

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 3rd May, 2006 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, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Mrs. S.J. Robertson, Miss F. Short, Mrs. E.A. Taylor, Ms. A.M. Toon, D.B. Wilcox, A.L. Williams and R.M. Wilson

In attendance: Councillors T.W. Hunt (ex-officio)

171. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs. S.P.A. Daniels, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, Ms. G.A. Powell and W.J.S. Thomas.

172. DECLARATIONS OF INTEREST

The following declarations of interests were made:-

Councillor	Item	Interest
P.J. Edwards	Agenda Item 6, Minute 176 DCCW2006/0960/F Development at Pomona Place, Hereford, HR4 0LW	Declared a personal interest.
J.C. Mayson	Agenda Item 7, Minute 177 DCCE2005/4168/F Claston, Dormington, Hereford, HR1 4EA	Declared a prejudicial interest and left the meeting for the duration of this item.
Mrs. S.J. Robertson	Agenda Item 8, Minute 178 DCCE2006/0608/F Leys Farm, Grafton, Hereford, HR2 8BL	Declared a prejudicial interest and left the meeting for the duration of this item.
P.A. Andrews	Agenda Item 11, Minute 181 DCCW2006/0869/F Tesco Stores Ltd, Abbotsmead Road, Belmont, Hereford, HR2 7XS	Declared a prejudicial interest and left the meeting for the duration of this item.
D.J. Fleet	Agenda Item 12, Minute 182 DCCE2006/0351/F Lucksall Caravan Park, Mordiford, Hereford, HR1 4LP	Declared a personal interest.

J.C. Mayson	Agenda Item 14, Minute 184 DCCE2006/0765/F Unit 4, Whitestone Business Park, Whitestone, Hereford, HR1 3SE	Declared a personal interest but had left the meeting before this item was considered.
J.C. Mayson	Agenda Item 15, Minute 185 DCCE2006/0625/F Manor Farm, Watery Lane, Lower Bullingham, Hereford, Herefordshire, HR2 6EP	Declared a prejudicial interest but had left the meeting before this item was considered.
R. Preece	Agenda Item 16, Minute 186 DCCE2006/0663/F Field Farm House Residential Home, Hampton Bishop, Herefordshire, HR1 4JP	Declared a prejudicial interest and left the meeting for the duration of this item.

173. MINUTES

Councillor D.B. Wilcox requested that the resolution in respect of Minute 159, planning application DCCE2006/0099/O – Royal National College for the Blind, College Road, Hereford, HR1 1EB, be amended to make reference to the £105,000 contribution being for Traffic Management issues rather than those highway issues specified in the report.

RESOLVED: That, subject to the above amendment, the Minutes of the meeting held on 5th April, 2006 be approved as a correct record and signed by the Chairman.

174. ITEM FOR INFORMATION - APPEALS

The Sub-Committee noted the Council's current position in respect of planning appeals for the central area.

175. DCCW2006/0495/F - 285 KINGS ACRE ROAD, HEREFORD, HR4 0SS [AGENDA ITEM 5]

New residential development comprising 2 no. 4 bed houses and one no. 2 bed house plus new highway access.

The Principal Planning Officer reported that, following the Sub-Committee's site visit, the applicant's agent had suggested reductions to the height of the proposed houses.

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

Councillor R.I. Matthews, the Local Ward Member, acknowledged that local residents had genuine concerns about the proposal and noted that the site fell outside the defined settlement boundary for Hereford City. He commented that the driveway was too narrow and would be detrimental to highway safety, particularly given that the adjacent pedestrian footway which was heavily used. He felt that the application should be refused on the grounds that the proposal would have a detrimental impact on the amenities of adjoining residents and would represent an overdevelopment of the site which would have a damaging effect on the rural

character of the area.

The Principal Planning Officer clarified that, whilst the site fell outside the defined settlement boundary for Hereford City and could be considered technically as open countryside, it was within the defined linear settlement zone for Kings Acre Road. He also indicated the distances between the proposed and existing properties.

Councillor Mrs. P.A. Andrews felt unable to support the development as it represented an unacceptable form of backland development that could potentially set a precedent for other undesirable developments in the area.

Councillor P.J. Edwards noted problems with surface water drainage from fields in the area and commented that any development would need to mitigate the associated risks.

A number of Members concurred with the Local Ward Member that the access arrangements could be hazardous to other road users and pedestrians, particularly as there would not be room for vehicles to pass on the driveway.

In response to a question about the recommendation of approval by officers, the Development Control Manager noted that there were policy tensions in that the site fell outside of the settlement boundary but could be considered previously developed land and, therefore, redevelopment would be in accordance with PPG3.

RESOLVED:

That (i) The Central Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Development Control Manager) provided that the Development Control Manager does not refer the application to the Planning Committee:

- 1. The proposal would have a detrimental impact on the amenities of adjoining residents.**
- 2. The proposal would represent an overdevelopment of the site and would have a damaging effect on the rural character of the area.**
- 3. The access arrangements would be detrimental to highway safety.**

(ii) If the Development Control Manager does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.

[Note: Following the vote on this application, the Development Control Manager advised that he would not refer the application to the Planning Committee.]

176. DCCW2006/0960/F - DEVELOPMENT AT POMONA PLACE, HEREFORD, HR4 OLW [AGENDA ITEM 6]

Proposed hotel, A4 public house outlet and residential development.

The Principal Planning Officer reported the following:-

- The Traffic Manager had no objections, subject to conditions and the inclusion of a contribution of £51,000 in the Heads of Terms.
- Welsh Water had no objection subject to conditions.
- The Conservation Advisory Panel had expressed concerns and requested further details about the landscaping scheme.
- The Cider Museum had made a number of observations, particularly in relation to the proposed public house.
- The St. Nicholas Community Association had raised objections to the application, particularly with regard to the scale of the proposed development and whether there was a need for the hotel and public house.
- Two letters of objection had been received, concerns included the impact on the Cider Museum, inadequate parking and the potential for disturbance.
- Page 31, paragraph 6.10, should refer to £35,000 and not £35,999 for two CCTV cameras.
- Page 32, condition 8, should read 'F32 (Details of floodlighting)', i.e. the words 'sports grounds' should be removed.
- Page 35, Head of Terms, paragraph 1, should refer to 'the sum of £7,000' and not £8,000 to provide enhanced educational infrastructure, representing £1,000 per residential unit.
- Page 35, Head of Terms, paragraph 2, should refer to 'the sum of £51,000' for highway works and improved transportation infrastructure.

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

Councillor Miss F. Short welcomed the redevelopment of the site but was concerned about the scale and design of the proposal. She felt that a review of the architectural approach was needed, particularly in respect of the curved roof. In response, the Principal Planning Officer advised that one storey had been removed from the original submission and explained that a traditional roof design would have increased the height of the development further. He added that similar architectural features in the area had influenced the curved roof design.

Councillor Mrs. P.A. Andrews commented that the current design was a significant improvement on the original design and would blend in with the other buildings in the vicinity.

In response to a question from Ms. A.M. Toon, the Principal Planning Officer confirmed that the hotel and residential parking would be separated.

Councillor D.B. Wilcox commented on concerns with the Licensing Act and, given that the development would include residential units, suggested a condition to restrict the hours of opening of the public house element between 12 midnight and 9.00am. The Legal Practice Manager explained the relationship between the regulatory and planning functions of the Council. The Development Control Manager advised that PPG24 (Planning and Noise) would allow such a condition where there would be an impact on residential amenity. He suggested that a restriction whereby the A4 public house would not be open to the public during the hours of 12 midnight to 7.00am would be reasonable.

Councillor R.I. Matthews commented on the success of the Council's Regulatory Sub-Committee; it was noted that there had only been two successful appeals against the Sub-Committee's licensing decisions. Councillor Wilcox stressed that

there was no mistrust regarding the Council's regulatory function and his comments referred to cases elsewhere.

Councillor P.J. Edwards welcomed the contribution towards CCTV cameras but noted the need for continued monitoring. He expressed concerns about accessibility and highway safety issues, particularly given the lack of parking and turning space for service vehicles.

In response to a question from Councillor Mrs. S.J. Robertson, the Principal Planning Officer advised that the residential development was below the requirement where the authority could insist upon play facilities.

Councillor Mrs. Andrews commented on the need to improve the junction arrangements in the area, including filter lanes. The Chairman advised that the Traffic Assessment had not revealed the need for extensive highway works and there were no major schemes in preparation to which developer contributions could be directed towards.

In response to a question from Councillor A.L. Williams, the Principal Planning Officer advised that the authority could not control the pricing model used by the hotel.

Councillor Mrs. E.M. Bew, a Local Ward Member, commented that she had mixed feelings about the scheme in that it appeared to be over-intensive but an increase in hotel provision should be supported. She concurred with other Members about the need to resolve traffic problems in the area.

In response to comments by Members, the Principal Planning Officer suggested that further discussions be held regarding the upgrading of an adjacent alleyway.

RESOLVED:

- 1) **Subject to there being no objection by the end of the consultation period, the Legal Practice Manager be authorised to complete a planning obligation under Section 106 of The Town and Country Planning Act 1990 to (set out in the Heads of Agreement) and any additional matters and terms as he considers appropriate.**
- 2) **Upon completion of the aforementioned obligation that the 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. **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. **F12 (Sound insulation of plant/machinery/equipment).**

Reason: To safeguard the amenity of the area.

5. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

6. F18 (Scheme of foul drainage disposal).

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

7. F22 (No surface water to public sewer).

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

8. F32 (Details of external lighting).

Reason: To safeguard local amenities.

9. 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.

10. F38 (Details of flues or extractors).

Reason: In the interests of the amenity of the area.

11. F39 (Scheme of refuse storage).

Reason: In the interests of amenity.

12. F47 (Measures to deal with soil contamination).

Reason: To ensure potential soil contamination is satisfactorily dealt with before the development is occupied.

13. 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.

14. G01 (Details of boundary treatments).

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

15. G04 (Landscaping scheme (general)).

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

16. G05 (Implementation of landscaping scheme (general)).

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

17. 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.

18. H21 (Wheel washing).

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

19. H27 (Parking for site operatives).

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

20. 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.

21. Prior to the first occupation of the development hereby approved full details of the enhanced surface treatment and lighting of adjacent public footpaths including the alleyway providing a link to Ryelands Street to the north of the site have been submitted to, approved in writing by the local planning authority and implemented in accordance with the approved details.

Reason: In order to facilitate improved pedestrian access to and from the site

22. The use of the public house (Use Class A4), the extent of which is identified on the approved floor plans shall not be open to customers (other than those patronising the hotel accommodation) outside the hours of 1200 hours (midnight) and 0700 daily.

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

Informatives:

1. HN1 – Mud on highway.
2. HN02 – Public rights of way.
3. HN05 – Works within the highway.
4. N02 – Section 106.

177. **DCCE2005/4168/F - CLASTON, DORMINGTON, HEREFORD, HR1 4EA
[AGENDA ITEM 7]**

Agricultural building.

Councillor Mrs. J.E. Pemberton, the Local Ward Member, noted that the erection of an agricultural building on a farm should be relatively straightforward but noted that

the planning history and civil matters relating to this site were more complicated than usual. Councillor Mrs. Pemberton expressed concern that this was a retrospective application and hoped that the applicant and the Marches Brewing Company could resolve the legal dispute that had arisen regarding the use of the site. The Chairman drew attention to second informative note regarding civil/legal rights.

RESOLVED:

That planning permission is granted.

Informatives:

- 1. N15 - Reason(s) for the Grant of Planning Permission.**
- 2. The applicant is advised that this planning permission does not over-ride any civil/legal rights that may be enjoyed by the objector (P J Harris of The Marches Brewing Company).**

178. DCCE2006/0608/F - LEYS FARM, GRAFTON, HEREFORD, HR2 8BL [AGENDA ITEM 8]

Proposed bungalow.

The Principal Planning Officer confirmed that the application site was situated outside of a defined settlement.

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

Councillor Mrs. W.U. Attfield, a Local Ward Member, noted the location of the site but felt that the specific personal circumstances of the applicants should be given weight and that an exception to permit housing should be allowed. She commented that the proposal would enable the family to remain together and ensure the continued sustainability of the farm, whilst providing an element of diversification in the long term. She felt that the conversion of an existing building was not workable given the distances involved.

Councillor A.C.R. Chappell, also a Local Ward Member, supported the application and commented that there was no viable alternative given the personal circumstances of the applicants.

A number of Members endorsed the comments of the Local Ward Members. It was suggested that any planning permission granted should closely link the existing farmhouse to the proposed bungalow.

The Development Control Manager advised the Sub-Committee that the proposal was directly contrary to the Council's planning policies as it was situated in open countryside, it could not be considered to be previously developed land and none of the exceptions had been satisfied.

A number of Members felt that there was an element of rural enterprise and diversification which should be supported. Some commented that the proposal would have minimal impact on the area and noted that no letters of objection had been received.

Councillor Chappell commented on other residential developments near to the application site and suggested that officers' concerns could be addressed through a

condition to prevent the sale or independent occupation of the bungalow from the farmhouse.

Councillor Mrs. Attfield stressed the social needs of the applicants and felt that the existing planning policies did not adequately provide for such needs.

RESOLVED:

- That (i) The Central Area Planning Sub-Committee is minded to approve the application subject to conditions felt to be necessary by the Development Control Manager provided that the Development Control Manager does not refer the application to the Planning Committee.**
- (ii) If the Development Control Manager does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application subject to such conditions referred to above.**

[Note: Following the vote on this application, the Development Control Manager advised that he was minded to refer the application to the Planning Committee subject to further discussions with the Director of Environment and the Forward Planning Manager.]

179. DCCE2006/0806/F - 14 LODER DRIVE, HEREFORD, HR1 1DS [AGENDA ITEM 9]

Extensions at ground and first floor levels to rear and sides.

The Senior Planning Officer reported the receipt of a further letter of objection. He also reported the receipt of amended plans. It was reported that the occupants of 16 Loder Drive maintained their objection to the amended plans.

Councillor D.B. Wilcox, a Local Ward Member, sympathised with the concerns of the adjacent residents but felt that, given recent appeal decisions, there were no sustainable reasons to justify refusal of the planning permission in this instance.

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 B02 (Matching external materials (extension)).**

Reason: To ensure the external materials harmonise with the existing building.

- 4 E08 (Domestic use only of garage).**

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.

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

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

6 E19 (Obscure glazing to windows).

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

7 F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

Informatives:

1 N03 - Adjoining property rights.

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

180. DCCW2006/0900/F - 22-28 FRIARS STREET, HEREFORD, HR4 0AS [AGENDA ITEM 10]

New three storey residential unit comprising of 15 flats.

The Principal Planning Officer reported the following:-

- Welsh Water had no objections.
- The Conservation Manager had identified nesting birds in the eaves of the existing building and that an informative note about the matter would be added to any planning permission granted.
- The Conservation Advisory Panel had no objections.
- Hereford City Council had no objections.
- Two further letters of objection had been received and the comments were summarised.
- St. Nicholas Community Association had raised objections and the comments were summarised.

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

Councillor Ms. F. Short, a Local Ward Member, felt that the proposal had not changed significantly and that the refusal reasons given in respect of planning application DCCW2005/4047/F had not been overcome.

Councillor Mrs. P.A. Andrews commented that the scale and design of the proposal was too dominant and that, even with two additional parking spaces, the parking provision was inadequate. A number of Members supported these comments. Other concerns were expressed about the design of the frontage, the density of development and access for service and emergency vehicles.

Councillor Mrs. Andrews proposed that the application be refused on the same grounds as the previous application. The Development Control Manager noted that the refusal reasons would need to be amended to incorporate reference to the

additional parking spaces.

Councillor Mrs. E.M. Bew, a Local Ward Member, commented on traffic congestion problems in the vicinity of the site and this development would exacerbate the situation. She felt that the proposal would have a detrimental impact on the street scene and should be refused.

RESOLVED:

That (i) The Central Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Development Control Manager) provided that the Development Control Manager does not refer the application to the Planning Committee:

- 1. It is considered that the redevelopment of this site as proposed would by reason of its dominant scale, design and prominent siting be detrimental to the character and appearance of Friars Street. Accordingly the proposal conflicts with Policies ENV14, H3, H12 and H14 of the Hereford Local Plan and Policies H1, H14 and DR1 of the emerging Herefordshire Unitary Development Plan.**
- 2. The provision of only ten parking spaces for 15 two bed apartments represents an unacceptable underprovision in the context of the site's location and limited access to public transport and other services and amenities and would result in additional parking on the surrounding road network. This would not be in the interests of highway safety and would be contrary to Policy T5 of the Hereford Local Plan and Policies H16 and T11 of the emerging Herefordshire Unitary Development Plan.**

(ii) If the Development Control Manager does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.

[Note: Following the vote on this application, the Development Control Manager advised that he would not refer the application to the Planning Committee. The Chairman suggested that a review of the traffic situation in the area should be undertaken as a matter of urgency.]

181. DCCW2006/0869/F - TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HR2 7XS [AGENDA ITEM 11]

Variation of condition 8 of planning permission DCCW2004/1679/F to allow for dot.com operations on Sundays between 9.00am and 4.30pm.

The Principal Planning Officer reported the receipt of a further letter of objection and summarised the concerns raised. He proposed an amendment to the recommendation in order to clarify the operating hours.

In accordance with the criteria for public speaking, Mr. Robinson spoke on behalf of Belmont Rural Parish Council.

Councillor J.W. Newman, a Local Ward Member, noted concerns about alleged breaches of planning conditions by the applicant. He felt that the amenities of local residents should be protected and the proposal to increase activity should be resisted.

Councillor P.J. Edwards, also a Local Ward Member, commented on problems with noise emanating from the dot.com area and stressed the need for the applicant to properly manage the site and comply with the conditions imposed. He felt that emphasis should be given to conditions 3 and 4 in order to protect residential amenities. The Principal Planning Officer reported that a letter had been received from the applicant which outlined the measures being undertaken to mitigate the impact of the operation.

Noting the concerns of the Local Ward Members, Councillor D.B. Wilcox proposed that a twelve-month temporary permission be granted to enable the impact of the proposal to be fully assessed. A number of Members spoke in support of this suggestion.

Councillor Edwards suggested that the gate should be constructed of a solid, complete material in order to assist with noise attenuation and be finished in a paint that would be proof against graffiti.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1. This consent shall expire on 3 May 2007. Unless further consent is granted in writing by the local planning authority prior to the end of that period, the use hereby approved shall permanently cease.**

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

- 2. No machinery shall be operated or delivery vehicles loaded in association with the dot.com deliveries before 7am or after 11pm on weekdays and Saturdays or outside the hours of 9am - 4.30pm on a Sunday or at any times on Bank or Public Holidays.**

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

- 3. On a Sunday, no dot.com delivery vehicles shall enter or leave the premises outside the hours of 11am-4pm.**

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

- 4. No Sunday operation of the dot.com delivery service shall be carried out until full details of the gate proposed in the Environmental Noise Assessment received on 14th March, 2006 have been submitted to and approved in writing by the local planning authority and subsequently installed. The approved gate shall thereafter be permanently maintained.**

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

- 5. All access to the dot.com service area on Sundays shall be via the Abbotsmead Road access which shall not be open until 11am and thereafter shall be kept closed at all times other than to allow the**

immediate entry and exit of delivery vehicles and unless otherwise agreed in writing by the local planning authority.

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

Informatives:

1. For the avoidance of doubt the term dot.com delivery service refers to the internet home shopping and delivery service operated by the applicant.
2. N15 – Reason(s) for the Grant of Planning Permission.

182. DCCE2006/0351/F - LUCKSALL CARAVAN PARK, MORDIFORD, HEREFORD, HR1 4LP [AGENDA ITEM 12]

Repositioning of existing static caravans (part retrospective) and additional 15 static caravans, including change of use of part of the land.

The Senior Planning Officer reported the following:-

- An additional condition, A09 – Amended Plans, was recommended.
- English Nature was satisfied with the drainage arrangements.
- Further correspondence had been received from the Ramblers' Association.
- A further letter of objection had been received from the occupiers of property opposite the site.
- The Senior Planning Officer confirmed that a lower row of caravans had been removed from the proposal.

In accordance with the criteria for public speaking, Ms. Harris spoke against the application and Mr. Jolly spoke in support of the application.

Councillor Mrs. J.E. Pemberton, the Local Ward Member, drew attention to the planning history of the site and the concerns of local residents. She sought clarification on matters relating to the drainage system, flooding, boundary issues, and measures to mitigate the impact of the caravans. In response, the Senior Planning Officer reported that English Nature was satisfied that the drainage system would meet capacity needs, that the new structures would be appropriately sited above the flood plain, and that boundary and landscaping conditions could be included as part of any planning permission granted. He added that the external finish of the caravans could be controlled through a condition but not the type of caravans used.

In response to a question, the Development Control Manager explained the enforcement options available to the Authority.

A number of Members expressed concerns about the application. The Senior Planning Officer advised the Sub-Committee that the Traffic Manager and English Nature considered the proposal acceptable subject to conditions.

Given the issues raised by Members, Councillor R.I. Matthews proposed that a site inspection be undertaken.

RESOLVED:

That consideration of planning application DCCE2006/0351/F be deferred for a

site inspection for the following reason:

- The setting and surroundings are fundamental to the determination or to the conditions being considered.

183. DCCE2006/0834/F - 11 COURTNAY RISE, HEREFORD, HEREFORDSHIRE, HR1 1BP [AGENDA ITEM 13]

Proposed two storey extension.

Councillor D.B. Wilcox, a Local Ward Member, noted the objections of the adjacent resident but felt there were no sustainable material planning reasons to refuse 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 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 B03 (Matching external materials (general)).

Reason: To ensure the satisfactory appearance of the development.

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

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

5 E19 (Obscure glazing to windows).

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

6 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.

Informatives:

1 N03 - Adjoining property rights.

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

184. DCCE2006/0765/F - UNIT 4, WHITESTONE BUSINESS PARK, WHITESTONE, HEREFORD, HR1 3SE [AGENDA ITEM 14]

Change of use from B1 light industrial to mixed use comprising a retail showroom, storage and offices.

The Principal Planning Officer reported that the Head of Economic Development had raised objections to the application due to the potential loss of industrial use.

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

Councillor R.M. Wilson, the Local Ward Member, felt that the application should be supported. He commented that the Business Park had not been successful in attracting B1 light industrial companies to the site and expressed the view that the design and installation elements of Elite Bathrooms and Tiles could be interpreted as employment uses in accordance with the Council's policies. Comparisons were made between this operation and Browns Furniture, located on the same Business Park, which also incorporated retail sales. He stressed the differences between Elite Bathrooms and Tiles and typical large-scale retail warehousing operations. He felt that the highways network had capacity for the proposed change of use and that there were positive benefits in terms of reducing traffic and parking congestion in Hereford City. He noted that the applicants had stated that the business already employed 17 people and this was expected to increase. He questioned whether the applicant's suggestion regarding a personal permission would be viable.

A number of Members concurred with the Local Ward Member's views and comments were made about the need to support local businesses. Some noted the difficulties being experienced in the industrial sector and felt that there was a need to react to changing circumstances. However, as an additional measure of control, it was proposed that a restriction be imposed on the types of goods to be sold.

The Development Control Manager explained the planning policy objections and the differences between the use classes. He commented that there was no intrinsic reason why this retail use should be located within this established employment area. The Sub-Committee was advised that the question was whether this use was acceptable in this location and, therefore, a personal permission would not necessarily provide any additional safeguards.

In response to comments by Members, the Principal Planning Officer advised that: the suggestion of a personal permission had come from the applicant; ancillary retail usage was normally defined as 10% of the gross floor area; many retail outlets offered design and fitting functions but this was an ancillary service; and the showroom area at Browns Antiques was ancillary to the primary use of the building which was for general and light industrial purposes.

It was suggested that the Local Ward Member be consulted on discussions to define the types of goods permitted.

RESOLVED:

- That (i) The Central Area Planning Sub-Committee is minded to approve the application subject to conditions felt to be necessary by the Development Control Manager, in consultation with the Local Ward Member, provided that the Development Control Manager does not refer the application to the Planning Committee.**
- (iii) If the Development Control Manager does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application subject to such conditions referred to above.**

[Note: Following the vote on this application, the Development Control Manager

advised that he was minded to refer the application to the Planning Committee.]

185. DCCE2006/0625/F - MANOR FARM, WATERY LANE, LOWER BULLINGHAM, HEREFORD, HEREFORDSHIRE, HR2 6EP [AGENDA 15]

Retrospective application for lambing shed.

Councillor R. Preece, a Local Ward Member, felt that the shed was acceptable but commented on the need for the applicant to address a number of issues to mitigate the impact on local residents. Councillor Mrs. W.U. Attfield, also a Local Ward Member, supported this view.

RESOLVED:

That planning permission be granted subject to the following condition:

- 1. Within two months of the date of this planning permission, the roof and side cladding of the building hereby granted shall be coloured a dark blue grey (BS18B29) or a similar dark colour to be agreed in writing with the local planning authority.**

Reason: In the interests of visual amenity.

Informative:

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

186. DCCE2006/0663/F - FIELD FARM HOUSE RESIDENTIAL HOME, HAMPTON BISHOP, HEREFORDSHIRE, HR1 4JP [AGENDA ITEM 16]

Side extension to care home.

The Principal Planning Officer advised that any planning permission granted would be subject to further consultation with the Environment Agency

In accordance with the criteria for public speaking, Jane Barrington spoke in support of the application.

Councillor Mrs. J.E. Pemberton, the Local Ward Member, noted the history of flooding in the area and, as no assurances could be given about the integrity of the Stank flood bank, expressed concern that any development in the area was recommended for approval given the objections of the Environment Agency. Councillor Mrs. Pemberton added that advice had been given to another residential home in the area that no new build would be permitted due to the flood risk.

The Principal Planning Officer confirmed that the Environment Agency maintained their objections. However, it was noted that an extant planning permission (CE2001/1815/F refers) would enable the applicant to construct an extension on a larger footprint than this proposal. He advised that the recommendation was one of approval given the extant planning permission and the architectural improvements and functional benefits of the new scheme.

Councillor Mrs. Pemberton commented on the difficulties of evacuating residents during times of flooding and felt unable to support the proposal.

A number of Members expressed concerns about the flood risk but noted that the approved scheme was a strong material consideration. The Development Control

Manager advised that the applicant could lawfully develop the approved scheme and commented that the new proposal provided an opportunity to improve the situation.

RESOLVED:

That following the referral of the resolution to approve the application to the Environment Agency in line with the guidance of PPG25 Planning and Flood Risk, planning permission be granted subject to the following conditions and any others deemed appropriate by the Environment Agency:

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. **A12 (Implementation of one permission only).**

Reason: To prevent over development of the site.

4. **B01 (Samples of external materials).**

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

5. **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.

6. **F18 (Scheme of foul drainage disposal).**

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

7. **E06 (Restriction on Use).**

Reason: The local planning authority wish to control the specific use of the land/premises.

8. **Prior to the commencement of the development hereby permitted, details shall be provided of the measures to address the flood risk to the building and its occupants. The details shall include flood proofing construction features/techniques in the design of the building and a flood evacuation procedure to the Environment Agency's approval. The building shall be constructed in accordance with the approved details and the evacuation plan completed and clearly displayed prior to occupation of the building hereby permitted.**

Reason: To safeguard the safety of the occupants in the event that the site floods.

Informative:

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

187. DATE OF NEXT MEETING

It was noted that the next scheduled meeting was Wednesday 31st May, 2006.

The meeting ended at 5.47 p.m.

CHAIRMAN