

**10 DCCE2006/2424/F - VARIATION OF CONDITIONS 1 & 2 OF PLANNING PERMISSION NO. CE2003/0405/F. (1) - TO PERMIT STORAGE OF 4 MOBILE COFFEE CARTS AND NON HGV ASSOCIATED SUPPORT VEHICLES. (2) - TO PERMIT AREA SHOWN ON PLAN SK02/78/2A TO BE USED FOR STORAGE OF 4 MOBILE COFFEE CARTS AND NON HGV ASSOCIATED SUPPORT VEHICLES AT 10 KYRLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2ET**

**For: Mr. J. Gardner per Hitchman Stone Partnership,  
14 Market Place, Warwick, CV34 4SL**

**Date Received: 24th July, 2006**      **Ward: Central**

**Grid Ref: 51447, 40097**

**Expiry Date: 18th September, 2006**

Local Member: Councillor D.J. Fleet

## **1. Site Description and Proposal**

1.1 This application seeks permission for the variation of Conditions 1 and 2 of planning permission DCCE2003/0405/F. The application relates to a commercial activity at No. 10 Kyrle Street, Hereford. Activities on site originally commenced following planning permission granted by virtue of application CE1999/2467/F which allows an area of hardstanding for a mixed residential/commercial parking use and the use of existing residential sheds for conducting a sign writing business. A subsequent application, DCCE2003/0405/F, secured permission to vary this permission to allow for storage of four coffee bar trailers and one swing boat trailer as opposed to the previous arrangement which allowed for two coffee bar trailers and one swing boat trailer. Application DCCE2003/0405/F was granted subject to the following two conditions:

1. The development shall be carried out strictly in accordance with amended plan no. SK02/78/2A received by the local planning authority on 3rd April, 2003 and only 4 'mobile coffee cart' trailers and one swingboat trailer shall be stored on the application site.

Reason: To ensure that the development is carried out strictly in accordance with the amended plan and to control any future storage at the site in the interests of residential amenity.

2. The area shown on amended plan no. SK02/78/2A as 'domestic amenity area' shall be used for domestic purposes only and shall not be used for business purposes including the storage of trailers. Within one month of the date of this planning permission the fencing indicated to be erected around the domestic amenity areas shall be erected to the satisfaction of the local planning authority and in accordance with the specification shown on drawing 4.1.

Reason: To ensure that the development is carried out strictly in accordance with the amended plan and to control any future storage at the site in the interests of residential amenity.

This application now seeks to vary these conditions to allow for the previously identified 'domestic amenity area' to be utilised for storage/parking purposes, and a variation to allow storage of 4 coffee carts and six support vehicles, (specifically four non-HGV vans, one 'chiller' unit trailer, and one freezer unit trailer).

- 1.2 The application site itself comprises a semi-detached house and associated yard positioned on the south-east side of Kyrle Street. Immediately to the south of the site is a tyre business and two vacant units last used as hairdresser's shops. To the north and east are additional units, to the north west and west a mix of residential and commercial uses are found.

## 2. Policies

### 2.1 Hereford Local Plan:

H12	-	Established residential areas
H21	-	Compatibility of non-residential uses

### 2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S2	-	Development requirements
DR2	-	Land use and activity
DR13	-	Noise
E9	-	Home based businesses

## 3. Planning History

- 3.1 CE1999/2467/F - New hardstanding for both residential and commercial (non-HGV) parking to include a 16ft trailer mounted set of swingboats. Use of existing residential shed for conducting family signwriting business. Approved 19th January, 2000.
- 3.2 DCCE2003/0405/F - Retention of existing sheds and variation of Condition 2 of planning permission CE1999/2476/F to permit storage of mobile coffee bars and trailer mounted swing boats. Approved 11th June, 2003.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 None received on this application.

### Internal Council Advice

- 4.2 Environmental Health Manager: 'No objection to this proposal but as this service has received complaints of noise nuisance caused by this activity (though not verified by Officer observations) and close proximity to residential accommodation. I would suggest a condition restricting deliveries etc to day time hours'.
- 4.3 Traffic Manager: No objections.

## 5. Representations

- 5.1 Hereford City Council: Temporary permission for 2 years to allow review. No vehicles to exceed 2 tons in weight.
- 5.2 One objection letter has been received from No. 12 Kyrle Street summarised as follows:
- The area is still primarily residential;
  - The existing commercial activities on site cause a substantial interference to the quality of life and enjoyment of own property;
  - Any attempt to increase activities will further degrade the situation;
  - The current consent is not being complied with;
  - Unauthorised vehicles and activities are taking place on site causing noise and nuisance;
  - Deliveries take place at unsociable hours;
  - Noise disturbance is totally unacceptable;
  - The activities on site have outgrown the capacity of the site.
- 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 As with the previous application at this site, the principal issue is the impact of the more intensified business use on the amenities of the surrounding area.
- 6.2 From a policy perspective, the application site lies within an Established Residential Area where Policy H12 of the Local Plan requires environmental character and amenity to be safeguarded. More specifically, Policy H21 requires proposals for non-residential development in or immediately adjoining the Established Residential Areas to be compatible with adjacent residential uses. This policy stance is echoed through Policies S2, DR2, DR13 and E9 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).
- 6.3 The locality of the application site is characterised by a mixture of residential and small business uses. Of particular note is the recently expanded tyre operation to the south of the site. It is the case, however, that residential properties are adjacent to this site and residential properties dominate the broader character of the locality. The continuing intensification of activities on this site is therefore cause for a degree of concern and it is of note that the Environmental Health Manager has confirmed that complaints have been received in relation to the activities taking place at the site. That said, a commercial use on this site is established and no objections have been raised from either the Environmental Health Manager or Traffic Manager subject to the imposition of conditions.
- 6.4 On balance it is considered that there are insufficient grounds for a refusal in respect of noise and disturbance in relation to the proposed alterations to the site usage. Notwithstanding this it is recognised that activities will now be closer to the boundary to the east of the site, and the introduction of the support vehicles, and in particular the chiller/freezer unit, could have amenity implications. To that end it is suggested that the condition restricting delivery hours as recommended by the Environmental Health Manager is attached, and, additionally, that this permission be limited to a two year

period. This will allow for monitoring of the on site activities and a subsequent reconsideration of the permitted use of this site.

## **RECOMMENDATION**

**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. A06 (Development in accordance with approved plans).**

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

- 3. E02 (Restriction on hours of delivery).**

**Reason: To safeguard the amenities of the locality.**

- 4. This consent shall expire on the 25th September, 2008. Unless further consent is granted in writing by the local planning authority prior to the end of that period, the restrictions on activities on site shall revert to those as approved by virtue of planning permission DCCE2003/0405/F.**

**Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.**

- 5. The permission hereby granted is an amendment to planning permission CE1999/2467/F (as amended by application DCCE2003/0405/F) and, otherwise than is expressly altered by this permission, the conditions attached thereto remain.**

**Reason: For the avoidance of doubt.**

### **Informatives:**

- 1. N01 - Access for all.**
- 2. N03 - Adjoining property rights.**
- 3. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 4. N19 - Avoidance of doubt.**

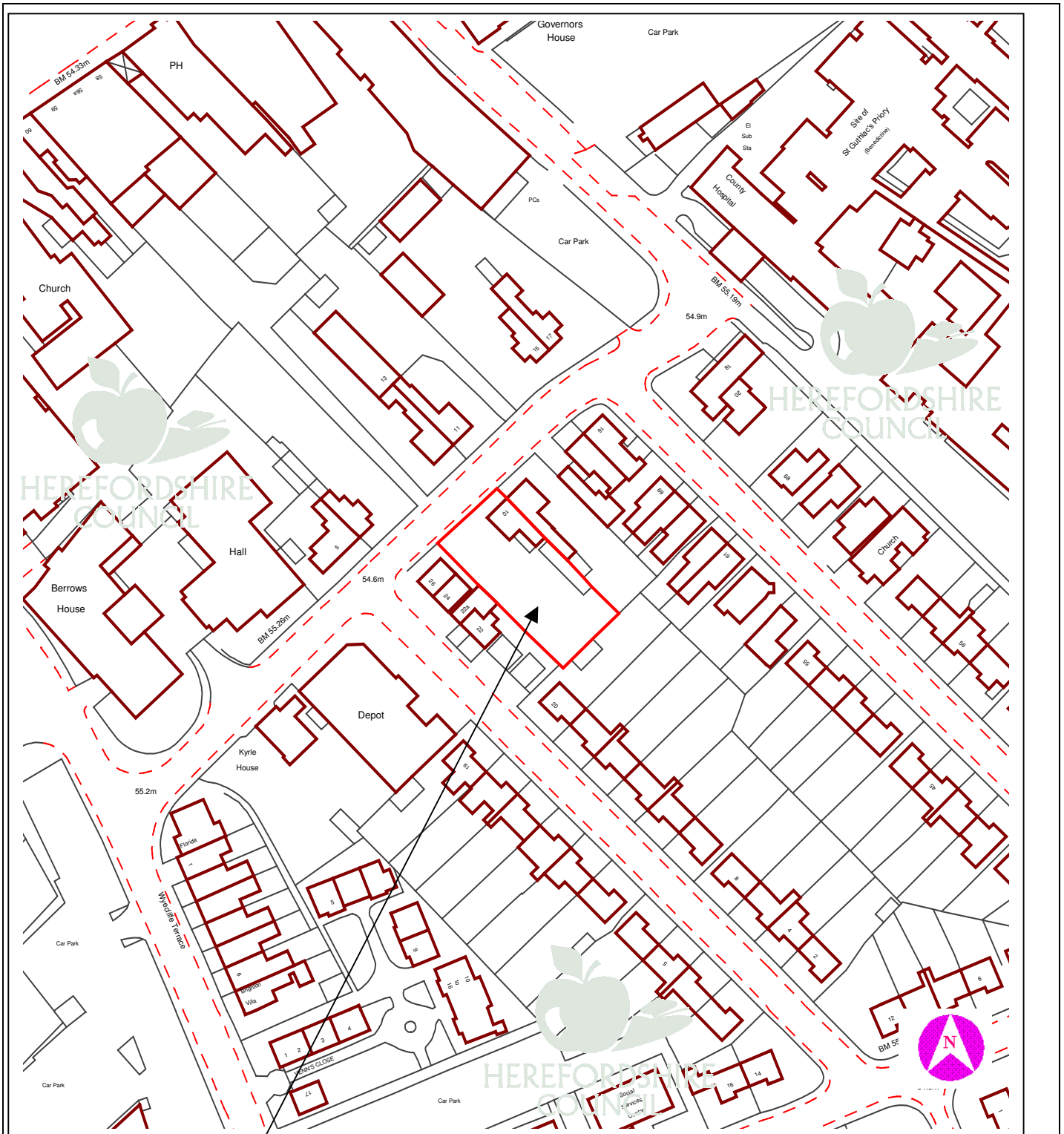
Decision: .....

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**Background Papers**

Internal departmental consultation replies



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**APPLICATION NO:** DCCE2006/2424/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 10 Kyrle Street, Hereford, Herefordshire, HR1 2ET

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