

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Monday, 25th September, 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, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Mrs. S.J. Robertson, Mrs E.A. Taylor, W.J.S. Thomas, W.J. Walling, D.B. Wilcox and R.M. Wilson.

In attendance: Councillors J.B. Williams (ex-officio)

70. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. S.P.A. Daniels, T.W. Hunt (ex-officio), R.I. Matthews, Ms. G.A. Powell, Miss F. Short, Ms. A.M. Toon and A.L. Williams.

71. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
D.B. Wilcox	Agenda Item 5, Minute 74 DCCW2006/2012/F The Plough Inn, Canon Pyon, Herefordshire, HR4 8NU	Declared personal interests in these items.
	Agenda Item 8, Minute 77 DCCW2006/2391/F Burling Gate Farm, Marden, Hereford, Herefordshire, HR1 3EU	
	Agenda Item 10, Minute 79 DCCE2006/2424/F 10 Kyrle Street, Hereford, Herefordshire, HR1 2ET	

72. MINUTES

RESOLVED: That the Minutes of the meeting held on 23rd August, 2006 be approved as a correct record and signed by the Chairman.

73. ITEM FOR INFORMATION - APPEALS

The Sub-Committee noted the Council's current position in respect of planning

appeals for the central area.

Councillor P.J. Edwards expressed disappointment that an appeal against refusal of planning permission in relation to application DCCW2005/1602/F [99 Dorchester Way, Belmont, Hereford] had been upheld on appeal.

74. DCCW2006/2012/F - THE PLOUGH INN, CANON PYON, HEREFORDSHIRE, HR4 8NU [AGENDA ITEM 5]

Conversion to 4 dwellings in lieu of 2 dwellings as approved 25/08/04 application no. DCCW2004/1701/F.

The Chairman noted that the landowner had sent a letter to Members of the Sub-Committee.

The Senior Planning Officer reported the receipt of additional comments from Canon Pyon Parish Council; the Parish Council welcomed the proposed footpath along the site frontage but maintained their objection to the application. It was also reported that the applicant had submitted a revised layout plan following the Sub-Committee's site inspection.

Councillor J.C. Mayson, the Local Ward Member, noted that the proposed footpath would improve pedestrian safety but was unable to support the application as he felt that the parking and access arrangements would still compromise highway safety.

A number of Members welcomed the revised layout plan, noted that the Traffic Manager had no objections and supported the conversion to four dwellings as a means of providing relatively affordable housing in the locality.

In response to a question, the Senior Planning Officer clarified that the Authority could not control parking outside the site and that any obstruction resulting from roadside parking would be a matter for the Police.

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. **A10 (Amendment to existing permission).**

Reason: For the avoidance of doubt.

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

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

4. **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.

5. **During the construction phase no machinery shall be operated, no**

process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday – Friday 7.00 am – 6.00 pm, Saturday 8.00 am – 1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard residential amenity.

6. **No materials or substances shall be incinerated within the application site during the construction phase.**

Reason: To safeguard residential amenity and prevent pollution.

Informatives:

1. **N01 - Access for all.**
2. **All machinery and plant shall be operated and maintained in accordance with BS5228: 1997 'Noise control of construction and open sites'.**
3. **N19 (Avoidance of doubt).**
4. **N15 - Reason(s) for the Grant of Planning Permission.**

75. DCCW2006/2231/F - 43 KINGS ACRE ROAD, HEREFORD, HR4 0QL [AGENDA ITEM 6]

Erection of 5 no. new apartments to comprise 3 no. 2 bed and 2 no. 1 bed dwellings.

The Senior Planning Officer reported the receipt of amended plans which removed the proposed separate access and showed the utilisation of the existing access, thereby keeping the boundary wall intact. It was also reported that changes to the external facia were proposed, with styling cues from the original building being incorporated into the new building; these included similar string courses and window dimensions.

In response to a question, the Senior Planning Officer confirmed that many of the seventeen letters of objection were identical, hence the short summary of points in the representations section of the report.

A number of Members felt that the design of the proposed building, particularly the use of a flat roof, was incompatible with the surrounding buildings and would have a detrimental impact on the character and amenity of the locality. Concerns were also expressed about the potential damage that could occur to the root system of the mature trees on the site.

The Development Control Manager noted that a judgement had to be made on the merits of the design approach. He advised that it would be difficult to defend a refusal reason based on highway safety concerns given that the Traffic Manager had not raised any objections to the proposal. He also advised that the comments of the Tree Officer had not yet been received and these might support a reason for refusal based on the impact of the development on the trees.

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 Head of

Planning Services) provided that the Head of Planning Services does not refer the applications to the Planning Committee:

1. The proposal conflicts with the objectives of Policies DR1, H1 and H13 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) as the contemporary design is considered to be unsympathetic to the traditional suburban character and appearance of the wider locality and as such would be an incongruous feature within the streetscape.
2. The proposed parking layout conflicts with Policy LA5 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) as the provision of parking spaces beneath the canopies of the existing mature Cedar and Sycamore trees is considered to have a potentially detrimental impact on their viability and their loss would be seriously detrimental to the landscape character of the area.

(ii) If the Head of Planning Services 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 Head of Planning Services.]

76. DCCE2006/2099/F - LAND AT 61 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TJ [AGENDA ITEM 7]

Erection of bungalow.

The Senior Planning Officer reported the receipt of comments from Hereford City Council; the City Council considered that the proposal represented an overintensive form of development. It was also reported that the Highways Engineer had recommended additional conditions. The Senior Planning Officer corrected errors to paragraphs 6.2 and 6.3 of the report, relating to height and boundary distance respectively.

Councillor W.J. Walling, a Local Ward Member, commented on the planning history of the site and noted that land ownership matters and civil covenants were not material planning considerations. Councillor Mrs. M.D. Lloyd-Hayes, also a Local Ward Member, noted that the Sub-Committee had to consider the application before them on its own merits and that the proposal was considered acceptable by officers. The Legal Practice Manager explained the use and status of restrictive covenants.

In response to a question from Councillor Mrs. E.A. Taylor, the other Local Ward Member, the Senior Planning Officer advised that the Conservation Advisory Panel considered the proposal to be a 'missed opportunity' in that the quality of the architectural design could have gone further. In response to another question, the Development Control Manager advised that a standard maintenance condition would protect the retained hedgerow for a period of five years and it might be unreasonable to require further restrictions given the residential context of 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. **G09 (Retention of trees/hedgerows).**

Reason: To safeguard the amenity of the area.

5. **H03 (Visibility splays).**

Reason: In the interests of highway safety

6. **H05 (Access gates).**

Reason: In the interests of highway safety.

7. **H06 (Vehicular access construction).**

Reason: In the interests of highway safety.

8. **H09 (Driveway gradient).**

Reason: In the interests of highway safety.

9. **H03 (Visibility splays).**

Reason: In the interests of highway safety.

10. **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.

11. **E16 (Removal of permitted development rights).**

Reason: To enable the local planning authority to maintain control of any future developments within the curtilage in the interests of residential amenity and the character and appearance of the Conservation Area.

12. **E18 (No new windows in specified elevation).**

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

13. **E19 (Obscure glazing to windows and non-opening).**

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

14. **Foul water and surface water discharges must be drained separately from the site.**

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

15. **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.

16. **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. **HN05 - Works within the highway.**
2. **HN10 - No drainage to discharge to highway.**
3. **The applicant is advised that a foul drainage pipe may cross the application site.**
4. **N15 - Reason for the Grant of Planning Permission.**

Or:

If the acceptability of the submission relating to the highways issues is not confirmed then the Officers named in the Scheme of Delegation to Officers be authorised to refuse the application on the grounds of highway safety.

77. **DCCW2006/2391/F - BURLING GATE FARM, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3EU [AGENDA ITEM 8]**

Retrospective application for change of use of agricultural buildings and yards to store 150 units comprising buses, motor homes, classic cars, caravans and trailers.

Councillor J.G.S. Guthrie, the Local Ward Member, noted that the comments of Marden Parish Council had been submitted before the full details of the application were known and also noted that the Traffic Manager had not raised any objections. Councillor Guthrie felt that the proposed conditions should deal with traffic and access issues adequately. He emphasised the need to maintain control the use of the land and buildings in order to protect the amenities of the area.

A number of Members supported the Local Ward Member's views.

In response to a question, the Senior Planning Officer advised that the area of hardstanding, if constructed to usual agricultural standards, should drain properly.

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. **A07 (Development in accordance with approved plans).**

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

3. **A11 (Change of use only details required of any alterations).**

Reason: To define the terms under which permission for change of use is granted.

4. **This permission relates to the mixed use of the land and buildings outlined in red on the approved plans, for agriculture and the storage of no more than 150 motor vehicles, touring caravans or trailers at any one time.**

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

5. **No motor vehicles, touring caravans or trailers shall be stored or kept on the agricultural land outside of the land and buildings outlined in red on the approved plans.**

Reason: To define the terms of the planning permission, in the interest of local amenity.

6. **No motor vehicles, touring caravans or trailers stored at the property shall be sold or displayed for the purpose of sale on the property.**

Reason: To define the terms of the planning permission, in the interest of local amenity.

7. **No commercial repair or maintenance shall take place to any of the motor vehicles, touring caravans or trailers stored at the property.**

Reason: To define the terms of the planning permission, in the interest of local amenity.

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

Reason: To safeguard local amenities.

9. **Within three months of the date of this permission a comprehensive landscaping scheme shall be submitted for approval by the local planning authority. The submitted landscaping scheme will take the form of a plan(s) at a scale of 1:200, accompanied by a written schedule, which clearly describe the proposed species, size, density and planting numbers.**

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

10. **The landscaping scheme (required to be submitted by condition 9 above) shall be carried out no later than the first planting season following the**

receipt of written approval by the local planning authority.

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

11. The landscaping scheme shall be retained in perpetuity and be actively maintained for a period of 10 years following planting. During this time any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any trees, shrubs or other plants fail more than once they shall continue to be replaced on an annual basis until the end of the 10 year maintenance period.

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

12. Within three months of the date of this permission, the access into the application site shall be modified to provide clear visibility from a point 0.6 metres above the level of the adjoining carriageway at the centre of the access 3 metres from and parallel to the nearside edge of the adjoining carriageway for a distance of 90 metres in both directions. Nothing shall be planted, erected and/or allowed to grow on the area of land so formed, which would obstruct the visibility described above.

Reason: In the interests of highway safety.

Informatives:

1. This planning permission does not allow for the use of the property as an operating centre for heavy good vehicles or public service vehicles.
2. The applicant or their appointed agent are advised to seek the advice/guidance of the Council's Landscape Officer prior to submitted the landscaping scheme for approval.
3. N15 - Reason(s) for the Grant of Planning Permission.
4. N19 - Avoidance of doubt.

78. DCCE2006/2718/F - 14 FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1 1LY [AGENDA ITEM 9]

Two storey extension to the north elevation.

The Senior Planning Officer reported the receipt of the comments of Hereford City Council; the City Council had no objections.

In accordance with the criteria for public speaking, Mrs. Kemp spoke against the application and Mr. Hobbs spoke in support of the application.

Councillor Mrs. M.D. Lloyd-Hayes, a Local Ward Member, commented that a tree on the site already caused a degree of light-loss to adjacent properties and she supported the recommendation by officers.

Councillor W.J. Walling, also a Local Ward Member, noted the persuasive arguments of both speakers but felt that the development was acceptable having regard to the material planning considerations.

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. **E18 (No new windows in specified elevation).**

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. **F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.

Informatives:

1. **N01 - Access for all.**

2. **N03 - Adjoining property rights.**

3. **In the interests of clarification, and in relation to Condition 3 above, it is advised that the roofing material for the flat roof extension shall be agreed and it is expected that this will be a high quality material, such as lead, having regard to the importance of this matter in the context of the design and appearance of the extension hereby authorised.**

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

5. **N19 - Avoidance of doubt.**

- 79. DCCE2006/2424/F - 10 KYRLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2ET [AGENDA ITEM 10]**

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.

The Senior Planning Officer reported the receipt of additional information about the use of the chiller unit trailer and the freezer unit trailer and advised that the Environmental Health Manager recommended an additional condition in respect of

noise mitigation measures.

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

The Chairman, speaking in his capacity as the Local Ward Member, felt that a temporary two-year permission would provide sufficient time to monitor the situation and to give further consideration to the acceptability of the proposed use.

In response to questions, the Senior Planning Officer explained the use of the mobile coffee carts and associated support vehicles.

A number of Members felt that, given the proximity of residential properties and intensification of site usage, further restrictions were necessary in order to preserve the amenities of the locality. Therefore, it was proposed that the one year temporary be granted and that, in addition to a restriction on hours of delivery, non-sedentary commercial activities be restricted between the hours of 9.00 p.m. and 7.00 a.m..

The Senior Planning Officer commented that this application provided the opportunity to control on-site activities and noted that the Environmental Health Manager had not raised any objections subject to conditions. Some Members commented that a degree of disturbance was inevitable in such city centre locations and noted that there were other businesses nearby that generated noise.

The Senior Planning Officer reminded the Sub-Committee that the applicant could revert to the extant planning permission which had limited restrictions. The Legal Practice Manager suggested that an earlier start might mitigate risks to the viability of the business but a number of Members maintained that the suggested hours of operation were necessary 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. E02 (Restriction on hours of delivery).**

Reason: To safeguard the amenities of the locality.

- 4. Notwithstanding the connection of the freezer and fridge carts to a mains power supply, the coffee carts and support vehicles described in the description of development shall not be moved or operated in the yard area or moved into or out of the yard before 7.00 am or after 9.00pm on any day except in the case of an emergency.**

Reason: To safeguard the amenities of the locality.

- 5. This consent shall expire on the 25th September, 2007. 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.

6. 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.

7. F02 – Scheme of noise attenuation measures

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.

[Note: Councillor Mrs. P.A. Andrews and Mrs. E.M. Bew wished it to be recorded that they felt that the proposed restrictions on hours would be too limiting for the business.]

80. DCCE2006/2599/F - 26 ROWLAND CLOSE, HEREFORD, HR1 1XF [AGENDA ITEM 11]

Demolition of garage and new single storey extension.

Councillor W.J. Walling, a Local Ward Member, commented that the proposal was innocuous and supported 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. H10 (Parking - single house).

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.**
- 3. N19 - Avoidance of doubt.**

81. DCCE2006/2553/F - PLOT 130, SAXON COURT DEVELOPMENT AT LAND OFF BULLINGHAM LANE, HEREFORD [AGENDA ITEM 12]

Retrospective application for window to north facing elevation within bedroom.

Councillor R. Preece, a Local Ward Member, supported the views expressed in the letters of objection and felt that the application should be refused due to the detrimental impact on adjacent properties caused by overlooking.

Councillor A.C.R. Chappell, also a Local Ward Member, expressed strong concerns about the retrospective nature of this application. He commented that the residents of adjacent properties in Web Tree Avenue and Hoarwithy Road had assumed that the developer would follow the agreed plans and were affronted by the developer's actions.

Councillor Mrs. W.U. Atfield, the other Local Ward Member, also expressed concerns about the situation.

The Development Control Officer reminded the Sub-Committee that the Authority had to determine retrospective planning applications on their own merits and it was for Members to determine whether the impact of the window was so significant that it should be refused. He added that the window-to-window distance was above the minimum standard but a judgement had to be made on the impact of overlooking on private gardens.

A number of Members felt that the window had an intrusive impact on the amenities of adjacent dwellings and should be refused.

Councillor P.J. Edwards asked that the Sub-Committee be advised of the exact number of dwellings having gained approval within the Bradbury Estate and the likelihood of remaining numbers coming forward prior to completion. It was also felt that the number of retrospective planning applications being received needed to be monitored. The Development Control Manager advised that the number of retrospective applications were, in part, the result of efficient enforcement activity by the Authority.

Possible solutions to the situation were discussed but it was considered that the Sub-Committee should make a decision on the application as submitted. A number of Members expressed sympathy for the position that the purchasers of the property had found themselves in.

RESOLVED:

That (i) The Central Area Planning Sub-Committee is minded to refuse the

application subject to the reason for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the applications to the Planning Committee:

1. The retention of the window serving the bedroom would result in an unacceptable level of overlooking of neighbouring properties and their gardens. As such the proposal is contrary to Policies H12, H14 and H16 of the Hereford Local Plan and Policies DR2, H13 and H18 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).

- (ii) If the Head of Planning Services 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 Head of Planning Services.]

82. DATE OF NEXT MEETING

Wednesday 18th October, 2006.

The meeting ended at 3.58 p.m.

CHAIRMAN