

**MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 4th April, 2007 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, Mrs. S.P.A. Daniels, P.J. Edwards, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Mrs. S.J. Robertson, Mrs E.A. Taylor, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox and R.M. Wilson.

**In attendance:** Councillors T.W. Hunt (ex-officio) and J.B. Williams (ex-officio)

**179. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, Ms. G.A. Powell, Miss F. Short and A.L. Williams.

**180. DECLARATIONS OF INTEREST**

The following declarations of interest were made:-

| Councillor                         | Item  | Interest   |
|------------------------------------|---|--|
| S.J. Robertson                     | Minute 183, Agenda Item 5<br>DCCE2007/0313/F<br><b>Land to the Rear of Stokes Stores, Holme Lacy Road, Hereford</b>                                       | Declared a prejudicial interest and left the meeting for the duration of the item.   |
| J.C. Mayson                        | Minute 186, Agenda Item 8<br>DCCW2006/3963/F<br><b>Shetton Court Farm, Mansel Lacy, Hereford, Herefordshire, HR4 7HP</b>                                  | Declared a prejudicial interest and left the meeting for the duration of the item.   |
| A.C.R. Chappell and S.J. Robertson | Minute 188, Agenda Item 10<br>DCCE2007/0317/F<br><b>50 Ledbury Road, Hereford, Herefordshire, HR1 2SY</b>   | A.C.R. Chappell declared a personal interest and left the meeting for the duration of the item.<br>S.J. Robertson declared a prejudicial interest and left the meeting for the duration of the item. |
| Ms. A.M. Toon                      | Minute 190, Agenda Item 12<br>[A] DCCE2007/0493/F and [B] DCCE2007/0495/F<br><b>Public Convenience and Referral Unit, Union Street, Hereford, HR1 2BT</b> | Declared a prejudicial interest and left the meeting for the duration of the item.   |

|            |   |                               |
|------------|---|-------------------------------|
| D.J. Fleet | Minutes 191 and 192, Agenda Items 13 and 14<br>DCCE2007/0283/F and<br>DCCE2007/0286/F<br><b>Lucksall Caravan Park, Mordiford, Hereford, HR1 4LP</b> | Declared a personal interest. |
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**181. MINUTES**

The Minutes of the last meeting were received.

**RESOLVED: That the Minutes of the meeting held on 7th March, 2007 be approved as a correct record and signed by the Chairman.**

**182. ITEM FOR INFORMATION - APPEALS**

The Sub-Committee received an information report about the Council's current position in respect of planning appeals for the central area.

**RESOLVED: That the report be noted.**

**183. DCCE2007/0313/F - LAND TO THE REAR OF STOKES STORES, HOLME LACY ROAD, HEREFORD [AGENDA ITEM 5]**

*Erection of 3 houses & formation of parking area.*

The Principal Planning Officer reported the following:

- Correspondence had been received from Hereford City Council; recommended refusal on the basis of over intensive development with inadequate access.
- A further section plan had been received identifying the precise position and height of the new development relative to the nearest neighbouring property and lounge window.

Councillor A.C.R. Chappell, a Local Ward Member, commented on the value of the site inspection that had been held. He felt that, despite the revisions made since the last application (CE2006/1460/F refers), this proposal represented an over intensive form of development and would have a detrimental impact on residential amenity. He commented on difficulties associated with parking in the vicinity of the site and felt that traffic generated by this development could compromise highway safety further.

Councillors Mrs. W.U. Attfield and R. Preece, the other Local Ward Members, also felt the proposal to be over intensive and commented on parking problems

Some Members felt that the previous reasons for refusal had not been overcome. Others felt that this form of backland development was acceptable having regard to National Planning Guidance.

The Development Control Manager commented that the principal issue for consideration was the impact on the amenity of surrounding properties. It was felt that, given the views of the Traffic Manager and the proposed conditions relating to access and parking, a refusal reason based on highway safety might not be defensible.

In response to a comment about potential loss of light, the Principal Planning Officer drew attention to the orientation and distances between the properties but acknowledged that there were more general amenity issues to be considered. The Central Team Leader confirmed that the proposal satisfied requirements in respect of loss of light.

Councillor Chappell maintained that the proposal should be refused on the grounds of overdevelopment and impact on the amenities of surrounding properties.

**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 proposal would result in an overdevelopment of the site to the detriment of the amenities of the locality. As such the development is contrary to Policies S1, S2, DR1, DR2 and H13 of the Herefordshire Unitary Development Plan 2007**

**(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, although the resolution was contrary to the Officer's recommendation, he was not minded to refer the matter to the Head of Planning Services given the grounds for refusal put forward by the Sub-Committee.]

**184. DCCE2007/0199/F - RIDGE VIEW, GRAFTON LANE, HEREFORD, HR2 8BS  
[AGENDA ITEM 6]**

*Proposed two storey extension.*

The Senior Planning Officer reported the following:

- A revised plan had been received to remove the window to the north elevation at ground floor. As such, it was considered that the condition relating to boundary treatments would not be required.

Councillor W.J.S. Thomas, the Local Ward Member, felt that the site inspection had been helpful, welcomed the revised plan and considered the proposal to be acceptable having regard to the limitations of the site.

**RESOLUTION:**

**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. **B03 (Matching external materials (general)).**

**Reason: To ensure the satisfactory appearance of the development.**

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

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

4. **E19 (Obscure glazing to windows).**

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

**Informatives:**

1. **N03 - Adjoining property rights.**

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

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

**185. DCCE2007/0196/A - CALLOW MARSH, CALLOW, ROSS ROAD, HEREFORD, HEREFORDSHIRE, HR2 8BT [AGENDA ITEM 7]**

*Fascia sign, entrance feature, directional and parking signs. Replacement pylon.*

The Senior Planning Officer reported the following:

- Correspondence had been received from the Parish Council; no objection in principle but concerns expressed.

Councillor W.J.S. Thomas, the Local Ward Member, commented that that the site inspection had been useful to inform Members of the difficulties associated with the car dealerships in this sensitive rural area. He felt that some progress was being made on various issues and supported the application.

**RESOLUTION:**

**That planning permission be granted subject to the following conditions:**

1. **I01 (Time limit on consent).**

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

2. **I03 (Constant level of illumination).**

**Reason: In the interest of the visual amenity of the area.**

3. **I06 (Non-illuminated sign only).**

**Reason: In the interests of visual amenity.**

**Informatives:**

1. **N03 - Adjoining property rights.**

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

**3. N19 - Avoidance of doubt.****186. DCCW2006/3963/F - SHETTON COURT FARM, MANSEL LACY, HEREFORD, HEREFORDSHIRE, HR4 7HP [AGENDA ITEM 8]**

*Proposed agricultural building for general stock housing and grain store.*

The Central Team Leader reported the following:

- Five further letters of support had been received; the contents of which were considered similar to those already included in the representations section of the report.
- Three further letters had been received from the applicants; one of which was extensive and reiterated the need for the building, that this is the optimum site for it and that it would be well screened by established landscaping.
- Attention was drawn to the need to correct Page 39, paragraph 6.4, second line, so that it read '...it is considered that a suitable site ~~is~~ east of the farm...'

Councillor W.J.S. Thomas commented that there was significant local support for the application and felt that the Sub-Committee would benefit from a site inspection.

In accordance with the criteria for public speaking, Mrs. Powell had registered to speak in support of the application but decided to defer her opportunity to speak until the Sub-Committee next considered the application.

**RESOLVED:**

**That consideration of the application 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.**

**187. DCCW2007/0187/F - HOLMER PARK SPA AND HEALTH CLUB, CLEEVE ORCHARD, HOLMER, HEREFORD, HEREFORDSHIRE, HR1 1LL [AGENDA ITEM 9]**

*External fire escape staircase from ground floor to first floor (retrospective).*

Councillor Mrs. S.J. Robertson, the Local Ward Member, felt it regrettable that this was another retrospective application from this development. She commented on the concerns of the Parish Council and concurred with the Conservation Manager that '...the stair does nothing to improve the ambience of the listed summerhouse and that the solution to the problem of escape could have been handled in a more sensitive and visually pleasing way...'. She also felt that there were other issues of concern and felt that Members would benefit from a site inspection.

The Central Team Leader emphasised that the sole matter under consideration was the acceptability of the external fire escape and noted that there was an ongoing dialogue between the owner and the Conservation Manager about other issues. He also drew attention to the comment of the Area Building Control Officer that 'The existing fire escape from the first floor at the rear is required for emergency means of escape as the travel distance to and from this floor would be too great without it'.

A number of Members felt that a site inspection was warranted.

**RESOLVED:**

**That consideration of the application 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.**

**188. DCCE2007/0317/F - 50 LEDBURY ROAD, HEREFORD, HEREFORDSHIRE, HR1 2SY [AGENDA ITEM 10]**

*Conversion of office to two houses and erection of three terraced houses with parking.*

The Senior Planning Officer reported the following:

- An additional condition was recommended in respect of refuse storage.

Councillor Mrs. E.A. Taylor, a Local Ward Member, felt that this proposal was an improvement on previous schemes but concurred with the views of Hereford City Council about the 'inadequate, poor and dangerous access'. She noted that there had been many accidents along this part of Ledbury Road and felt that this proposal would compromise vehicular and pedestrian safety further, particularly as many pedestrians crossed the road at this point. She commented that the low and narrow railway bridge impeded vision at the access and, given the number of lorries that had hit the bridge in recent years, increased traffic from this site could cause more accidents. She also commented on other developments in the area, including the Extra Care Village, that would increase traffic levels on Ledbury Road.

Councillor W.J. Walling, also a Local Ward Member, commented on the highway safety problems associated with Ledbury Road but felt that this particular proposal would have limited impact on the existing situation and, therefore, there were no material planning reasons to refuse the application.

In response to questions, the Senior Planning Officer clarified the proposed parking arrangements and commented that traffic generated by the existing office use was considered to be broadly comparable with the proposed residential development.

Councillor D.B. Wilcox expressed concerns about highway and pedestrian safety and suggested that a contribution should be sought from the development towards pedestrian crossing facilities on Ledbury Road. A number of Members supported this suggestion. In response, the Development Control Manager advised that the scale of this development would not meet the threshold for such a contribution.

The Central Team Leader suggested that some additional parking might be achieved if some areas of garden were reduced and some elements of tandem parking were introduced.

**RESOLVED:**

**That planning permission be granted subject to the following conditions:**

1. **A01 (Time limit for commencement (full permission)).**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

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

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

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

**Reason: [Special Reason].**

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

**Reason: To protect the amenity of local residents.**

5. **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.**

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

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

7. **G01 (Details of boundary treatments).**

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

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

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

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

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

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

**Reason: In the interests of highway safety.**

11. **The development hereby permitted shall not be brought into use until access, turning area, and parking facilities identifying 9 off-street parking spaces have been submitted to, and approved in writing by, the local planning authority. The development shall then be implemented in accordance with these approved details.**

**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.**

12. **The development hereby permitted shall not be brought into use until the access, turning area and parking facilities approved by virtue of Condition 11 have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and**

approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

13. H27 (Parking for site operatives).

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

14. 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.

15. Prior to the commencement of development a scheme for the provision of storage, prior to disposal, of refuse, crates, packing cases and all other waste materials shall be submitted for the approval of the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted.

Reason: In the interests of amenity.

16. The development hereby permitted shall be developed in accordance with the revised plan (918-4.A) identifying bay windows in the elevation of the terraced development facing Ledbury Road.

Reason: In the interests of clarification and to preserve the visual amenities of the locality.

**Informatives:**

1. N01 - Access for all.
2. N03 - Adjoining property rights.
3. HN01 - Mud on highway.
4. HN05 - Works within the highway.
5. HN10 - No drainage to discharge to highway.
6. The applicant/agent is advised that the occupants of the dwellings hereby approved may not qualify for a parking permit.
7. The applicant/agent is advised that the highway works identified under Informative 4 shall include the removal of two on-street parking spaces and associated alterations.
8. N19 - Avoidance of doubt.
9. N15 - Reason(s) for the Grant of PP/LBC/CAC.



**189. DCCE2007/0337/F - 115-117 ST. OWEN STREET, HEREFORD, HEREFORDSHIRE, HR1 2JW [AGENDA ITEM 11]**

*Amendment to planning permission DCCE2004/2293/F (conversion of existing building to four self contained flats) with new housing to the rear to form a further five residential dwellings.*

The Senior Planning Officer reported the following:

- Further correspondence had been received from the Traffic Manager; additional informatives relating to on-street parking were recommended.
- An additional condition was recommended in respect of refuse storage.

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

The Chairman, speaking in his capacity as the Local Ward Member, welcomed the retention and conversion of the existing building and felt that the new housing to the rear was perhaps the best that could be achieved given the constraints of the site.

In response to a question from Councillor W.J. Walling, the Senior Planning Officer advised that the existing shop frontage would be retained to reflect its previous use but the building would be converted into four residential units.

A number of Members spoke in support of the application but questioned entitlements to residents' parking permits given the pressures on parking in that area. Councillor P.J. Edwards felt that there was a pressing need to review the on-street parking policies in Hereford, in consultation with the Local Ward Member, given the number of high density developments coming forward. This suggestion was supported by other Members.

In response to a question from Councillor D.B. Wilcox, the Senior Planning Officer advised that an intelligent entrance system had been examined but the Traffic Manager did not wish to pursue this option as it may result in vehicles waiting on the highway for spaces to become available. The Senior Planning Officer added that the number of parking spaces was considered acceptable and cycle parking was included in the proposal.

**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. C04 (Details of window sections, eaves, verges and barge boards).**

**Reason: To safeguard the character and appearance of the locality.**

4. E16 (Removal of permitted development rights).  
Reason: In the interests of preserving the visual and residential amenities of the locality.
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.
8. F39 (Scheme of refuse storage).  
Reason: In the interests of amenity.
9. 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.
10. H04 (Visibility over frontage).  
Reason: In the interests of highway safety.
11. H13 (Access, turning area and parking).  
Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.
12. H21 (Wheel washing).  
Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.
13. H27 (Parking for site operatives).  
Reason: To prevent indiscriminate parking in the interests of highway safety.
14. 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.
15. W01 (Foul/surface water drainage).  
Reason: To protect the integrity of the public sewerage system.

**16. W02 (No surface water to connect to public 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.**

**17. W03 (No drainage run-off to public system).**

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

**18. The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 190901 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.**

**Reason: To protect the integrity of the public sewer and avoid damage thereto.**

**Informatives:**

- 1. The applicants/agents attention is drawn to the requirement to undertake alterations to the on-street parking provision in the vicinity of the access to the application site. No works on site should commence until the required revisions have been approved with the Highway Authority.**
  - 2. ND01 - Scheduled Monument Consent.**
  - 3. HN01 - Mud on highway.**
  - 4. HN05 - Works within the highway.**
  - 5. HN07 - Section 278 Agreement.**
  - 6. N16 - Welsh Water Informative.**
  - 7. N19 - Avoidance of doubt.**
  - 8. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 190. [A] DCCE2007/0493/F AND [B] DCCE2007/0495/C - PUBLIC CONVENIENCE AND REFERRAL UNIT, UNION STREET, HEREFORD, HR1 2BT [AGENDA ITEM 12]**

*Proposed demolition of existing buildings and construction of new building to provide commercial (A3) unit and six residential units above.*

The Senior Planning Officer reported the following:

- Correspondence had been received from the Conservation Area Advisory Panel; supported the application as revised.
- The consultation period associated with the final revisions to the scheme was to expire on the 11th April, 2007. Therefore, the recommendation was amended to read 'Subject to no further material planning objections being raised, the officers

named in the Scheme of Delegation of Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers'.

In accordance with the criteria for public speaking, Mrs. Morley spoke in objection to the application.

In response to comments made by the public speaker, the Legal Practice Manager outlined landowners' responsibilities with regard to easements but advised that these were generally civil matters which would not impede the granting of a planning permission.

In response to a question from the Chairman, the Senior Planning Officer acknowledged that the development would compromise the windows of the adjoining property but advised that there were no residential openings and as such the protection afforded to these windows was substantially reduced. He also explained the relationship between the two buildings. The Development Control Manager advised that the obstruction of advertisement panels was not considered a material planning consideration. He added that it was unclear whether the advertisement panels had express consent in any case.

A number of questions were asked about the layout and elevations of the development. The Chairman, speaking in his capacity as Local Ward Member, felt that Members would benefit from a site inspection.

**RESOLVED:**

**That consideration of the applications 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.**

**191. DCCE2007/0283/F - LUCKSALL CARAVAN PARK, MORDIFORD, HEREFORD, HEREFORDSHIRE, HR1 4LP [AGENDA ITEM 13]**

*Retention of existing pontoon, steps and storage area for max. 30 canoes.*

The Senior Planning Officer reported the following:

- Correspondence had been received from Worcestershire County Council – Malvern Hills Outdoor Centre; advised that Lucksall was vital to their canoe expeditions and its loss would make such training unviable.

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, reported on local concerns about the growth of this site in recent years and the potential extent of further development. She commented that significant activity could result from the use of the pontoon and associated steps as a formalised landing and launching area for visiting organisations. She drew attention to the comments of Natural England and to the objections of Holme Lacy Parish Council. Councillor Mrs. Pemberton questioned whether the scale of the development and potential for increased activity levels was suitable in this sensitive landscape and whether the impact on the

amenities of neighbouring properties was acceptable.

Councillor J.C. Mayson supported the views of the Local Ward Member and felt that there were inconsistencies in the purported aims of the development.

Councillor W.J.S. Thomas advised that Holme Lacy Parish Council were very concerned about the impact of the development on the area and commented that traffic generated by visiting organisations could cause further highway safety problems on the B4224. Given the concerns raised, he suggested that a site inspection was warranted.

**RESOLVED:**

**That consideration of the applications 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.**

**192. DCCE2007/0286/F - LUCKSALL CARAVAN PARK, MORDIFORD, HEREFORD, HEREFORDSHIRE, HR1 4LP [AGENDA ITEM 14]**

*Improvement to existing vehicular access and re-use of existing reception building and store for office, sales and cafe.*

The Senior Planning Officer reported the following:

- Correspondence had been received from Fownhope Parish Council; confirmed no objection.
- A letter had been received from the agent acting on behalf of the applicant; confirmed that the proposed storage arrangements for the bikes currently stored within reception building. It was also confirmed that no further external storage was being pursued.
- Further comments had been received from the Traffic Manager; confirmed that the area of the access was being considered by the Council in the context of the requirement for warning signs etc.

In accordance with the criteria for public speaking, Ms. Harris had registered to speak in objection to the application and Mr. Jolly had registered to speak in support of the application, both decided not to speak on this item.

Councillor Mrs. J.E. Pemberton, the Local Ward Member, commented on the retrospective nature of this application and that the external appearance of the building had changed. She felt that the impact of the development on highways safety had been underestimated, that traffic congestion at the access to the site would create further hazards on the B4224, and stressed the urgent need for warning signs along this road. She also noted the need for appropriate landscaping. In order to assess the matters raised, she proposed that a site inspection be held.

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

**RESOLVED:**

**That consideration of the applications 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.**

**193. DCCE2007/0443/F - RILEYS SNOOKER & POOL CLUB (FORMER) JOB CENTRE, BATH STREET, HEREFORD, HEREFORDSHIRE, HR1 2LG [AGENDA ITEM 15]**

*Variation to condition 3 of DCCE2006/2739/F - to extend opening hours from 11pm to midnight.*

The Principal Planning Officer reported the following:

- The consultation period had expired and, as no further representations had been received, the recommendation was changed to that of approval.

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

In response to a question from Councillor R.I. Matthews, the Legal Practice Manager explained Herefordshire Council's concurrent responsibilities as the local planning authority and the licensing authority.

The Chairman, speaking in his capacity as the Local Ward Member, noted that the premises had not yet opened as a snooker and pool club and that the Sub-Committee had previously considered an 11.00 p.m. closing time to be appropriate in order to protect the amenities of residential properties. He did not feel that there was any material change that warranted an extension of the opening hours at this time and, therefore, felt that the application should be refused.

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

**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. It has not been demonstrated that the proposed extension of hours would not adversely impact upon the amenity of nearby properties. As such the development is contrary to Policies S2, DR1, DR2 and DR13 of the Herefordshire Unitary Development Plan 2007.**

- (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, although the resolution was contrary to the Officer's recommendation, he was not minded to refer the matter to the Head of Planning Services given the grounds for refusal put forward by the Sub-Committee.]**

**194. DCCE2007/0508/F - 1 AND 2 MARSH COTTAGES, WITHINGTON, HEREFORD, HR1 3QE [AGENDA ITEM 16]**

*Construct detached house (2 storey and basement level) with detached double garage. To replace two existing cottages.*

In accordance with the criteria for public speaking, Ms. Law had registered to speak in objection to the application but decided not to speak.

Councillor R.M. Wilson, the Local Ward Member, commented on concerns raised in respect of a previous application for two detached bungalows (CE2006/2729/F refers) but noted that the current proposal was to be sited largely on the footprint of the existing cottages. He commented on the sustainable elements of the proposal and welcomed recommended condition 14 which would remove permitted development rights. Given these considerations, he felt that there were no material planning reasons to warrant refusal and supported the application.

Some Members felt that the proposed demolition of the two existing cottages was regrettable and their replacement with such a modern building could have a negative impact on the character of the area. In response, the Principal Planning Officer advised that the cottages were not considered worthy of retention as they did not have any particular architectural or historical merit and were in fairly poor condition. Councillor Wilson added that there were other modern buildings in the locality.

**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. G01 (Details of boundary treatments).**

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

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

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

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

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

**6. 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.**

7. G07 (Details of earth works).

Reason: (Special Reason).

8. G10 (Retention of trees).

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

9. H03 (Visibility splays).

Reason: In the interests of highway safety.

10. H05 (Access gates).

Reason: In the interests of highway safety.

11. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

12. H09 (Driveway gradient).

Reason: In the interests of highway safety.

13. 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.

14. E16 (Removal of permitted development rights).

Reason: (Special Reason).

**Informatives:**

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

2. N19 - Avoidance of doubt.

3. HN5 – Works within the highway.

4. HN10 – No drainage to discharge to highway.

**195. DCCE2007/0565/T - HEREFORD MOTOR SERVICES, UNIT 14B, ROCKFIELD ROAD, HEREFORD, HEREFORDSHIRE, HR1 2UA [AGENDA ITEM 17]**

*Installation of a 15m monopole, 6 no. radio antennas, 2 no. transmission dishes, 2 no. equipment cabinets and ancillary development thereto.*

The Senior Planning Officer reported the following:

- Further information had been received from the applicant's agent and was summarised as follows: if a mast share was proposed, the total height of the new mast would need to be 20 to 21 metres; the additional antennas were required, irrespective of whether the Herefordshire College of Technology antennas were removed, in order to provide additional network capacity; Court



papers had been served on Vodafone by the Herefordshire College of Technology terminating their existing lease; additional plans had been provided identifying the height of the proposed mast in relation to the existing mast and trees around the site; and additional coverage plots had been provided identifying the extent of coverage with the existing college antennas removed.

- This additional information addressed the concerns detailed in the report and the recommendation was amended accordingly.

In accordance with the criteria for public speaking, Mr. Godfrey spoke in objection to the application.

In response to comments made by the public speaker, the Development Control Manager queried the potential impact of the monopole on nearby businesses, advised that deferral for a site inspection would take the application beyond the expiry date after which approval would be granted automatically, that refusal based on health and safety reasons would not be defensible on appeal as the application met the necessary standards, and the principal issue remaining was the appearance of the development.

Councillor D.B. Wilcox, a Local Ward Member, noted the difficulties in siting such equipment, asked for clarification about possible interference with other electrical equipment, and questioned whether several smaller monopoles would be better than a single, larger mast.

The Principal Planning Officer advised that no evidence had been provided to suggest that the monopole would cause interference with the operation of computerised car management systems. He added that there was an existing monopole within close proximity and there were no known problems arising from it. He also advised that the Hospital was likely to have more sensitive equipment than the nearby businesses but it had not raised any objections to the application. The Development Control Manager commented on other examples of monopoles being used in close proximity to other electrical equipment without any evidence of interference.

Councillor R.M. Wilson questioned whether the monopole could be a potential hazard for the Air Ambulance. In response, the Development Control Manager advised that there were other examples of masts being used in much closer proximity to hospitals than this proposal. The Principal Planning Officer advised that the Hospital Estate Manager had not raised any objections but further clarification could be requested from the applicant on the specific technical issues if considered necessary.

Councillor R.I. Matthews commented that many people in the scientific community had reservations about the use of such masts and felt that they should be sited as far away from residential dwellings as possible.

Councillor P.J. Edwards commented on an example in his Ward where residents had to pay for the costs to mitigate radio interference problems themselves and asked that, if planning permission was granted and interference did arise, the applicant be required to cover the costs of any measures to protect local businesses.

Councillor Ms. A.M. Toon questioned whether operators were meeting the requirements of PPG8, particularly in relation to the roll out of services in the east of the city and in terms of mast sharing. She felt that mast sharing, albeit with a greater height, was preferable.

The Principal Planning Officer advised that the removal of masts from the Herefordshire College of Technology would leave a significant gap in coverage and that operators had to find suitable locations for the necessary equipment elsewhere. He advised that some eighteen sites had been dismissed already and that this site was considered to be acceptable in planning terms.

A number of Members felt that the visual impact of this proposal was unsatisfactory and that a mast share may be more appropriate in this instance. The Development Control Manager re-iterated that Officers considered that the visual impact on the urban fabric of the locality would be reduced through the use of monopoles rather than larger shared masts. The Principal Planning Officer advised that a number of operators were looking to retain and improve network capacity in the area and that the height of a shared mast could be in excess of 25m.

**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 proposed siting would result in the proliferation of masts in the locality and the appearance of the mast in this location would be particularly conspicuous. The proposed installation would thereby be to the detriment of the visual amenity of the area and contrary to Policies S2, DR1, CF3 of the Herefordshire Unitary Development Plan 2007 and advice contained within PPG8.**

- (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, although the resolution was contrary to the Officer's recommendation, he was not minded to refer the matter to the Head of Planning Services given the grounds for refusal put forward by the Sub-Committee.]

**196. DCCE2007/0553/F - LAND TO REAR OF THE SQUIRRELS, FOWNHOPE, HEREFORD, HEREFORDSHIRE, HR1 4PB [AGENDA ITEM 18]**

*Erection of a detached three bedroom bungalow.*

The Principal Planning Officer reported the following:

- No further evidence had been provided in relation to drainage. The recommendation remained that of approval but with a change to condition 9 to prevent any work from commencing prior to the resolution of that matter.

Councillor Mrs. J.E. Pemberton, the Local Ward Member, commented that nothing had changed substantially since the previous application was refused (DCCE2005/4167/F refers). She commented that the access track to this site was narrow and difficult to negotiate and that no large or emergency vehicles could use it safely. She noted that the concerns of Fownhope Parish Council went beyond

issues of drainage and she felt unable to support this application.

The Principal Planning Officer advised that the previous application was refused as the proposed cesspool was considered unacceptable for environmental, amenity and transport reasons. Subject to satisfactory evidence being provided, to demonstrate that the applicants had a legal right to connect to an existing private drain which in turn connected to the mains drain, the refusal reason would be addressed. He added that planning permission could not be implemented if this civil legal matter was not overcome. The Legal Practice Manager explained the common use of easements to enable appropriate transmission media to be utilised.

A number of Members commented that they had significant concerns about access arrangements when the previous application was considered and these did not only relate to servicing the foul drainage system.

The Development Control Manager advised that the previous application was refused on a specific technical issue and that it would be difficult to defend refusal of the current application if this issue could be resolved. He also advised that the Traffic Manager considered that the traffic associated with this proposed development could be safely accommodated on the existing access track and reminded the Sub-Committee that the track already served a number of residential properties.

A number of Members emphasised the need for the legal issues to be resolved fully prior to the commencement of any development.

**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. **E01 (Restriction on hours of working).**

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

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. **There shall be no vehicular access from the proposed parking as identified on drawing no. 05/442/01A to serve the bungalow.**

**Reason: In order to safeguard the residential amenity of neighbouring properties.**

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

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

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

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

8. G09 (Retention of trees/hedgerows).

Reason: To safeguard the amenity of the area.

9. No development shall take place with the exception of the foul drainage infrastructure until evidence documenting the operational foul drainage connection to the main sewer has been submitted to and approved in writing by the local planning authority. The development shall thereafter remain permanently connected to the mains sewer in accordance with the approved details.

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no cess pool, septic tank or other private drainage system shall be installed or garage constructed.

Reason: In order to ensure that the mains drainage connection is retained and to ensure that the drainage arrangements are satisfactory and safeguard neighbouring residential amenity.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows shall be constructed in the north elevation of the property and the permitted window shall be glazed with obscure glass only.

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

**Informatives:**

1. N15 - Reason(s) for the Grant of Planning Permission.
2. N19 – Avoidance of doubt.

197. DCCE2007/0619/F - 24 HOLME LACY ROAD, HEREFORD, HR2 6BY [AGENDA ITEM 19]

*Change of use of 1 no. house to 2 no. flats and single storey rear extension.*

Councillor A.C.R. Chappell, a Local Ward Member, drew attention to concerns about the potential impact of the development on the character of the area and about access, parking and manoeuvring arrangements. Given these considerations, he felt that a site inspection was warranted.

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

In response to comments made by the public speaker, the Development Control Manager noted that the application was for change of use to two flats but the use sought by the applicant might be more akin to a 'granny annexe'. He suggested that officers be delegated to negotiate this matter with the applicant, in consultation with the Local Ward Members, and if a satisfactory resolution could not be found then a site inspection then be held.

In accordance with the criteria for public speaking, Mr. Hancock spoke in objection to the application.

Councillor Chappell felt that there were a number of issues outstanding and that there was merit in holding a site inspection in any case.

**RESOLVED:**

**That consideration of the application 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.**

**198. DATE OF NEXT MEETING**

25th April, 2007

The meeting ended at 5.45 p.m.

**CHAIRMAN**