

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 1 October, 2008**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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AGENDA

for the Meeting of the Central Area Planning Sub-Committee

To: Councillor JE Pemberton (Chairman)
Councillor GA Powell (Vice-Chairman)

Councillors PA Andrews, WU Attfield, DJ Benjamin, AJM Blackshaw, ACR Chappell, SPA Daniels, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, TW Hunt (ex-officio), MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, RV Stockton (ex-officio), AP Taylor, AM Toon, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward

	Pages
<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST</p> <p>GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS</p> <p>The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.</p> <p>A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.</p> <p>Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.</p>	
<p>3. MINUTES</p> <p>To approve and sign the minutes of the last meeting.</p>	1 - 22
<p>4. ITEM FOR INFORMATION - APPEALS</p> <p>To note the Council's current position in respect of planning appeals for the central area.</p>	23 - 24

Planning Applications

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 and Transportation to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.

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| <p>5. DCCW2008/1966/F - THREE COUNTIES HOTEL, BELMONT, HEREFORD, HEREFORDSHIRE, HR2 7BP</p> <p>Proposed additional three storey bedroom wing.</p> | <p>25 - 32</p> |
| <p>6. DCCE2008/2168/F - OAKLANDS NURSING HOME, 43 BODENHAM ROAD, HEREFORD, HEREFORDSHIRE, HR1 2TP</p> <p>Addition to application DCCE2006/4002/F additional wing to mimic existing agreed wing in length, width, height and construction.</p> | <p>33 - 38</p> |
| <p>7. DCCW2008/1721/F - 10 DONCASTER AVENUE, HEREFORD, HEREFORDSHIRE, HR4 9TE</p> <p>Proposed house adjoining no. 10 with parking.</p> | <p>39 - 48</p> |
| <p>8. DCCW2008/2035/F - BRITISH TELECOM BUILDING, BARTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0JT</p> <p>Change of use from B1 offices to Police offices (retrospective).</p> | <p>49 - 54</p> |
| <p>9. DCCW2008/2004/O - GARDEN TO REAR 93 HIGHMORE STREET, HEREFORD, HEREFORDSHIRE, HR4 9PG</p> <p>Proposed erection of two semi-detached chalet bungalows and associated works.</p> | <p>55 - 62</p> |
| <p>10. DCCE2008/2043/F - M C FREEZE, BARRS COURT ROAD, HEREFORD, HEREFORDSHIRE, HR1 1EG</p> <p>Change of use to permit retail sale of pre-packed pet foods and accessories.</p> | <p>63 - 66</p> |
| <p>11. DATES OF FUTURE MEETINGS</p> <p>5 November 2008
3 December 2008
7 January 2009</p> | |

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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 3 September 2008 at 2.00 p.m.

Present: Councillor JE Pemberton (Chairman)
Councillor GA Powell (Vice-Chairman)

Councillors: PA Andrews, WU Attfield, DJ Benjamin, AJM Blackshaw, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, AT Oliver, SJ Robertson, AP Taylor, AM Toon, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward

In attendance: Councillors TW Hunt (ex-officio), JG Jarvis and RV Stockton (ex-officio)

40. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors ACR Chappell, SPA Daniels, MAF Hubbard, MD Lloyd-Hayes and RI Matthews.

41. DECLARATIONS OF INTEREST

44. DCCE2007/1655/O - Holmer Trading Estate, College Road, Hereford, HR1 1JS.

The following members declared personal interests: PA Andrews, WU Attfield, PJ Edwards, AT Oliver, GA Powell, AP Taylor, NL Vaughan, WJ Walling, DB Wilcox, JD Woodward.

Councillor AM Toon; Personal and Prejudicial. Left the meeting for the duration of the item.

46. DCCW2008/0292/F - St. Nicholas Rectory, 76 Breinton Road, Hereford, Herefordshire, HR4 0JY.

Councillor JD Woodward; Personal.

Councillor PA Andrews; Personal and Prejudicial. Left the meeting for the duration of the item.

47. DCCW2008/0610/O - 3 Villa Street, Hereford, Herefordshire, HR2 7AY.

Councillor SJ Robertson; Personal and Prejudicial. Left the meeting for the duration of the item.

50. DCCE2008/1613/F - Unit 14B, Thorn Business Park, Rotherwas, Hereford, Herefordshire, HR2 6JT.

Councillor AT Oliver; Personal and Prejudicial. Left the meeting for the duration of the item.

Councillor PJ Edwards; Personal.

42. MINUTES

RESOLVED:

That the minutes of the meeting held on 6 August 2008 be approved as a correct record.

43. ITEM FOR INFORMATION - APPEALS

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

SITE INSPECTION

The Central Team Leader recommended, and Members agreed, a site inspection in advance of the next meeting, in respect of planning application DCCW2008/1966/F (Proposed additional three-storey bedroom wing) at Three Counties Hotel, Belmont, Hereford, Herefordshire, HR2 7BP.

44. DCCE2007/1655/O - HOLMER TRADING ESTATE, COLLEGE ROAD, HEREFORD, HR1 1JS [AGENDA ITEM 5]

Mixed use development comprising residential (115 units), employment (office, industrial and warehousing), retail and supporting infrastructure including new access off College Road, roads, footpaths, open spaces, landscaping, parking and re-opening of part of canal.

The following update was reported:

- The recommendation was amended to authorise officers, upon completion of the planning obligation, to issue planning permission subject to conditions.

The Principal Planning Officer highlighted the key factors of the application and advised that officers, on balance, recommended approval of the application.

The Head of Planning and Transportation noted that a lot of time had been spent by officers on the application and made the following points:

- It was reported that officers stood by the recommendation of approval but it was acknowledged that the issues were finely balanced, between the technical conflict with policy E5 of the Herefordshire Unitary Development Plan 2007 (UDP) and the benefits of the scheme.
- The site was a safeguarded employment site and the Sub-Committee had to determine whether the loss of employment land to non-employment uses was acceptable given the other potential gains, such as the benefits in restoring the adjoining section of the canal.
- It was noted that the application had been deferred a number of times and officers did not feel that there were any further facts that could be established about the proposal.

Councillor NL Vaughan, a Local Ward Member, commented that it was abundantly clear that the application was contrary to policy E5 and the site contributed to meeting demand for employment land in Hereford north of the River Wye. In response to questions from Councillor Vaughan, the Principal Planning Officer advised that:

- It was not known whether representatives of Advantage West Midlands (AWM) had visited the site. He added that AWM would have considered the strategic level issues, informed by the regional economic and spatial strategies; and

- Whilst no factual evidence had been provided, the applicant had shown correspondence to officers to demonstrate that insurers had concerns about the ability to insure the site given the condition and security of the existing buildings.

Councillor DB Wilcox, the other Local Ward Member, asked for clarification about the economic development issues. In response, the Economic Regeneration Manager reported that:

- The authority maintained a property register and this indicated the availability of c. 56,000 sq ft of office accommodation and c. 170,000 sq ft of industrial premises in Hereford north of the river. However, this did not take into account rental costs or the quality of the units.
- The applicant had suggested that c. 24,000 sq ft of space would be required for the relocation of businesses from the trading estate but Economic Regeneration estimated the figure to be nearer c. 38,000 sq ft; the discrepancy due to the applicant not including external space requirements in the calculation, such as car parking, turning areas etc. Nevertheless, it was apparent that there was sufficient space elsewhere, if only in quantitative terms. However, it was also apparent that it would be difficult for some specific businesses to relocate, e.g. car sales.

Councillor Wilcox felt that there were three major features of the application: the need to ensure that there was adequate employment land to ensure that businesses were relocated and to ensure that there were opportunities for economic growth in the future; the need to determine whether a suitable balance could be achieved between the commercial/industrial interests and the residential elements of the scheme; and whether the benefits of the application outweighed the disadvantages. He made a number of related points, including:

- Councillor Wilcox said that he had met the Chief Executive of Edgar Street Grid Herefordshire Limited (ESG) and it was indicated that ESG would be prepared to withdraw their objection to the application subject to the Section 106 Agreement providing ESG the first right of refusal for the remaining c. 4,000 sq m of employment units, to enable the relocation of businesses displaced by the Edgar Street regeneration, and subject to fixed rental levels for five years for those businesses. It was noted that this would be at variance with the proposal to fix rental levels for three years for existing Holmer Trading Estate businesses but it was hoped that this could be addressed through further negotiations.
- It was noted that mixed commercial/industrial and residential uses could be incongruous but Councillor Wilcox considered that this scheme was acceptable on balance given the layout and the mitigation measures proposed.
- The principal benefits of the scheme were noted, including the restoration of the canal (particularly as the canal basin formed an integral part of the ESG proposals), the affordable housing provision in a sustainable location, the improvements to the local highway network, and the financial contributions to enhance general community infrastructure.
- Councillor Wilcox commented that the trading estate was run down and semi-derelict but noted that, although a number of tenants had been offered heads of terms for new units, a number of existing businesses maintained strong concerns about the proposal. He felt it imperative that the authority, in conjunction with the Local Ward Members, sustained efforts to address the employment issues identified.
- Councillor Wilcox noted that the proposal was balanced finely but felt that the application could be supported given the opportunities that it provided to

redevelop the trading estate into a modern facility and improve local infrastructure.

Councillor Vaughan felt that a statement made in the report by the Economic Regeneration Manager was an important consideration, namely that *'the site is currently a viable business location for those businesses on the estate, and contributes to meeting the demand in the north of the city for lower quality employment units'*. He noted that the scheme would displace existing successful businesses and the future was uncertain for many of them, particularly as they did not consider that there were any suitable alternative sites in the locality that suited their specific requirements.

Councillor PJ Edwards said that, to stimulate economic regeneration of the city, Hereford needed areas for start up businesses and hoped that this would be factored into future planning policies. In response to a question, the Principal Planning Officer confirmed that any planning permission granted, through conditions or the related legal agreement, would require the phasing of the development to ensure that the majority of the employment floorspace was developed out in the earlier phases; he added that contributions would also be phased.

Councillor SJ Robertson noted the need to improve the estate but commented on the importance of employment land to local families and felt that the impact of the proposal on the local highway network, combined with other approved developments, had been underestimated as roads in the area were already at capacity.

Referring to examples in the Three Elms Ward such as Bulmers and Sun Valley, Councillor PA Andrews commented on the problems associated with industrial and commercial uses being located in close proximity to residential properties. She also commented on the conflicting policy issues and the difficulty of relocating existing businesses.

Councillor GFM Dawe noted that the protection of employment land through policy E5 and the continued existence of local businesses were significant considerations.

In response to questions from Councillor AJM Blackshaw, the Economic Regeneration Manager confirmed that the alternative sites referred to included the Three Mills Trading Estate and that, whilst there would be a reduction in the amount of land allocated to employment uses, floorspace would be 'like for like' through more efficient use of the remaining space. Councillor Blackshaw felt that the scheme provided an important opportunity to modernise the estate and clean up the adjoining canal.

Councillor H Davies commented on the requirements of policy E5 and did not feel that the identified benefits outweighed the fundamental policy considerations. She also expressed concerns about the mixed-use approach of the scheme and the potential for problems arising from incompatible uses.

Councillor WJ Walling drew attention to the officer's comment in the report that *'A number of the existing buildings on site whilst remaining structurally sound, are in relatively poor condition and are coming to the end of their useful commercial life'* and felt that this was a significant point.

A motion to approve the application failed. A motion to refuse the application, for the reason given in the resolution below, was then agreed.

In response to comments by members, the Head of Planning and Transportation advised that a refusal reason based on highway grounds would be impractical given the professional view of the Traffic Manager and the identified benefits of the scheme.

RESOLVED:

That

- (i) **The Central Area Planning Sub-Committee is minded to refuse the application subject to the reason for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning and Transportation) provided that the Head of Planning and Transportation does not refer the application to the Planning Committee:**

The proposed development will result in the loss of safeguarded employment land to non employment uses and there are no substantial benefits to residential or other amenity in allowing the alternative forms of development nor is the site considered to be unsuitable for employment uses. As such, the development is contrary to Policy E5 of the Herefordshire Unitary Development Plan 2007.

- (ii) **If the Head of Planning and Transportation does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.**

[Note:

Following the vote on this application, the Head of Planning and Transportation advised that, although the resolution was contrary to the officers' recommendation, he was not minded to refer the matter to the Planning Committee given the reasons put forward by members.]

45. DCCE2008/1851/F - 20 VINE TREE CLOSE, WITHINGTON, HEREFORD, HEREFORDSHIRE, HR1 3QW [AGENDA ITEM 11]

Extension and alterations with detached double garage.

[Note: This item was considered earlier than indicated on the agenda to accommodate the public speakers and the Local Ward Member.]

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

Councillor DW Greenow, the Local Ward Member, said that he understood the concerns of the objector and those of Withington Group Parish Council but he felt that there were no sustainable grounds for refusal given that the proposed development was considered to accord with the relevant planning policies. He noted that the applicant had made efforts to address the concerns arising from a previous planning application, withdrawn in June 2008 [DCCE2008/1117/F refers], notably in terms of design and scale.

In response to a suggestion by Councillor PJ Edwards, the Central Team Leader

advised that a landscaping condition might not be appropriate given the domestic garden context of the site. Councillor Edwards felt that officers should give further consideration to opportunities for landscaping, as mature planting could mitigate the impact of the development on neighbouring properties.

RESOLVED:

That, subject to further consideration by officers named in the Scheme of Delegation to Officers regarding a possible landscaping condition, 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. **C03 (Matching external materials (general)).**

Reason: To ensure the satisfactory appearance of the development so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

3. **F07 (Domestic use only of garage).**

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policy H18 of Herefordshire Unitary Development Plan.

4. **F15 (No windows in side elevation of extension).**

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

Informatives:

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

46. **DCCW2008/0292/F - ST. NICHOLAS RECTORY, 76 BREINTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0JY [AGENDA ITEM 6]**

Demolish existing rectory and erect 9 no. residential dwellings.

The following updates were reported:

- A meeting had been held involving the Local Ward Members, officers and the applicant's agent. The agent had subsequently confirmed that an increase in the 'Children and Young Persons' contribution was appropriate, with the figure to be confirmed.
- The recommendation was amended to delegation to officers, in consultation with the Chairman and the Local Ward Members, to enable the contribution

issue to be resolved satisfactorily.

Councillors JD Woodward and DJ Benjamin, the Local Ward Members, welcomed the change of position by the applicant and supported the amended recommendation.

RESOLVED:

That 1) The Legal Practice Manager 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 the report and any additional matters and terms that he considers appropriate.

2) Upon completion of the aforementioned planning obligation Officers named in the Scheme of Delegation to Officers, in consultation with the Chairman and Local Ward Members, be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers:

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

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

2. B03 (Amended plans).

Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3. C01 (Samples of external materials).

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

4. G02 (Retention of trees and hedgerows).

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.

5. G04 (Protection of trees/hedgerows that are to be retained).

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

6. G06 (Remedial works to trees).

Reason: The trees form an integral part of the visual environment and this condition is imposed to preserve the character and amenities of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

7. G09 (Details of Boundary treatments).

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

8. G10 (Landscaping scheme).

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

9. G11 (Landscaping scheme – implementation).

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

10. H03 (Visibility splays) (2.4 metres x 33 metres).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

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

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

12. H06 (Vehicular access construction).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

13. H08 (Access closure).

Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

14. H09 (Driveway gradient).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

15. 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

16. H27 (Parking for site operatives).

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

17. H29 (Secure covered 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 and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

18. I16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

19. I22 (No surface water to public sewer).

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding so as to comply with Policy DR4 of Herefordshire Unitary Development Plan.

20. I51 (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 so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

21. I56 (Sustainable Homes Condition).

Reason: To promote the sustainability of the development hereby approved in accordance with Policies S1 and H13 of the Herefordshire Unitary Development Plan and PPS1 Supplement 'Planning and Climate Change'

22. K4 (Nature Conservation – Implementation).

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, & c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan.

23. L01 (Foul/surface water drainage).

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

24. L02 (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 so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

Informatives:

1. N19 - Avoidance of doubt - Approved Plans.

2. N15 - Reason(s) for the Grant of PP/LBC/CAC.**47. DCCW2008/0610/O - 3 VILLA STREET, HEREFORD, HEREFORDSHIRE, HR2 7AY [AGENDA ITEM 7]**

Proposed erection of 4 no. bungalows and 2 no. houses.

The following update was reported:

- Two further letters of objection had been received, one of which attached photographs of Villa Street showing cars parked on the road. It was reported that the letters did not raise any new issues.

Councillor PJ Edwards, a Local Ward Member, proposed that the application be refused. He considered that the access arrangements were unacceptable given that Villa Street formed part of a strategic cycleway, was the only suitable route for the residents of some 1700 properties to cycle safely into the city, and was a recommended Safe Route to School for Hunderton School. He felt that a 'built out' access junction, coupled with a similar proposal nearby (approved but not yet implemented), would be a hazard to pedestrians, cyclists and other road users. He also considered that the design and siting of the proposed dwellings would have a detrimental impact on neighbouring properties and on the character of the area.

Councillor H Davies, also a Local Ward Member, expressed concerns about the density of the proposal and about highway safety, particularly as the road was narrow and the potential for accidents involving children given the proximity of a popular play area.

Councillor GA Powell, the other Local Ward Member, also expressed concerns about access and egress and felt that Villa Street was already over congested. She added that there was no pavement and questioned whether the proposed access arrangements met good practice guidelines. She said that there were drainage problems in the area and suggested that this development could exacerbate the situation. Councillor Powell also drew attention to the objections of Hereford City Council, the Conservation Area Panel and local residents. She considered that the development was over intensive, would have a detrimental impact on the settings and surroundings, would have an unacceptable visual impact and would compromise highway safety.

Councillor AT Oliver supported the views of the Local Ward Members and, in particular, felt that the indicative layout would not be compatible with the area.

The Principal Planning Officer responded to a number of matters raised during the discussion, including:

- It was reported that the Council's Highway Engineers had thoroughly assessed the application and were satisfied that the safe access could be achieved.
- The density of the proposal was considered suitable for the urban context of the site; it was noted that such sites needed to be developed at higher densities in order to avoid development on greenfield sites.
- The direct impact on this application on the strategic cycleway would be negligible, particularly when compared to the supermarket developments that had been allowed to cross Great Western Way.

Councillor Davies re-iterated concerns about the density of the proposal, especially

given the likely proximity of the units to existing residential properties, and about highway safety.

Councillor Edwards commented that the Conservation Area was more sensitive than the heavily urbanised setting of the supermarkets on Great Western Way and felt that the impact of this development on the character of the area would be unacceptable. He also felt that the development would be over intensive and the additional traffic generated by the use would compromise the safety of the access.

The Central Team Leader reminded the Sub-Committee that the application was in outline form with only the principle of development and the means of access for consideration. Nevertheless, officers considered that the indicative layout would not result in significant detriment to adjoining residents. He also reminded the Sub-Committee that Villa Street was a shared route and the Traffic Manager had no objections subject to conditions.

RESOLVED:

That

(i) The Central Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning and Transportation) provided that the Head of Planning and Transportation does not refer the applications to the Planning Committee:

- 1. The proposed removal of one bungalow and replacement with six dwellings would be out of character with the area, have an impact detrimental to the amenity of adjoining neighbours and be overdevelopment of the site contrary to Policies DR1, H1, H13, H14 and H15 of the Herefordshire Unitary Development Plan.**
- 2. In addition the proposal for use of a 'built out' junction to access the site would be detrimental to highway safety and safety of pedestrians and cyclists that use the adjoining strategic cycle route. Accordingly the proposal is contrary to Policies DR3, T6, T7 and H13 of the Herefordshire Unitary Development Plan.**

(ii) If the Head of Planning and Transportation does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.

[Note:

Following the vote on this application, the Head of Planning and Transportation advised that, although the resolution was contrary to the officers' recommendation, he was not minded to refer the matter to the Planning Committee given the reasons put forward by Members.]

48. DCCW2008/1271/F - LAND AT GREEN GABLES, SUTTON ST. NICHOLAS, HEREFORD, HEREFORDSHIRE, HR1 3AZ [AGENDA ITEM 8]

Erection of single dwelling, with access from current development adjoining new

primary school including minor amendments to DCCW2008/0012/F.

Councillor KS Guthrie, the Local Ward Member, commented on the value of the site inspection that had been held. She noted that Sutton Parish Council supported the application but the occupants of neighbouring properties maintained strong objections to the proposal.

Councillor PJ Edwards commented on the importance of the condition relating to the retention of trees and hedgerows, as the existing landscaped buffer along the boundary would minimise the impact of the proposed development on the immediate neighbours.

Councillor AM Toon noted that the proposed planning obligation agreement included a requirement for a contribution towards enhanced educational infrastructure and asked for flexibility in the allocation of these funds; in particular, to enable a contribution towards the community centre if possible. The Head of Planning and Transportation confirmed that a degree of flexibility could be factored into the agreement.

RESOLVED:

The Legal Practice Manager be authorised to complete a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) covering the matters detailed in the Heads of Terms appended to the report and any additional matters that he considers necessary and appropriate.

Upon completion of the aforementioned planning obligation that the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:

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

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

2. **B04 (Amendment to existing permission) (DCCW2008/0012/F) (26th February 2008).**

Reason: For the avoidance of doubt and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

3. **C01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

4. **F14 (Removal of permitted development rights).**

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

5. **F16 (No new windows in specified elevation).**

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

- 6. G02 (Retention of trees and hedgerows).**

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.

- 7. G03 (Retention of existing trees/hedgerows).**

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

- 8. G10 (Landscaping scheme).**

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

- 9. G11 (Landscaping scheme – implementation).**

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

- 10. 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

- 11. I16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

- 12. L01 (Foul/surface water drainage).**

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

- 13. L02 (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 so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

Informatives:

- 1. N01 - Access for all.**
- 2. N02 - Section 106 Obligation**
- 3. N11C – General.**

4. N19 - Avoidance of doubt - Approved Plans.
 5. N15 - Reason(s) for the Grant of PP/LBC/CAC.
49. DCCW2008/2008/F - BRAMBLEFIELD BARN, MUNSTONE, HEREFORD, HEREFORDSHIRE, HR1 3AH [AGENDA ITEM 9]

Single storey extension.

The following updates were reported:

- The comments of Holmer Parish Council had been received and were summarised as follows: [the parish council] *'Believe that the proposed extension would adversely affect the character and appearance of the building, contrary to the UDP, HBA12 re-use of rural buildings, clause 2 and therefore objects to this application.'*
- A letter of objection had been received from Stone House, Munstone and was summarised.

Councillor SJ Robertson, the Local Ward Member, noted the comments of the parish council and asked for clarification about the policy considerations. In response, the Central Team Leader advised that policy HBA12 did not preclude extensions but did refer to rural buildings needing to be capable of *'accommodating the new use without the need for substantial alteration or extension... which would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting'*. It was reported that a previous planning application had been withdrawn in June 2008 following concerns expressed by officers that an extension of 27 sq m would have been too substantial [DCCW2008/1180/F refers]. However, this amended scheme was for an extension of 15 sq m and it was not considered that an extension of this size would materially alter the character and appearance of the building or its surroundings. It was noted that features introduced to the barn since conversion, such as the porch and outbuildings, had compromised the character and appearance of the original building to some degree. It was also noted that each application had to be considered on its own merits and it was the view of officers that, on balance, this scheme was acceptable.

Councillor PJ Edwards noted the importance of the established hedge and suggested that the Local Ward Member be consulted regarding the landscaping scheme. The Central Team Leader noted that it would not be certain whether all existing planting could be retained until the extension was being constructed but he said that the Local Ward Member would be consulted on the landscaping scheme once received.

Councillor Robertson thanked the Central Team Leader for the guidance and help that he had provided on this application.

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. C01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

3. G10 (Landscaping scheme).

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

4. G11 (Landscaping scheme - implementation).

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

Informatives:

- 1. N01 - Access for all.**
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 3. N19 - Avoidance of doubt - Approved Plans.**

50. DCCE2008/1613/F - UNIT 14B, THORN BUSINESS PARK, ROTHERWAS, HEREFORD, HEREFORDSHIRE, HR2 6JT [AGENDA ITEM 10]

Proposed construction of steel framed industrial unit and accompanying outside surfacing for joinery workshop, builders stores and office.

The following updates were reported:

- Agreement had now been reached with the applicant that, through a Section 106 Agreement, would:
 - 1) Grant the Council free and unobstructed pedestrian and cycle rights of way over the said land will be provided along with permission to carry out any works necessary to bring the cycle link up to an adoptable standard; and*
 - 2) Rights to undertake any alteration or improvements to the flood defence embankment adjacent the railway line considered necessary by the Council and/or Environment Agency to maintain this feature as a functional flood defence for the benefit of the area.'*
- Consequently, the recommendation was amended from refusal (due to the absence of a planning obligation) to that detailed in the resolution below.

The Principal Planning Officer explained that, in order to mitigate the direct impact of the development on the highway network, two options had been put to the applicant. Firstly, a financial contribution towards sustainable transport infrastructure. Secondly, the transfer of two strips of land forming part of the desired Sustrans Connect 2 route from Bartonsham to Rotherwas; these strips also formed an essential part of the flood protection for this area of Rotherwas. It was reported that the applicant had expressed concerns about any form of planning obligation initially

but now recognised the benefits of enhancing cycle and pedestrian links and had agreed to the second on the two options.

The Head of Planning and Transportation said that he was pleased that the applicant had reconsidered his position, particularly as the rights of way over the land in question would be a major and significant gain. It was noted that this had demonstrated the value and flexibility of the Supplementary Planning Document on Planning Obligations.

Councillor GFM Dawe, the Local Ward Member, welcomed the planning obligation, especially as it would help to bring forward the cycle link from Bartonsham through to Rotherwas and beyond to Holme Lacy. In response to a question, the Principal Planning Officer advised that a Section 106 Agreement would secure the agreed rights; he added that freehold transfer could be not achieved as the land was subject to a lease, with approximately 970 years remaining.

Councillor PJ Edwards said that this was a good example of a regulatory body acting as an enabler, commented on the value of the planning obligation in terms of enhancing links and managing flood risk, and supported the use of heat recovery measures in the proposed development.

Councillor DB Wilcox commented that the 'in kind' contribution would provide better value for money than a financial contribution in this instance.

RESOLVED:

- That:**
- 1) The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the above terms and any additional matters and terms as he considers appropriate.**
 - 2) Upon completion of the said planning obligation, officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the conditions considered necessary by officers.**

51. DCCW2008/1777/F - 30 CHATSWORTH ROAD, HEREFORD, HEREFORDSHIRE, HR4 9HZ [AGENDA ITEM 12]

Separation of existing three bedroomed house to form two one bedroomed self contained houses.

Councillor PA Andrews, a Local Ward Member, noted that this proposal had addressed the concerns relating to a previous scheme that was refused in October 2007 [DCCW2007/2489/F refers].

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. F14 (Removal of permitted development rights).

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

3. Prior to the first occupation of the dwellings hereby approved an area shall be laid out within the curtilage of the property for one space per dwelling and in respect of the front parking space shall include details of a low buffer wall which shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles. In respect of the proposed parking space immediately in front of the proposed dwellings the details shall include a low buffer wall.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan and in the interests of amenity of the occupiers of the dwellings hereby permitted.

4. H29 (Secure covered 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 and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

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

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

6. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the local planning authority.

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

7. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

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

Informatives:

1. N03 - Adjoining property rights.
2. N04 - Rights of way.
3. NC01 - Alterations to submitted/approved plans.

4. N19 - Avoidance of doubt - Approved Plans.
 5. N15 - Reason(s) for the Grant of PP/LBC/CAC.
52. [A] DCCW2008/1667/F AND [B] DCCW2008/1669/C - TALBOTS FARM, SUTTON ST. NICHOLAS, HEREFORDSHIRE, HR1 3BB [AGENDA ITEM 13]

Demolish existing barns and erect 2 no. new barn style dwellings.

The following updates were reported:

- A letter had been received from the applicant's solicitor agreeing to the draft heads of terms.
- An additional condition, relating to details of slab levels, was recommended in respect of DCCW2008/1667/F.

Councillor KS Guthrie, the Local Ward Member, noted that Sutton Parish Council supported the applications. Councillor Guthrie commented that the barns were in a poor state of repair and that both the site and the Conservation Area would benefit from the scheme. As with minute 48 above, a request was made for flexibility in the allocation of funds; in particular, to enable a contribution towards the community centre if possible.

RESOLVED:

- That:**
- 1) **The Legal Practice Manager 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 the report and any additional matters and terms that he considers appropriate.**
 - 2) **Upon completion of the aforementioned planning obligation, officers named in the Scheme of Delegation to Officers be authorised to issue planning permission and conservation area consent subject to the following conditions and any further conditions considered necessary by officers:**

In respect of DCCW2008/1667/F:

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

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

2. **C01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3. **C06 (Stonework laid on natural bed).**

Reason: In the interests of conserving the character of the building so as to ensure that the development complies with the requirements of Policy

DR1 of Herefordshire Unitary Development Plan

4. **D04 (Details of window sections, eaves, verges and barge boards).**

Reason: To ensure that the work is carried out in accordance with details that are appropriate to the character of the Conservation Area within which the site is located and to comply with the requirements of Policy HBA6 of Herefordshire Unitary Development Plan

5. **C10 (Details of external finishes and cladding (industrial buildings)).**

Reason: To secure properly planned development and to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

6. **F14 (Removal of permitted development rights).**

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

7. **F16 (No new windows in all elevations).**

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

8. **G09 (Details of Boundary treatments).**

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

9. **G10 (Landscaping scheme).**

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

10. **G11 (Landscaping scheme - implementation).**

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

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

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

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

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

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

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

14. The recommendations set out in the ecologist's report dated May 2008 shall be followed unless otherwise agreed in writing with the local planning authority. Prior to the commencement of the development, a full working method statement and habitat enhancement scheme for bats and birds shall be submitted to the local planning authority and implemented as approved.

An appropriately qualified and experienced ecologist shall be appointed to oversee the ecological mitigation work.

Reasons: To ensure all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 within the Herefordshire Unitary Development Plan.

To ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981 (and amendments) and Policies NC1, NC5, NC6 and NC7 within the Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

15. I51 (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 so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

Informative(s):

1. N03 - Adjoining property rights.
2. N11A - Wildlife and Countryside Act 1981 (as amended) – Birds.
3. N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 – Bats.
4. N13 - Control of demolition - Building Act 1984.
5. N14 - Party Wall Act 1996.
6. N18 - European Protected Species Licence.
7. NC01 - Alterations to submitted/approved plans.
8. N19 - Avoidance of doubt - Approved Plans.
9. N15 - Reason(s) for the Grant of Planning Permission.

53. DATES OF FUTURE MEETINGS

1 October 2008
5 November 2008
3 December 2008

At the conclusion of the meeting, the Chairman thanked Mr. Robinson, Assistant Solicitor, for the professional advice and assistance that he had provided during the meeting.

The meeting ended at 4.45 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS DETERMINED**Application No. DCCE2008/0098/F**

- The appeal was received on 11 July 2008.
- 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. R. Macadie.
- The site is located at Shipley, Holme Lacy, Hereford, Herefordshire, HR2 6LS.
- The development proposed was Change of use to hard standing for caravans with associated drainage works. (Retrospective).

Decision: The appeal was **WITHDRAWN** on 28 August 2008

Case Officer: Russell Pryce on 01432 261957

Enforcement Notice EN2007/0124/ZZ

- The appeal was received on 25 January 2008.
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice.
- The appeal is brought by Mr. J. Bothamley.
- The site is located at Rodds Barn, Twyford, Hereford HR2 8AD.
- The breach of planning control alleged in this notice is "the erection of a chimney on the northern elevation of the barn situated on the land."
- The requirements of the notice are:
 1. Remove the chimney stack and pots from the building.
 2. Remove any resultant materials and debris from the land.
- The main issue is whether the chimney stack is harmful to the character of the appeal premises and their surroundings and, if so, whether there are any material considerations which are sufficient to outweigh the harm identified.

Decision: The appeal was **DISMISSED** and the Enforcement Notice is **UPHELD** with correction on 2 September 2008.

Case Officer: Edward Thomas on 01432 260479

Application No. DCCW2007/2684/F

- The appeal was received on 19 May 2008.
- 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 Ms. L. Watkins.
- The site is located at 131 White Cross Road, Hereford, Herefordshire, HR4 0LS.
- The application, dated 19 August 2007, was refused on 21 November 2007.
- The development proposed was Change of use to house of multiple occupancy.
- The main issue are whether the proposal would have a harmful effect on the character and appearance of the surrounding area; and the effect of the proposal on the living conditions of nearby occupiers in relation to noise and disturbance.

Decision: The appeal was **UPHELD** on 3 September 2008.

Case Officer: Dave Dugdale on 01432 261566

Application No. DCCE2007/3707/F

- The appeal was received on 29 May 2008.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mrs. C. Griffiths.
- The site is located at 18 Frome Court, Bartestree, Hereford, Herefordshire, HR1 4BF.
- The application, dated 23 November 2007, was refused on 23 January 2008.
- The development proposed was Glazed porch to rear elevation.
- The main issue is the effect of the proposal on the character and appearance of the appeal property and the surrounding area.

Decision: The appeal was **DISMISSED** on 3 September 2008.

Case Officer: Edward Thomas on 01432 261961

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

5 DCCW2008/1966/F - PROPOSED ADDITIONAL THREE STOREY BEDROOM WING AT THREE COUNTIES HOTEL, BELMONT, HEREFORD, HEREFORDSHIRE, HR2 7BP

For: Three Counties Hotel per Hook Mason Ltd, 41 Widemarsh Street, Hereford, HR4 9EA

Date Received: 28 July 2008

Ward: Belmont

Grid Ref: 49683, 38588

Expiry Date: 27 October 2008

Local Members: Councillors H Davies, PJ Edwards and GA Powell

1. Site Description and Proposal

- 1.1 The application site is a relatively modern purpose built hotel complex, set within its own substantial landscaped grounds extending to approximately 1.6 hectares, located on the northern side of the A49(T) within an established residential area.
- 1.2 The hotel complex is comprised of a main building which houses the reception area, a licenced bar, a restaurant and function rooms. Annexed to this main block is a large bedroom wing, with further accommodation being provided in two single storey chalet buildings situated to the rear of the main buildings.
- 1.3 The hotel presently has a total of 60 bedrooms, 28 within the two storey building the remaining 32 being in the single storey chalet buildings.
- 1.4 The application seeks permission for the erection of a three storey extension, which will contain 30 en-suite bedrooms, however as two existing rooms will be lost to facilitate the development, the net gain will be 28 additional bedrooms.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

Policy DR1	-	Design
Policy DR2	-	Land use and activity
Policy DR3	-	Movement
Policy TCR2	-	Vitality and viability
Policy RST1	-	Criteria for recreation, sport and tourism development
Policy RST12	-	Visitor Accommodation

3. Planning History

- 3.1 CW2008/0232/F Proposed extensions to the existing function suite and restaurant. Approved 27 March 2008.

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency: No objection.
- 4.2 Welsh Water: No objection, but suggest the use of standard conditions.

Internal Council Advice

- 4.3 Traffic Manager: No objections.
- 4.4 Conservation Manager: The design of the proposed extension is somewhat uninspired however while it will not make a positive contribution to the townscape it should not have an overly detrimental effect on the immediate area.
- 4.5 Economic Development Manager: No response.
- 4.6 Tourism Officer: No response.

5. Representations

- 5.1 The applicant has provided the following with regard to the proposal:-

“The original concept of the build was for the 30 bedroom extension and to increase the size of our main function room and restaurant, particularly to facilitate increased demand from the bedroom build. Because there was a question mark about the acceptability for the 3 storey height etc I requested that the application was done in 2 phases, i.e. the Hereford Suite & restaurant extensions (phase 1) followed by the bedroom extension (phase 2) in due course.

Phase 1, for which planning permission was granted about June 2008, is well underway and we anticipate completion by approx November. The increase in the size of the Hereford Suite was as much to update, enhance and improve the conference facilities. This hopefully would give Hereford an upmarket conference facility along with further upgraded bedrooms in the hope that future trade could be directed to the hotel and to Hereford. The increase in the dining room was primarily to cater for additional numbers of guests should the planning for the bedroom extension be obtained. The application for the bedroom block (phase 2) was initiated some 12 months ago. In consultation and discussions, I had hoped that we had minimised any adverse effect from the height and that it should be okay. As you have noted, increased space was required for larger bedrooms with a more modern standard, considerably better than anything that presently exists. Again hopefully this would attract conference business.

We had thought that we had met planning requirements in the detail design and hope that approval will be granted. We will endeavour to ensure that any perceived detrimental effect from the Parish Council and local residents can be alleviated.”

- 5.2 Hereford City Council: The City Council has no objections to the principle of this development but recommends this application be refused due to poor design.

- 5.3 Belmont Rural Parish Council: We are delighted to learn that this business is considering expansion. However we have some concern that the height of the building may overlook nearby properties, so would suggest trees be planted to screen the development or reduce the development by one storey so as to have no impact on nearby housing.
- 5.4 One letter of objection has been received from Mrs. Hemple, 15 Glastonbury Close, summarised as follows:
- No objection to two storeys, but profound objection to a three storey building.
 - Overlooking.
 - Additional noise and disturbance arising from increased numbers of patrons.
- 5.5 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 Policy RST12 of the Herefordshire Unitary Development Plan 2007 makes provision for new visitor accommodation where the proposal is compatible with neighbouring uses and accords with other relevant policies.
- 6.2 Therefore the proposed extension of the existing hotel complex is considered to be acceptable in principle, subject to the following issues being satisfactorily resolved:

Design

- 6.3 Although it is acknowledged that the design is somewhat contrived in so far as it seeks to maximise the provision of additional visitor accommodation, within the confines of the now rather dated appearance of the existing buildings. On balance having regard for the character and appearance of the existing hotel complex, the scale, massing and design of the proposed extension are thought to be acceptable.
- 6.4 More specifically although the proposed extension comprises three stories its overall height and massing is similar to that of the existing two storey building which it will be conjoined with, and will remain subservient to the main building.
- 6.5 Therefore it is not considered that the proposed development will be read as visually discordant feature within the confines of the application site itself, or give rise to any demonstrable harm the mixed character of the surrounding residential area.

Residential Amenity

- 6.6 Having regard for the existing relationship between the hotel complex and its surrounding neighbours, it is not considered that there will be such a material change in the levels of residential amenity presently enjoyed as to substantiate any sustainable grounds for refusal in this instance.
- 6.7 Although the proposed development will inevitably alter the outlook of the surrounding residential properties, having regard for the separation distances, as well as their orientation and siting, it is not considered that the proposed development will dominate or overbear them unacceptably.

- 6.8 More specifically and particularly in terms of the quiet enjoyment of the rear gardens of the properties forming the southern side of Glastonbury Close, having consideration for the separation distance which exceeds 46m and the intervening single storey chalet block, it is not considered that the proposed development will result in an unacceptable degree of overlooking.
- 6.9 However to ensure that a satisfactory relationship is established between the extended hotel complex and these properties it is considered expedient to secure a landscaping scheme along the northern boundary of the application site, and appropriate conditions are recommended.
- 6.10 In order to protect the established residential area during the construction phase, it is considered expedient to recommend a condition controlling the hours of operation.

Parking and Highways

- 6.11 To provide the necessary additional parking spaces as well as facilitate the extension itself a revision to the existing parking layout is proposed with an increase in the overall provision of car parking. Currently the site provides 134 marked spaces with the extensions currently under construction requiring an additional 15 spaces. This proposal involves a reconfiguration of the car parking and proposes a total of 206 spaces.
- 6.12 The redesigned and enlarged parking area is considered to be acceptable in terms of its visual impact as well as its impact on the amenity of the adjoining dwellings.

Conclusion

- 6.13 Overall the proposal complies with the relevant development plan policies and as such, approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions

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

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

- 2. C02 (Matching external materials (extension)).**

Reason: To ensure the external materials harmonise with the existing building so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

- 3. G02 (Retention of trees and hedgerows).**

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.

4. **G10 (Landscaping scheme).**

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

5. **G11 (Landscaping scheme – implementation).**

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

6. **G15 (Landscape maintenance arrangements).**

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

7. **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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

8. **I16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

9. **I33 (External lighting).**

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

10. **I37 (Details of shields to prevent light pollution).**

Reason: To minimise light overspill and to protect the amenity of neighbouring properties so as to comply with Policy DR14 of Herefordshire Unitary Development Plan.

11. **L01 (Foul/surface water drainage).**

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

12. **L02 (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 so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

Informatives:

1. **N01 - Access for all.**

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

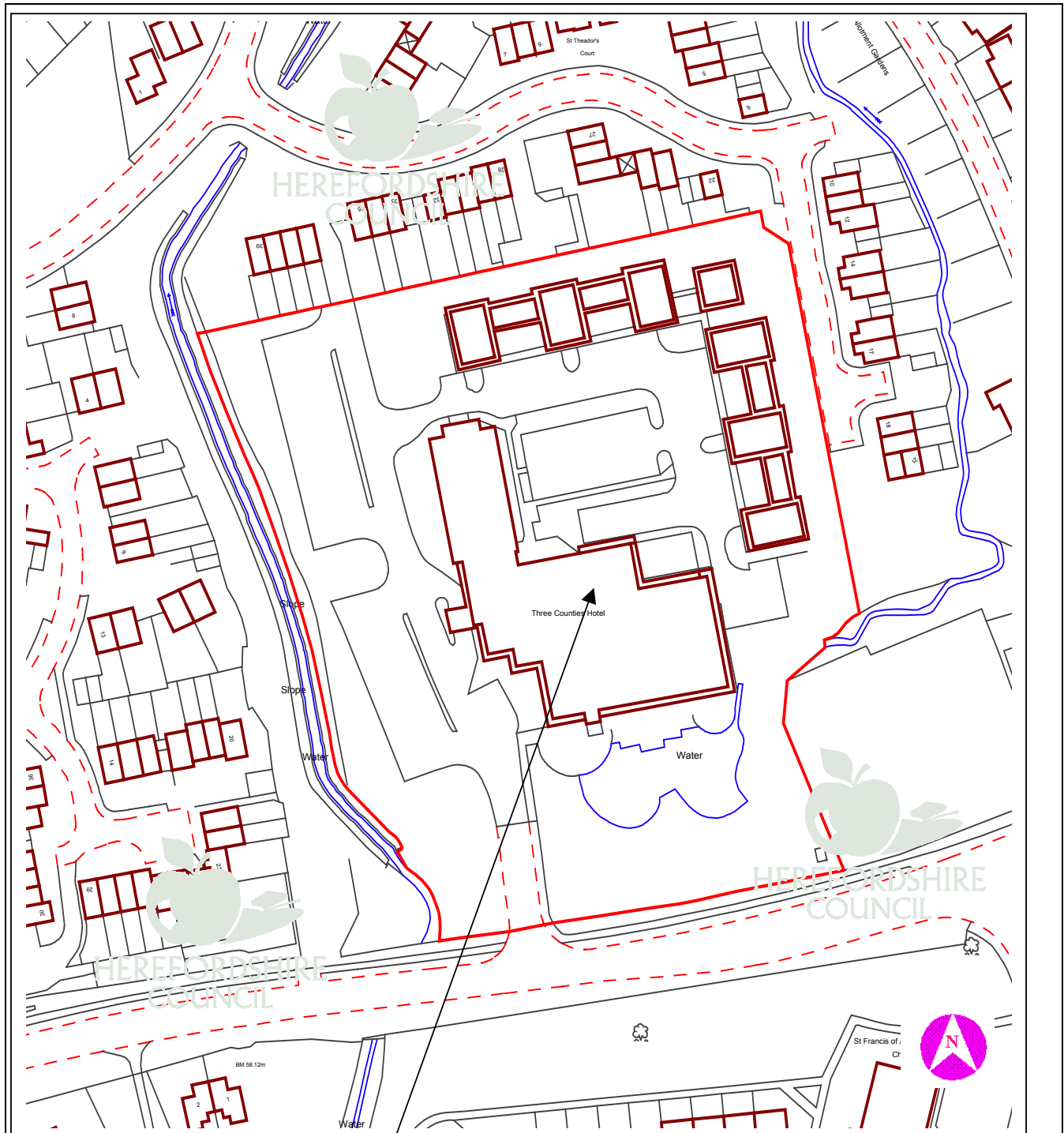
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/1966/F

SCALE : 1 : 1250

SITE ADDRESS : Three Counties Hotel, Belmont, Hereford, Herefordshire, HR2 7BP

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6 DCCE2008/2168/F - ADDITION TO APPLICATION DCCE2006/4002/F ADDITIONAL WING TO MIMIC EXISTING AGREED WING IN LENGTH, WIDTH, HEIGHT AND CONSTRUCTION AT OAKLANDS NURSING HOME, 43 BODENHAM ROAD, HEREFORD, HEREFORDSHIRE, HR1 2TP

For: Ms. R. Mawji per Miss D. Nixon, Meadowend Barn, Dorstone, Hereford, HR3 6BE

Date Received: 26 August 2008 Ward: Aylestone Grid Ref: 52214, 40159

Expiry Date: 21 October 2008

Local Members: Councillors NL Vaughan and DB Wilcox

1. Site Description and Proposal

- 1.1 43 Bodenham Road is a three storey brick Victorian villa with a pitched slate roof located on the northeast side of Bodenham Road. Access is gained directly off Bodenham Road to an area of hardstanding used for parking to the front, with the rear laid out to lawn interspersed by semi-mature and mature trees. The boundaries are enclosed by a mixture of two metre high brick walling and mature hedging. Levels within the site rise northeastwards.
- 1.2 The property which has been used as a residential nursing home since 1982 has been subject to numerous alterations and extensions including a two storey extension at the side and a single storey flat roofed extension to the rear. Planning permission was approved on 7 March 2007 for a further single storey rear extension off the existing extension. This application now seeks to square off the approved rear extension by the creation of a further three en-suite one bed roomed rooms. The size of the additional extension is 13.3 metres in length by 6.8 metres in width constructed from brick under a hipped slated roof to mirror the approved extension running along the southern boundary of the curtilage.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

Policy S2	-	Development Requirements
Policy S7	-	Natural and Historic Heritage
Policy S11	-	Community Facilities and Services
Policy DR1	-	Design
Policy HBA6	-	New Development Within Conservation Areas
Policy CF5	-	New Community Facilities

3. Planning History

- 3.1 H/P/24784 Change of use from hotel to nursing home. Approved 1 February 1982.

- 3.2 HC890703PF Extension to nursing home. Refused 25 January 1990.
- 3.3 HC910381PF Extension to nursing home. Refused 17 October 1991.
- 3.4 HC920451PF Extension, alterations and refurbishment of existing nursing home. Refused 17 December 1992.
- 3.5 HC940035PF Sun lounge for use by existing nursing home. Approved 9 March 1994.
- 3.6 HC940467PF Demolition of existing office extension. Alterations and extensions to facilitate internal rationalisation. Approved 11 January 1995.
- 3.7 DCCE2006/1591/F Proposed temporary mobile home for five years. Withdrawn 5 July 2006.
- 3.8 DCCE2006/4002/F Proposed single storey extension to provide additional bedrooms and day space. Erection 2 no. garden sheds. Approved 7 March 2007.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: Comments awaited.
- 4.3 Conservation Manager:

This is a reasonable Victorian Villa which has had a number of single storey extensions to the rear. These have not particularly enhanced the character and appearance of the building.

In principle we do not object but would highlight that this would appear to be the maximum limit of any extension. The proposal is acceptable subject to details of materials and landscaping being submitted.

5. Representations

- 5.1 Hereford City Council: Comments awaited.
- 5.2 Two letters of objection have been received to date from the occupants of 41 and 41A Bodenham Road. The main points raised are
1. The development will result in a further reduction in sunlight to the remainder of the garden resulting in further visual intrusion into our outlook.
 2. The development will detract from the character of the rear gardens of properties in Bodenham Road including an impact on ecology.

3. The development is located immediately adjacent to the boundary leaving no space for screening or planting.
4. All trees and shrubs have been removed to accommodate the approved development.
5. Bedrooms would be some distance from the general facilities in the main building leading to a longer time to attend to residents.
6. The long roof span would be an eyesore.

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

6. Officer's Appraisal

- 6.1 The approved extensions take the form of two single storey wings extending north eastwards away from the rear of the original property and historic extensions. The proposed further single storey extension would occupy a small area of garden along the northern boundary and follow the scale, design, materials and form of the approved extensions. The extension will not extend any further north eastwards beyond the permitted extension. This ensures that a commensurate area of garden space remains for the occupants and any further impact on the Conservation Area is minimised. This view is shared by the Conservation Manager who is satisfied the development will not be detrimental to the character and appearance of the Conservation Area and consequently, does not object.
- 6.2 Notwithstanding the comments of the objectors, it is also not considered that the proposed addition would have any additional material impact on the amenity of neighbouring properties. The extension is single storey incorporating a hipped roof design, is stepped away from the boundary by 2.5 metres along with a slab level approximately one metre below the garden level of the objector's property. These factors will ensure the mass of the extension will be largely concealed within the confines of the site with only the roof being visible from neighbouring gardens. The design and levels also ensures there is no opportunity for overlooking from the extension. It is therefore not considered the extension will have any harmful impact on the amenity of neighbouring properties.
- 6.3 The parking arrangements, which are to be rationalised and the numbers slightly increased as part of the previous planning permission are considered to be acceptable. No Section 106 contributions are required, as the proposals are not considered to amount to a material intensification in the use of the site.
- 6.4 Finally, the layout of the internal space has been designed to the National Standards for Care Homes, which seeks to reduce the number of shared rooms and provide each of the occupants with spacious accommodation and a good standard of facilities including en-suite bathrooms. The extension is considered acceptable in accordance with the Herefordshire Unitary Development Plan policies listed.

RECOMMENDATION

Subject to no further objections raising additional material planning considerations by the end of the consultation period, the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers:

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

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

- 2. **B04 (Amendment to existing permission) (DCCE2006/4002/F - 7 March 2007).**

Reason: For the avoidance of doubt and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

- 3. **C02 (Matching external materials (extension)).**

Reason: To ensure the external materials harmonise with the existing building so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

Informatives:

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

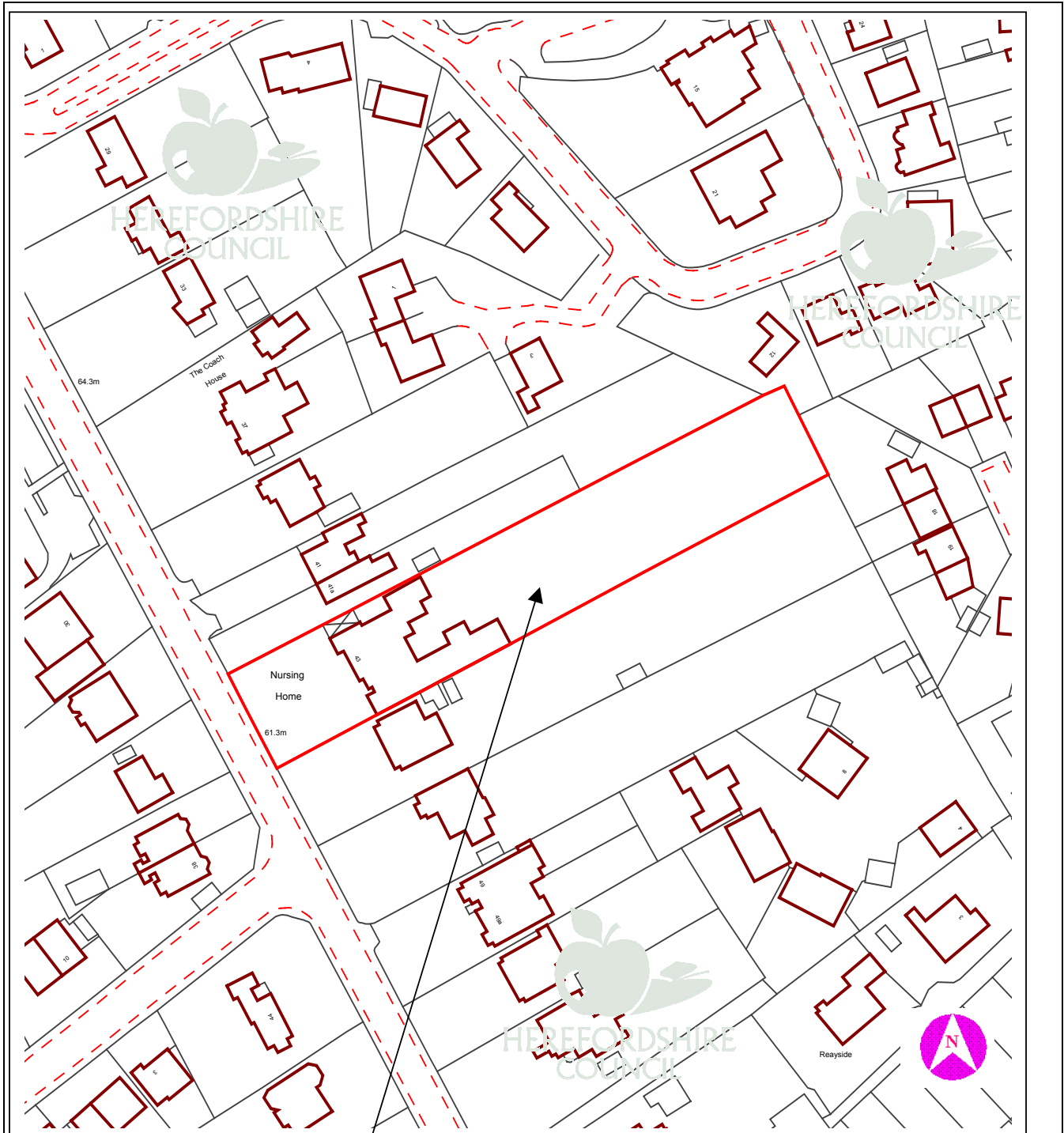
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2008/2168/F

SCALE : 1 : 1250

SITE ADDRESS : Oaklands Nursing Home, 43 Bodenham Road, Hereford, Herefordshire, HR1 2TP

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

7 DCCW2008/1721/F - PROPOSED HOUSE ADJOINING NO. 10 WITH PARKING AT 10 DONCASTER AVENUE, HEREFORD, HEREFORDSHIRE, HR4 9TE

For: Mr. P. Davies per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH

Date Received: 1 July 2008

Ward: Three Elms

Grid Ref: 49435, 41973

Expiry Date: 26 August 2008

Local Members: Councillors PA Andrews, SPA Daniels and AM Toon

1. Site Description and Proposal

- 1.1 Planning permission is sought to provide a linked detached dwelling in the garden area to the north of No. 10 Doncaster Avenue, Bobblestock, Hereford.
- 1.2 The site is presently laid to lawn and has a substantial conifer hedge which wraps around the western and northern roadside boundary. The northern boundary adjoins the service road off Doncaster Avenue that provides access to Nos. 12-24. An electricity substation adjoins the eastern boundary. A row of terrace dwellings fronts the western boundary across Doncaster Avenue which is a cul-de-sac.
- 1.3 The proposal provides for a two bedroomed dwelling with attached single storey garage. The hedge, which is planted along the service strip, is proposed to be removed. An additional parking space is identified in front of the garage. External materials proposed are brick under a tile roof to match the existing dwelling.

2. Policies

2.1 Planning Policy Guidance:

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS25	-	Development and Flood Risk

2.2 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR7	-	Flood Risk
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking

Policy T11 - Parking Provision

3. Planning History

- 3.1 DC2003/2403/O Erection of a dwelling. Refused 1 October 2003.
- 3.2 DCCW2008/0667/F Proposed house adjoining No. 10 with parking. Withdrawn 27 May 2008.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: Raise no objections.
- 4.2 E-ON/Central Networks: Raise no objections.

Internal Council Advice

- 4.3 Traffic Manager: Recommends no objection to the amended layout that incorporates the removal of the boundary hedge. A Section 106 contribution is sought to be used on sustainable transport enhancement including Park & Ride together with conditions.
- 4.4 Parks & Countryside Manager: States - "Using the SPD on Planning Obligations, the threshold of 1 -10 dwellings requires "appropriate levels of open space on a pro rata basis".

In Hereford it is more appropriate to use this contribution towards improving quality/accessibility (in response to PPG17's recommendations) of the more formal green space in the vicinity of the development. Priorities for spend will be identified through local consultation. Given the amount it is envisaged it may be "pooled" with other contributions if appropriate."

- 4.5 Children's & Young Persons: The educational facilities provided for this development site are North Hereford City Early Years, Holmer CE Primary School, Whitecross Sports College and Hereford City Youth Service.

The Childcare Sufficiency Assessment highlights that within the North Hereford City area 8% of parents are unable to take a better job due to childcare issues. Early morning, weekend and shift hours care is required. There are few childminders located in the rural areas surrounding the city.

Holmer CE Primary School has a planned admission number of 60. As at the Summer Census 2008 the school had spare capacity in all year groups.

Whitecross Sports College has a planned admission number of 180. As at the Summer Census 2008 the school was over capacity in one year groups (Year 7 - 181) and at capacity in two year group (Year 8 and Year 9).

The youth service within Hereford City is based at Close House which is a voluntary sector organisation. It has been identified that they require a new central city property in order to expand the range of activities they can offer. The youth service has also identified that they need to offer activities to youth in other areas of the city especially

Three Elms and College Estate. The youth service also has close working links with CSO's and extended schools.

Approximately 1% of the population are affected by special educational needs and as such the Children and Young Peoples Directorate will allocate a proportion of the monies received for Primary, Secondary and Post 16 education to schools within the special educational needs sector.

Please note that the PAN of the above year groups is based on permanent and temporary accommodation, whereas section 3.5.6 of the SPD states that the capacity should be based on the permanent accommodation, therefore, additional children may also prevent us from being able to remove temporary classrooms at Broadlands Primary School that we would otherwise be able to do.

The Children & Young Peoples Directorate would therefore be looking for a contribution to be made that would go towards the inclusion of all additional children generated by this development.

Although there is currently surplus capacity with the catchment primary school and therefore we are unable to ask for a full contribution as indicated in the SPD towards this element please note that 1% of this contribution will go towards Special Educational Needs provision within the Local Authority maintained Special Schools and therefore we would still be seeking this 1% contribution.

- 4.6 Environment & Culture: Library contribution of £146 has been requested in accordance with the SPD on Planning Obligations.

5. Representations

- 5.1 Hereford City Council: Raise no objection.

- 5.2 Nine letters of objection have been received, the main planning reasons are:

1. Overdevelopment of the land which is currently the garden to No. 10.
2. Daylight will be lost to adjoining property.
3. Extra noise and traffic congestion.
4. Parking for the house will be a hazard near a blind bend.
5. There is already a lack of parking in the area.
6. Overlooking will occur.
7. Doncaster Avenue is a cul-de-sac with only a pavement on the one side.
8. The proposal would be cramped and unsympathetic to the character of the area.
9. If there was room to build a house the original developers would have developed the land.

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

6. Officer's Appraisal

- 6.1 Planning permission is sought for the erection of a new dwelling within the side garden to No. 10 Doncaster Avenue, Bobblestock, Hereford. The site is located within an established residential area where the principle of development is accepted subject to impact on adjoining property and highway safety.

Impact on Adjoining Property

- 6.2 The proposal will form a link detached dwelling to the existing property, No. 10 Doncaster Avenue. Therefore overlooking to the front and rear will be similar to other dwellings in the street. Dwellings to the north, particularly Nos. 22 and 24 will face the end gable of the new dwelling where only French doors into the living room are proposed with the minimum distance being 15 metres. It is therefore considered that there will be no detrimental impact on adjoining property which would warrant a refusal of the planning application. A condition will be recommended to remove permitted development rights and prevent the insertion of windows.

Highway Safety

- 6.3 This site is located at a 'T' junction in Doncaster Avenue where the service road to dwellings 12 to 24 wraps around the north boundary of the site. On this boundary a substantial conifer hedge has been planted that is transgressing onto the service strip and also inhibits visibility. All of the hedge will now be removed which will improve highway safety. A new boundary treatment, behind the service strip, will be conditioned. The Traffic Manager has reviewed the amended proposal which incorporates a parking space in front of the garage, and accordingly recommended conditions on any approval together with a Section 106 contribution.

Planning Obligation

- 6.4 The development of the site warrants a contribution in accordance with the Council's Supplementary Document Planning Obligations and justification has been received from consultees for the following aspects, the details of which are included in the attached Heads of Terms.

1. Highways
2. Parks and Countryside including Sports England
3. Children and Young Persons
4. Library Services.

The applicant's agent has confirmed acceptance of these contributions.

Conclusions

- 6.5 The site is located within an established residential area of Hereford where your officers are satisfied that a dwelling can be erected without demonstrable harm to the amenity of adjoining occupants. In addition the removal of the existing boundary hedge will improve highway safety and therefore provide a safe access to the new dwelling. The proposal is therefore considered to accord with the Herefordshire Unitary 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. **B03 (Amended plans) (15 September 2008).**

Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

3. **B07 (Section 106 Agreement).**

Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

4. **C01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

5. **F08 (No conversion of garage to habitable accommodation).**

Reason: To ensure adequate off street parking arrangements remain available at all times and to comply with Policy H18 of Herefordshire Unitary Development Plan.

6. **F14 (Removal of permitted development rights).**

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

7. **F15 (No windows in side elevation of extension).**

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

8. **G09 (Details of boundary treatments).**

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

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

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

10. H09 (Driveway gradient).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

11. H10 (Parking - single house).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

12. I22 (No surface water to public sewer).

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding so as to comply with Policy DR4 of Herefordshire Unitary Development Plan.

Informatives:

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

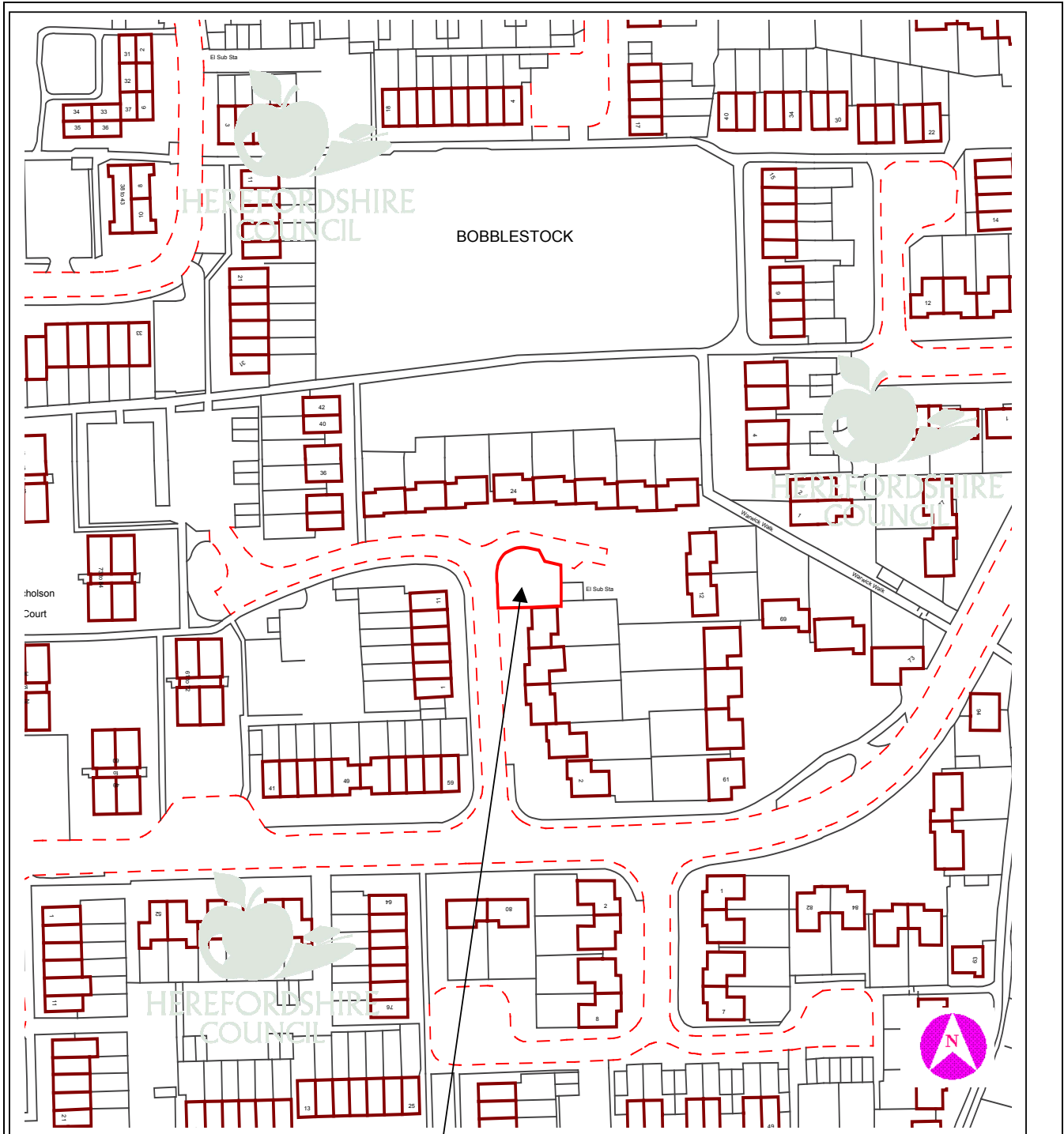
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/1721/F

SCALE : 1 : 1250

SITE ADDRESS : 10 Doncaster Avenue, Hereford, Herefordshire, HR4 9TE

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

Planning Application – DCCW2008/1721/F

Erection of 1 two bedroom dwelling

Land adjacent to 10 Doncaster Avenue, Bobblestock,
Hereford. HR4 9TE

1. The developer covenants with Herefordshire Council, in lieu of a deficit in the provision of play, sport and recreation facilities to serve the development to pay Herefordshire Council the sum of £731 (contribution based around the requirements of policy H19 of the UDP and Sport England Sports Facilities Calculator). The money shall be used by Herefordshire Council for the provision of new play, sport and recreational facilities in Hereford City North.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £3001, to provide enhanced educational infrastructure at North Hereford City Early Years, Whitecross Sports College, Hereford City Youth Service with 1% allocated for Special Education Needs.
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £1,720 for off site highway works and improved sustainable transport infrastructure (excluding that required to facilitate the development i.e. new access arrangements).
4. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Traffic calming and improved signage
 - b) Traffic Regulations Order(s) to reduce speed limits and impose localised parking restrictions
 - c) Localised junction improvements
 - d) North Hereford Park and Ride
 - e) Contribution to improved bus service
 - f) Contribution to Safe Routes for Schools
 - g) Improved bus shelters/stops in the locality of the application site
 - h) Improve lighting to highway routes leading to the site
 - i) Improved pedestrian and cyclist connectivity with the site
 - j) Improved pedestrian and cyclist crossing facilities
 - k) Initiatives to promote sustainable transport
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £146 towards the enhancement of existing community services in Hereford City.
6. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2, 3 and 5, for the purposes specified in the agreement within 10 years of the date of this agreement, and unless otherwise agreed in writing with the Council, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

7. The developer covenants with Herefordshire Council to pay Herefordshire Council an additional administration charge of 2% of the total contributions detailed in this Heads of Terms to be used toward the cost of monitoring and enforcing the Section 106 Agreement.
8. All of the financial contributions shall be Index linked and paid on or before commencement of the development.
9. 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.

Kevin Bishop - Principal Planning Officer
16 September 2008

8 DCCW2008/2035/F - CHANGE OF USE FROM B1 OFFICES TO POLICE OFFICES (RETROSPECTIVE) AT BRITISH TELECOM BUILDING, BARTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0JT

For: West Mercia Police per Mr. C. Watkinson, West Mercia Police, Estate Services, Hindlip Hall, PO Box 55, Worcester, WR3 8SP

Date Received: 6 August 2008 Ward: St. Nicholas Grid Ref: 50267, 39769

Expiry Date: 1 October 2008

Local Members: Councillors DJ Benjamin and JD Woodward

1. Site Description and Proposal

- 1.1 The British Telecom building is located on the northern side of Barton Road immediately adjacent to the west side of Great Western Way and opposite the junction of Broomy Hill road.
- 1.2 Planning permission is sought to change the use of part of the premises from 'B1' office to a police office. The use is already in operation, therefore the planning application is retrospective.
- 1.3 The planning application has been submitted following investigation and discussions with West Mercia Constabulary.
- 1.4 The applicants have 47 car parking spaces on site together with an equivalent to three car parking spaces for motor cycles. 40 bicycle spaces are available and an informal agreement with Sainsbury's provides an additional 10 car parking spaces. BT still use the building as a telephone exchange with only 1700 sq.m. used by the Police (approximately 37%).
- 1.5 The offices are not open to the general public and there is no manned reception or front counter. Apart from back office staff a small uniformed team comprising one sergeant, two constables and CSOs operate from the building. A total of 102 people work at the building.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy E7	-	Other Employment Proposals Within and Around Hereford and the Market Towns
Policy E8	-	Design Standards for Employment Sites
Policy TCR10	-	Office Development

Policy TCR11	-	Loss of Existing Offices
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T11	-	Parking Provision

3. Planning History

- 3.1 HC950368PF Remove five existing metal windows and provide softwood timber liners/louvres for fresh air cooling units. Approved 14/11/95.
- 3.2 HC960179PF Erection of CCTV pylons. Approved 25/07/96.
- 3.3 SC980508PF Installation of 1.8m. diameter microwave radio dish on roof. Approved 23/10/98.
- 3.4 CW2000/1550/F Erect three directional pole mounted antennas. Approved 03/10/00.
- 3.5 CW2001/1086/F To erect three directional pole mounted antennas. Approved 06/06/01.
- 3.6 CW2003/1152/F Installation of a white 1.2m diameter, flat roof mounted satellite dish antenna. Approved 12/06/03.
- 3.7 DCCW2007/3126/F Erection of new boundary fence to replace existing. Approved 03/12/07.
- 3.8 DCCW2007/3929/F Proposed cycle shelter. Approved 28/01/08.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: Confirms no objections subject to submission of a Travel Plan.
- 4.3 Conservation Manager: The change of use will not affect the character or appearance of the adjacent Conservation Area, therefore no objection.
- 4.4 Public Rights of Way Manager: No objections.

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 Fourteen letters of objection have been received, the main points raised are:-
1. Since July 2006 the residents of Broomy Hill and Breinton Road have been troubled by all day parking.

2. Driveways are often obstructed or blocked by cars.
 3. This is a residential area, roads are narrow, visibility restricted and no pavements on one side of Broomy Hill. The constant parking prevents gutters being swept and drains are frequently blocked.
 4. There are often empty spaces at the Police building and the large area of grass could be used for parking.
 5. Now is the time for a formal parking policy to be made for the area as a Residents Parking Only.
 6. Damage to roadside walls has occurred due to indiscriminate parking.
 7. Canteen and social areas on site are open to all Police personnel not just those based at these offices.
 8. Health and safety issues due to the number of staff on site.
 9. Fatal accidents have occurred in the area due to parking problems.
 10. Houses along Breinton Road have no parking and need roadside parking which is prevented.
- 5.3 The applicants have confirmed the following information:
1. The initial use of the premises by back office staff did not require planning permission which was confirmed by the Local Planning Authority and the use has only marginally increased.
 2. For the avoidance of doubt there is no manned reception, access is via a secure door with controlled access. There are no facilities for public access and the premises are not used as an operational Police station.
 3. The lease of the premises provides us with 47 car parking spaces, motor cycle space equivalent to 3 car parking spaces, 40 cycle spaces.
 4. There has been no breach of the terms of the lease nor Health and Safety matters.
 5. The canteen is the same as provided previously by BT and is still used by BT and West Mercia Constabulary when on-site.
 6. There are no 'social area'.
 7. We recognise that parking in the area is a problem and have made arrangements with Sainsbury's for an additional 10 spaces on an informal basis. In addition we are working with the Council in developing a sustainable Travel Plan. Part of this project has been the installation of a sheltered cycle rack.
 8. Prior to our use we have been advised that approximately 200 worked on-site for BT. In the year before we moved in approximately 120 worked on site. At present 115 people including BT work on site.

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

6. Officer's Appraisal

- 6.1 This planning application has arisen following the increased use of the premises by the applicants. The original use of the premises was considered to be compatible with the authorised use of the premises.
- 6.2 It is evident from the objections received that the only cause of concern is the use of roads adjacent to the site for the parking of vehicles. The applicants have authorised space for 47 cars and have negotiated a further 10 spaces in the adjoining Sainsbury's car park. In addition they are active in producing a Green Travel Plan. Furthermore cycle parking is now available on site for 40 cycles. However despite these additions objectors are still concerned over the indiscriminate parking occurring in both Breinton Road and Broomy Hill. This 'free parking' so close to the premises and the city centre is obviously used not only by workers at the building but other workers in the city. The resolution for this planning application is to pursue the completion and adoption of the Green Travel Plan. In addition a residents parking area would further negate the parking problems in the area. It should also be noted that the Traffic Manager raises no objection.
- 6.3 Accordingly, it is considered that the use of the premises is acceptable, particularly bearing in mind that a general office use can be operated from the site without planning permission, subject to a condition requiring the completion and adoption of the Travel Plan within two months of the date of approval.
- 6.4 In addition the Council's Traffic Manager will be requested to actively pursue a residential parking plan for the area.

RECOMMENDATION

That planning permission be granted subject to the following condition:

1. H30 (Travel plans).

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

Informatives:

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

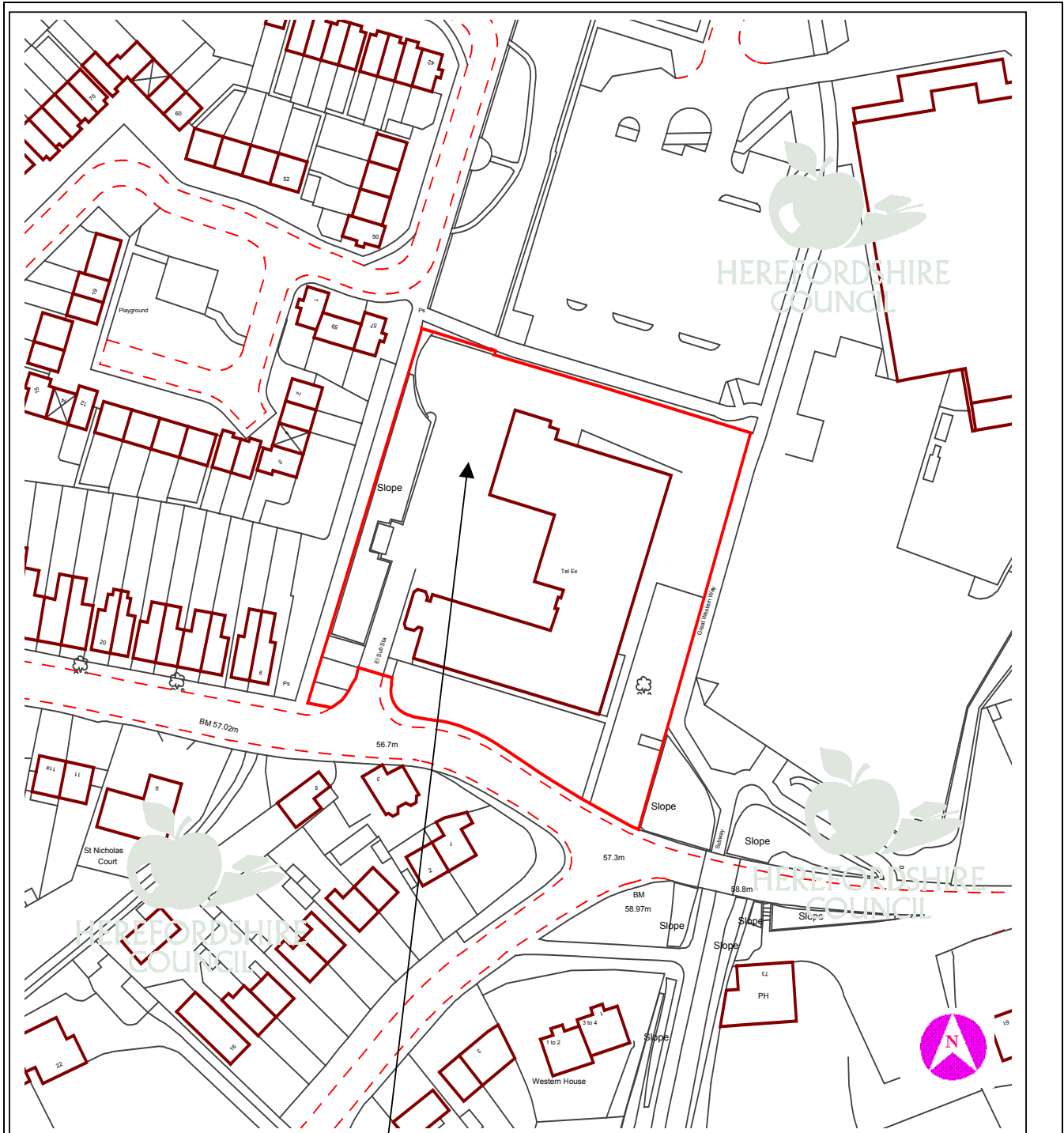
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/2035/F

SCALE : 1 : 1250

SITE ADDRESS : British Telecom Building, Barton Road, Hereford, Herefordshire, HR4 0JT

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9 DCCW2008/2004/O - PROPOSED ERECTION OF TWO SEMI-DETACHED CHALET BUNGALOWS AND ASSOCIATED WORKS AT GARDEN TO REAR 93 HIGHMORE STREET, HEREFORD, HEREFORDSHIRE, HR4 9PG

For: Mr. D. Wilton per Paul Smith Associates, 12 Castle Street, Hereford

Date Received: 1 August 2008 Ward: Three Elms Grid Ref: 49721, 41798

Expiry Date: 26 September 2008

Local Members: Councillors PA Andrews, SPA Daniels and AM Toon

1. Site Description and Proposal

1.1 This site is located on the east side of Highmore Street and to the rear of No. 93.

1.2 The proposal is in outline and is for the construction of two semi-detached chalet bungalows in brick under a slate/tile roof. The matters of access and layout are submitted at this stage. The access would be off the service roads which adjoins to the north and which currently provides access to two bungalows, Nos. 95a and 95b. The layout shows a pair of bungalows due south of 95a/95b together with four car parking spaces. The racecourse adjoins to the east.

2. Policies

2.1 Planning Policy Guidance:

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS25	-	Development and Flood Risk

2.2 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR7	-	Flood Risk
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy T11	-	Parking Provision

3. Planning History

3.1 None.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: No response.

Internal Council Advice

4.2 Traffic Manager: Recommends conditions and a contribution in accordance with the SPD Planning Obligations for improvements to pedestrian and cycling movements in the vicinity and together with improvements to sustainable transport facilities including Park & Ride.

4.3 Children & Young People's Directorate: Have justified and requested a contribution in accordance with the SPD Planning Obligations for use in the following areas:

North Hereford Early Years
Whitecross Sports College
Hereford Youth Services

4.4 Environment & Culture: Request a contribution for library services in accordance with the SPD on Planning Obligations.

4.5 Parks & Countryside: In accordance with the SPD Planning Obligations contributions are sought towards open space provision and community sports facilities.

5. Representations

5.1 Hereford City Council: Raise no objections.

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

1. Access to the site is over a private drive which will be damaged by heavy vehicles.
2. During construction dust, mud, noise and fumes will be a constant problem,
3. Views would be lost.
4. Highmore Street is already heavily trafficked and this development will further increase the danger.
5. This is backland development.
6. The designs do not promote the distinctive character of Highmore Street.
7. Concern as to whether the drainage system has the capacity for the increased demand.

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

6. Officer's Appraisal

- 6.1 This site is located within the established residential area of Hereford as identified by the Herefordshire Unitary Development Plan.
- 6.2 The adjacent site has been developed in a similar manner and it is off the access road to that development that access is required for this development. Four parking spaces are provided for the two bungalows. Although sited to the rear of 93 Highmore Street, there is an acceptable separation distance from building to building of over 25 metres and therefore private amenity is still maintained.
- 6.3 The application which is outline only seeks approval for the layout and access, therefore the design, appearance, scale and landscaping will be subject of a further application. The Traffic Manager has assessed the access and is satisfied that the addition of two more dwellings will not be detrimental to highway safety. Concerns over construction traffic, noise etc. will be controlled by condition.
- 6.4 Finally, contributions have been requested and justified in accordance with the SPD Planning Obligations, the details of which are included within the attached Heads of Terms.

RECOMMENDATION

That: 1) The Legal Practice Manager 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 any additional matters and terms that he considers appropriate.

2) Upon completion of the aforementioned planning obligation, officers named in the Scheme of Delegation to Officers be authorised to issue planning permission and conservation area consent 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 and to secure compliance with Policy DR1 of the Herefordshire Unitary Development Plan.

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. **B07 (Section 106 Agreement).**

Reason: In order to provide enhanced sustainable transport infrastructure, educational facilities and improved play space in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

7. **H27 (Parking for site operatives).**

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

8. **I16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

9. **I22 (No surface water to public sewer).**

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding so as to comply with Policy DR4 of Herefordshire Unitary Development Plan.

10. **I51 (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 so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

Informatives:

1. **HN05 - Works within the highway.**
2. **N19 - Avoidance of doubt - Approved Plans.**
3. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

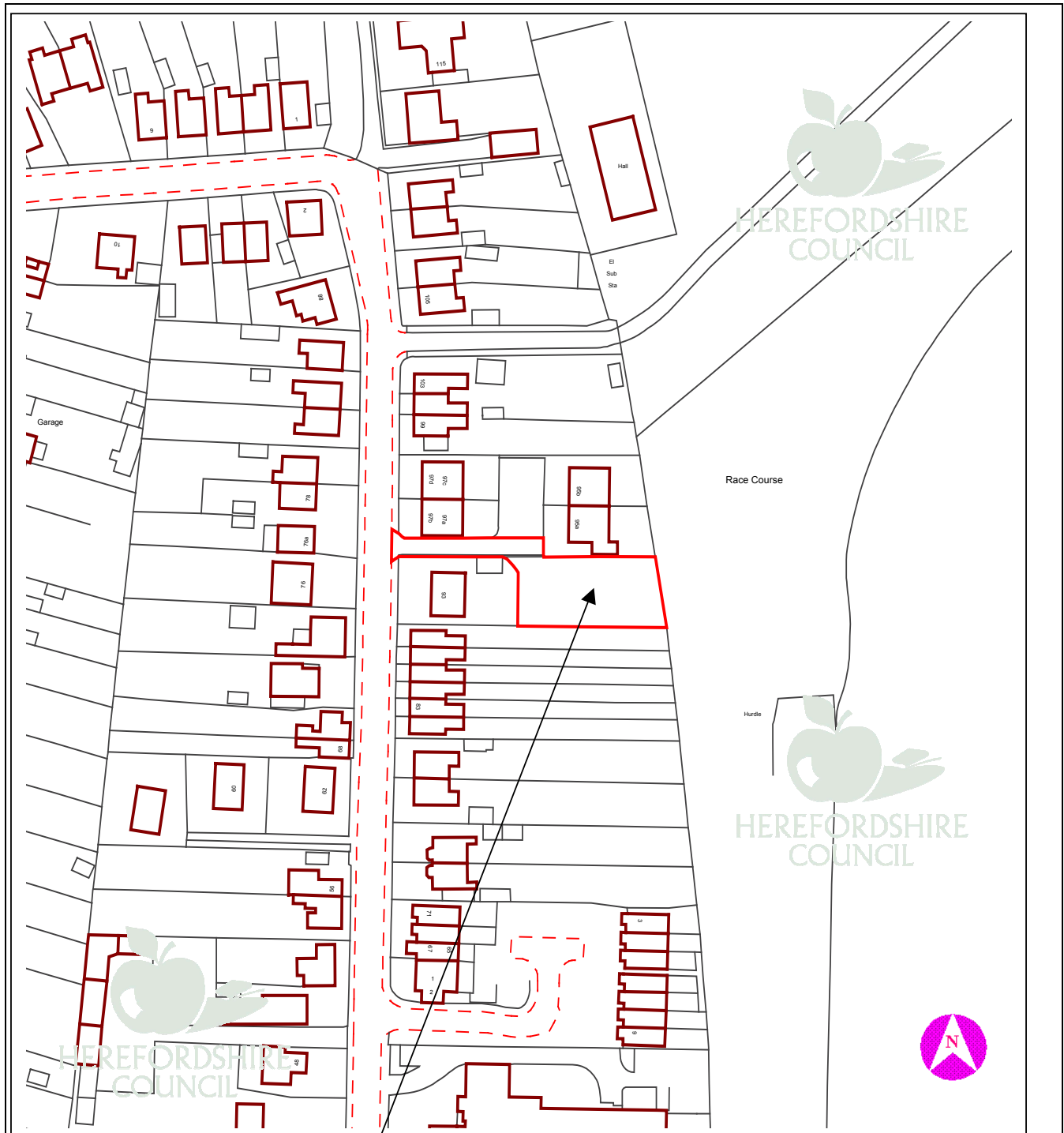
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/2004/O

SCALE : 1 : 1250

SITE ADDRESS : Garden to rear 93 Highmore Street, Hereford, Herefordshire, HR4 9PG

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

Planning Application – DCCW2008/2004/F

Erection of two semi-detached chalet bungalows and associated works

Land adjacent to 93 Highmore Street, Hereford

1. The developer covenants with Herefordshire Council, in lieu of a deficit in the provision of play, sport and recreation facilities to serve the development to pay Herefordshire Council the sum of £1462 (contribution based around the requirements of policy H19 of the UDP and Sport England Sports Facilities Calculator). The money shall be used by Herefordshire Council for the provision of new play, sport and recreational facilities in Hereford City North.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £6,002, to provide enhanced educational infrastructure at North Hereford City Early Years, Whitecross Sports College, Hereford City Youth Service with 1% allocated for Special Education Needs.
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £3,440 for off site highway works and improved sustainable transport infrastructure (excluding that required to facilitate the development i.e. new access arrangements).
4. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Traffic calming and improved signage
 - b) Traffic Regulations Order(s) to reduce speed limits and impose localised parking restrictions
 - c) Localised junction improvements
 - d) North Hereford Park and Ride
 - e) Contribution to improved bus service
 - f) Contribution to Safe Routes for Schools
 - g) Improved bus shelters/stops in the locality of the application site
 - h) Improve lighting to highway routes leading to the site
 - i) Improved pedestrian and cyclist connectivity with the site
 - j) Improved pedestrian and cyclist crossing facilities
 - k) Initiatives to promote sustainable transport
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £292 towards the enhancement of existing community services in Hereford City.
6. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2, 3 and 5, for the purposes specified in the agreement within 10 years of the date of this agreement, and unless otherwise agreed in writing with the Council, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

7. The developer covenants with Herefordshire Council to pay Herefordshire Council an additional administration charge of 2% of the total contributions detailed in this Heads of Terms to be used toward the cost of monitoring and enforcing the Section 106 Agreement.
8. All of the financial contributions shall be Index linked and paid on or before commencement of the development.
9. 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.

Kevin Bishop - Principal Planning Officer
16 September 2008

10 DCCE2008/2043/F - CHANGE OF USE TO PERMIT RETAIL SALE OF PRE-PACKED PET FOODS AND ACCESSORIES AT M C FREEZE, BARRS COURT ROAD, HEREFORD, HEREFORDSHIRE, HR1 1EG

For: General Dogsboddy per Cross & James, 5 Bridge Street, Hereford, Herefordshire, HR4 9DF

Date Received: 8 August 2008 Ward: Aylestone Grid Ref: 51371, 40754
Expiry Date: 3 October 2008

Local Members: Councillors NL Vaughan and DB Wilcox

1. Site Description and Proposal

- 1.1 The application site lies on the western side of Barrs Court Road. The building subject to this application is of steel frame clad to the upper section and glazed frame to the ground floor area with a roller shutter door on the east elevation. Parking and turning area is located to the front yard of the building. Adjacent to the north of the premises are two industrial units. To the south is the Churchward Trading Estate, which comprises six industrial units. On the opposite side of the road to the east is Bulmers Garden Suburb Conservation Area and the designed established residential area.
- 1.2 This application seeks permission for the change of use of the building from B2 (Storage and Distribution) purposes to A1 (Retail Warehouse). Currently the applicant's business, General Dogsboddy, is operated from the Cattle Market, and due to the development of the Edgar Street Grid, there is a need to relocate the business.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S4	-	Employment
Policy S5	-	Town Centres and Retail
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy E5	-	Safeguarding Employment Land and Buildings
Policy TCR2	-	Vitality and Viability
Policy TCR9	-	Large Scale Retail and Leisure Development Outside Central Shopping and Commercial Areas
Policy TCR25	-	Land for Retail Warehousing

3. Planning History

- 3.1 H/P/22072 Erection of workshop to repair fuel injection equipment with ancillary offices and provision of car parking accommodation. Approved 5 June 1979.

- 3.2 HC950431PF Use of the storage and distribution of office supplies and equipment with ancillary office and showroom use. Approved 29 December 1995.
- 3.3 HC960038PF Alteration of eastern and southern elevation. Internal alterations. Approved 28 March 1996.
- 3.4 HC960094AI Externally illuminated signs. Approved 7 March 1997.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: No objection.
- 4.3 Economic Regeneration Officer: General Dogsboddy is currently located in the Cattle Market within the Edgar Street Grid. Phase 1 proposal works commencing in 2010 will directly affect them. Consequently they have been searching for suitable alternative premises since the ESG draft Master Plan was launched in 2007. Finding a suitable site has not been an easy task, but they have been fortunate in finding premises with similar characteristics to their existing Cattle Market premises, in that customers will be able to collect by car, what are often bulky purchases. From an economic regeneration perspective, we fully support this planning application, the approval of which will help retain an established local business in what would seem an ideal new location.

5. Representations

- 5.1 Hereford City Council: No objections.

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

6. Officer's Appraisal

- 6.1 The application site is identified as being Safeguarded Employment Land and Buildings in the Unitary Development Plan. Policy E5 seeks to safeguard existing employment land by not allowing non-employment uses, unless there would be substantial environmental benefits or where the site in question is unsuitable for continuing employment use. An employment use is defined as a light industrial including offices, general industrial or storage and distribution use. Policy E5 also states that retail use will only be acceptable where it is ancillary to a principal employment related use. Furthermore, Policy TCR9 states that proposals for a large scale retail development outside the central shopping and commercial area of Hereford will only be permitted where it can be demonstrated that there is a need for the development in the location proposed and requiring a sequential approach to site selection to be undertaken.
- 6.2 The existing building is approximately 294 sq.m. of floor area. The application states that the majority of the floor area (45%) will be used for the storage of goods for

distribution. The remainder of the building will be used as a retail area (25%) and office (30%). Whilst the breakdown indicates that the majority use of the floor area is for storage purposes, this does not deviate from the fact that the proposed primary use of the building is for retail purposes.

- 6.3 The agent indicates that his client has been searching for some time for a suitable premises to relocate the existing business but they did not provide any specific evidence to demonstrate why any sites were not available or suitable including sites within the City Centre retail area. For example vacant units at Brook Retail Park and Holmer Road Retail Park remain currently available. Further details as to their precise search for available units have been requested from the agent but no response has been received.
- 6.4 In this case the circumstances of the applicant are of note, however, it is considered that these circumstances cannot justify overriding the restrictive policy stance for the loss of employment land for non-employment use. The diversion of retail trade away from established retail location would also be harmful to the vitality and viability of Hereford’s existing retail area and the Council policy approach to retail development.
- 6.5 It is clear that the ultimate objection to the proposal lies with the fact that it is contrary to the Development Plan policies, which seek to protect employment buildings and land for employment purposes. It is considered that granting permission in this case would make it difficult to resist similar proposals on other safeguarded employment sites. The relocation of businesses from the ESG area, particularly retail, is challenging. In this case there is no specific evidence as to why the fairly wide range of retail units that are available have been discounted. In any event the site is admirably suited for an employment use, with a number of other employment uses adjoining.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. The proposal would result in the loss of safeguarded employment land to non employment uses and there are no substantial benefits to residential or other amenity in allowing alternative forms of development, nor is the site considered to be unsuitable for employment uses. As such, the development is contrary to Policy E5 of the Herefordshire Unitary Development Plan 2007.**

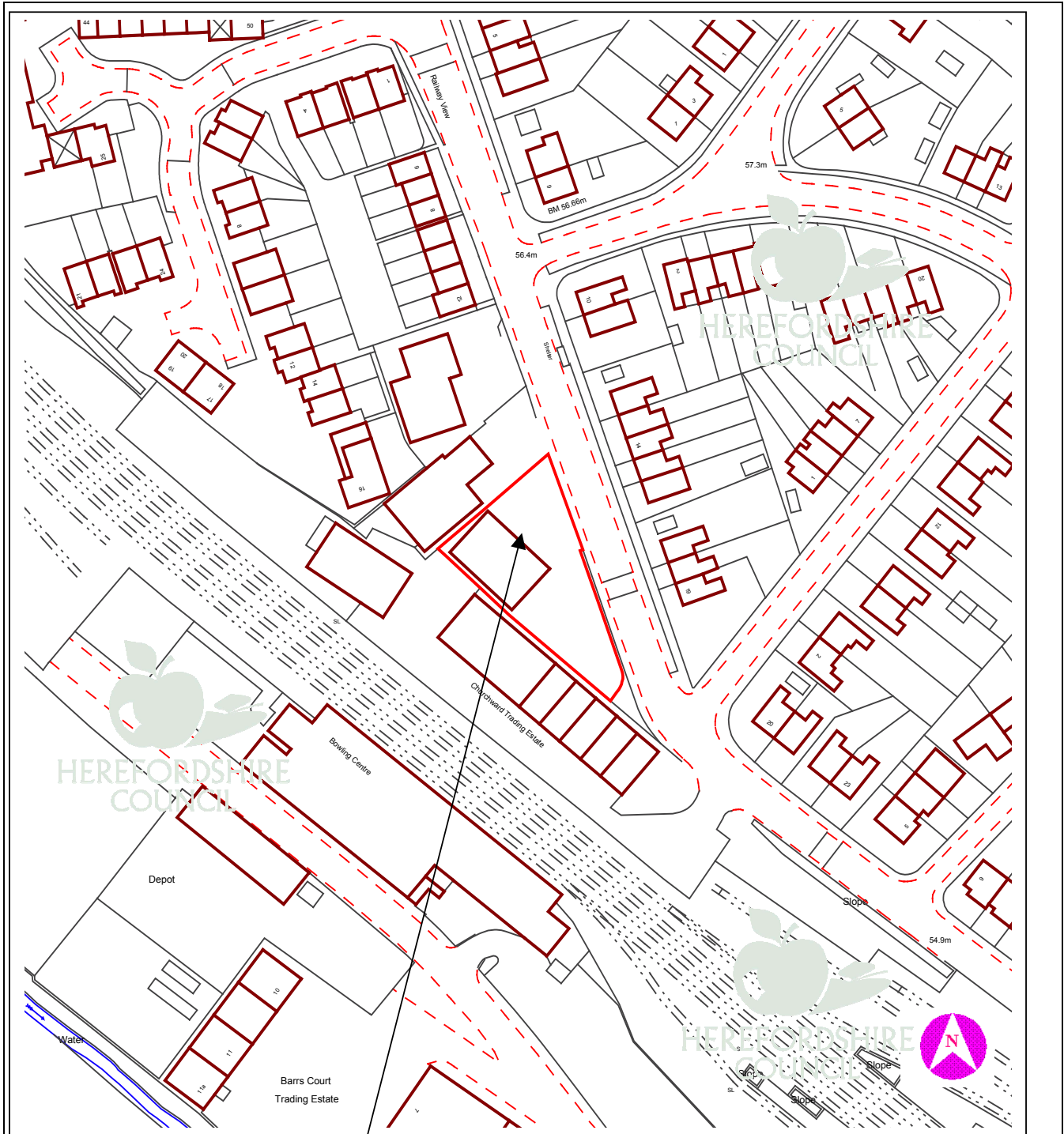
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2008/2043/F

SCALE : 1 : 1250

SITE ADDRESS : M C Freeze, Barrs Court Road, Hereford, Herefordshire, HR1 1EG

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