

5 CE2003/1982/F - VARIATION OF CONDITIONS 2 AND 3 OF PREVIOUS PLANNING PERMISSION CE01/1302/F. PERMANENT USE OF SITE FOR RESIDENTIAL PURPOSES AND MINIBUS BUSINESS TO INCLUDE PARKING OF THREE MINI BUSES AT 10 MOUNT CRESCENT, TUPSLEY, HEREFORD, HR1 1NQ

For: Mr. C.J. Mason, 10 Mount Crescent, Tupsley, Hereford, HR1 1NQ

Date Received: 2nd July 2003

Ward: Tupsley

Grid Ref: 52675, 40463

Expiry Date: 27th August 2003

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

1. Site Description and Proposal

- 1.1 Semi-detached house positioned at the corner of Mount Crescent and Lyndhurst Avenue in an Established Residential Area. To the side of the house is a long driveway able to accommodate 5/6 vehicles.
- 1.2 In July 2001 temporary planning permission was given to allow continued use of the site for mixed residential and business purposes, the business being an airport minibus transit service comprising two 8-seat minibuses and a diesel fuel tank positioned in the rear/side garden area. Temporary permission was given to enable the suitability of the business use to be 'tested' having regard to the residential setting. The permission also limited the number of minibuses kept at the site to two and made the permission personal to the applicant, Mr. W. Mason.
- 1.3 The current application seeks permission to allow the business use to continue on a permanent basis now that the initial two year 'test' period has finished. The application also seeks permission to increase the number of minibuses kept at the site from two at present to three.

2. Policies

2.1 Hereford Local Plan:

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|-----|---|---------------------------------------|
| H12 | - | Established Residential Areas |
| H21 | - | Compatibility of Non-Residential Uses |

2.2 Herefordshire UDP (Deposit Draft):

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|-----|---|-------------------------------------------------------------|
| DR2 | - | Land Use and Activity |
| E6 | - | Expansion of Existing Businesses |
| E7 | - | Other Employment Proposals in Hereford and the Market Towns |
| E9 | - | Home Based Businesses |

3. Planning History

- 3.1 CE2001/1302/F - Retention of parking of minibuses (x 2) in connection with business (Mase Holidays) and diesel fuel tank. Approved 18th July, 2001.

4. Consultation Summary

- 4.1 Environment Agency: Requirements as before.
- 4.2 Responses by internal consultees that raise material planning issues are summarised and considered in the Officers Appraisal.

5. Representations

- 5.1 Hereford City Council: Recommend refusal on grounds that a permanent permission would constitute an unacceptable change of use in what is predominantly a residential area.
- 5.2 Objections letters have been received from six nearby residents (2, 4, 6 & 8 Lyndhurst Avenue and 11 and 41 Mount Crescent) and from one anonymous resident summarised as follows:
- inappropriate business use in residential area;
 - visually intrusive;
 - nuisance from vehicle movements (including tanker delivering fuel to diesel tank);
 - may affect proposed traffic calming;
 - detrimental to highway safety (many children in area);
 - should be located in industrial area, eg Rotherwas;
 - Dangerous illegal oil tank.
- 5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main issues in this case are the principle of allowing permanent business use at the site now that the 'test' period has ended, and the impact of the use, if intensified, on the amenities of the Established Residential Area.
- 6.2 Policy H12 of the Local Plan requires the environmental character and amenity of the Established Residential Areas to be protected and where appropriate enhanced. Policy H21 allows non-residential development in or immediately adjoining the Established Residential Areas provided it is compatible with adjacent residential uses and provided it would not have an unacceptable adverse effect on the residential character and amenity of the area, including highway safety.
- 6.3 In this case the initial temporary permission was given on the basis that the business use was very low key involving just two small minibuses coming and going at an intensity which is not dissimilar to normal residential activity. Although the current application has generated five letters of objection from nearby residents there have been no specific complaints of nuisance caused by the use during the two year test period. The two minibuses and diesel tank are kept at the side and rear of the house and are not considered to be visually intrusive or incongruous within the street scene where there are many parked cars and vans. Some early morning and late night

starting of the minibuses occurs which may cause short term disturbance to neighbouring properties although this is no different to a resident starting a car or van to leave early for work and, as such, is not considered to justify a refusal decision on amenity grounds. For similar reasons, the occasional delivery of diesel to the tank is not considered to be so unneighbourly or such a risk to highway safety to warrant an objection. These conclusions are reached with regard to the circumstances of the business use during the test period when there have been two minibuses only driven by the owners of the application site.

- 6.4 The proposal is to also increase the number of minibuses operating from the site from two to three. The applicant states that this would be on 'odd occasions ie driver on holiday, refuelling, and meeting point'. The introduction of a third minibus at the site indicates an intended expansion of the business with a consequent increase in activity. It also suggests a move away from a small scale 'working from home' enterprise to a larger scale business operation with staff (the driver) coming and going to and from the site on a regular basis, and more frequent deliveries of fuel for the additional vehicle. Having regard to the requirements of Policy H21, this proposed intensification of the use is considered inappropriate in this residential area and, as such, unacceptable.
- 6.5 To sum up, permanent use of the site for mixed residential and business purposes is considered acceptable now that the initial two year test period has ended. This is subject to the permission being personal to the applicant while he resides at the property. However, expansion of the business by the introduction of an additional minibus to be kept at the site is considered inappropriate, with the additional activity it would generate being detrimental to residential amenity.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 The site shall be used for mixed residential purposes and for a minibus airport transit business comprising two minibuses only, and to this end no more than two minibuses shall be kept at the site at any one time.**

Reason: To safeguard the amenities of the Established Residential Area.

- 2 No minibuses associated with the minibus airport transit business shall be parked on the adjacent highway at any time.**

Reason: To safeguard the amenities of the Established Residential Area.

- 3 E27 (Personal condition)**

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.