

DCCE2007/1961/F - CONVERSION AND EXTENSION OF GARAGE/PREPARATION AREA TO SINGLE STOREY DWELLING AND EXTENSION OF TAKE-AWAY PREPARATION AREA. FORMATION OF PARKING AREA FOR EXISTING FLATS AT 1-3 PEREGRINE CLOSE, HEREFORD, HEREFORDSHIRE, HR2 6BS

For: Pacemark Properties Limited, per Malcolm Rogers, Dixon Rogers Designs, Highfields, Stanford Road, Great Witley, WR6 6JG

Date Received: 19th June 2007 Ward: St. Martins & Hinton Grid Ref: 51442, 38606

Expiry Date: 14th August 2007

Local Members: Councillors Mrs. W.U. Atfield, A.C.R. Chappell and A.T. Oliver

INTRODUCTION

The application was considered by the Central Area Planning Sub-Committee at its meeting on 1st August where Members resolved to refuse planning permission contrary to the recommendation of the report.

Members were concerned about the impact of the development on the character and residential amenity of the area and highway safety.

Planning permission for the re-arrangement of the existing four flats to create three two storey mews houses, a first floor flat along with the construction of a further two cottages and extension of takeaway was refused on 26th July 2006 and an appeal dismissed on 2nd March 2007.

The proposal for consideration under this application is now for the creation of only one extra property through the conversion and modest extension of the existing garage. No works are proposed to the existing four flats and the size of the existing takeaway is not to be increased. Off street parking is also proposed to serve the existing and proposed accommodation to which the Traffic Manger raises no objection. Furthermore, the Planning Inspector in dismissing the appeal considered the creation of off street parking would be a highway gain and this assessment was made against a larger and a higher number of units. The juxtaposition of the existing and proposed accommodation has been changed to ensure that satisfactory amenity standards are maintained and the proposed accommodation and the food preparation and cooking elements of the takeaway have now been segregated to which the Environmental Health Manager raises no objection.

It is therefore considered that the revised proposals address all the issues raised by the Planning Inspector in dismissing the appeal on 2nd March 2007 including the proximity of the proposed accommodation to the takeaway; the design of the

development; amenity standards, the extent of garden and the overall impact on the character of the area.

There are therefore not considered to be any substantive reasons for refusal that could be defended on appeal. Consequently, the application is referred to this meeting of Planning Committee for further consideration.

1. Site Description and Proposal

- 1.1 The site occupies a corner position bordering Hinton Road to the west, Acacia Close to the north and Peregrine Close to the south. A detached two storey brick and slated pitched roof building occupies the northern half of the site with an attached single storey garage running along the western boundary. This building is presently subdivided into two one bedroom flats and a fish and chip shop/Chinese takeaway at ground floor with one two bedroom and one one bedroom flat at first floor. The southern part of the site is largely set out to lawn and the curtilage is enclosed by a 1.5 metre high block wall. The site is largely surrounded by existing properties including bungalows to the north, two storey dwellings to the east and south and a detached timber framed two storey property to the west which is Grade II Listed. The site lies within the flood plain designated as both Flood Zone 2 and 3.
- 1.2 Planning permission is sought for the extension and conversion of existing single storey building presently used as a food preparation/storage area in association with the adjoining takeaway to create a two bedroom residential unit and construction of a single storey extension and a takeaway off the northern elevation at ground floor to provide a new storage and food preparation area. Part of the existing garden is to be changed to hardstanding to create five off street parking spaces with a further single space for the operators of the takeaway proposed along Acacia Close.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

S2	-	Development Requirements
S3	-	Housing
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR7	-	Flood Risk
DR13	-	Noise
H13	-	Sustainable Residential Design
H14	-	Using Previously Developed Land and Buildings
H15	-	Density
H16	-	Car Parking
HBA4	-	Setting of Listed Buildings

3. Planning History

- 3.1 HC960077PF - Erection of external extraction ducting. Approved 8th May, 1996.

- 3.2 DCCE2006/1277/F - Conversion of 4 flats to 3 no. two storey mews houses and one first floor flat, demolition of outbuildings and development of two no. cottages and extension to existing takeaway. Planning permission refused 26th July, 2006.

Reason for refusal was:

The proposal due to its cumulative scale and the intensification of development will have a harmful impact on the character and amenity of the area. As such the development is contrary to Policies ENV14, H3, H12, H14, H21 of the Hereford Local Plan and Policies S1, S2, DR1, DR2, H13, H14 and H17 of the Herefordshire Unitary Development Plan.

Appeal dismissed 2nd March, 2007.

4. Consultation Summary

Internal Council Advice

- 4.1 Traffic Manager: No objections subject to conditions relating to the construction of the new parking area and enhanced cycle storage.
- 4.2 Environmental Health and Trading Standards Manager: No objection.
- 4.3 Conservation Manager: No objection.

5. Representations

- 5.1 Hereford City Council: Recommend the application be refused as it is inappropriate development in an established residential area.
- 5.2 Seven letters of objection received to date, the main points raised are:
1. The proposal will lead to further congestion on narrow roads.
 2. The takeaway has no dedicated off street parking.
 3. The storage area for the takeaway is being moved to Acacia Close which is not suitable for heavy vehicles.
 4. We are concerned about the location of refuse storage associated with the accommodation and takeaway.
 5. Further congestion will make it difficult for emergency vehicles to access.
 6. The current application does not overcome previous concerns regarding vehicular activity, and access obstruction caused by the takeaway business.
 7. The local highway network and associated junctions are not suitable for accommodating further traffic associated with the development.
 8. Existing pavements in the area are already used to park vehicles and the proposal will aggravate the problem.
 9. The deeds for all properties on Acacia Close forbids any business activities.
 10. The parking proposed is inadequate and does not take account of visitors.
- 5.3 The consultation period is yet to expire and therefore any further representations received between the time of writing this report and Committee will be reported in writing and orally on the day of the Committee.

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. Officers Appraisal

- 6.1 The proposal the subject of this application amounts to the extension and conversion of an existing garage/food storage area to create a new single storey two bedroom unit and construction of a single storey extension to the north elevation to provide a replacement food storage area. No alterations are proposed to the existing flats. Neither is the size of the takeaway to be increased.
- 6.2 The footprint and height of the existing building is to be slightly increased but the overall mass of the building will be comparable to the existing building and the design is considered to be an enhancement. As such these alterations will have minimal impact locally or on the setting of the adjoining Listed Building. Similarly, the single storey extension off the north elevation will follow the form of the existing single storey additions on the west elevation and is considered acceptable in terms of its design and materials. The impact of the physical alterations to the property are therefore acceptable.
- 6.3 No off street parking presently exists to serve the existing flats and therefore the applicants propose to address this deficiency through the provision of five off street parking spaces, one per unit. A further parking space for the operator of the takeaway is also proposed off Acacia Close. This will be an improvement on the existing situation in parking and highway safety terms and will relieve the pressure for on street parking in the locality. This is confirmed by the Traffic Manager who raises no objection.
- 6.4 A small area of communal garden is proposed along with a further private garden to serve the new additional unit and secure cycle and bin storage. Although modest, this again will provide a usable area of garden for barbecues and informal recreation.
- 6.5 The Head of Environmental Health raises no objection to the introduction of a further residential unit in terms of its relationship with the adjoining takeaway. This issue was a particular concern of the Inspector in dismissing the appeal but under this application, the existing situation will remain unchanged and the activities such as food preparation and cooking which are most likely to have an impact on the amenity of the new dwelling are located on the opposite side of the building. As such the amenity of the occupants of the existing and proposed accommodation will not be adversely affected by the operation of the takeaway. Nevertheless, further details are required of the replacement extraction equipment for the takeaway and this information is awaited
- 6.6 The predominant concerns of local residents relates to the creation of an additional unit and resultant intensification in the use of the site in terms of parking and vehicle movements in particular. It is considered that the proposed creation of one additional unit will not change the existing situation to such an extent as to warrant refusal of the application. The Planning Inspector in dismissing the recent appeal commented that although the existing situation is not ideal, with the proposed off street parking it was deemed acceptable and this conclusion was based upon larger properties and an additional unit over what has now been proposed. As the applicants have addressed the other issues raised by the Planning Inspector including the proximity of the proposed dwelling to the takeaway; the design of the development; amenity standards and the extent of garden, it is considered that the previous reasons for refusal have now been addressed and therefore the application is considered acceptable.

RECOMMENDATION

Subject to submission and approval of the takeaway extraction equipment, 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. B01 (Samples of external materials).

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

3. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

4. 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.

5. H29 (Secure covered cycle parking provision).

Reason: To ensure that there is adequate provision for secure covered cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

6. G01 (Details of boundary treatments).

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

7. E16 (Removal of permitted development rights)

Reason: In order to safeguard the character and amenities of the locality.

8. Finished floor levels shall be set no lower than 52.6 AOD unless otherwise agreed in writing with the local planning authority.

Reason: To protect the development from flood risk.

Informatives:

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

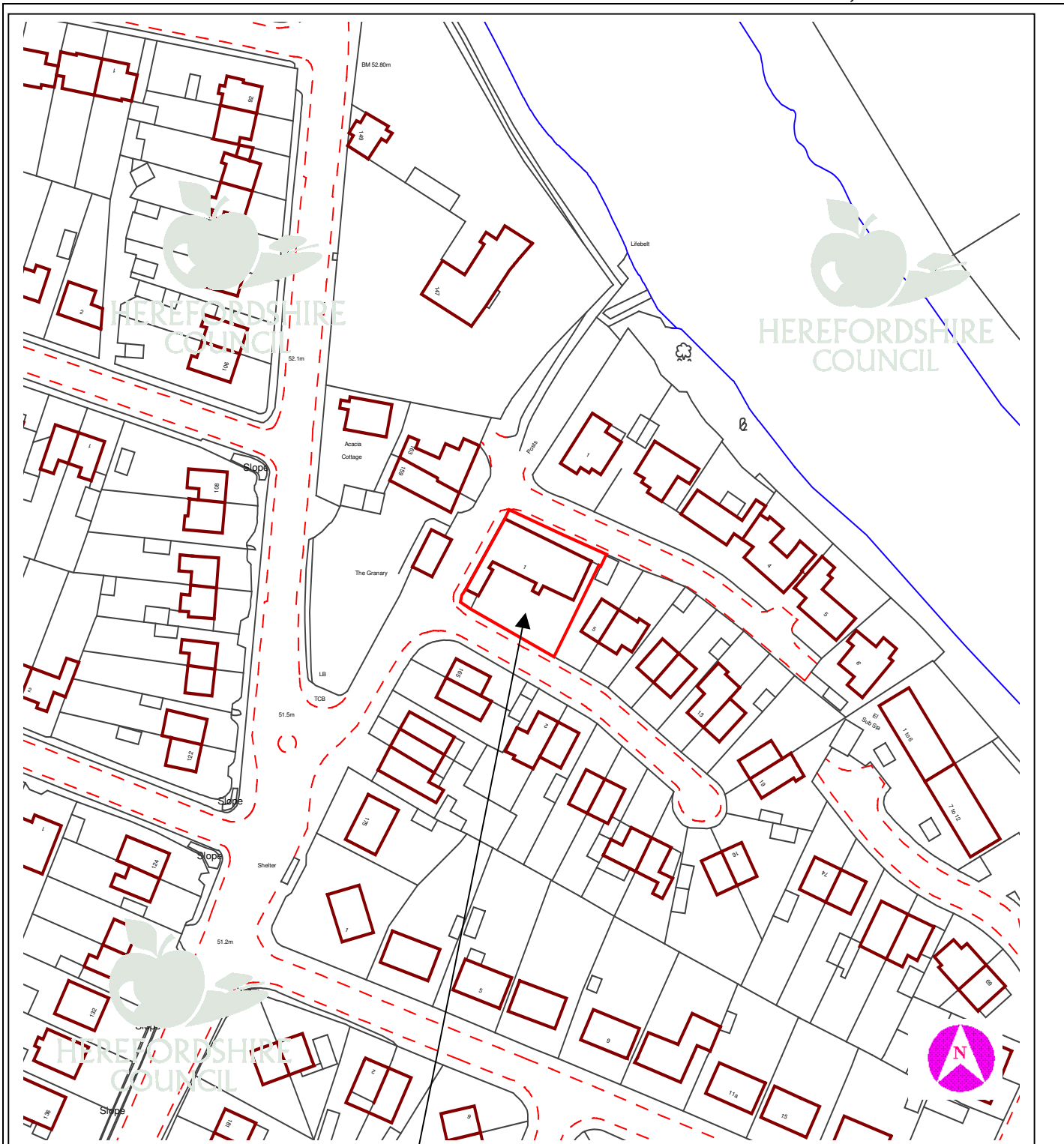
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/1961/F

SCALE : 1 : 1250

SITE ADDRESS : 1-3 Peregrine Close, Hereford, Herefordshire, HR2 6BS

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