

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 2nd June, 2004 at 2.00 p.m.

Present: D.J. Fleet (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, G.V. Hyde,
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.S. Thomas, Ms. A.M. Toon, D.B. Wilcox and R.M. Wilson

In attendance: Councillors T.W. Hunt and J.B. Williams

1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN

It was noted Councillor D.J. Fleet had been re-elected Chairman and Councillor R. Preece had been re-appointed Vice-Chairman of the Central Area Planning Sub-Committee at the Annual Council meeting held on 21st May, 2004.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. S.P.A. Daniels, R. Preece, W.J. Walling and A.L. Williams.

3. DECLARATIONS OF INTEREST

The following declarations of interest were made during the meeting.

<u>Councillor</u>	<u>Item</u>	<u>Interest</u>
G.V. Hyde	Ref. 5 – DCCW2004/0933/F Proposed two storey detached dwelling with integral garage at: LAND ADJACENT TO DORGAR, SHELWICK, HEREFORD, HR1 3AL	Declared a prejudicial interest and left the meeting for the duration of this item.
G.V. Hyde	Ref. 6 - DCCW2004/0922/F Demolition of some existing stable blocks and erection of new stable blocks and vets treatment building to existing stable yard at: HEREFORD RACECOURSE, ROMAN ROAD, HEREFORD, HR4 9QU	Declared a personal interest.

G.V. Hyde	Ref. 8 - DCCW2004/1220/O Construction of new business units for B1, B2 & B8 uses, new estate spine road and parking areas, demolition of existing Unit 9A at: THREE ELMS TRADING ESTATE, BAKERS LANE, THREE ELMS ROAD, HEREFORD, HR4 9PU	Declared a prejudicial interest and left the meeting.
-----------	---	---

4. MINUTES

RESOLVED: That the Minutes of the meeting held on 5th May, 2004 be approved as a correct record and signed by the Chairman.

5. ITEM FOR INFORMATION - APPEALS

RESOLVED: That the report be noted.

6. HEAD OF PLANNING SERVICES REPORT (Pages 1 - 12)

The report of the Head of Planning Services was presented in respect of the planning applications received for the Central Area.

RESOLVED: That the planning applications be determined as set out in the appendix to these Minutes.

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: That under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION

- [12) Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:
- (a) any legal proceedings by or against the authority, or
 - (b) the determination of any matter affecting the authority (whether, in each case, proceedings have been commenced or are in completion)
- 13) Information which, if disclosed to the public, would reveal that the authority proposes:
- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
- 14) Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.]

7. ITEM FOR INFORMATION - ENFORCEMENT

The Sub-Committee received an information report about enforcement matters within

the Central Area. No comments were made.

RESOLVED: That the report be noted.

8. DATE OF NEXT MEETING

It was noted that the next scheduled meeting was Wednesday 30th June, 2004.

The meeting ended at Time Not Specified

CHAIRMAN

Ref. 1
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**

The Central Divisional Planning Officer reported the receipt of a letter from the occupiers of 1 Holmer Street and summarised its contents. It was also reported that the applicant had independently negotiated car parking spaces in a nearby private car park.

The Local Ward Members noted that the use of the car park would partly address concerns regarding the lack of parking at the site.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of five 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 shall be carried out in all respects strictly in accordance with the approved plans received by the local planning authority on 23 March 2004.**

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

Informatives:

- 1 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.**

- 2 The applicant is advised that, to satisfy the Building Regulations, it will be necessary to isolate the kitchen area from other parts of the building, this requiring a corridor or lobby to be formed between the front office, rear office, toilet and kitchen area.**

- 3 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:**

Hereford Local Plan:

**ENV15 - Access for all
H12 - Established Residential Areas**

H21 - Compatability of non-residential use

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).

Ref. 2
HEREFORD
DCCE2004/0095/RM

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 Central Divisional Planning Officer reported the receipt of a number of letters of objection following reconsultation on amended plans which, at the request of the Sub-Committee at the last meeting, included the reinstatement of the pedestrian/cycle link between the site and Bradbury Close as originally proposed in the Master Plan for the site.

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

The Local Members noted that there had been extensive consultation regarding the pedestrian/cycle link and that it had been deleted from the proposal following considerable objection on amenity and security grounds from local residents and the lack of any actual technical need or demonstrable benefit from a pedestrian/cycle link in this location. The Local Members expressed concerns about potential safety and security risks should this element be approved. A number of Members supported these views.

In response to a question, the Central Divisional Planning Officer advised that no comments had been received from West Mercia Police. The Central Divisional Planning Officer explained the pedestrian and vehicular access arrangements and briefly commented on proposals for later phases of development.

In response to comments, the Local Members noted the importance of promoting walking and cycling but felt that a 'cut-through' in the form proposed would result in noise and disturbance for local residents.

A suggestion was made that, if the link was removed from the proposal, any potential short-cut should be blocked by a wall rather than a fence to prevent any problems in the future.

The Local Members suggested that there should be a restriction of hours during construction to protect the amenity of local residents.

A motion to approve the application with the inclusion of the pedestrian/

cycle link failed and the Sub-Committee approved the resolution detailed below.

RESOLVED:

That Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the deletion of the pedestrian/cycle link between the site and Bradbury Close and any other conditions considered necessary by Officers.

Ref. 3
HEREFORD
DCCE2004/0836/RM

Proposed erection of 70 residential mixed dwellings, garages, roads and associated works at:

BRADBURY LINES, HEREFORD

For: **BARRATT HOMES LTD., C/O HAMMONDS YATES LTD., VICTORIAN ARCADE, 109 HIGH STREET, PORTISHEAD, BRISTOL, BS20 6PT**

In response to a questions, the Central Divisional Planning Officer advised that the proposal included 19 low cost market affordable houses and outlined the conditions relating to highways that formed part of the Section 106 Agreement in respect of planning application CE2001/2757/O.

RESOLVED:

That planning permission be granted subject to the following informatives:

- 1 The applicant's attention is drawn to condition Nos. 6, 14, 27, 29, 30, 31, 32 and 36 which require further details to be submitted prior to commencement of development.**
- 2 The applicant's attention is drawn to condition No. 26 which requires all construction traffic to use Bullingham Land only. No construction traffic should enter or leave the site via Bradbury Close or Hoarwithy Road.**
- 3 This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.**
- 4 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.**
- 5 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:**

Hereford Local Plan:

ENV7 – Noise
ENV8 – Contaminated land
ENV14 – Design
H3 – Design of new residential development
H4 – Residential roads
H5 – Public open space provision in larger schemes
H12 – Established residential areas
CAL15 – Long distance views
NC6 – Criteria for development proposals
T11 – Pedestrian provision
T12 – Cyclist provision
R2 – Deficiencies in public open space provision
R4 – Outdoor playing space standard
R5 – Loss of outdoor playing space
R6 – Provision of outdoor playing space
R8 – Children’s play areas

Herefordshire UDP (Deposit Draft):

S1 – Sustainable development
S2 – Development requirements
S3 – Housing
DR1 – Design
H1 – Hereford and the market towns

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).

Ref. 4
HEREFORD
DCCE2004/0568/F

Construction of new detached building for teaching music plus associated activities, together with curved roof extension over existing single storey building, and new covered corridor link at:

HEREFORD SIXTH FORM COLLEGE, FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1 1LU

For: HEREFORD SIXTH FORM COLLEGE PER MR. MORRIS, STOCKS TREE COTTAGE, KINGS PYON, HEREFORD, HR4 8PT

In accordance with the criteria for public speaking, Mr. Godfrey spoke in support of the application.

The Local Ward Member noted that additional students and visitors were likely to be attracted to the new building and questioned whether the on-site parking provision was sufficient. Other Members felt that the need for the decked car parking proposed in the ‘Master Plan’ for the Combined Folly Learning Village was more immediate. In response, the Central Divisional Planning Officer advised that these proposals were intended to upgrade existing facilities at the Sixth Form College only and the proposed additional on-site parking would help to meet extra demand for parking. He added that it would not be reasonable to require the decked car parking in conjunction with this application but it

was appropriate to require the Sixth Form College to make a financial contribution towards the resident only parking scheme given the acknowledged student related on-street parking problems in the locality.

Some Members suggested areas where further parking spaces could be provided and commented on the continued need for a successful Green Transport Plan.

The Local Ward Member was concerned that longer-term solutions to the parking problems should be delivered through this application and felt that additional on-site parking provision should be provided to the satisfaction of the Local Planning Authority. In response, the Central Divisional Planning Officer and the Leisure Services Manager explained that any further encroachment onto the areas of play space would result in a formal objection from Sport England. The Central Divisional Planning Officer re-iterated the purpose of these proposals and commented on how they integrated with the Master Plan for the Learning Village.

RESOLVED:

That:

- i) The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 requiring the applicant to make a financial contribution towards the cost of implementing a “resident only” on-street parking scheme on nearby roads and any additional matters and terms as she considers appropriate; and**
- ii) Upon completion of the aforementioned 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 additional conditions considered necessary by Officers.**
 - 1 A01 (Time limit for commencement (full permission))**
 - 2 B01 (Samples of external materials)**
 - 3 All windows/glazing panels in the north west facing (rear) elevation of the Music Building, any elevation of the curved roof over the existing single storey flat roof, and to the sides of the suspended new corridor shall be glazed with obscured glass and permanently fixed shut.**

Reason: To safeguard the amenities of nearby residential properties.
 - 4 F01 (Scheme of noise attenuating measures)**
 - 5 F48 (Details of slab levels)**
 - 6 Prior to the first use of the Music Building hereby approved the temporary buildings named 'TEMP'Y1', 'TEMP'Y2',**

'TEMP'Y3' and 'TEMP'Y4' on drawing No. SITE PLAN 1 shall be removed from the site.

Reason: To accord with the terms of the application and safeguard the amenities of the locality.

7 H13 (Access, turning area and parking)

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

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

Informatives:

1 - N02 - Section 106 Obligation

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

Ref. 5
SHELWICK
DCCW2004/0933/F

Proposed two storey detached dwelling with integral garage at:

LAND ADJACENT TO DORGAR, SHELWICK, HEREFORD, HR1 3AL

For: MR. & MRS. E.M. BRIMFIELD, DORGAR, SHELWICK, HEREFORD, HR1 3AL

The Local Ward Member proposed that a site visit be undertaken as the setting and surroundings were fundamental to the decision or to the conditions being considered.

In accordance with the criteria for public speaking, Mr. Brimfield had registered to speak in support of the application but decided to defer his opportunity to speak until this application was considered again after the site visit had taken place.

RESOLVED:

That consideration of planning application DCCW2004/0933/F be deferred for a site visit.

Ref. 6
HEREFORD
DCCW2004/0922/F

Demolition of some existing stable blocks and erection of new stable blocks and vets treatment building to existing stable yard at:

HEREFORD RACECOURSE, ROMAN ROAD, HEREFORD, HR4 9QU

For: NORTHERN RACING LIMITED PER MASON RICHARDS PARTNERSHIP, HIGHFIELD HOUSE, 5 RIDGEWAY, QUINTON BUSINESS PARK, BIRMINGHAM, B32 1AF

In response to a question, the Principal Planning Officer advised that the concerns of the Environment Agency regarding drainage would be addressed by a condition.

A number of Members spoke in support of the application.

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. G11 (Retention of hedgerows (where not covered by Hedgerow Regulations)).

Reason: To ensure that the application site is properly landscaped in the interests of the visual amenity of the area.

4. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

5. F17 (Scheme of foul drainage disposal).

Reason: In order to ensure that satisfactory drainage arrangements are provided.

Informative:

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

Ref. 7
HEREFORD
DCCE2004/1255/F

Demolition of some existing stable blocks and erection of new stable Proposed "dash" facility (drop-in counselling place and offices) to ground and first floor at:

MONKMOOR COURT, 31-34 COMMERCIAL ROAD, HEREFORD, HEREFORDSHIRE, HR1 2BG

For: HEREFORDSHIRE PRIMARY CARE TRUST, CAPITA PROPERTY CONSULTANCY, EASTGATE HOUSE, 35-43 NEWPORT ROAD, CARDIFF, CF24 0SB

This application was withdrawn at the request of the applicant.

Ref. 8
HEREFORD

Construction of new business units for B1, B2 & B8 uses, new estate spine road and parking areas, demolition of existing Unit 9A at:

DCCW2004/1220/O

spine road and parking areas, demolition of existing Unit 9A at:

THREE ELMS TRADING ESTATE, BAKERS LANE, THREE ELMS ROAD, HEREFORD, HR4 9PU**For: KENMORE HEREFORD 2 LIMITED PER CROUCH BUTLER SAVAGE LIMITED, 32 USBORNE MEWS, LONDON, SW8 1LR****RESOLVED:****That planning permission be granted subject to the following conditions:**

1. **A02 (Time limit for submission of reserved matters (outline permission)).**

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

2. **A03 (Time limit for commencement (outline permission)).**

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

3. **A04 (Approval of reserved matters).**

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

4. **A05 (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.**Informative:**

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

Ref. 9

HEREFORD

DCCW2004/1290/F

Proposed house at:

LAND ADJACENT TO 21 GUILDFORD STREET, HEREFORD, HR4 0DS**For: S. BEREKDAR PER MR. J. PHIPPS, BANK LODGE, COLDWELLS ROAD, HOLMER, HEREFORD, HR1 1LH**

The Central Divisional Planning Officer reported the receipt of a petition

from the St. Nicholas Community Association and a further letter of objection from the occupiers of 1 Guildford Street

The Local Ward Member proposed that a site visit be undertaken as the setting and surroundings were fundamental to the decision or to the conditions being considered.

RESOLVED:

That consideration of planning application DCCW2004/1290/F be deferred for a site visit.

Ref. 10
WESTHOPE
DCCW2004/0867/F

Construction of two poultry houses and associated ancillary works at:

LAWTONS HOPE FARM, WESTHOPE, HEREFORD, HR4 8BJ

For: **S. MORGAN & SONS PER MIKE HALL ADVISORY, 14 SUNNINGDALE, LEOMINSTER, HEREFORDSHIRE, HR6 8EH**

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

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

4. **G05 (Implementation of landscaping scheme (general)).**

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

5. **G07 (Details of earth works).**

Reason: To ensure that the application site is properly landscped in the interest of visual amenity of the area.

6. **G09 (Retention of trees/hedgerows).**

Reason: To safeguard the amenity of the area.

7. **F32 (Details of floodlighting/external lighting).**

Reason: To safeguard local amenities.

8. F37 (Scheme of odour and fume control).

Reason: In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality.

9. F18 (Scheme of foul drainage disposal).

Reason: In order to ensure that satisfactory drainage arrangements are provided.

Informatives:**1. HN01 - Mud on highway.**

2. The attention of the applicant is drawn to the comments of the Environment Agency in the letter dated 22nd April 2004. The scheme as submitted in relation to Condition 9 shall incorporate measures as specified by the Environment Agency for the prior approval of the local planning authority.

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

Ref. 10
WESTHOPE
DCCW2004/0938/F

Construction of 44 dwellings, a new cricket pavilion, improved sports facilities, car parking and associated work at:

LAND AT PENTLAND GARDENS, KINGS ACRE, HEREFORD

For: PERSIMMON (SOUTH MIDLANDS LTD) PER MR. G. BROCKBANK, HUNTER PAGE PLANNING LTD., THORNBURY HOUSE, 18 HIGH STREET, CHELTENHAM, GL50 1DZ

The Central Divisional Planning Officer reported the receipt of 112 identical letters of objection from local residents. The receipt of the comments of the Landscape Officer were also reported; it was noted that the overgrown sports site had a unique assemblage of grasses and a condition was recommended for the translocation of this feature elsewhere. The Leisure Services Manager reported that the objection of Sport England had been withdrawn.

In accordance with the criteria for public speaking, Mr. Rivers spoke against the application and Mr. Brockbank spoke in support of the application.

The Central Divisional Planning Officer outlined the differences between this application and that previously submitted for residential development of 59 dwellings (CW2003/0223/F) which had been withdrawn.

The Leisure Services Manager explained the key issues in respect of sports provision, including details about: the relocated cricket facilities within the management of the adjoining Whitecross High School approved specialist sports college campus; access for the general public; financial contributions for a relocated football pitch; and the provision of a new pavilion to serve both the cricket and bowls

purposes.

The Central Divisional Planning Officer clarified that, whilst the objection of Sport England had been withdrawn, the application would need to be notified to the Secretary of State as a departure from the Development Plan.

The Local Ward Members expressed concerns about additional vehicular traffic entering the site via Cotswold Drive and related highway safety issues. The Local Ward Members felt that the proposal should be refused under policies H3 (Design of New Residential Development) and H14 (Established Residential Areas) of the Hereford Local Plan.

In response to questions, the Central Divisional Planning Officer explained how pedestrians and cyclists would access the various parts of the site and how the 'home zone' traffic calming measures would operate. A number of Members commented on the need for the sports facilities to be more available to the general public and felt that any planning permission should be conditioned accordingly.

In response to questions, the Leisure Services Manager advised that an assessment carried out on behalf of the applicant stated that there was not a shortfall of sports pitches within this quadrant, hence it was proposed that the replacement pitch be provided at the recreation site at Aylestone Hill. Some Members expressed uncertainty about the findings of this assessment.

In response to comments, the Local Ward Members clarified that the key local objection was that the highway network which would serve the development was inadequate and potentially unsafe.

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

RESOLVED:

1. That:

- i) the application is notified to the Secretary of State for the Environment, Transport and the Regions as a departure from the Development Plan;**
- 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 and Country Planning Act 1990 to

- 1) Provision of affordable housing (15 units comprising of 6 rented and 9 shared equity).**
- 2) A contribution of £44,000 to Trinity Primary School.**
- 3) A contribution of £50,000 towards the maintenance of**

the cricket pitch.

- 4) A contribution of £100,000 for the provision of a new football pitch off site.
- 5) A contribution of £10,000 for the repositioning of the cricket square.
- 6) The construction of a new cricket/bowls pavilion to Sport England's specification design guidance.
- 7) The relocation and siting of play equipment and laying out of public open space together with a commuted sum for the maintenance of such areas for a period of 10 years after completion of development.
- 8) Payment of the Council's legal costs in preparing the Planning Obligation

and any additional matters and terms as she considers appropriate.

2. On completion of the aforementioned Planning Obligation Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the receipt of suitably amended plans and no further objections raising additional material planning considerations after a reconsultation with adjoining residents and no objections being raised by Sport England.

(NOTE:

In accordance with the Council's Constitution SO 5.10.2, Councillors Mrs. P.A. Andrews, Mrs. E.M. Bew and Ms. A.M. Toon wished it to be recorded that they voted against the resolution detailed above.)