

**MINUTES of the meeting of Central Area Planning Sub-Committee held at : Council Chamber, Brockington, 35 Hafod Road, Hereford. on Wednesday, 6th June, 2007 at 2.00 p.m.**

**Present:** Councillor JE Pemberton (Chairman)  
Councillor GA Powell (Vice-Chairman)

**Councillors:** PA Andrews, WU Attfield, DJ Benjamin, AJM Blackshaw, SPA Daniels, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, MD Lloyd-Hayes, AT Oliver, SJ Robertson, AP Taylor, AM Toon, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward

**In attendance:** Councillors TW Hunt (ex-officio) and RJ Phillips

**ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN**

It was noted that Councillor JE Pemberton was elected Chairman and Councillor GA Powell was appointed Vice-Chairman at Annual Council on 25th May, 2007. The Chairman paid tribute to the work of the previous Chairman, D.J. Fleet, and hoped to maintain the same high standards. She welcomed the recently elected and returning Councillors to the Sub-Committee and introduced the officers.

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors ACR Chappell and RI Matthews.

**2. DECLARATIONS OF INTEREST**

The following declarations of interest were made:-

Councillor	Item	Interest
MD Lloyd-Hayes	Minute 7, Agenda Item 5 DCCE2007/1209/F <b>10 Ledbury Road, Hereford, Herefordshire, HR1 2SY</b>	Declared a prejudicial interest and left the meeting for the duration of the item.
GFM Dawe and MAF Hubbard	Minute 8, Agenda Item 8 DCCE2007/0609/F <b>Land between St. James's Road and Harold Street, Hereford, Herefordshire, HR1 2QU</b>	Both Members declared personal interests during the item.
NL Vaughan and WJ Walling	Minute 11, Agenda Item 11 [A] DCCE2007/0642/F and [B] DCCE2007/0647/L <b>Land Adjacent to the Science Block, The Hereford Cathedral School, The Old Deanery, The Cathedral Close, Hereford, HR1 2NG</b>	Both Members declared personal interests.

PA Andrews and AM Toon	Minute 21, Agenda Item 12 DCCW2007/1229/F <b>Tesco Stores Ltd, Abbotsmead Road, Belmont, Hereford, Herefordshire, HR2 7XS</b>	PA Andrews declared a prejudicial interest and left the meeting for the duration of the item. AM Toon declared a personal interest.
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Mr. P. Clasby, the Senior Planning Officer, declared a prejudicial interest in Minute 225 Item 13 (DCCW2007/0362/F) and left the meeting for the duration of the item.

### 3. MINUTES

The Minutes of the last meeting were received.

**RESOLVED: That the Minutes of the meeting held on 25th April, 2007 be approved as a correct record and signed by the Chairman.**

### 4. 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.**

### 5. DCCE2007/0163/F - 17 WALNEY LANE, HEREFORD, HEREFORDSHIRE, HR1 1JD [AGENDA ITEM 5]

*Erection of 2 no. detached houses and replacement garage for no. 17 Walney Lane and associated access works.*

The Principal Planning Officer reported the following:

- The applicants had undertaken an ecological survey which had not revealed the presence of any protected species on site but advised that bats and badgers were present locally and some mitigation was recommended. Therefore, an additional condition requiring the installation of bat boxes and badger protective boundary fencing was suggested.
- It was recommended that condition 13 be amended to require the development to connect to the mains drain when available.

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

Councillor NL Vaughan, a Local Ward Member, felt that the widening of the existing access could result in additional traffic and indiscriminate parking which would be detrimental to the character of the lane.

Councillor DB Wilcox, the other Local Ward Member, welcomed the reduction in the number of proposed dwellings, from three to two, and commented on the value of the site inspection that had been held. He felt that the main issue was the impact of traffic movements on the lane and questioned the removal of a proposed passing bay from the scheme. He also welcomed the condition in respect of connection to the main drain.

The Area Engineer (South) advised the Sub-Committee that it was considered that a passing bay in the position suggested would provide negligible benefit and that the revised access and the provision of a turning head would mitigate the impact of the development. In response to a question, he said that a Traffic Regulation Order might be necessary if parking became a problem as a result of the access widening.

In response to questions, the Principal Planning Officer advised that: he was not aware of a section of historic stone wall referred to by the speaker and explained how the widening of the access would be achieved; there was a need to balance the preservation of the character of the lane and highway safety considerations; the Conservation Manager did not have any objections to the proposal; and access for emergency vehicles would be improved through the provision of the turning head.

Councillor AT Oliver, referring to policies S1 (Sustainable development) and S7 (Natural and historic heritage), commented on the importance of preserving local distinctiveness and felt that this site and the residential and visual amenities enjoyed by local residents should be safeguarded.

Councillor AM Toon commented on the potential problems with private drainage systems. She also asked whether any planning contributions could be secured from the developer. The Development Control Manager responded by advising that, under current policies, the scale of development was below the threshold at which contributions could be required.

Councillor PA Andrews did not feel that there were sufficient planning reasons to warrant refusal of this application. She added that the mitigation measures proposed should minimise the impact of the development. A number of members concurred with these views and supported the application.

In response to questions, the Principal Planning Officer explained the circumstances involved which resulted in the imposition of a general Tree Preservation Order on the site and that, following landscape and ecology assessment, it was considered that some trees were not worthy of retention and the design of the proposal had been informed accordingly.

Councillor Vaughan re-iterated concerns about the potential for indiscriminate parking. Councillor Wilcox suggested that any parking restriction works required as a result of the development should be at the applicant's cost.

#### **RESOLVED:**

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

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

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

- 2. Notwithstanding the submitted details, no development shall take place until samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

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

- 3. The works identified on drawing no. 06061067/09B relating to the widened**

access off the junction between Aylestone Hill and Walney Lane and new turning head access into the site shall be completed prior to work commencing on the construction of the dwellings hereby approved in accordance with details to be submitted to and approved in writing by the local planning authority prior to the commencement of development. The details shall also include measures to prevent/discourage indiscriminate parking in the widened section of Walney Lane and turning head.

Reason: In the interests of highway safety.

4. Prior to the use or occupation of the dwelling identified on drawing number 0606106722 on Plot 2, and at all times thereafter, the window at first floor on the northern and north west elevations on the approved plans shall be glazed with obscure glass only.

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

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 8.00 am-6.00pm, Saturday 8.00 am-5.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents.

6. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, height, materials and type of boundary treatment to be erected including the retaining structure along the western boundary. The boundary treatment shall be completed before the dwellings are occupied. Development shall be carried out in accordance with the approved details.

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

7. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.

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

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

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

9. The landscaping scheme required by condition No. 7 above shall include the following:
- (a) Full details of all existing physical and landscape features on the site including the position, species, height, girth, spread and condition of all trees, clearly distinguishing between those features to be retained and those to be removed.
  - (b) Full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting.

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

10. No development shall be commenced on the site or machinery or materials brought onto the site for the purpose of development until adequate measures have been taken to prevent damage to those trees which are to be retained. Measures to protect those trees shown must include:
- (a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position of every tree on site with a stem diameter over the bark measured at 1.5 metres above ground level or at least 75 millimetres. In addition any tree on neighbouring or nearby ground to the site that is likely to have an effect upon to be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area (para. 5.2.2 of BS5837, 2005, Trees in relation to construction - Recommendations) or general landscape factors) must be shown.
  - (b) the details of each tree as required at para. 4.2.6 of BS5837 in a separate schedule.
  - (c) a schedule of tree works for all the trees in paragraphs (a) and (b) above, specifying those to be removed, pruning and other remedial or preventative work.
  - (d) the details of any proposed alterations to the existing ground levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring ground.
  - (e) the details of the appropriate tree protection measures for every retained tree before and for the entire duration of the course of the development.
  - (f) a statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure.

In this condition 'retained tree' means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

Reason: To ensure adequate protection of existing trees which are to be retained, in the interests of the character and amenities of the area.

11. Details of any excavations or trenches beneath the canopy of any trees to be retained shall be submitted to and agreed in writing with the local

planning authority prior to the commencement of development. Where excavations are carried out beneath the canopy of any tree to be retained on land or on adjoining land, no roots of those trees of a diameter of 2.5 cm or more shall be severed, without the agreement of the local planning authority. In order to achieve this requirement all excavations shall be carried out by hand tools. The excavations shall be backfilled with sub-soil and a minimum depth of 600 mm good quality stone free loamy top soil of similar p.h. to the original. Any subsequent settlement shall be made good with similar top soil.

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

12. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan 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. Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

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

14. Any new access gates/doors shall be set back 8 metres from the adjoining carriageway edge and shall be made to open inwards only.

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

15. The dwellings hereby permitted shall not be occupied until evidence documenting the foul drainage connection to the mains sewer has been submitted and approved in writing by the local planning authority.

**Reason:** To ensure satisfactory drainage arrangements are provided.

16. No development shall take place until a Wildlife Protection Plan for construction has been submitted to and approved in writing by Herefordshire Council. The plan shall include:

- (a) An appropriate scale plan showing 'Wildlife Protection Zone' where construction activities are restricted and where protective measures will be installed or implemented;
- (b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- (c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the bird nesting season).

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in

writing by the local planning authority. An ecological clerk of works shall be appointed to oversee demolition of the coach house and implementation of the above plan.

**Reason:** To conserve and enhance protected habitat and to maintain the foraging area for protected species in compliance with PPS9 and Unitary Development Plan Policies NC6, NC7, NC8 and NC9.

17. No development shall commence until details of the provisions to be made for a bat box have been submitted to and agreed in writing with the local planning authority. The bat boxes shall be provided in accordance with the approved details prior to the first occupation of the dwellings hereby approved.

**Reason:** To ensure the nature conservation interest of the site is protected.

18. 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 [other than those expressly authorised by this permission] shall be constructed in the north and north west elevation of first floor of Plot 2 as identified on drawing number 06061067-22.

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

**Informatives:**

1. N15 - Reason(s) for the Grant of PP/LBC/CAC.
  2. N19 - Avoidance of doubt.
  3. HN1 – Mud on highway.
  4. HN5 – Works within the highway.
  5. HN7 – Section 278 Agreement.
  6. HN8 – Section 38 Agreement details.
  7. HN21 – Extraordinary maintenance.
6. **DCCE2007/0951/F - SWISS COTTAGE, WHITESTONE, HEREFORD, HEREFORDSHIRE, HR1 3SE [AGENDA ITEM 6]**

*Replacement dwelling and continued temporary use of existing outbuilding as full residential accommodation. (Alternative siting of approved dwelling under CE2002/1868/F).*

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

Councillor DW Greenow, the Local Ward Member, noted the concerns of an objector and questioned whether the site was prone to flooding. In response, the Principal Planning Officer advised that the site was not in a recognised flood plain.

Councillor PJ Edwards felt that the Sub-Committee would benefit from a site

inspection. He also suggested that further discussions be held between officers and the applicant to assess whether there was any room for compromise in order to address the issues raised in the report.

**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.**

**7. DCCE2007/1209/F - 10 LEDBURY ROAD, HEREFORD, HEREFORDSHIRE, HR1 2SY [AGENDA ITEM 7]**

*Residential development together with alterations to 10 Ledbury Road to provide 8 residential units.*

The Principal Planning Officer reported the following:

- Further letters of objection had been received from M.D. Lloyd Hayes, K. Matthew, J. Whitmore, a letter signed by the occupants of 1, 2, 3 and 4 Templars Lane and a petition with 52 signatures. Additional comments not already detailed in the representations section of the report were summarised.
- Hereford City Council recommended refusal on the grounds of over intensive development of the site with deficient access onto a busy highway.
- The consultation period had expired but some of the requested additional information has not been received, therefore the recommendation remained as set out in the report.

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

In response to a question from the Chairman, the Area Engineer (South) summarised the accident record for the last five years in the vicinity of the site and commented that the Traffic Manager was satisfied that the proposed access was acceptable.

Councillor WJ Walling, a Local Ward Member, commented that the proposed development was imaginative but recognised local concerns about access and parking and 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.**

**8. DCCE2007/0609/F - LAND BETWEEN ST JAMES'S ROAD AND HAROLD STREET, HEREFORD, HEREFORDSHIRE, HR1 2QU [AGENDA ITEM 8]**

*Proposed bungalow.*

Councillor MD Lloyd-Hayes, a Local Ward Member, noted that few of the existing



garages were used for the parking of vehicles by local residents and that the re-development was considered beneficial. However, she stressed the need to protect the privacy of surrounding properties through adequate boundary treatments.

The Principal Planning Officer advised that siting of the development should not have a detrimental impact on the amenities of neighbouring properties and drew attention to condition 5 - GO1 (Details of boundary treatments).

In response to a question, the Principal Planning Officer commented that the applicant had advised that few of the existing garages were used for the parking of vehicles and the majority were used for general storage.

Councillor DB Wilcox felt it was regrettable that off-street parking would be lost as a consequence of this proposal, particularly given the problems in the St. James' Road area.

In response to a question, the Development Control Manager explained that the determination of the planning application would not override any private rights of access that may exist. He noted that there were some cases where developments had been resisted where garages might be lost but this would require hard evidence of significant local use and this was not available in this instance. It was also noted that the traffic generated by the proposed use would be less than the existing use.

A motion to defer consideration of the application to investigate further the current use of the garages was lost and the following resolution was then agreed.

**RESOLVED:**

**That planning permission be approved for the following reasons:**

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. **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.**

4. **E05 (Restriction on hours of use (industrial)).**

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

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

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

6. **W01 (Foul/surface water drainage).**

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

**7. 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.**

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

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

**Informatives:****1. N15 - Reason(s) for the Grant of PP/LBC/CAC.****2. N19 - Avoidance of doubt.****9. DCCE2007/0859/O - LAND ADJACENT TO THE OLD VICARAGE, PRESTON WYNNE, HEREFORD, HEREFORDSHIRE, HR1 3PE [AGENDA ITEM 9]**

*Proposed bungalow for a disabled person.*

The Central Team Leader reported the following:

- Four further letters of support had been received via the Local Ward Member.

Councillor DW Greenow, the Local Ward Member, advised that he had received fourteen further letters of support before the meeting. He noted that the Ramblers' Association had no objection, that Preston Wynne Parish Council strongly supported the application and that many local residents had expressed support for the development. He drew attention to the Council's guiding principles of 'Putting People First' and 'Providing for our Communities' and felt that these were important in this case. He noted that there were other options but felt that none would suit the specific requirements of the applicant as well as this proposal. Therefore, he felt that the application should be supported and approved.

In response to a question from Councillor SJ Robertson, the Legal Practice Manager outlined the referral process in relation to decisions made contrary to officer recommendation but advised that any further comment would be premature at this stage.

Councillor MD Lloyd-Hayes commented on the special circumstances of the applicant and supported the application. She also felt that the applicant's access to a car was irrelevant.

In response to a question from Councillor DB Wilcox, the Central Team Leader advised that there were no material changes to the applications previously refused (DCCE2006/2453/F and DCCE2005/3999/F refers). He added that other temporary forms of development or ancillary accommodation might be options for consideration by the applicant but any future application would need to be determined on its own merits.

A number of members sympathised with the applicant's situation but felt that the restrictive policy stance for new dwellings in the open countryside had to be maintained. Comments were made about the increasing demand for suitable accommodation and for appropriate policies to address such needs.

In response to a question from Councillor AJM Blackshaw, the Central Team Leader said that he did not have any information about the orchard at the site, nevertheless there were significant policy objections against the proposal.

Councillor Greenow drew attention to the suggestion that the development be tied to the applicant and any spouse and any dependents she may have. However, some members noted that the property would remain in perpetuity.

A motion to approve the application failed and the resolution below was agreed.

**RESOLVED:**

**That planning permission be refused for the following reasons:**

- 1. The development is contrary to Policy H7 of the emerging Herefordshire Unitary Development Plan 2007, together with advice contained within PPS7 entitled Sustainable Development in Rural Areas, as the site the for dwelling lies outside of a defined settlement and none of the exceptions to new housing in the countryside have been satisfied.**
- 2. The proposed development, by virtue of its remote location, is contrary to PPG3: Housing, PPG13: Transportation, and Herefordshire Unitary Development Plan 2007 Policies S1, S2 and DR2, which seek to prevent unsustainable development and reduce the need to travel.**

**10. DCCE2006/1798/O - LAND ADJACENT TO HOLME CROFT, HOLME LACY, HEREFORD, HEREFORDSHIRE, HR2 6LW [AGENDA ITEM 10]**

*Site for erection of maximum of 5 dwelling units. A resubmission of app. no. DCCE2005/2160/O.*

The Principal Planning Officer reported the following:

- Attention was drawn to the need to correct paragraph 1.1 and 6.6, in that the reference to Stony Yeld was incorrect and should be deleted.

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

In response to comments made by the speaker, the Principal Planning Officer clarified the history of the application, the delays resulting from lack of information provided regarding proof of ownership of some of the land, and the development of planning policy during this time. He drew attention to three key issues: that the Traffic Manager objected on the grounds that the scheme would be detrimental to highway safety; that the application failed to demonstrate any proven local need; and that, although the 'fall back' position was the use of this site as a HGV goods yard, the mitigating circumstances were not considered to outweigh the policy objections in this instance.

Councillor GFM Dawe, the Local Ward Member, recognised that the site would benefit from some form of re-development but felt that affordable housing requirements of Policy H6 (Housing in smaller settlements) had to be upheld. A number of Members supported this view.

Some Members commented on the historic use of the site and felt that the access was sufficient, particularly if traffic-calming works were undertaken in the vicinity of the site. Councillor DB Wilcox commented that the Traffic Manager had made an

explicit objection that inadequate access arrangements were available and as such this proposal was detrimental to highway safety.

**RESOLVED:**

**That planning permission is refused for the following reasons:**

1. **The application site lies within a designated Smaller Settlement and the proposal, by reason of the site characteristics, is one where only affordable housing would be permitted. The application fails to demonstrate any proven local need and therefore is contrary to Policy H6 of the Herefordshire Unitary Development Plan.**
2. **The proposed development would be served by an unsuitable and substandard access which, if allowed, would be detrimental to highway and pedestrian safety. The proposal is therefore contrary to PPG13, Planning Guidance and Advice Document: Manual for the Street – March 2007, and Herefordshire Unitary Development Plan 2007 Policies S1, S2, DR3 and H1.**

11. **[A] DCCE2007/0642/F AND [B] DCCE2007/0647/L - LAND ADJACENT TO THE SCIENCE BLOCK, THE HEREFORD CATHEDRAL SCHOOL, THE OLD DEANERY, THE CATHEDRAL CLOSE, HEREFORD, HR1 2NG [AGENDA ITEM 11]**

*New sports hall & alterations to existing science block.*

The Central Team Leader reported the following:

- The Traffic Manager had confirmed that the revised plans recessing the fire door openings had overcome his initial concerns.
- The consultation period for the revised plans did not expire until 7th June, 2007 and further comments were awaited from Hereford City Council, who objected to the proposal in its original form.
- The recommendation detailed in the report should include reference to the need for the consultation period to expire before the application could be referred to the Secretary of State.

Councillor MAF Hubbard, the Local Ward Member, felt that the Sub-Committee would benefit from a site inspection.

**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.**

12. **DCCW2007/1229/F - TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HEREFORDSHIRE, HR2 7XS [AGENDA ITEM 12]**

*Variation of Condition 8 of Planning Permission DCCW2004/1679/F to allow for dot.com operations on Sundays between the hours of 9.00am and 4.30pm.*

The Principal Planning Officer reported the following:

- The applicant's agents had requested that further consideration be given to the commencement of activities in the yard at 0900 to allow sufficient time for the cooling of on-board refrigeration and loading, contrary to the recommendation which stated 1000. Officers had reviewed the matter further and considered that the recommendation reflected an acceptable start time commensurate with the operations at the store.

Councillor PJ Edwards, a Local Ward Member, noted that there were a number of ongoing concerns about the overall management of the store and related trading activities. He commented on the unacceptable noise from the application site, especially when the new acoustic gate was left open contrary to a condition on a previous application. He felt that any further expansion in hours should be resisted and that the 1000 commencement of activities should remain. He requested that the applicant's be reminded of their duty to adhere to conditions and ensure good management of the site.

Councillor GA Powell, also a Local Ward Member, noted that it was difficult to balance commercial needs against the residential amenity considerations. She said that she reluctantly supported the recommendation by officers but asked that the situation be monitored closely by Planning Enforcement and by Environmental Protection.

In response to a question, the Principal Planning Officer confirmed that the twelve-month planning permission granted the previous year (DCCW2006/0869/F refers) had not been implemented and, in light of this, a further temporary planning permission was considered appropriate.

Councillor AT Oliver did not feel that there was justification for the expansion of activities on Sundays, demonstrated by the fact that the previous temporary permission was not implemented, and felt that the application should be refused.

Councillor PJ Edwards moved that, subject to the necessary amendments and an advisory letter to the applicant, the question be put and this was supported by a number of members.

#### **RESOLVED:**

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

1. **The permission hereby granted is for the activities defined in the application (the "permitted operations") and shall endure for a trial period of 12 months. Prior to commencement of the trial period the applicant shall notify the local planning authority in writing of the start date whereupon the local planning authority shall confirm in writing to the applicant the start and end dates of the trial period. The permitted operations shall cease at the end of the trial period.**

**Reason: To define the start and end dates of the trial period and to enable the effects of the permitted operations to be assessed against the interests defined in Policy DR4 of the Herefordshire Unitary Development Plan 2007.**

2. **No machinery shall be operated or delivery vehicles loaded in association with the dot.com deliveries before 0700 hours or after 2300 hours on weekdays and Saturdays or outside the hours of 1000 hours - 1630 hours on a Sunday or at any time on a Bank or Public Holiday.**

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

- 3. On a Sunday no dot.com delivery vehicles shall leave or enter the premises outside the hours of 1100 hours – 1600 hours.**

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

- 4. All access to the dot.com services area on Sundays shall be via Abbotsmead Road access which shall not be open until 1100 hours 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 services operated by the applicant.**
  - 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 13. DCCW2007/0362/F - HOLMER PARK, CLEEVE ORCHARD, HOLMER, HEREFORD, HEREFORDSHIRE, HR1 1LL [AGENDA ITEM 13]**

*Proposed change of use of land to car parking.*

Councillor SJ Robertson, the Local Ward Member, made the following comments: further capacity could be provided by the proper marking out of the existing car parking area; she was surprised that the Traffic Manager had no objections given that other officers and the police had acknowledged that there were issues about the speed and volume of traffic accessing the site through Cleeve Orchard; it was noted that Holmer Park Health Club and Spa advertised its facilities for conference and other uses and she questioned whether this represented a change of use under planning legislation; concerns were expressed about inconsiderate and dangerous driving by clientele of the club; concerns were expressed about additional traffic on the A49 and Roman Road, particularly given the history of accidents; she was disappointed by the piecemeal development of this site and retrospective applications; the historic significance of the original house and grounds was noted and the weight that a Planning Inspector gave to the character and visual amenity of the area in relation to a previous application. In view of these considerations, she felt that the application should be refused given the detrimental impact on the grounds of highway safety and visual amenity. She added that, if the Sub-Committee was minded to approve the application, it would be beneficial delegate authority to the officers, in consultation with the Chairman and the Local Ward Member, so that a contribution towards traffic calming in the area could be secured.

The Development Control Manager advised that the proposal did not seek to increase the floorspace of the Health Club and Spa and, therefore, the application sought to provide parking for existing traffic. He felt that, given the lack of objection from the Traffic Manager subject to conditions, it could be difficult to sustain a refusal reason based on highway safety. He noted, however, that a judgement needed to be taken on the visual impact of the proposal on the historic grounds.

The Principal Planning Officer summarised the history of the site and the change of use from a social club to a health and spa club. He advised that occasional conferences and funeral wakes had been accommodated and these uses were

considered to be ancillary to the main health and spa use of the establishment.

Councillor Robertson commented on meetings with highways officers and the police that had identified problems with the traffic generated by the facility. However, she acknowledged the Development Control Manager's advice and felt that impact on visual amenity was a significant consideration.

Some members felt that the application was contrary to the spirit of sustainable development and modes of transport.

Councillor PA Andrews noted the assertion that 'plastic grasscrete', as had been used elsewhere on the site, was not suitable in this location but commented that there were more robust types of grass paving and felt that this should be pursued. Councillor DB Wilcox also felt that this would help to mitigate the visual amenity issue and noted that refusal of planning permission could lead to increased parking and congestion in Cleeve Orchard.

Councillor PJ Edward commented that the proposal represented a significant increase in parking provision and felt that this would inevitably result in the intensification of use of the facility.

Councillor MD Lloyd-Hayes noted local concerns but also felt that the needs of the business and economic development issues had to be considered.

A motion to refuse the application was lost and the resolution below was then agreed.

Councillor Robertson asked that consideration be given to traffic calming in Cleeve Orchard. The Development Control Manager noted that the recommendation in the report had been agreed but said that officers would be happy to explore the issues with the Local Ward Member. Councillor DB Wilcox also emphasised the need to investigate appropriate forms of surfacing.

#### **RESOLVED:**

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

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

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

- 2. The development hereby approved shall be carried out strictly in accordance with the amended plans received by the local planning authority on 8th May, 2007.**

**Reason: To ensure the development is carried out in accordance with the amended plans.**

- 3. None of the existing trees within the site shall be removed, felled, lopped or pruned or damaged in any way without the prior written consent of the local planning authority.**

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

- 4. This permission does not authorise any works to trees included in the 243**

**Tree Preservation Order. Any work shall be the subject of an application for consent to the local planning authority, in accordance with the provisions of the Tree Preservation Order and the law on Tree Preservation Orders in force at the time of the application.**

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

- 5. No development shall be commenced on the site or machinery or materials brought onto the site for the purpose of development until adequate measures have been taken to prevent damage to those trees which are to be retained. Measures to protect those trees shown must include:**
  - (a) Fencing, of a type and form agreed in writing with the local planning authority, must be erected around each tree or group of trees. This fencing must be at least 1.25 metres high and at a radius from the trunk defined by the canopy spread.**
  - (b) No excavations, site works, trenches, channels, pipes, services, temporary buildings used in connection with the development or areas for the deposit of soil or waste or for the storage of construction materials, equipment or fuel or other deleterious liquids shall be sited within the crown spread of any tree without the prior written consent of the local planning authority.**
  - (c) No burning of any materials shall take place within 6 metres of the furthest extent of the canopy of any tree or tree groups to be retained.**
  - (d) There shall be no alteration of soil levels under the crown spread of any tree or group of trees to be retained.**

**Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.**

- 6. Details of any excavations or trenches beneath the canopy of any trees to be retained shall be submitted to and agreed in writing with the local planning authority. Where excavations are carried out beneath the canopy of any tree to be retained on land or on adjoining land, no roots of those trees of a diameter of 2.5 cm or more shall be severed, without the agreement of the local planning authority. In order to achieve this requirement all excavations shall be carried out by hand tools. The excavations shall be backfilled with sub-soil and a minimum depth of 600 mm good quality stone free loamy top soil of similar p.h. to the original. Any subsequent settlement shall be made good with similar top soil.**

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

- 7. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.**

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



8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

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

**Informatives:**

1. For the avoidance of any doubt the plans for the development hereby approved are as follows:-

Drawings received and date stamped 8th May, 2007.

2. The decision to grant planning permission has been taken having regard to the policies and proposals in the Herefordshire Unitary Development Plan 2007 set out below, and to all relevant material considerations including Supplementary Planning Guidance:

S1 - Sustainable Development  
S6 - Transport  
S8 - Recreation, Sport and Tourism  
DR1 - Design  
T11 - Parking Provision  
HBA4 - Setting of Listed Buildings  
HBA8 - Locally Important Buildings

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting The Hereford Centre, Garrick House, Widemarsh Street, Hereford (Tel: 01432 261563).

14. **DCCW2007/0960/F - GARAGE SITE TO REAR OF 48-50 HIGHMORE STREET, WESTFIELDS, HEREFORD, HEREFORDSHIRE, HR4 9PQ [AGENDA ITEM 14]**

*4 no. two bedroom semi detached starter homes with parking. Demolish existing garaging.*

In accordance with the criteria for public speaking, Mr. Davies had registered to speak in support of the application but decided not to speak on this occasion.

Councillor PA Andrews, a Local Ward Member, felt that the Sub-Committee would benefit from a site inspection.

**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.

**15. DCCW2007/1165/F - 17-19 BAGGALLAY STREET, HEREFORD, HEREFORDSHIRE, HR4 0DZ [AGENDA ITEM 15]**

*Proposed two storey extension to rear of residential home for the elderly to provide 4 no. single bedrooms.*

The following update was provided:

- Comments had been received from Hereford City Council (recommending refusal).
- The applicant's agent had submitted a revised design which was considered to improve the visual appearance of the proposed development within the streetscape.
- An additional informative note was recommended as follows: 'The applicant is advised that the property has now reached the limit of its capacity for alteration and extension; therefore there is no scope for any further development beyond that approved.'

Councillor PA Andrews, a Local Ward Member, felt that the Sub-Committee would benefit from a site inspection.

In accordance with the criteria for public speaking, Mrs. Jenkins spoke in objection to 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.**

**16. DATE OF NEXT MEETING**

Wednesday 4th July, 2007 at 2.00 p.m.

The meeting ended at 5.15 p.m.

**CHAIRMAN**