

Ref. 1
BURGHILL
DCCW2004/0584/F

New conservatory and garage extension at:

10 CEDAR LANE, BURGHILL, HEREFORD, HR4 7QQ

For: **MR. & MRS. BIRD PER RRA ARCHITECTS, PACKERS HOUSE,
25 WEST STREET, HEREFORD, HR4 0BX**

Councillor Mrs. S.J. Robertson, the Local Member, noted the value of the site visit that had been undertaken. She drew attention to the objections of Burghill Parish Council and expressed concerns about the impact of the proposal upon the amenities of the neighbouring properties. She commented on restrictive covenants and felt that the materials and style of the proposal were out of keeping with the area.

The Legal Practice Manager explained the use of restrictive covenants by developers and advised that these were not planning considerations as they were civil matters between developers and householders.

Some Members expressed concerns about the design of the proposed extension, it was suggested that the flat roof should not be used for recreational purposes if planning permission was granted.

A motion to refuse the application failed and the Sub-Committee approved the resolution detailed below.

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. B01 (Samples of external materials).

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

3. E09 (No conversion of garage to habitable accommodation).

Reason: To ensure adequate off street parking arrangements remain available at all times.

4. At no time shall the flat roof of the conservatory hereby approved be used as a seating / balcony area.

Reason: To protect the residential amenity of adjacent properties by preventing any direct overlooking.

Informative:

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

Ref. 2
HEREFORD
DCCE2004/0094/RM
&
Ref. 3
HEREFORD
DCCE2004/0095/RM

Proposed infrastructure roads and sewers for phase 1 residential development:

&

Proposed residential development mix of 2, 3, 4 and 5 bed houses, flats, bungalows, car parking/garages, roads and sewers thereto and landscaping at:

PHASE 1 LAND OFF BULLINGHAM LANE, BRADBURY LINES, HEREFORD

For: **GEORGE WIMPEY SOUTH WEST LTD., PER MR. C.M. SACKETT, MASON RICHARDS PLANNING, 155 AZTEC WEST, ALMONDSBURY, BRISTOL, BS32 4NG**

The Principal Planning Officer reported the receipt of further correspondence from the occupiers of 5 Bradbury Close and summarised its contents. It was also reported that the Council's Drainage Engineer had indicated that the proposed drainage system was acceptable in principle but further information was required and it was suggested that application DCCE2004/0094/RM be delegated to Officers to approve once details had been received to the satisfaction of the Drainage Engineer.

Councillors Mrs. W.U. Atfield and A.C.R. Chappell, Local Members, expressed concerns about the piecemeal development in this area and the highway safety implications. In response, the Principal Planning Officer outlined the highway works that were required as part of Phase 1 and the works to be undertaken in association with later phases. He also noted that the Head of Engineering and Transportation and the Highways Agency had not raised objections to the proposal.

In response to a question, the Legal Practice Manager confirmed that the applicant would need to comply with the informative notes recommended in the report.

A number of Members felt that the deletion of the pedestrian, cycle and emergency vehicle access from Bradbury Close was a retrograde step given the need to facilitate sustainable forms of transport. Councillor Chappell explained that Bradbury Close residents were not in favour of this access and it had been deleted in the interests of amenity. The Principal Planning Officer outlined how different transport modes would travel around the site.

In response to a question, the Principal Planning Officer outlined the conditions recommended by Welsh Water in respect of foul and surface water drainage.

As a number of Members felt that the access from Bradbury Close should not be deleted from the scheme, it was agreed that consideration of the applications should be deferred for further discussions.

RESOLVED:

That consideration of planning applications DCCE2004/0094/RM and DCCE2004/0095/RM be deferred for further discussions.

Ref. 4
HEREFORD
DCCE2003/3392/O

Class A1 non-food retail development, car parking, associated facilities & services at:

DENCO SITE, LAND AT HOLMER ROAD, HEREFORD

For: **MORBAIN LTD, THE FINLAN CENTRE, HALE ROAD, WIDNES, CHESHIRE, WA8 8PU**

The Principal Planning Officer reported the receipt of the comments of the Highways Agency (no objections on highway safety or road capacity grounds but a safety audit was awaited).

Councillor Mrs. S.P.A. Daniels, the Local Member, expressed concerns about highway safety. In response, the Central Divisional Planning Officer commented on the professional advice provided by the Highways Agency and the Head of Engineering and Transportation and outlined the proposed changes to the site access.

In response to questions about the potential use of the site, the Principal Planning Officer advised that the proposal met an acknowledged need for further retail warehousing in Hereford and the Central Divisional Planning Officer drew attention to recommended condition 7 which would restrict the type of products that could be sold in order to protect the commercial viability and vitality of the town centre.

Councillor Mrs. P.A. Andrews, another Local Member, noted local anxieties about traffic implications and the response of statutory consultees. Councillor Mrs. Andrews felt that the quality of the frontages needed to be carefully examined to ensure that signage was unobtrusive. The Central Divisional Planning Officer advised that any proposed advertisement signs would need to be submitted in the form of a separate application.

RESOLVED:

That subject to no objection being raised to the development by the Highways Agency:

- i) the application be referred to the Government Office for the West Midlands under the departure procedures; and**
- ii) subject to the Secretary of State confirming that he does not intend to call it in, the County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town & Country Planning Act 1990 requiring the applicant to make a financial contribution to cover the cost of upgrading footpaths in the locality to achieve improved pedestrian and cycle access to the site and any additional matters and terms as is considered appropriate; and**

iii) upon completion of the above mentioned planning obligation, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered necessary by officers.

1 Approval of the details of the siting, design and external appearance of the buildings, the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

2 Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

3 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

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

4 Plans and particulars of the reserved matters referred to above relating to the siting, design and external appearance of any buildings to be erected, the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

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

5 Notwithstanding the details of the means of access and off-site highways works shown on drawing No. 031102/01 attached with the Traffic and Highways Report dated November 2003, a revised drawing shall be submitted showing a change of priorities to facilitate the right turn in from Holmer Road / left turn out towards Holmer Road and a white lining scheme in place of kerb works. The development shall be carried out in accordance with the approved revised drawing.

Reason: In the interests of highway safety.

6 No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance

with the approved details.

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

- 7** The premises shall be used as a retail warehouse within Class A1 of the Town & Country Planning (Use Classes) Order 1987 with the exception of the following uses:

- i) the sale of food and drink to be consumed off the premises;
- ii) sale of clothing and footwear;
- iii) sale of cutlery, crockery and glassware;
- iv) sale of jewellery, clocks and watches;
- v) sale of toys, camping and travel goods;
- vi) sale of books, audio and visual recordings and stationery except for the retail sale of office supplies, office equipment and office furniture including the sale of both bulky and non-bulky catering packs of food and drink for office use;
- vii) sale of medical goods, cosmetics and toiletries;
- viii) sales of sports goods, equipment and clothing;
- ix) all uses within Categories A1 (B to F) of Class A1;

except where the retail sale of these goods forms a minor and ancillary part of the operation of any of the retail activity.

Reason: The Council's policy as set out in the Hereford Local Plan is directed towards the protection of the commercial viability of the existing central shopping area of Hereford. This condition is imposed in order to clarify the terms of the permission in accordance with the Council's stated policy, having regard to the need to protect the viability of the historic town centre.

- 8** Foul water and surface discharges must be drained separately from the site.

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

- 9** There shall be no, direct or indirect, discharge of surface water or land drainage run-off to the public foul sewer.

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

- 10** Details of any floodlighting or external lighting proposed to illuminate the development shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason: To safeguard local amenities.

- 11 Prior to the commencement of development a scheme for the provision of storage, prior to disposal, of refuse, crates, packing cases and all other waste materials shall be submitted for the approval of the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted.

Reason: In the interests of amenity.

- 12 Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to, and avoid, risk to the environment when the site is developed. Development shall not commence until the measures approved in the scheme have been implemented.

Reason: To ensure that potential contamination of the site is satisfactorily assessed.

- 13 No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.

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

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

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

- 15 No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied]. Development shall be carried out in accordance with the approved details.

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

- 16** The development hereby permitted shall not be brought into use until areas for the manoeuvring, parking, loading and unloading of vehicles have been laid out, consolidated, surfaced and drained in accordance with a scheme to be submitted to and approved in writing by the local planning authority and such areas shall thereafter be retained and kept available for those uses at all times.

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

- 17** Development shall not begin until the engineering details and specification of the proposed car parks, roads and highway drains have been submitted to and approved in writing by the local planning authority.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 18** Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

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

- 19** Before the development is commenced a scheme for the provision of secure cycle parking on site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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.

- 20** The development hereby approved shall not commence until details of improvements to public footpath HER9 have been submitted to and approved in writing by the local planning authority. These details shall form part of the overall siting details and will incorporate the footpath into the overall layout. The details shall include specification of construction and surfacing to enable potential pedestrian and cycle use, all to be agreed in writing by the local planning authority. The details shall be implemented as approved prior to the development opening to customers.

Reason: To ensure the proper planning of the site and achieve sustainable integration with the wider rights of way network.

Informatives:

- 1 The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.**
- 2 A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.**
- 3 This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. A.G. Culley, Divisional Surveyor (South), Unit 3, Thorn Business Park, Rotherwas, Hereford Tel: 01432-261955, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.**
- 4 No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact Mr. R.J. Ball, Lead Planner (Transportation), PO Box 236, Hereford, HR4 9ZH to progress the agreement.**
- 5 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic.**
- 6 Your attention is drawn to the requirements of Part M of the Building Regulations 1991 in respect of the need to provide access and facilities for the disabled.**
- 7 This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.**
- 8 This permission does not extinguish any rights of way which may exist over the site nor does it imply that such rights of way may be diverted or otherwise altered.**
- 9 Your attention is drawn to Section 80 of the Building Act 1984 whereby no demolition may be carried out without proper notice to the local authority and a counter notice issued under Section 81.**

- 10 Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:**

Work on an existing wall or structure shared with another property

Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property

Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 - explanatory booklet. Copies are available from the Planning Reception, Blueschool House, Blueschool Street, Hereford.

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

The decision to grant planning permission has been taken having regard to the policies and proposals in the Hereford Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

ENV14 - Design

E2 - Established employment areas

E6 - Other uses of employment land

S1 - Role of central shopping area

S11 - Criteria for large scale retail development

T2 - Highway and junction improvements

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

- 12 If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a discharge consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru Welsh Water. The applicant should note that the issuing of a discharge consent is independent of the planning process and a consent may be refused although planning permission is granted.**
- 13 If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on telephone 01443 331155.**

(NOTE:

In accordance with the Council's Constitution SO 5.10.2, Councillor Mrs. M.D. Lloyd-Hayes wished it to be recorded that she abstained from voting on the resolution detailed above.)

Ref. 5
HEREFORD
DCCW2004/0880/F

Change of use from hair salon to office at:

13 HOLMER STREET, WHITECROSS, HEREFORD

For: **G. JAQUES, FIRST KEY, HOLMER ROAD, HEREFORD, HR4 9RX**

In accordance with the criteria for public speaking, Ms. Levison spoke against the application.

Councillor Mrs. E.M. Bew, a Local Member, noted concerns about inadequate parking facilities and highway safety and felt that the Sub-Committee should undertake a site visit.

The Central Divisional Planning Officer noted the parking difficulties in the vicinity but reminded Members that the site currently supported a business unit which had no parking facilities and that office use was likely to generate similar levels of activity.

A site visit was supported and it was suggested that the potential for off-street parking provision should be investigated in the intervening period.

RESOLVED:

That consideration of planning application DCCW2004/0880/F be deferred for a site visit as the setting and surroundings were fundamental to the determination or to the conditions being considered.