

19 DCNC2005/1075/O - SITE FOR RESIDENTIAL DEVELOPMENT DOWNS GARAGE, 70A, SOUTH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8JF**For: Mr Dennis Rowland Jones & Amanda Jane Jones****Date Received:**
31st March 2005**Ward:**
Leominster South**Grid Ref:**
49555, 58738
AJ/CR**Expiry Date:**
26th May 2005

Local Member: Councillors R Burke and J P Thomas

1. Site Description and Proposal

- 1.1 The site is currently known as Downs Garage, 70A South Street, otherwise known as the B4361. It is accessed through a Public House archway.
- 1.2 This archway leads off South Street (B4361) and adjoins the Listed adjacent Public House, listing number 2/204. The application site is the historic outbuildings for this Listed Building and as such is curtilage listed.
- 1.3 The area of the application site is 0.135 hectares.
- 1.4 Subsequent to the initial application, an amendment has been accepted such that the outline residential proposal for 5 nos. dwellings is altered to simply an outline proposal for the principle of residential development only with no dwelling numbers for this site.
- 1.5 Currently the only access to this site is from South Street through the above-mentioned archway. The rear of the property is bounded by residential dwellings all of which obtain access through separate sources to include Hawthorne Place and Wrights Court.

2. Policies**2.1 Leominster District Local Plan (Herefordshire)**

- A.1 – Managing the District's Assets and Resources
- A.2 – Settlement Hierarchy
- A.18 – Listed Buildings and Their Settings
- A.19 – Other Buildings Worthy of Retention
- A.23 – Creating Identity and An Attractive Built Environment
- A.24 – Scale and Character of Development
- A.52 – Primarily Residential Areas
- A.54 – Protection of Residential Amenity

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- S3 – Housing
- H1 – Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas

H2 – Hereford and the Market Towns: Housing Land Allocations
H14 – Re-using Previously Developed Land and Buildings
HBA4 – Setting of Listed Buildings

2.3 Planning Policy Guidance Notes

PPG3 – Housing
PPG13 Transportation
PPG15 - Planning and Historic Environment

3. **Planning History**

- 3.1 Listed Building Consent reference 95/0010/L for 72 South Street, Leominster. This building fronts South Street and does not include the garage area behind. This was for a new window to the north ground floor wall.

4. **Consultation Summary**

Statutory Consultations

- 4.1 Water Authority, Hyder: No response

Internal Council Advice

- 4.2 Traffic Manager: Recommends condition H29 for one cycle space per bedroom to be required close to each dwelling. This can be included in any subsequent reserved Matters application. [No on site car parking need be provided in line with PPG13].
- 4.3 Conservation Manager: No objection in principle. Development here has the potential to affect the setting of three Listed Buildings close by, much will depend on detail design.
- 4.4 Landscape Officer: No objection

5. **Representations**

- 5.1 Leominster Town Council: 'Recommends refusal as this would be backland development and the access would be inadequate for the total number of houses proposed.'

- 5.2 3 letters of objection have been received from the following local residents:

R J Chance of Poppies
Mr and Mrs Rooke of Orchard End
Mrs L Barrington of 68 South Street

The main planning points raised are:

1. Design
2. Overlooking
3. Loss of privacy
4. Noise
5. Access

These points are dealt with in the Officers Appraisal below.

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

6. Officers Appraisal

- 6.1 The application has been amended taking into account comments raised by the Case Officer such that this is now purely an outline application for the principle of residential development and not for any specific number of proposed dwellings.
- 6.2 The application raises a number of issues and each of these will be dealt with in turn.
- 6.3 Backland development - this is merely a description based on area arrangements in relation to existing properties. It is not in itself a reason to object to development, but requires consideration at the Reserved Matters stage if approved. Additionally, this area is within the area designated primarily as residential for the market town of Leominster. Policy A52 states that residential development will be permitted within these areas on small vacant or undeveloped sites not specifically identified for housing where the proposals can comply with criteria in Policy A1 and in particular Policies of A18, A21, A25, A29, A54, A55, A62, A63 as appropriate.
- 6.4 Overlooking - at present, land uses on site are of single storey and at this outline stage of proposal there is as yet no formal plans identifying any subsequent potential dwellings. These can be conditioned at a reserved matters to be of one storey only and it is not applicable at this outline stage unless Members see fit to suggest a condition limiting reserved matters applications to single storey dwellings.
- 6.5 Privacy – again, this point is difficult to ascertain at this stage because the site is currently in a state where past and present uses, include activities on site such that it is difficult to substantiate that privacy loss would it would greater with the proposed land use than with the existing permitted land use.
- 6.6 Noise – again, with reference to the previous or most recent uses where potentially noisy and intrusive Public House or garage car maintenance was involved, the proposed use could be deemed an improvement.
- 6.7 In addition, it is considered that the proposal site could be suitably distant from any neighbouring dwellings to ensure that any future proposed reserved matters applications for specific dwellings need not cause any demonstrable loss of privacy, noise or overlooking. The scheme thus accords with the relevant policies in this respect.
- 6.8 Access – the Traffic Manager's response to this application recommends that any permission includes condition H29 for one cycle space per bedroom close to each dwelling. As this site is close to the town centre there is no requirement for onsite parking. Indeed it may prove necessary to prohibit on site parking for safety reasons.

Summary

- 6.9 Determination of this application requires a judgement as to whether the site is appropriate for residential development in principle with no view on the number of properties that may or may not be applied for on this site in future reserved matters applications. The property is within the curtilage of a Listed Building and adjacent to 2 further listed buildings. The current garaging use has largely ceased and the site is therefore within the terms of Policies A52 primarily residential areas and Policy A30 redevelopment of employment sites to alternative uses.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - A03 (Time limit for commencement (outline permission))**

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

- 2 A 04 (Approval of reserved matters)**

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

- 3 A 07 (Development in accordance with approved plans)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 4 A 05 (Plans and particulars of reserved matters)**

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

- 5- H29 (Secure cycle parking provision)**

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

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.