

**19 DCNC2006/1205/F - PROPOSED SHOP WITH FLAT
OVER AT R T ANIMAL FEEDS, KINGS ARMS YARD,
BROMYARD, HEREFORDSHIRE, HR7 4EE**

**For: Mr & Mrs R Jones per Linton Design 27 High
Street Bromyard Herefordshire HR7 4AA**

Date Received:

18th April 2006

Expiry Date:

13th June 2006

Local Member: Councillors P Dauncey and B Hunt

Ward: Bromyard

Grid Ref:

65323, 54680

1. Site Description and Proposal

- 1.1 The site measures 0.1 hectares and is located in central Bromyard, within the Central Conservation Area and adjacent to a Listed Building.
- 1.2 The B4205 is adjacent to the north western end of the site close to the B4214 Tenbury Road junction.
- 1.3 The south easterly part of the site is accessed via New Road and Little Hereford Street via Kings Arms Yard.
- 1.4 The proposal is a resubmission of a withdrawn application and is for a shop with a flat over. This is an application made subsequent to enforcement enquiries regarding the existing Mobile Retail Unit currently on site.

2. Policies

2.1 Malvern Hills District Local Plan

Environment Policy 1:	Location of Development
Environment Policy 12:	Disposal of Foul Sewage, Trade Effluent and Surface Water
Employment Policy 1:	Employment Land
Employment Policy 3:	Small scale Enterprises
Housing Policy 2:	Development in Main Towns
Housing Policy 3:	Settlement Boundaries
Housing Policy 17:	Residential Standards
Shopping Policy 1:	Shopping Hierarchy
Shopping Policy 2:	Principal Shopping and Commercial Areas
Shopping Policy 3:	Restrictions on Development within the Principal Shopping and Commercial Areas
Conservation Policy 1:	Preserving or Enhancing Conservation Areas
Conservation Policy 2:	New Development in Conservation Areas
Conservation Policy 3:	Setting of Conservation Areas
Conservation Policy 11:	The Setting of Listed Buildings
Conservation Policy 20:	Shop Front Design
Transport Policy 2:	Cycle Parking
Transport Policy 8:	Car Parking and Servicing Requirements

Transport Policy 10: Car Park Design
Transport Policy 11: Traffic Impact

2.2 Herefordshire Unitary Development Plan (Revised Development Plan) and Insp Report March 2006

S1: Sustainable Development
S3: Housing
S4: Employment
S5: Town Centres and Retail
S6: Transport
S7: Natural and Historic Heritage
DR1: Design
DR2: Land Use and Activity
H1: Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H13: Sustainable Residential Design
H14: Re-using Previously Developed Land and Buildings
H16: Car Parking
E6: Expansion of Existing Businesses
TCR1: Central Shopping and Commercial Areas
TCR8: Small Scale Retail Development
T11: Parking Provision
T12: Existing Parking Areas
HBA4: Setting of Listed Buildings
HBA6: New Development within Conservation Areas

3. Planning History

- 3.1 DCNC2006/0548/C - Proposed shop with flat over. Withdrawn 12 April 2006
- 3.2 DCNC2005/2095/F - Retrospective application for the temporary siting of a portacabin. Refused 11 August 2005.
- 3.3 DCNC2003/1689/C - To demolish and remove non-essential buildings and convert existing buildings to two residential bungalows. Approved 26 November 2003.
- 3.4 DCNC2003/1688/F - Demolish and remove buildings not associated with development and convert existing building into two residential units. Approved with conditions 26 November 2003.
- 3.5 MH97/0930 - Ancillary storeroom for existing pet supplier. Approved 11 September 1997.
- 3.6 MH94/1313 - Convert redundant building to residential use. Refused 17 January 1995.
- 3.6 MH94/1314 – Listed Building Consent alterations to provide residential use in order for building to be renovated. Approved 17 January 1995.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: no objection subject to conditions.

Internal Council Advice

4.2 The Conservation Manager has no objection subject to conditions.

4.3 The Traffic Manager has no objection to the proposal.

4.4 The Economic Development Manager has not responded to the proposal.

5. Representations

5.1 The Town Council objects to the proposal. Their letter states that:

"It is considered that, despite certain amendments to the previous proposal (DCNC2006/0548/F), problems still exist regarding vehicular turning circles.

The area available at the rear of the building proposed as shown on the 1:200 scale site plans accompanying the application and within the applicant's control is considered too restricted to enable longer wheelbase delivery vehicles to turn around on site and enter New Road in a forward gear. This in turn would be likely to result in those vehicles being unloaded direct from the carriageway of Old Road (4214) close to its junction with Tenbury Road, which practice would not be in the interests of the safety and free flow of traffic."

5.2 Representations from neighbours include:

- Bromyard Veterinary Surgery, Kings Arms Yard, Bromyard HR7 4AH
- Mr & Mrs Jennings, owners of 5 Old Road, Bromyard HR7
- L C Lock, 8 New Road, Bromyard HR7 4AJ

Objections can be summarised as follows:

1. Right of way for public over the property - claimed by 5 Old Road and 8 New Road.
2. Loading/unloading heavy goods vehicles on Old Road/Kings Arms Yard.
3. Car parking provision needs.

1. Right of Way

No PUBLIC right of way is indicated on the site or relevant records. A personal right of way is not a matter for planning consideration, but a legal issue for individuals to deal with themselves.

5.3 The other issues are dealt with below in the Officer's Appraisal.

5.4 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 key issues are:

- Impact on Conservation Area and adjacent Listed Building.
- Impact on traffic congestion.
- HGV deliveries.
- Limited car parking.

Impact on Conservation Area and adjacent Listed Building

6.2 The Conservation Manager has no objection to the proposal subject to conditions. Any issue is mitigated by the existing proposal.

Traffic congestion

6.3 The concerns of neighbours and the Town Council are noted, however the Transportation Manager has no objection to the proposal, it being town centre, with sufficient parking spaces and cycle racks being provided as per policy requirements. In itself this could not, in your officers opinion be substantiated as a reason for refusal reason.

Delivery Vehicles

6.4 Local residents and the Town Councils objections are noted. However the site currently has deliveries from all manner of delivery vehicles and the recommendation is that any approval includes a condition limiting deliveries of 7.5 tonne vehicles for Kings Arms Yard and no deliveries to be made from Old Road. With no objection raised by the Transportation Manager and this condition recommended this overcomes these concerns.

Car Parking

6.5 In the Transportation Managers view, there is sufficient on-site parking provision within this proposal and your officer feels any refusal on this ground would therefore be unsupportable.

Conclusions

6.6 In conclusion the case is recommended for approval subject to conditions.

RECOMMENDATION

In conclusion the case is recommended for approval subject to conditions.

1 - The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- 2 - The development hereby approved shall be carried out strictly in accordance with the amended plan[s] received by the local planning authority on 5th May 2006.

Reason: To ensure the development is carried out in accordance with the amended plans.

- 3 - 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.

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

Reason: To protect the integrity of the Public Sewerage System.

- 5 - No land drainage run-off will be permitted, either directly or in-directly, to discharge into the public sewerage system.

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

- 6 - No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been agreed in writing by the Local Planning Authority in Liaison with Dwr Cymru Welsh Water's Network Development Consultant.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

- 7 - The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. no part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

- 8 - Deliveries will be from Kings Arms Yard only and restricted to vehicles of no more than 7.5 tonnes.

Reason: In the interest of highway safety and public amenity.

- 9 - Before development commences architectural details of window sections, eaves, verges and barge boards at a scale of 1:1 or 1:5 shall be submitted to the local planning authority and approved in writing.

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

10 - Prior to the commencement of development, details of the proposed finishes for all external joinery shall be submitted to and approved in writing by the local planning authority. The finishes so approved shall not thereafter be changed without the prior written approval of the local planning authority.

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

Informatives:

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

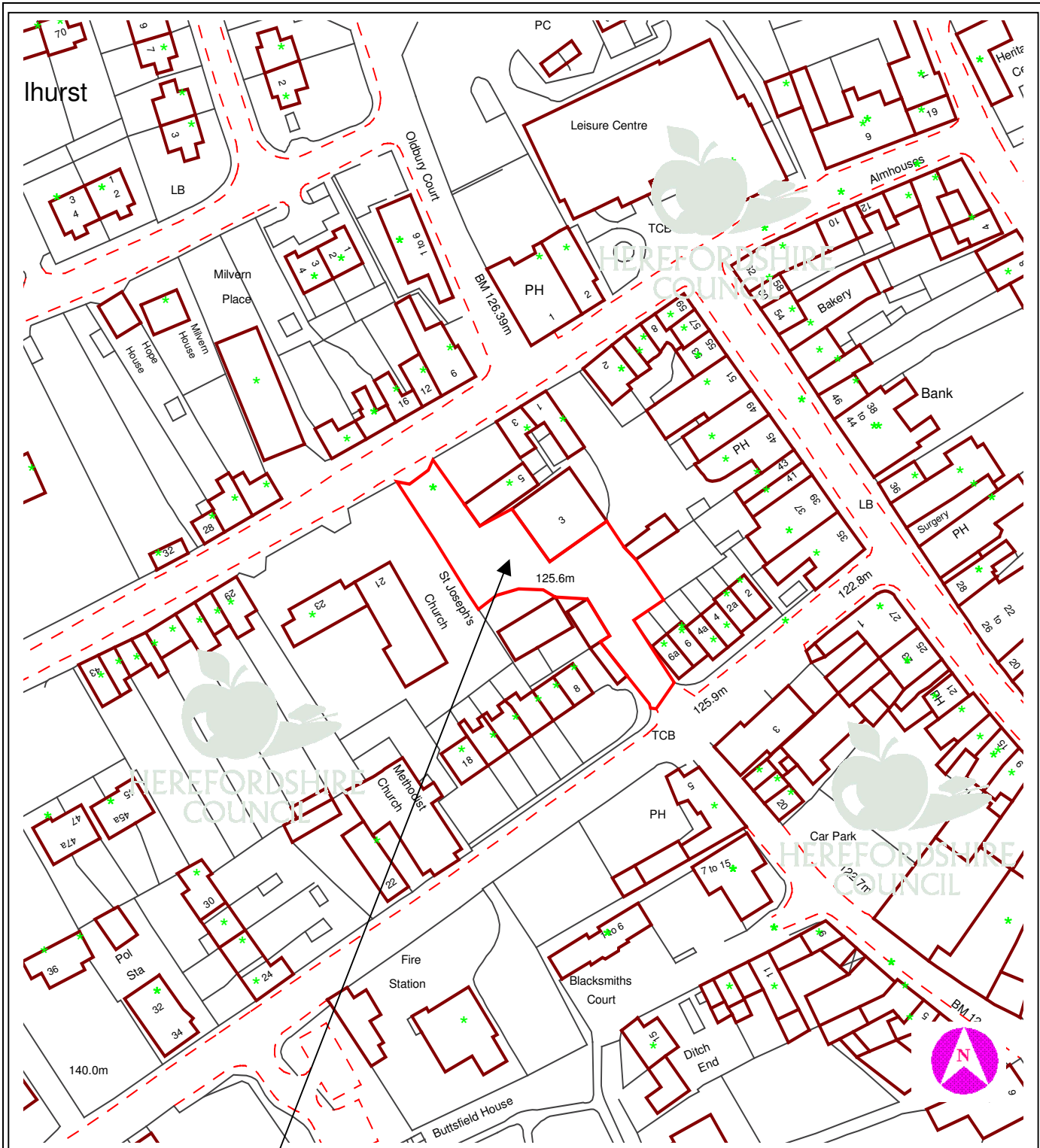
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/1205/F

SCALE : 1 : 1250

SITE ADDRESS : R.T Animal Feeds, Kings Arms Yard, -, Bromyard, Herefordshire, HR7 4EE

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