or other measures shall be implemented in accordance with the approved details and timescale.

Reason: To ensure the effective operation and management of the day and night time economy in the interests of public safety, residential and visual amenity and the general vitality and viability of Hereford City Centre.

Informatives:

- 1. N03 - Adjoining property rights
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC
- 3. N19 - Avoidance of doubt

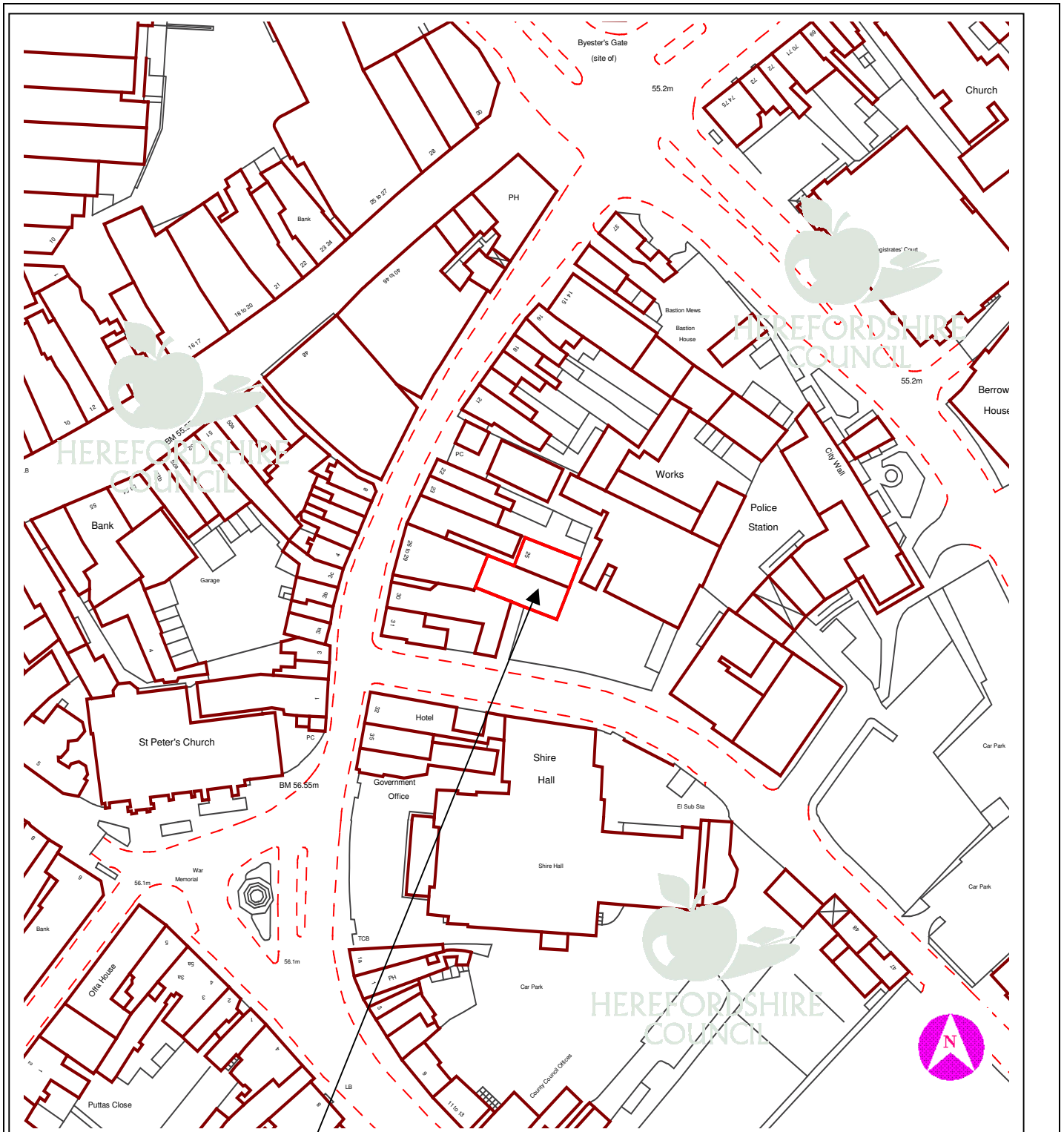
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/3665/F

SCALE : 1 : 1250

SITE ADDRESS : Club MO, Gaol Street, Hereford, Herefordshire, HR1 2HU

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7 DCCW2006/3705/F - NEW DETACHED HOUSE WITH GARAGE AND VEHICULAR ACCESS THERETO AT WEIR VIEW, BREINTON, HEREFORD, HR4 7PR

For: Mr. D.J. Hyett per D.J. Hyett, Architect R.I.B.A. 27 East Street, Hereford, HR1 2LU

Date Received: 23rd November, 2006

Ward: Credenhill

Grid Ref: 45214, 39945

Expiry Date: 18th January, 2007

Local Member: Councillor R.I. Matthews

1. Site Description and Proposal

- 1.1 The application site is comprised of the south eastern half of the existing domestic curtilage serving the property known as Weir View which is located at the north western end of Breinton Common, on the southern side of the unclassified road which runs roughly east-west through Breinton Common.
- 1.2 The application seeks permission to erect a two storey four bedroom dwelling with a detached garage within the subdivided curtilage.

2. Policies

2.1 Government Guidance:

Planning Policy Statement 7: Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR7	-	Flood Risk
Policy H7	-	Housing in the Countryside Outside Settlements
Policy H10	-	Rural Exception Housing
Policy H13	-	Sustainable Residential Development

2.3 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy C44	-	Flooding
Policy SH10	-	Housing in Smaller Settlements

3. Planning History

- 3.1 Outline planning permission no. 35720 Site for the erection of one dwelling with garage. Approved 13th March, 1973.
- 3.2 DCCW2006/2270/F Proposed new dwelling. Refused 25th August, 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objection. The site is theoretically located within Zones 2 and 3 on the indicative flood plain maps, however it is physically situated at a ground height of 70 metres which is 16 metres above the highest recorded flood level in that area, consequently the Environment Agency accept that the site is not within a designated flood plain and raise no objections.
- 4.2 Welsh Water: No objection, subject to the development being connected to a private drainage system.

Internal Council Advice

- 4.3 Traffic Manager: No objection, subject to the imposition of standard conditions.
- 4.4 Forward Planning Manager: Objection - the Revised Deposit Draft Unitary Development Plan (UDP) can be given material weighting in regards to this application due to the Plan being through independent inquiry and the publication of Inspector's Report. The site is located in what is considered 'open countryside', outside and away from any of the listed main villages (Policy H4) or smaller settlements (Policy H6). In such locations, development is strictly limited to the exceptions detailed in Policy H7 (Housing in the Countryside outside of Settlements). It is considered that the application does not meet any listed exception within the policy and is therefore contrary to policy. Rural exception housing is allowed through Policy H10. Clear long term local need must be identified and established, however it is considered that the location and settlement is unsuitable for such a one off dwelling, even in the event of any need, given the lack of facilities and service provision within the immediate area. In regards to the issue of local need, clearly housing provision exists in the area, as the applicant lives there presently. There is no 'net need' for a further dwelling. Although desirable to remain in the area, this desire needs to be compared to the overall local need and the issue of development in the open countryside. Although the proposal tailors the new dwelling in regards to the specific requirements of the applicant and one sympathises with his personal need, it is unlikely subsequent occupiers would have exactly the same requirements. No representations were made in regards to Breinton or Breinton Common's lack of designation as either a main village or smaller settlement. In line with settlements where representations were made for inclusion, such as St. Owens Cross, these locations were dismissed at the Inquiry by the Inspector as being places where development should not be encouraged for reasons including their lack of facilities and services. Overall it is considered that the proposal is contrary to national and local planning policy.

5. Representations

- 5.1 Breinton Parish Council: Objection - This application site is located in 'an area of open countryside' as defined by the Unitary Development Plan (UDP) and therefore where there is general presumption against any new residential development. The Parish Council fully supports the Herefordshire Unitary Development Plan (Revised Deposit Draft) as it affects Breinton and for that reason cannot support this application. Furthermore, even if this application had been made under the South Herefordshire District Local Plan, the Parish Council would still maintain that the proposed dwelling is too large for the site and represents 'cramming' in relation to its neighbours. Eight out

of eleven mature trees would be cut down, not only destroying the surrounding environment but also affecting its ability to absorb excess water. This latter is particularly important as Breinton is situated on a hillside leading down to the river and there is a general problem with storm water run-off in the area.

- 5.2 The appellant's agent has submitted a supporting statement which can be summarised as follows:

"The applicant has lived in the locality for 40 years and has throughout that time held an intention to build a second dwelling within the curtilage, planning permission was previously approved in the 1970's although this was allowed to lapse, the existing house has now become unsuitable for the applicant's needs. The applicant wishes to build a modern house which could be simply converted in the future to provide ground floor accommodation."

- 5.3 Fourteen copies of a duplicated letter signed by local residents have been received in support of the application.
- 5.4 A petition signed by 26 people has also been submitted in support of the application.

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 Having regard to the relevant policies of the Development Plan, the primary issues in determining this application are considered to be:
- The Principle of Development
 - Other Development Control Criteria

Principle of Development

- 6.2 Breinton Common was previously defined as a smaller settlement by Policy SH10 of the South Herefordshire District Local Plan, within which small-scale housing development may have been acceptable. However it is no longer recognised by the Herefordshire Unitary Development Plan (Revised Deposit Draft) (hereafter referred to as the UDP) as an area suitable for new residential development, therefore its settlement status has effectively been removed.
- 6.3 In the interests of securing sustainable patterns of development the UDP establishes a clear presumption against any form of residential development outside of an identified settlement boundary as defined by Policies H1 and H2 or those smaller settlements identified in Policies H4 and H6.
- 6.4 Outside of these areas Policy H7 makes provision for specific exceptions, which are limited to dwellings required for an essential agricultural, forestry or other economic requirement, the conversion of an existing rural building and the replacement or extension of an existing dwelling. Therefore the primary issue in determining this application is considered to be the weight to attach to the emerging policies of the UDP, as against those of the adopted South Herefordshire District Local Plan.

- 6.5 The UDP is now in the final stages before its formal adoption, the Inspector's Report being published in June 2006.
- 6.6 Following publication of the Inspector's Report, there are a number of policies against which no modification is proposed. Therefore it is appropriate to view those policies as having significant weight in the determination of planning applications.
- 6.7 In this particular case Policy H6 is not proposed for modification and will consequently remain unaltered and unchallenged until the time of formal adoption. It has therefore been subject to the proper consultation process and can as a result now properly be relied upon to replace the South Herefordshire District Local Plan Policy SH10.
- 6.7 More specifically no challenge or objection as to whether or not Breinton Common should continue to be identified as a 'smaller settlement', was raised for the consideration by the Inspector during the UDP Inquiry. Consequently, the application site is now as a matter of policy clearly located outside of any area identified as being suitable for new residential development.

Other Development Control Criteria

- 6.9 Notwithstanding the in principal policy objection to the proposal, having consideration for the character and appearance of the wider locality the proposal dwelling is considered to be out of scale with that of the neighbouring properties.
- 6.10 The proposed dwelling is a full two-storey four-bedroom house providing in excess of 180 square metres of accommodation with a ridge height of 7.5 metres. It is considered that it would, if permitted, dominate the existing dwelling as well as Weir View Cottage to the south as both these properties are 1½ storey cottages with ridge heights of approximately 5.5 metres.
- 6.11 As to the appellants need to secure more appropriate accommodation, following the refusal of the earlier application they were advised by Officers that a purpose built replacement dwelling would be acceptable. However this advice has been discounted as the applicant wishes to pursue the erection of a new dwelling whilst retaining the existing dwelling for disposal by sale or transfer to family members.

Conclusion

- 6.12 The application site is located outside of any area identified as being suitable for new residential development and also represents an inappropriate form of development in the context of the locality. Therefore the proposal is considered to be contrary to the relevant policies in the Herefordshire Unitary Development Plan (Revised Deposit Draft) and as such, refusal is recommended.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The application site is located outside any identified settlement boundary, in an area of open countryside as defined by the Herefordshire Unitary Development Plan (Revised Deposit Draft). Within this location, there is a general presumption against any new residential development, except in the exceptional circumstances defined in Policy H7. Furthermore no special justification has**

been submitted which could substantiate a decision, which was not in accordance with the policies of the Herefordshire Unitary Development Plan (Revised Deposit Draft).

2. Furthermore, the proposal by virtue of its bulk and massing, if permitted, would have a detrimental impact on the character and appearance of the wider locality, contrary to Policies S2, DR1 and H13 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).

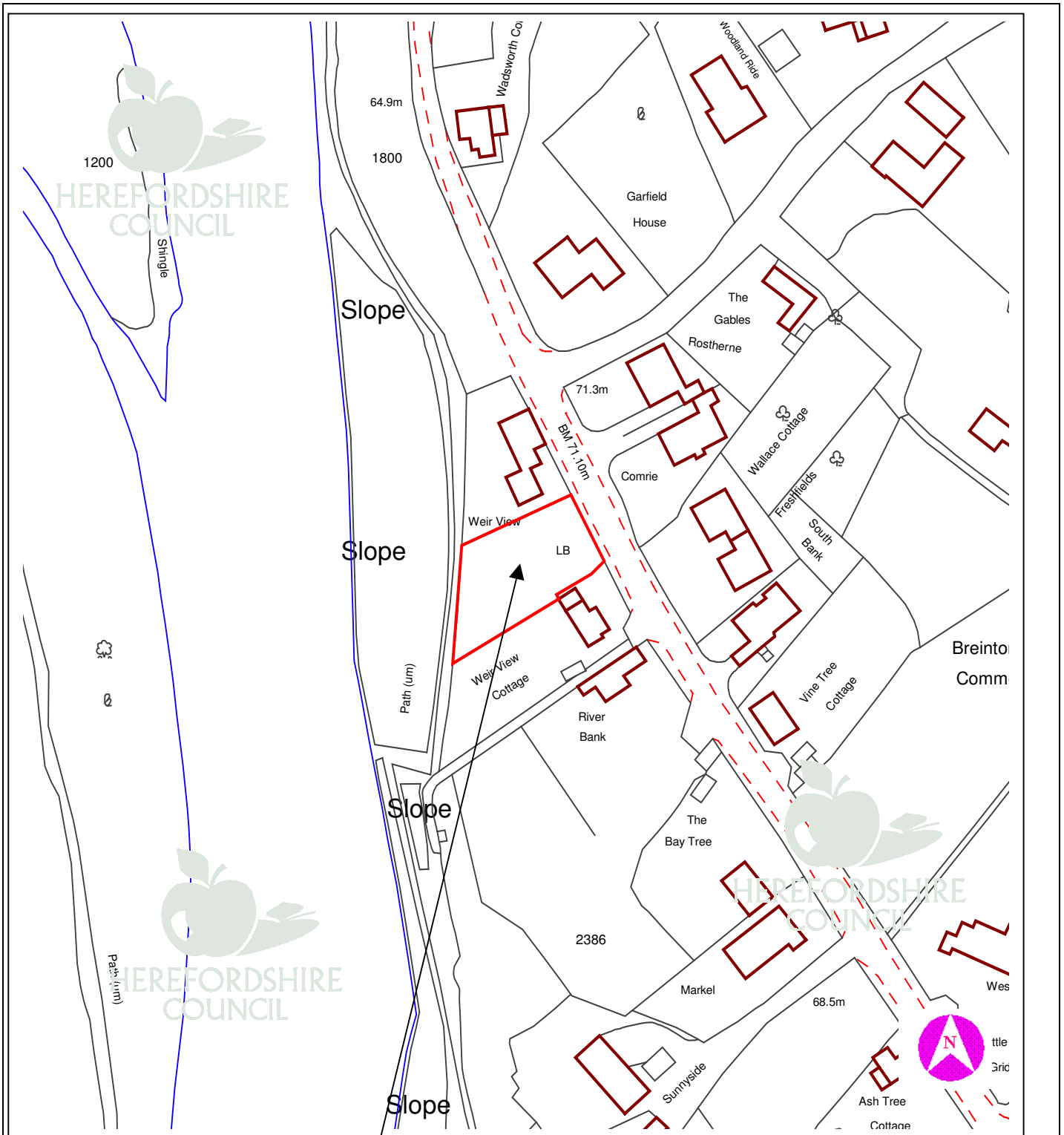
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/3705/F

SCALE : 1 : 1250

SITE ADDRESS : Weir View, Breinton, Hereford, HR4 7PR

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8 DCCE2006/3622/F - DEMOLITION OF THE REAR TWO-STOREY EXTENSIONS AND THE CONSTRUCTION OF A NEW EXTENSION TO PROVIDE HALLS OF RESIDENCE LIVING ACCOMMODATION AND EXTENSION TO THE PUBLIC HOUSE AT 57-59 COMMERCIAL ROAD, HEREFORD, HEREFORDSHIRE, HR1 2BP

For: Regimental Inns Ltd. per Turner Holden, Hawkridge House, Chelston Business Park, Wellington, Somerset, TA21 8YA

Date Received: 14th November, 2006 Ward: Central Grid Ref: 51380, 40197

Expiry Date: 13th February, 2007

Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

- 1.1 The site is located on the southern side of Commercial Road approximately 50 metres south west of the junction with Union Walk. Neighbouring the site to the north east is Wetherspoon's Public House, south west is the Litten Tree Public House above which are 10 flats. To the rear of the site is a mixture of commercial uses including a second hand car sales area and offices along with semi-detached properties. A two storey brick and slated pitched roof building fronts onto Commercial Road with vehicular access obtained through an archway to the rear of the site. To the rear of the original public house are a series of two storey pitched roof extensions constructed predominantly from brick, which extend out towards the rear of the site. The majority of the ground floor of the premises is currently used as a public house known as The Hop Pole the first floor being used as staff accommodation. To the rear of the site lies a small beer garden with a parking area for around 5 cars.
- 1.2 The site lies within Hereford City Conservation Area, the Central Shopping and Commercial Area and the frontage is designated as Secondary Shopping Frontage as identified in the Herefordshire Unitary Development Plan (Revised Deposit Draft). The site also falls within an Area of Archaeological Importance.
- 1.3 Full planning permission is sought for the construction of a new three and four storey development above and to the rear of the existing public house. The proposal comprises residential accommodation similar in form to Halls of Residence. This being clusters of en-suite bedrooms with a communal kitchen and living area and central circulation space comprising pods of accommodation totalling 38 bedrooms with a small communal outdoor amenity area. The existing parking area to the rear of the site is to be retained with parking available for 4 cars along with a turning area large enough for small service vehicles. The parking will be for the use of employees associated with the public house, the new residential accommodation being car free and likely to be targeted at (but not exclusively for) accommodation for student nurses

and clinical staff at the hospital and students at the respective colleges where a current need for accommodation has been identified. A separate application for Conservation Area Consent to demolish the two storey extensions to the rear of the original building fronting Commercial Road has recently been approved.

2. Policies

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S7	-	Natural and historic heritage
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR5	-	Planning Obligations
DR13	-	Noise
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking
H17	-	Houses in multiple occupation
H19	-	Open space requirements
T6	-	Walking
T7	-	Cycling
HBA6	-	New development in conservation areas
HBA7	-	Demolition of unlisted buildings within conservation areas
ARCH1	-	Archaeological assessments and field evaluations
ARCH2	-	Foundation design and mitigation for urban sites
ARCH6	-	Recording of archaeological remains
ARCH7	-	Hereford AAI

3. Planning History

3.1 CE2006/1158/F – Demolition of rear two storey extensions and construction of new extension to provide living accommodation for 38 key workers and extension to public house. Refused 10th July, 2006. Appeal lodged and Hearing scheduled for 25th January 2007. The reasons for refusal were:

1. It has not been demonstrated that the type of accommodation proposed is required as 'affordable' housing to meet the proven local need and therefore the proposal is contrary to Policy H8 of the Hereford Local Plan and H9 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and advice contained within Supplementary Planning Guidance entitled the Provision of Affordable Housing.
2. The development has inadequate parking and no rear access for general or emergency use. As such the development is contrary to Policies ENV17 and T11

of the Hereford Local plan and Policies H3, H14, S2, DR1, DR3, T6 and T11 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).”

- 3.2 CE2006/1159/C – Demolition of rear two storey extensions forming ancillary accommodation to existing public house. Refused 10th July 2006. Appeal lodged and Hearing scheduled for 25th January, 2007. The reason for refusal was:

“1. In the absence of a formal approval for the re-development of the site within the Conservation Area, the proposed demolition is considered unacceptable and contrary to Policies CON12, CON16 of the Hereford Local Plan and HBA7 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).”

- 3.3 CE2001/0601/F - External alterations to front and side elevations, minor single storey first floor extension and the refurbishment and internal re-organisation of existing public house. Approved 10th May, 2001.
- 3.4 HC960374AI - Two externally illuminated O'Neills painted fascia signs, 1 externally illuminated projected sign, 1 internally illuminated projecting sign. Application undetermined.
- 3.5 HC960373PF - Alterations to front elevation and formation of beer garden to the rear of existing public house. Application undetermined.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No comment.
- 4.2 Welsh Water: No objection subject to conditions on foul and surface drainage.

Internal Council Advice

- 4.3 Traffic Manager: The proposal would meet guidelines for a car free development as the site is close to the city centre, hospital, bus and railway station. It is also conveniently located for shops. It is relevant that in Hereford, 27.8% of households have no access to a car or van (2001 Census) and only 51% of residents actually drive to work. Ownership of motor vehicles is lowest amongst single, young people, who would be the most likely occupants of the development. I have no objections subject to conditions in particular requiring additional cycle storage on site.
- 4.4 Conservation Manager - Archaeology: Although archaeological remains have been demonstrated by a field evaluation to be present on site, they are insufficiently important to merit their absolute preservation in situ. Accordingly I have no objection to the development as proposed subject to acceptable archaeological mitigation being secured by a suitable archaeological condition.
- 4.5 Conservation Manager - Ecology: No comments received.
- 4.6 Conservation Manager: The existing public house is a good example of this type of Victorian commercial premises. Designed by W.E. Bitten for the industrial aid society it makes a positive contribution to the Conservation Area and would be considered to be of local interest. The buildings to the rear are of lesser interest. From a design

viewpoint; the scheme would appear appropriate for the Conservation Area. The choice of materials is crucial to ensure the development fits in with the surrounding built environment.

- 4.7 Environmental Health and Trading Standards Manager: The acoustic report concludes that acceptable noise levels can be achieved inside the proposed accommodation with the use of suitable double glazing in conjunction with specialist ventilation units. It does not however give details of noise levels produced by these ventilation units but I am advised by the consultant that the levels should be within acceptable criteria. I therefore suggest that a condition is attached requiring approval of a scheme of noise insulation works that will achieve the standards set in the documents produced by the Building Research Establishment and BS8233 1999 referred to in the report.
- 4.8 Strategic Housing Manager: No adverse comments.

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 Conservation Advisory Panel: Concern at the communal areas and servicing of the area. Design quality of the link to the rest of the town.

Two letters of support have been received from Gregg Brunt, Estates and Capital Planning Manager for Hereford NHS and Richard Heatley, Principal at Herefordshire College of Art and Design. The main points raised are:

- The NHS Trust has recently closed two floors of its residential block as they no longer provide the appropriate standard of accommodation and the Trust now only provide accommodation on site for those workers who have to be on site as part of their contract.
 - The Trust is a major employer with over 1500 staff with intakes of new junior staff twice a year.
 - Whilst the Art College has no accommodation of its own, it has to place a growing number of students in private rented accommodation. Student numbers have increased by 60% over the last two years, many of which come from outside the County and require accommodation.
 - We are finding it increasingly difficult to find suitable and sufficient accommodation and therefore welcome the creation of more student accommodation to rent.
- 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

This application is a re-submission following the refusal of a similar scheme in July 2006. The reasons for refusal are detailed in Sections 3.1 and 3.2 above.

- 6.1 The more modern two storey extensions to the rear of the existing public house are of no architectural or historic merit and the buildings to be demolished are largely screened behind other buildings around the site. Consequently the Conservation Area Consent application for the demolition has been approved subject to conditions controlling the methodology of demolition in order to protect the visual amenity of the

area. The building of interest, namely the original public house and particularly the façade onto Commercial Road is to be retained and restored.

- 6.2 The site lies within the Conservation Area and is also within an Area of Archaeological Importance and therefore considerable care is required with any new development in this context. The new build element of the scheme has been designed to respect the scale and form of other buildings in the immediate locality surrounding the site. Immediately to the south is the imposing former mill building now used as the Litten Tree Public House at ground floor with residential accommodation above. This building provides the backdrop for the new development when viewed from Commercial Road. The scale and particularly the height is subservient to this building in order to create a gradual height increase from the two storey Wetherspoon's Public House building. The effect of this is that the new development will not be prominent or even particularly visible from wider vantage points. The mass has also been diluted by breaking up the roof line and varying the width in order to break up the side elevations. Additional details such as large glazed full height panels and hardwood timber cladding will also assist in softening the impact of the predominantly brick elevations. Overall, it is considered that the scale, form, design and materials proposed for the development will harmonise sympathetically into the immediate context and the wider Conservation Area.
- 6.3 The proposal is to provide rented accommodation similar to student halls of residence. This being a sui-generis use rather than a Class 'C' residential use. The accommodation is proposed in the form of clusters or pods of between 3 and 8 en-suite bedrooms centred around a communal circulation space with a shared kitchen and living room. The scheme comprising a total of 8 pods of accommodation. No proposal of this nature has come forward within Herefordshire previously but the applicants have undertaken their own market research including discussions with the hospital and colleges. This has revealed that there is a current shortage of low cost accommodation within the city and particularly that suitable for transient usage. For example, much of the former student nurses accommodation within the hospital grounds either no longer exists or is now being used as offices or other non-residential uses. A similar form of accommodation was approved last year as part of the development at the Royal National College for the Blind and it is considered that subject to appropriate controls this form of accommodation would provide for a broader range of accommodation at the lower end of the housing market.
- 6.4 The revised proposal has also not generated an objection from Strategic Housing, as was the case with the applications refused last year. In fact, there have been no objections whatsoever to the application. The key issue is therefore considered to be how the accommodation is managed rather than the type or format of the accommodation proposed. This issue can be dealt with by condition and or restrictions imposed within the proposed S106 Agreement, a matter which is still under discussion at the time of writing.
- 6.5 Four parking spaces are to be provided for employees and deliveries associated with the public house but the proposed residential accommodation is to be car free. This is considered acceptable given the city centre location of the site and the nature of the accommodation proposed. This view is supported by the Traffic Manager who raises no objection to the principle of the development being car free provided a contribution is made towards sustainable transport initiatives in the locality. Details of this contribution are appended to this report as Heads of Terms for the Section 106 Agreement. A contribution towards townscape improvements in the locality of the site

is also currently being discussed with the applicants but this does not form part of the heads of Terms at this stage.

- 6.6 The scheme will also incorporate a communal garden area, which although small, will provide a useable outdoor space for the occupants to have barbecues and the like. The accessibility of the site accords with current Building Regulations in terms of disabled access and means of escape. A secondary rear access has been investigated but the applicants do not own the land to provide this pedestrian/vehicular access and ultimately this is not a matter that would warrant refusal of planning permission subject to compliance with other legislation.
- 6.7 The Environmental Health Manager is satisfied that the amenity of the occupants of the development can be safeguarded with appropriate acoustic insulation and noise attenuation measures. The Council's Archaeologist has confirmed that the trial digs that have been undertaken have revealed some archaeological remains but they are not so significant as to thwart the development and therefore a suitable archaeological condition requiring further evaluation to be undertaken is recommended.
- 6.8 There have been no objections to the application from consultees or third parties and the only reason the application is before Members is due to the need for a legal agreement. The proposal provides the opportunity to create a different but affordable form of residential accommodation to that currently available in the city ideally suited to Herefordshire's student population or young professional workforce whilst protecting and enhancing the character and appearance of the Conservation Area. It is acknowledged that this proposal is effectively identical to the scheme refused by Members in July 2006. However the applicant has refined the supporting information and your Officers have taken the opportunity to reconsider the nature of the accommodation proposed. The result is a form of accommodation that whilst basic would appear to be in demand. The proposed accommodation satisfies Building Regulations and with the Environmental Health Manager and as such is recommended for approval.

RECOMMENDATION

- 1. The Legal Practice Manager will be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and incorporating any additional matters he considers appropriate.**
- 2. The planning obligation shall be completed by 5th February 2007 and upon completion of the aforementioned planning obligation that officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers:**

Conditions

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

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

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

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

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

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

5. **Prior to the commencement of the development the applicant shall provide a Method Statement in order to minimise the amount of dust and dirt emanating from the site during the demolition and construction phases. The development should be carried out in accordance with the agreed Method Statement.**

Reason: To safeguard the amenities of the locality.

6. **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 hours: Monday to Friday 8am to 6pm, Saturday 8am to 5.30pm nor at any time on Sundays, Bank or Public Holidays unless otherwise agreed in writing with the local planning authority.**

Reason: To protect the amenity of local residents.

7. **No materials or substances shall be incinerated within the application site.**

Reason: To safeguard residential amenity and prevent pollution.

8. **Development shall not begin until the applicant/agent has provided for the prior approval of the local planning authority a parking policy/plan identifying where all demolition and construction traffic associated with the development will be parked and how the parking will be managed. The parking shall be in accordance with the approved policy/plan.**

Reason: To prevent indiscriminate parking in the interest of highway and pedestrian safety.

9. **H13 (Access, turning area and parking).**

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

10. **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.

11. **G01 (Details of boundary treatments).**

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

12. **Within 3 months of commencement of work on the construction of the new development details to include scale plans shall be provided of the proposed communal garden area which shall include details of all hard and soft**

landscaping proposed. The approved details shall be completed prior to first occupation of the development hereby permitted.

Reason: To ensure a reasonable standard of communal amenity space is available for future occupants of the development.

13. All windows and glazed areas on the south west elevation shall be glazed with obscure glass, details of which shall be submitted for the approval in writing of the local planning authority within 1 month of commencement of work on the construction of the new development. The glazing to be used shall be in accordance with the approved details.

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

14. The accommodation hereby permitted shall be occupied as halls of residents (groups of up to 8 en-suite bedrooms arranged around communal living and circulation areas) and the development shall not be occupied in any other manner or for any other use.

Reason: For the avoidance of doubt and to ensure the accommodation remains in a format that will ensure it is affordable.

15. Within 2 months of the commencement of the construction of the development hereby permitted, details shall be provided of the mechanism by which the accommodation is to be managed. The accommodation shall be managed in accordance with the approved details.

Reason: In the interests of residential amenity.

16. W01 (Foul/surface water drainage).

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

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

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

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

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

19. The applicant shall submit for the prior written approval of the local planning authority a scheme of noise attenuating/insulation measures to achieve standards set in the document produced in the Building Research Establishment and BS8233 1999 detailed in the revised noise impact assessment report dated 16th June 2006 and received by the local planning authority on 21st June 2006. The development shall be carried out in accordance with the approved plans and shall not be occupied until the attenuation/insulation works have been completed.

Reason: To safeguard the amenity of the occupiers of the development hereby permitted.

Informatives:

- 1. **HN01 - Mud on highway.**
- 2. **HN04 - Private apparatus within highway.**
- 3. **HN05 - Works within the highway.**
- 4. **A watching brief should be kept during the works for the presence of bats as well as nesting birds. If found to be present during the work, operations should cease and an ecologist licensed by English Nature for bat surveys should be engaged to determine the species, populations and impact of the works together with mitigation and compensation. The presence of nesting birds should also be evaluated throughout the works and if revealed or potentially disturbed by the development the Herefordshire Council's Ecologist should be notified. Works should avoid disturbance to the nests, young, eggs, adults and nesting area.**
- 5. **ND02 - Area of Archaeological Importance.**
- 6. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 7. **The applicant/developer is advised that the occupants of the development hereby permitted may not be entitled to resident sparking permits.**

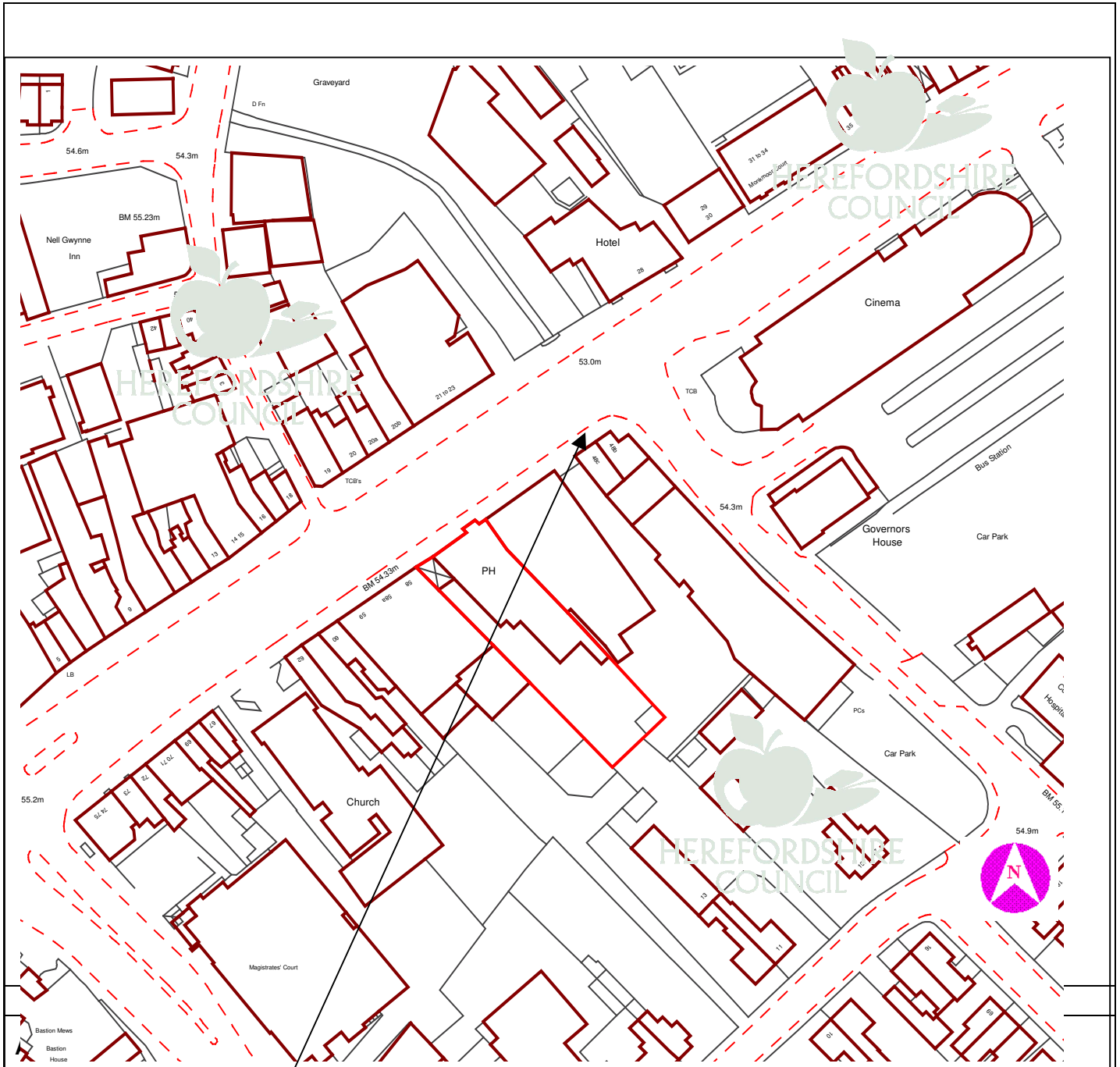
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



SITE ADDRESS : 57-59 Commercial Road, Hereford, Herefordshire, HR1 2BP

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DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

Planning Application – DCCE2006/3622/F
Car free halls of residence style residential development

At Rear of The Hop Pole Public House, Commercial Road, Hereford

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £1500 per bedroom being a total contribution of £54,000 for improved transportation infrastructure in the locality of the application site which sum shall be paid on or before the commencement of development.
2. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Traffic calming and improved safety signing
 - b) Contribution to improved bus service
 - c) Improved bus shelters/stops
 - d) Improve lighting to highway routes leading to the site
 - e) Improved pedestrian and cyclist connectivity with the site
 - f) Improved cycle parking facilities
 - g) Improved pedestrian crossing facilities
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
4. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
5. The developer shall complete the Agreement within 12 weeks of the date the application is registered as valid otherwise the application will be registered as deemed refused.

Russell Pryce - Principal Planning Officer
4th January 2007

9 DCCW2006/3583/F - PROPOSED ADDITIONAL RESIDENTIAL UNIT TO APPROVED PLANNING APPLICATION DCCW2006/1324/F AT THE WORKSHOPS, CORNER FRIAR STREET & CROSS STREET, HEREFORD, HR4 0AS

For: Mr. R. Powles per Edge Design Workshop, Unit 2, Ruardean Works, Varnister Road, Nr. Drybrook, Gloucester, GL17 9BH

Date Received: 13th November, 2006 Ward: St. Nicholas Grid Ref: 50636, 39987

Expiry Date: 8th January, 2007

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

1. Site Description and Proposal

- 1.1 This site is located on the south east corner of Friars Street and Cross Street, Hereford.
- 1.2 The proposal is to add a fourth floor 'penthouse' on top of a three storey flat roof residential development approved last year (DCCW2006/1324/F refers). The additions provide for the extension of the core circulation area up to the third floor comprising a lift and stairs together with a two bedroomed apartment with external terrace. The apartment will be set back 2 metres from the facade facing Friars Street and 3 metres from Cross Street. The parapet wall will be topped by a glazed balustrade. The Friars Street facade will be completely glazed with only a part glazed wall to the Cross Street elevation.
- 1.3 Six car parking spaces have been provided for the six apartments now proposed together with a cycle storage area. All vehicular access is off Cross Street with pedestrian access from Friars Street.
- 1.4 The building is stepped back from the junction of Friars Street/Cross Street to afford improved visibility in a southerly direction down Friars Street.

2. Policies

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

Policy DR1	-	Design
Policy DR7	-	Flood Risk
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H3	-	Managing the Release of Housing Land
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H16	-	Car Parking
Policy HBA6	-	New Development Within Conservation Areas

3. Planning History

- 3.1 DCCW2006/1324/F Proposed demolition of existing building to provide residential accommodation and parking for 5 no. apartments. Approved 16th June, 2006.
- 3.2 DCCW2006/1326/C Proposed demolition of existing building to provide residential accommodation and parking for 5 no. apartments. Approved 16th June, 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objection subject to conditions which are already imposed on the existing permission.
- 4.2 Welsh Water: No objection subject to conditions which are already imposed on the existing permission.

Internal Council Advice

- 4.3 Traffic Manager: No objection subject to conditions.
- 4.4 Conservation Manager (Historic Buildings): No objection subject to conditions.
- 4.5 Conservation Manager (Archaeology): No objection subject to conditions.

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 Conservation Advisory Panel: No adverse comments.
- 5.3 One letter of objection has been received from Mrs. Teresa Minton, 15 Red Lion Court, Hereford. The main points are:-
1. The new flat would overlook Nos. 15, 16 and 17 Red Lion Court where people could be standing on the terrace and look down into windows.
 2. Noise nuisance from people on the terrace.
 3. The new flat would cast a shadow across Red Lion Court.
 4. The original plans were not opposed as it did not interfere with neighbouring properties.

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 principle of redeveloping this site has already been approved. Therefore the main areas of concern are as follows:

1. Impact on Neighbours
2. Impact on Character and Appearance of the Conservation Area
3. Parking

Impact on Neighbours

6.2 Concern has been expressed that this development will impinge on the amenity and privacy of the residents of 15, 16 and 17 Red Lion Court, which lies to the north east of the site across Cross Street. However there is no direct window to window relationship with the new building which is set at an angle of 45 degrees to Red Lion Court with an approximate separation distance of 15 metres. In addition due to the contemporary design, the height of the new building is only marginally above the height of Red Lion Court (a three storey development) and properties fronting Victoria Street. The additional height associated with the proposed new 'penthouse' floor is therefore not considered to cause harm to the amenities of neighbours such that a refusal of permission is warranted.

Impact on Character and Appearance of the Conservation Area

6.3 The contemporary design has assisted in reducing the height of the new building to a similar level as the adjoining three storey traditionally designed buildings. This therefore assists in reducing its impact with the Conservation Area and Members will note that the Council's Conservation Manager has raised no objection. In addition due to the new apartment being set back from the front façade there will be limited views from adjoining streets. The design of the addition complements the contemporary approach adopted by the approved scheme and as such is considered to integrate successfully into the site and surroundings.

Parking

6.4 The previous scheme provided for five spaces for the five apartments and this has now been increased to six to provide for one space per unit. This is considered to be an appropriate provision having regard to the size of the units proposed and the sustainable location of the site. In addition a cycle storage area is proposed. Traffic Manager raises no objection and in the light of these provisions the application is supported from the parking and highway safety point of view.

Conclusion

6.5 The impact of the addition of the 'penthouse' has been considered in light of neighbours, Conservation Area and parking and is considered to be acceptable and to accord with the Development Plan.

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. A10 (Amendment to existing permission).**

Reason: For the avoidance of doubt.

Informatives:

- 1. N19 - Avoidance of doubt.**
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

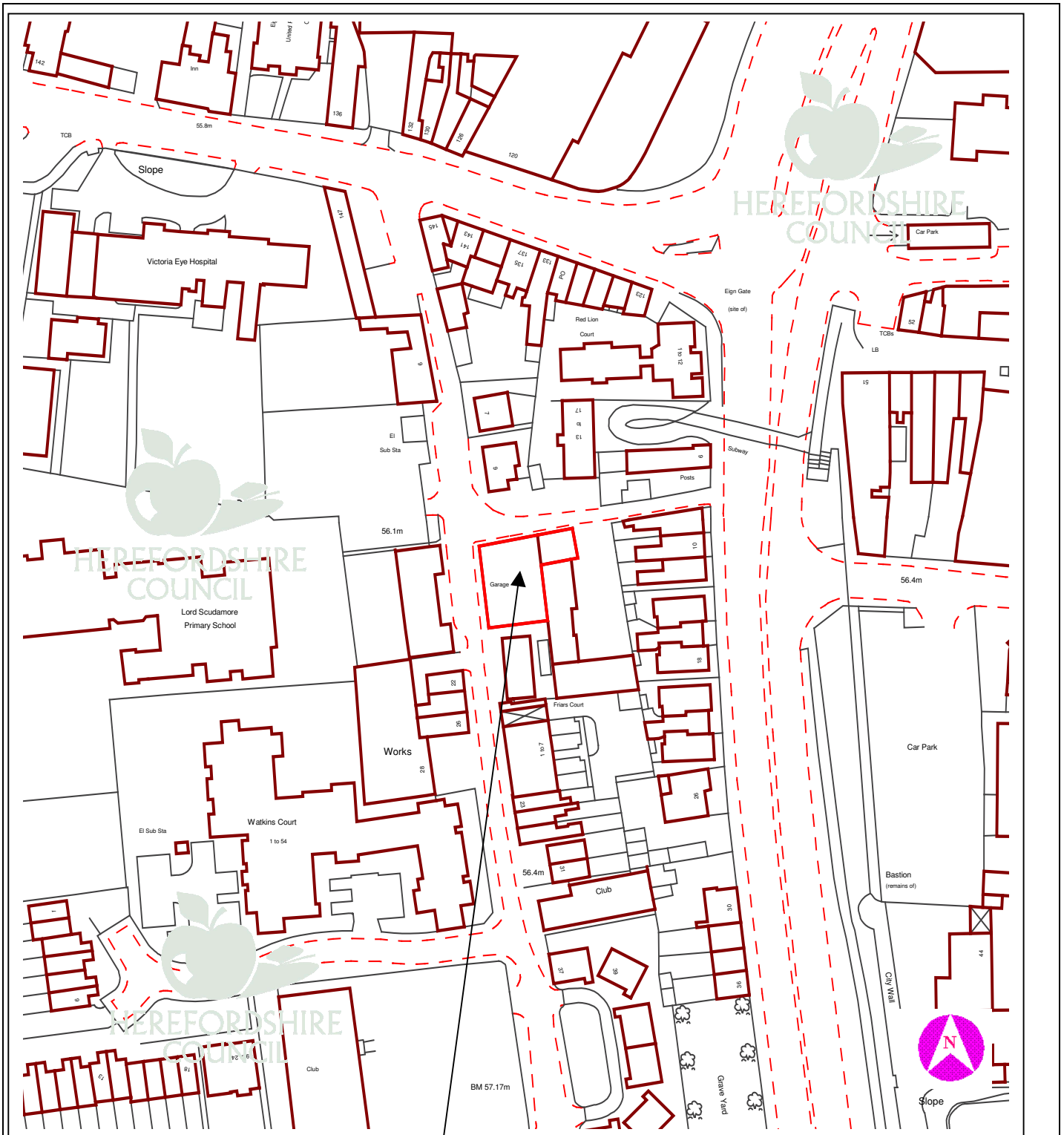
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/3583/F

SCALE : 1 : 1250

SITE ADDRESS : The Workshops, corner Friar Street & Cross Street Hereford, HR4 0AS

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10 DCCW2006/3671/F - INSTALLATION OF TWO TEMPORARY REFRIGERATED STORAGE UNITS AT TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HR2 7XS

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

Date Received: 22nd November, 2006 Ward: Belmont Grid Ref: 49325, 38455
Expiry Date: 17th January, 2007

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

1. Site Description and Proposal

- 1.1 Tesco, Belmont is located between the A465 Hereford to Abergavenny road and Abbotsmead Road, Hereford.
- 1.2 The proposal, which is retrospective, is to retain two refrigerated storage units in the service yard which is accessed from Abbotsmead Road. The units are typical refrigeration lorry units which are proposed to be stationed adjacent to the cage marshalling enclosure for a period of three months over the festive period (November – January inclusive).
- 1.3 The units cover an area of approximately 64m² and can only be seen when the gate to the service yard is open.

2. Policies

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

Policy DR1 - Design
 Policy DR2 - Land Use and Activity

3. Planning History

- 3.1 SH871411PM Retail and community units including supermarket, doctors surgery, public hall, sheltered housing and licensed premises. Land north and south sides of A465 Trunk Road, Belmont (Grid Ref. 49313845).
- 3.2 SH881340PM Erection of superstore and associated car parking. Land on north side of A465 Trunk Road, Belmont, Hereford. Approved 19/12/88 Tesco Stores Limited.
- 3.3 SH891171PF Widening of part of Abbotsmead Road to provide protected right turn lane into Tesco site. Part of Abbotsmead Road, Belmont, Hereford. Approved 7/8/89 Tesco Stores Limited.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Head of Environmental Health and Trading Standards: "I can advise that I have had opportunity to visit the store and undertake some noise monitoring. Whilst I was unable to gain access to the residence of the person who has complained about noise from these units, a sound level measurement was made within the store premises. This indicated that the noise was unlikely to be a nuisance. The noise was just audible by the complainant's house but it was not possible to measure because of interference of other noises that were louder.

I therefore have no objection to this proposal. Should permission be granted and subsequently nuisance is caused the Environmental Protection Act 1990 provides the Local Authority with powers to deal with nuisance."

5. Representations

5.1 Belmont Rural Parish Council: Belmont Rural Parish Council has considered this application and has concerns that issues relating to noise from these units has not been addressed within the application. Furthermore, we are concerned that in granting this application, a precedent will be set for future applications of a "temporary" nature.

If granted, we strongly suggest that steps are taken to ensure that the units are removed as specified in the application at the absolute latest.

5.2 Two letters of objection have been received from Gloucester Housing Association, St. Michael's Court, Brunswick, Gloucester on behalf of their tenant, Mr. Smart of 1 Romsey Drive, Belmont and Mr. S. Hughes, No. 1 Chantry Court, Belmont. The main points raised are:

1. The noise level given off by the refrigerated storage units will be heard in our single glazed dwelling.
2. The service yard is a noise nuisance to nearby residents.

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 submission of this application has resulted from an investigation by the Enforcement Officer following complaints from a local resident.

6.2 The storage units are required to provide additional storage to cover the increased demand of the Christmas trading period between November 2006 and January 2007.

- 6.3 They are located in a visually secluded position in the corner of the service yard adjacent to the supermarket building such that they are only visible when the service yard gates are open. Furthermore they are positioned so as not to interfere with any existing parking or turning areas and there is therefore no concern in relation to the safe manoeuvring of delivery lorries in the yard.
- 6.4 It is clear from the response from local residents and the Parish Council that there are concerns regarding the noise associated with these refrigerated units. In this respect the Head of Environmental Health and Trading Standards has carried out an assessment of the site and the noise generated by the refrigerated units. His conclusion is that the noise generated is unlikely to result in a nuisance that would justify the refusal of planning permission whilst confirming that separate powers under the Environmental Protection Act 1990 could be used if a nuisance was substantiated.
- 6.5 In the light of the above whilst acknowledging the concerns raised by local residents, it is not considered that the presence of the units for the period up until end of January 2007 would result in a detrimental effect on residential amenity such that the refusal of planning permission was warranted.

RECOMMENDATION

That planning permission be granted subject to the following condition:

- 1. **This permission shall expire on 31st January 2007. Unless further permission is granted in writing by the local planning authority prior to the end of that period, the use hereby approved shall permanently cease.**

Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.

Informatives:

- 1. **N19 - Avoidance of doubt.**
- 2. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

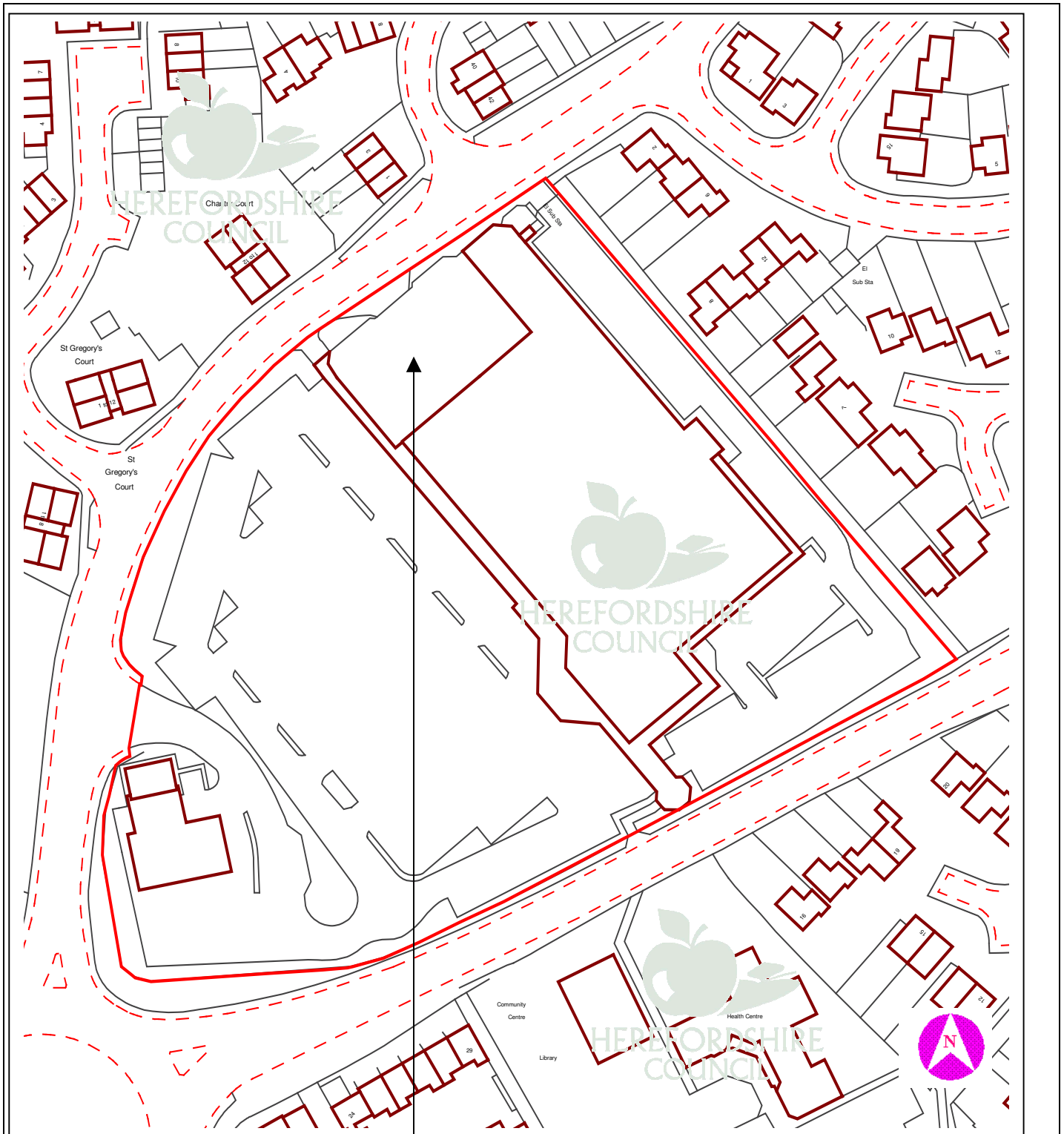
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/3671/F

SCALE : 1 : 1250

SITE ADDRESS : Tesco Stores Ltd, Abbotsmead Road, Belmont, Hereford, HR2 7XS

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