

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 19th December, 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, ACR Chappell, H Davies, GFM Dawe, PJ Edwards, DW Greenow, MAF Hubbard, AT Oliver, SJ Robertson, AM Toon, WJ Walling, DB Wilcox and JD Woodward

In attendance: Councillors TW Hunt (ex-officio) and RV Stockton (ex-officio)

98. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors KS Guthrie, RI Matthews and AP Taylor.

99. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
SJR Robertson	Minute 105, Agenda Item 8 DCCW2007/3399/F Land off Station Road, Hereford, Herefordshire, HR4 0AY	Declared a prejudicial interest and left the meeting for the duration of the item.
SJR Robertson	Minute 106, Agenda Item 9 DCCW2007/3247/F Kingsley House, Dinmore, Hereford, Herefordshire, HR1 3JP	Declared a prejudicial interest and left the meeting for the duration of the item.
GA Powell	Minute 107, Agenda Item 10 DCCW2007/3582/F 10 Luard Walk, Hereford, Herefordshire, HR2 7BA	Declared a personal interest.

Mr. K. Bishop, Principal Planning Officer, declared a personal interest in item 5 [DCCE2007/3362/F – 31 Kings Crescent, Hereford].

100. MINUTES

Councillor PJ Edwards drew attention to minute 93 [planning application DCCW2007/2806/F - Brook Farm, Marden], page 9, note iii. He advised that rather than 'details of the areas covered by *accommodation* at Brook Farm', he had asked for 'details of the areas covered by *polytunnels which had planning permission* at Brook Farm'. The Principal Planning Officer reported that no polytunnels at Brook Farm had planning permission.

RESOLVED: That, subject to the above amendment, the minutes of the meeting held on 21st November, 2007 be approved as a correct record and signed by the Chairman.

101. 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.

102. DCCE2007/3362/F - 31 KINGS CRESCENT, HEREFORD, HEREFORDSHIRE, HR1 1GY [AGENDA ITEM 5]

Two storey extension to side of existing property.

In accordance with the criteria for public speaking, Mr. Knights spoke in objection to the application and Mrs. Prassanan spoke in support of the application.

In response to questions from Councillor DB Wilcox, the Local Ward Member, the Senior Planning Officer advised that:

- The objector's reference to minimum distances between boundaries was incorrect as the figures given in the Town and Country Planning (General Permitted Development) Order 1995 were 'trigger' points at which a proposal ceased to be permitted development and, consequently, where a planning application would be required.
- The front of the extension was set back from the front of the existing dwelling.
- Similarly, the rear of the extension was in keeping with existing building lines.

Councillor Wilcox, whilst sympathising with the concerns of the objectors, noted the advice that the proposal would not extend further forward than the existing property and respected general building lines. Furthermore, the pattern of built development in the area meant that the extension would be in keeping with the character of the area and the use of obscure glazing would mitigate concerns about overlooking.

Commenting on other concerns raised by the objector, Councillor DW Greenow noted that there was unrestricted on-street parking on Kings Crescent and that future maintenance could be achieved through the applicants' own property.

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. B02 (Matching external materials (extension)).

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

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

2. N19 - Avoidance of doubt.

103. DCCE2007/3205/F - LEYS FARM, TARRINGTON, HEREFORDSHIRE, HR1 4EX [AGENDA ITEM 6]

Change of use of two mobile homes to facilitate rest room accommodation from 1st September to 2nd February in any year.

It was reported that the applicant's agent had submitted a letter clarifying the intended use of the 'mobile homes' to provide facilities for shoot days.

The Chairman, speaking as the Local Ward Member, drew attention to the planning and enforcement history of the site. The concerns of the Parish Council and local residents were noted, especially in relation to the disturbance caused by kennelled dogs within the building which was subject of an enforcement notice. However, the Chairman commented on the need to consider this particular application on its own merits and supported the officer's appraisal and recommendation of approval, subject to conditions.

In response to a question from Councillor MAF Hubbard, the Senior Planning Officer advised that the residential use of the mobile homes had ceased and explained how the conditions were designed to prevent residential occupation. The Chairman commented on the need for the site to be monitored very closely.

In response to questions from Councillor AM Toon, the Legal Practice Manager advised that the regulatory aspects were dealt with under separate legislation and outside the remit of this planning application. Councillor DB Wilcox commented on the controls available under the Caravan Sites and Control of Development Act.

A number of Members noted that the proposal was for a legitimate business use, not residential use, and supported the application.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1. The use of the mobile homes identified in positions A and B on the approved plan shall be solely for the purposes described in the application and for no other purpose without the prior written consent of the local planning authority.**

Reason: In the interests of preserving residential amenity and in recognition that no justification presently exists for alternative uses.

- 2. The mobile homes shall not be used between 2nd February and 31st August in any given year.**

Reason: The continued use of the mobile homes is only acceptable for

purposes incidental to the game season.

Informatives:

1. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
2. **N19 - Avoidance of doubt.**

104. [A] DCCW2007/2633/F AND [B] DCCW2007/2634/C - WAREHOUSE AT LAND ADJACENT TO 47 BARTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0AY [AGENDA ITEM 7]

Demolition of existing vacant warehouse for three no. terraced town houses and associated parking facilities.

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

Councillor JD Woodward, a Local Ward Member, expressed concerns about the height of the proposed development, the relatively compact nature of the site, the potential impact on the Conservation Area and Listed Buildings, the absence of private amenity space, the lack of a footpath and related highway safety issues. Given these considerations, Councillor Woodward felt that the Sub-Committee would benefit from a site inspection.

The Legal Practice Manager reminded the Sub-Committee that a site inspection should only be held where site circumstances were clearly fundamental to the decision and commented on the detailed presentation given by the Principal Planning Officer.

Councillor AM Toon felt that a site inspection was warranted given the footprint, position of the proposal and highway issues.

RESOLVED:

That consideration of the application be deferred for a site inspection for the following reasons:

- **the character or appearance of the development itself is a fundamental planning consideration;**
- **a judgement is required on visual impact;**
- **the setting and surroundings are fundamental to the determination or to the conditions being considered.**

105. DCCW2007/3399/F - LAND OFF STATION ROAD, HEREFORD, HEREFORDSHIRE, HR4 0AY [AGENDA ITEM 8]

Erection of 4 no. 2 bedroom dwellings.

In accordance with the criteria for public speaking, Mr. Lewis spoke in objection to the application and Mr. Owen spoke in support of the application.

In response to a concern raised by the objector, the Principal Planning Officer drew attention to recommended condition 9 (parking for site operatives) which would prevent indiscriminate parking in the interests of highway safety.

Councillor DJ Benjamin, a Local Ward Member, acknowledged that the re-development of this brownfield site was a good idea but noted that the Traffic Manager recommended refusal in relation to the lack of visibility from the parking spaces onto the pedestrian pavement. Given the site constraints, he felt that the Sub-Committee would benefit from a site inspection.

The Southern Team Leader commented on the detail given in the report and the presentation and questioned whether a site inspection would provide any further information. In response, Councillor Benjamin noted the value of the presentation but felt that the photographs did not show all the site circumstances in this instance.

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.**

106. DCCW2007/3247/F - KINGSLEY HOUSE, DINMORE, HEREFORD, HEREFORDSHIRE, HR1 3JP [AGENDA ITEM 9]

Conversion of redundant building to two residential units with extension to existing dwelling.

Councillor AJM Blackshaw, the Local Ward Member, welcomed the redevelopment of this site for residential use. In the interests of highway safety and traffic flow, he proposed two additional conditions to ensure that parking during the course of construction was off road and, subsequently, all parking for the development was off road.

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. **C11 (Specification of guttering and downpipes).**

Reason: To ensure the satisfactory appearance of the development.

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

Reason: The local planning authority wish to control the resultant appearance of the building, in the interest of local amenity.

5. **F28 (No discharge of foul/contaminated drainage).**

Reason: To prevent pollution of the water environment.

6. G01 (Details of boundary treatments).

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

7. G04 (Landscaping scheme (general)).

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

8. H05 (Access gates).

Reason: In the interests of highway safety.

9. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

10. H13 (Access, turning area and parking).

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

11. H27 (Parking for site operatives).

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

12. The mitigation and compensation measures to protect the habitat of species resorting to the building shall be concurrently carried out with the works to convert the property in accordance with the details set out in the ecological report submitted on the 12th September, 2007 and thereafter be retained in perpetuity.

Reason: In order not to disturb or deter the nesting or roosting of species protected by the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitats &c) Regulations 1994 (as amended).

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

Reason: To safeguard residential amenity.

Informatives:

1. N01 - Access for all.

2. N03 - Adjoining property rights.

3. N11A - Wildlife and Countryside Act 1981 (as amended) - Birds

4. N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 - Bats

5. **N14 - Party Wall Act 1996.**
 6. **HN05 - Works within the highway.**
 7. **HN10 - No drainage to discharge to highway.**
 8. **HN13 - Protection of visibility splays on private land.**
 9. **All machinery and plant shall be operated and maintained in accordance with BS5228: 1997 'Noise Control of Construction and Open Sites.'**
 10. **N19 - Avoidance of doubt**
 11. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
107. **DCCW2007/3582/F - 10 LUARD WALK, HEREFORD, HEREFORDSHIRE, HR2 7BA [AGENDA ITEM 10]**

Construction of a single dwelling.

In accordance with the criteria for public speaking, Mr. Birch spoke in objection to the application and Mr. Methven spoke in support of the application.

The Senior Planning Officer reported the following:

- The comments of the comments of the Parish of Hereford City Council had been received (no objection).
- Three further letters of objection had been received and were summarised.

In response to a question from Councillor PJ Edwards about the public speaking procedure, the Legal Practice Manager advised that the Planning Chairman's Group, a working group of Councillors and officers, had clarified the order of proceedings in the Summer newsletter to Members and this confirmed that members of the public, that had been registered in accordance with the public speaking criteria, should speak after the detailed presentation by the case officer and before any debate on a particular application. Councillor TW Hunt, the Chairman of the main Planning Committee, added that this had brought the procedure back in line with the original framework for public speaking and emphasised that it was essential that all relevant information had been provided to Members before any decision was reached so that the planning process remained open and transparent.

In accordance with the criteria for public speaking, Mr. Birch spoke in objection to the application and Mr. Methven spoke in support of the application.

Responding to comments made by the objector, the Senior Planning Officer advised the Sub-Committee that the perceived risks to pedestrians and cyclists had been considered but it was not felt that one additional dwelling would have a significant impact on the existing situation. He added that the Traffic Manager did not consider that the concerns could be substantiated as a basis for refusal on highway safety grounds.

Councillor Edwards proposed a site inspection for the three reasons outlined in the Constitution. Councillor H Davies, a Local Ward Member, supported a site inspection and commented on the proximity of the application site to a playground and a busy cycle route. Councillor GA Powell, also a Local Ward Member, said that she would welcome a site inspection and commented on the potential for the

proposal to set a precedent and affect the character and amenity of the area.

Councillor GFM Dawe felt that the proposal could result in the further erosion of the Conservation Area, could have an impact on the cycle route, and further consideration should be given to the status of the River Wye as a Site of Special Scientific Interest and as a candidate Special Area of Conservation.

RESOLVED:

That consideration of the application be deferred for a site inspection for the following reasons:

- **the character or appearance of the development itself is a fundamental planning consideration;**
- **a judgement is required on visual impact;**
- **the setting and surroundings are fundamental to the determination or to the conditions being considered.**

108. DATE OF NEXT MEETING

23rd January, 2008.

The Southern Team Leader advised an application relating to a development Hampton Grange was likely to be reported to the next meeting of the Sub-Committee and suggested that, to assist with the efficient transaction of business, a site inspection be held in advance. This was agreed by the Sub-Committee.

The meeting ended at 3.30 p.m.

CHAIRMAN