

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 17th November, 2004 at 2.00 p.m.

Present: Councillor D.J. Fleet (Chairman)
Councillor R. Preece (Vice-Chairman)

Councillors: Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, P.J. Edwards, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell, Mrs. S.J. Robertson, Miss F. Short, W.J. Walling, D.B. Wilcox and R.M. Wilson

In attendance: Councillors P.E. Harling, T.W. Hunt and J.B. Williams

63. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. S.P.A. Daniels, G.V.Hyde, W.J.S. Thomas, Ms. A.M. Toon and A.L. Williams.

64. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillors	Item	Interest
Miss F. Short	Item 7 - DCCE2004/2336/F – Change of use from former site of demolished dwelling to car sales area with portacabin at: LAND ADJACENT TO 19 PERSEVERANCE ROAD, HEREFORD, HR4 9SN	Declared a prejudicial interest and left the meeting for the duration of this item.
Miss F. Short and D.B. Wilcox	Item 9 - DCCE2004/2943/F - New four bedroom dwelling at: 82 AYLESTONE HILL, HEREFORD, HR1 1HX	Both Members declared personal interests.
A.C.R. Chappell and R.M. Wilson	Item 11 – CW2002/3441/F - Demolition of existing buildings and development of mixed-use scheme comprising Asda food store, community uses, residential development, replacement bowling green / club house, retained tramway and flood defence wall, parking, servicing, landscaping, new accesses and other highways infrastructure improvements at: LAND TO THE WEST OF THE A49(T) AND NORTH OF BELMONT AVENUE, BELMONT, HEREFORD	A.C.R. Chappell declared a personal interest. R.M. Wilson declared a personal interest as Cabinet Member (Highways and Transportation) and left the meeting before the item was considered.

65. MINUTES

RESOLVED:

That the Minutes of the meeting held on 20th October, 2004 be approved as a correct record and signed by the Chairman.

66. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report in respect of planning appeals for the central area of Herefordshire.

RESOLVED:

That the report be noted.

67. DCCE2004/2559/F - BARN ADJACENT TO CASTLE FARM, BARTESTREE, HEREFORD, HEREFORDSHIRE, HR1 4BE (AGENDA ITEM 5)

Conversion of barn to form one residential dwelling.

The Principal Planning Officer advised that a meeting with the Head of Conservation and the applicant's agent would be held to address the outstanding issues if necessary.

RESOLVED:

That subject to the receipt of suitably amended plans, Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission 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 C05 (Details of external joinery finishes)

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

4 C10 (Details of rooflights)

Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of [special] architectural or historical interest.

5 C11 (Specification of guttering and downpipes)

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

6 E11 (Private use of stables only)

Reason: In order to safeguard the residential amenity of the area.

7 E16 (Removal of permitted development rights)

Reason: To protect the character and appearance of the traditional rural building in accordance with local plan policies.

8 G01 (Details of boundary treatments)

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

9 G04 (Landscaping scheme (general))

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

10 G05 (Implementation of landscaping scheme (general))

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

11 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.

12 The buildings marked A and C on drawing number 4770-1-2a shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the dwellinghouse as such and not for the carrying out of any trade or business.

Reason: To ensure that the buildings are used only for purposes ancillary to the dwelling.

13 Prior to the commencement of development a block plan showing the residential curtilage to be associated with the dwelling shall be submitted to and approved in writing by the local planning authority.

Reason: To clarify the terms of this permission and to protect the landscape and amenities of the surrounding area.

Informatives:

1 N03 - Adjoining property rights

2 N14 - Party Wall Act 1996

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

68. DCCE2004/2174/F - 36 FOLLY LANE, HEREFORD, HR1 1LX (AGENDA ITEM 6)

Three storey development of 16 no. 2 bed and 1 no. 1 bed flats.

The Principal Planning Officer advised that amendments were required to the conditions detailed in the report, i.e. that condition 4 should refer to hours of

construction and that condition 14 should be deleted as the survey for bats had already been carried out. The Principal Planning Officer reminded the Sub-Committee that this was a revised submission following the refusal of a previous application on design grounds (DCCE2004/0190/F refers).

In accordance with the criteria for public speaking, Mr. Harper (the applicant) spoke in support of the application.

Councillor Mrs. M.D. Lloyd-Hayes, a Local Member, commented on the dilapidated state of the existing building, felt that the applicant had addressed the concerns of the Sub-Committee and noted the demand for this type of development.

Councillor W.J. Walling, also a Local Member, felt it regrettable that the existing building had fell into such a state of disrepair and hoped that the development would be commenced as soon as possible to stop unlawful activities taking place on the site.

Other Members concurred with the appraisal by Officers and noted the importance of the landscaping conditions to ensure the protection of the prominent trees on the site.

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 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 B01 (Samples of external materials)

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

4 E05 (Restriction on hours of construction)

Reason: In order to protect the amenity of occupiers of nearby properties.

5 Foul water and surface water discharges must be drained separately from the site. No surface water and/or land drainage run off shall be allowed to connect, either directly or indirectly, to the public sewerage system.

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

6 Notwithstanding the approved drawings, prior to the commencement of development a scheme for the provision of storage, prior to disposal, of refuse 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.

7 F48 (Details of slab levels)

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

8 G02 (Landscaping scheme (housing development))

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

9 G03 (Landscaping scheme (housing development) - implementation)

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

10 The boundary wall between the site and properties in Whittern Way shall be permanently retained and repaired/made good where required.

Reason: To accord with the terms of the application and safeguard residential amenity.

11 G17 (Protection of trees in a Conservation Area)

Reason: To ensure the proper care and maintenance of the trees.

12 G19 (Existing trees which are to be retained)

Reason: In order to preserve the character and amenity of the area.

13 G21 (Excavations beneath tree canopy)

Reason: To prevent the unnecessary damage to or loss of trees.

14 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.

Informative:

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

69. DCCE2004/2336/F - LAND ADJACENT TO 19 PERSEVERANCE ROAD, HEREFORD, HR4 9SN (AGENDA ITEM 7)

Change of use from former site of demolished dwelling to car sales area with portacabin.

Councillor Mrs. P.A. Andrews, a Local Member, supported the appraisal by Officers.

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. G01 (Details of boundary treatments).

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

3. H15 (Turning and parking: change of use - commercial).

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

Informatives:

1. N03 - Adjoining property rights.

2. N14 - Party Wall Act 1996.

3. N15 - Reasons for the Grant of Planning Permission.

70. DCCE2004/3470/T - BULLINGHAM LANE, HEREFORD, HR2 7SA (AGENDA ITEM 8)

Erection of a 15m high telecommunications monopole with 30cm transmission dish and ground level cabinet.

In accordance with the criteria for public speaking, Mr. Gough spoke against the application.

The Principal Planning Officer advised that the development was considered acceptable having regard to the proven need, the lengthy search for alternative sites and the existing characteristics of the locality. He added that the final housing layout for the Bradbury Lines development had not yet been confirmed and perhaps there was an opportunity for the developer to take this proposal into account.

Councillors R. Preece and Mrs. W.U. Attfield, Local Members, supported the appraisal by Officers.

In response to a question, the Principal Planning Officer indicated the dimensions of the monopole and ancillary equipment and advised that it was not considered that there would be a seriously detrimental impact upon the character and appearance of the locality.

Some Members felt that the proposal was unacceptable given the proximity of the Bradbury Lines site and it was suggested that further negotiations be held. In response, the Principal Planning Officer explained that it would be difficult to defer for further negotiations given the timescale requirements when dealing with this type of application.

RESOLVED:

That prior approval be granted subject to the following conditions:

- 1 Prior to the installation of the equipment hereby approved, details of the external finish of the monopole and associated equipment 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 the materials harmonise with the surroundings in the interest of visual amenity.

Informative:

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

71. DCCE2004/2943/F - 82 AYLESTONE HILL, HEREFORD, HR1 1HX (AGENDA ITEM 9)

New four bedroom dwelling.

The Principal Planning Officer reported the receipt of the comments of the Head of Conservation (no objections).

Councillor D.B. Wilcox, a Local Member, broadly supported the appraisal by Officers but expressed concern about the drainage arrangements. He felt that a connection to the public sewerage system was essential and suggested that the informative note should read 'when a connection' rather than 'if a connection'. In response, the Principal Planning Officer advised that conditions were recommended as per advice from Welsh Water and that any deviation from this would require a further application for the variation of the conditions. However, it was noted that Officers would review the conditions and make them more robust where appropriate; condition 10 has been amended.

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. E16 (Removal of permitted development rights).

Reason: Having regard to the character of the application site and amenities of the neighbouring properties.

4. E17 (No windows in side elevation of extension).

Reason: In order to protect the residential amenity of adjacent properties.

5. 19 (Obscure glazing to windows).

Reason: In order to protect the residential amenity of adjacent properties.

6. G01 (Details of boundary treatments).

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

- 7. G04 (Landscaping scheme (general)).**

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

- 8. G05 (Implementation of landscaping scheme (general)).**

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

- 9. 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.

- 10. Foul water and surface water discharges must be to the Mains Sewerage System only and drained separately from the site.**

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

- 11. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

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

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

Informatives:

- 1. 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 Tel: 01443 331155.**
- 2. N03 - Adjoining property rights.**
- 3. N14 - Party Wall Act 1996.**
- 4. N15 - Reasons for the Grant of Planning Permission.**

- 72. DCCE2004/2530/F - LAND TO THE REAR OF 107 GORSTY LANE, HEREFORD, HR1 1UN (AGENDA ITEM 10)**

Erection of two bungalows.

The Principal Planning Officer briefly outlined the recommended reasons for refusal.

In accordance with the criteria for public speaking, Mrs. Aust (15 Sudbury Avenue) spoke against the application and Mr. Dyer (the applicant) spoke in support of the

application.

The Principal Planning Officer advised that there had been further discussions with the Transportation Unit and that Officers maintained the view that the access was unacceptable for the proposed development given that visibility and manoeuvring would be restricted and related highway safety concerns.

Councillor W.J. Walling, a Local Member, noted the concern of local residents about the density of the proposed development and the impact on the Conservation Area. He also noted that the access arrangements could cause a hazard to other road users and felt that the width of the access would need to be widened to accommodate two vehicles.

Councillor Mrs. M.D. Lloyd-Hayes, also a Local Member, felt that the introduction of two dwellings would be an over development of the site and supported the appraisal by Officers.

In response to a question, the Principal Planning Officer advised that negotiations with the applicant about the access arrangements had not progressed any further as Officers felt that the proposal was unacceptable in its current form.

RESOLVED:

That planning permission be refused for the following reason:

- 1. Having regard to adopted Policies H3, H13, H14, ENV14, CON12, CON13 and CON14 of the Hereford Local Plan, the proposed erection of two detached bungalows is considered to be unacceptable for the following reasons:**

The development would represent an over intensified use of the land leading to a cramped and inappropriate form of development. As such the proposal would be detrimental to the character of the surrounding area and therefore failing to preserve the character and appearance of the Conservation Area.

The introduction of two residential properties in this location would lead to an adverse relationship between the surrounding existing and the proposed dwellings in particular in terms of overlooking and privacy.

Furthermore, the development of this nature would be expected to generate traffic and activity that would involve additional vehicles slowing down and making turning movements, together with the presence of waiting vehicles on the carriageway of the adjoining road. This coupled with the substandard access width, minimal visibility and restricted access would be a form of development contrary to the interests of highway safety.

- 73. CW2002/3441/F - LAND TO THE WEST OF THE A49(T) AND NORTH OF BELMONT AVENUE, BELMONT, HEREFORD (AGENDA ITEM 11)**

Demolition of existing buildings and development of mixed-use scheme comprising Asda food store, community uses, residential development, replacement bowling green/club house, retained tramway and flood defence wall, parking, servicing, landscaping, new accesses and other highways infrastructure improvements.

UPDATED REPORT

The Principal Planning Officer advised that page 44 of the report should refer to condition 31 and not 32. He explained the background to the report and updated Members on the latest information. It was proposed the community facilities be opened at the same time as the store given the significant weight that Members gave to the community benefits of the proposals. It was also proposed that a flood evacuation scheme be required. It was reported that, in order to progress the development, it was proposed that the residential development part of the scheme not be progressed until the Hereford Flood Alleviation Scheme (FAS) had been completed and the area would be landscaped and maintained in the intervening period. Amendments to the recommendation and draft conditions were proposed to take these matters into account.

In response to questions, the Principal Planning Officer advised that it had not been possible to circulate the amended recommendation earlier due to the late receipt of information from the applicants.

Councillor R. Preece, a Local Member, endorsed the recommendation by Officers and commented on the perceived failings of the Environment Agency in relation to matters concerning the city.

Councillor Mrs. W.U. Attfield, also a Local Member, also spoke in support of the recommendation and noted the importance of local knowledge in considering such matters. Councillor Mrs. Attfield added that many residents were keen to see the proposals progressed as soon as possible.

Councillor A.C.R. Chappell, the other Local Member, commented on a number of issues, including: that there was no firm evidence that the site had a history of substantial flooding; that the applicants had consulted widely with the people in the South Wye area; he felt that the community facilities should be being opened at the same time as the store and commented on the community development opportunities; and he stressed the importance of the Hereford FAS being delivered in the shortest time possible and felt that the timescale should not be extended.

A number of Members concurred with the Local Members that more attention to the specific needs of Hereford was required from the Environment Agency. A number of comments were made about flood evacuation measures.

Councillor R.I. Matthews felt that the £2 million contribution towards the Hereford FAS should be paid and ring-fenced to ensure the delivery of the scheme under any circumstances.

Councillor P.J. Edwards noted that the residential block was a major design element of the proposals, due to its prominent position and the screening that it would provide to the store, and questioned whether the block could be constructed but not occupied. In response, the Principal Planning Officer advised that the Council would be criticised if it allowed the block to be constructed before the completion of the Hereford FAS.

Councillor D.B. Wilcox noted that condition 7 of the draft decision notice read '*The sale of non food or non convenience goods shall not take place from more than 40% of the total net sales area of the supermarket hereby permitted*' and suggested that the figure should be no more than 30% in order to protect city centre retail activity. In response, the Principal Planning Officer advised that, following considerable negotiations, 40% was considered acceptable and the reduction in this figure could

jeopardise the viability of the project.

It was suggested that a welcome sign to the city could be erected on the landscaped area at the front of the site.

In response to a suggestion that a time limit be imposed on the negotiations to finalise the Section 106 Agreement, the Legal Practice Manager advised that progress was being made but the draft submitted by the applicant's legal team was not satisfactory and further discussions were to be held. The Section 106 Agreement currently submitted by Eversheds was wholly unsatisfactory with regard to the terms appertaining to the sum to be paid regarding the FAS.

A number of Members hoped that work on the proposal would commence as soon as possible and thanked Officers for their efforts.

RESOLVED:

That planning permission be granted on completion of the Section 106 Agreement allowing the occupation and use of the community buildings at the same time as the store is opened. The residential development shall not be commenced until the Hereford Flood Alleviation Scheme has been implemented on the south bank of the River Wye.

(NOTE:

In accordance with the Council's Constitution SO 5.10.2, Councillor R.I. Matthew wished it to be recorded that he abstained from voting on the resolution detailed above.)

74. DATE OF NEXT MEETING

It was noted that the next scheduled meeting was Wednesday 15th December, 2004.

The meeting ended at 3.20 p.m.

CHAIRMAN