

**MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 5 November 2008 at 2.00 p.m.**

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

**Councillors:** PA Andrews, WU Attfield, AJM Blackshaw, ACR Chappell, SPA Daniels, H Davies, GFM Dawe, PJ Edwards, KS Guthrie, MAF Hubbard, TW Hunt (ex-officio), MD Lloyd-Hayes, AT Oliver, SJ Robertson, RV Stockton (ex-officio), AP Taylor, WJ Walling, DB Wilcox and JD Woodward

**65. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors DJ Benjamin, DW Greenow, RI Matthews, AM Toon and NL Vaughan.

**66. DECLARATIONS OF INTEREST**

69. DCCE2008/2168/F - Oaklands Nursing Home, 43 Bodenham Road, Hereford, Herefordshire, HR1 2TP [Agenda Item 5].

Councillor AJM Blackshaw; Personal and Prejudicial; left the meeting for the duration of the item.

Councillor PA Andrews; Personal.

Councillor AP Taylor; Personal.

70. DCCW2008/1721/F - 10 Doncaster Avenue, Hereford, Herefordshire, HR4 9TE [Agenda Item 6].

Councillor SJ Robertson; Personal and Prejudicial; left the meeting for the duration of the item.

71. DCCW2008/2101/F - Tesco Stores Ltd, Abbotsmead Road, Belmont, Hereford, Herefordshire, HR2 7XS [Agenda Item 7].

Councillor PA Andrews; Personal and Prejudicial; left the meeting for the duration of the item.

Councillor PJ Edwards; Personal.

Councillor GA Powell; Personal.

**67. MINUTES**

**RESOLVED:**

**That the minutes of the meeting held on 1 October 2008 be approved as a correct record.**

**68. ITEM FOR INFORMATION - APPEALS**

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

In respect of application DCCW2007/2834/F the Legal Practice Manager said that the appellants had submitted a claim for costs in the sum of £67,000 which he was trying to mitigate. Councillor DB Wilcox was of the view that it would be useful if the report stipulated whether the appeals related to refusals by the Sub-Committee or to refusals made under delegated powers by the Officers.

**69. DCCE2008/2168/F - OAKLANDS NURSING HOME, 43 BODENHAM ROAD, HEREFORD, HEREFORDSHIRE, HR1 2TP [AGENDA ITEM 5]**

*Addition to application DCCE2006/4002/F additional wing to mimic existing agreed wing in length, width, height and construction.*

In accordance with the criteria for public speaking, Mrs. Newman spoke in support of the application.

Councillor DB Wilcox, one of the Local Ward Members, felt that the site inspection had been extremely useful in determining how the additional wing would be integrated into the site by carefully reducing the slab levels to make it the same height as the existing extension. He also felt that the ancillary issues had been dealt with in a satisfactory manner and commended the quality of the proposals. He considered however that a limit had now been reached in developing the Nursing Home and that there should be no additional extensions permitted. Councillor PJ Edwards was also in favour of the application, subject to the historic boundary wall of the site being protected. The Principal Planning Officer said that a condition could be added to protect the structural integrity of the wall after the works had been completed.

**RESOLVED**

**That planning permission be granted subject to the following conditions and a further condition to protect the structural integrity of the historic boundary wall:**

- 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. B04 (Amendment to existing permission) (DCCE2006/4002/F - 7 March 2007).**

**Reason: For the avoidance of doubt and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.**

- 3. C02 (Matching external materials (extension)).**

**Reason: To ensure the external materials harmonise with the existing building so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.**

**Informatives:**

1. N19 - Avoidance of doubt - Approved Plans.
  2. N15 - Reason(s) for the Grant of PP/LBC/CAC.
70. DCCW2008/1721/F - 10 DONCASTER AVENUE, HEREFORD, HEREFORDSHIRE, HR4 9TE [AGENDA ITEM 6]

*Proposed house adjoining No. 10 with parking.*

Councillor SPA Daniels, one of the Local Ward Members, had concerns about the potential overdevelopment of the site which she felt was a valuable area of open space. She also had concerns about the highway safety aspects of the proposed vehicular access on the corner of the site and was of the view that there was little scope for adequate safety measures. She proposed that the application should be refused on the grounds of overdevelopment. Councillor PA Andrews, another Local Ward Member, was not entirely satisfied with the scheme but felt that there were no reasonable planning grounds for its refusal. She was however concerned at the sum of £5,568 payable for one dwelling under the proposed Heads of Terms. The Central Team Leader said that such sums related to the impact of applications and the need for mitigation.

The Sub-Committee discussed the merits of the scheme and the issues for and against it. A resolution that the application be refused led to a tied vote. The Chairman used her casting vote for approval.

#### **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. **B03 (Amended plans) (15 September 2008).**  
**Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.**
3. **B07 (Section 106 Agreement).**  
**Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.**
4. **C01 (Samples of external materials).**  
**Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.**
5. **F08 (No conversion of garage to habitable accommodation).**  
**Reason: To ensure adequate off street parking arrangements remain available at all times and to comply with Policy H18 of Herefordshire**

**Unitary Development Plan.****6. F14 (Removal of permitted development rights).**

**Reason:** In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

**7. F15 (No windows in side elevation of extension).**

**Reason:** In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

**8. G09 (Details of Boundary treatments).**

**Reason:** In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

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

**Reason:** In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

**10. H09 (Driveway gradient).**

**Reason:** In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

**11. H10 (Parking - single house).**

**Reason:** In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

**12. I22 (No surface water to public sewer).**

**Reason:** To safeguard the public sewerage system and reduce the risk of surcharge flooding so as to comply with Policy DR4 of Herefordshire Unitary Development Plan.

**Informatives:**

**1. N19 - Avoidance of doubt - Approved Plans.**

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

**71. DCCW2008/2101/F - TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HEREFORDSHIRE, HR2 7XS [AGENDA ITEM 7]**

*Variation of condition 1 of planning permission DCCW2007/1229/F to allow for dot.com operations on Sundays between the hours of 9.00am and 4.30pm.*

The Principal Planning Officer said that a condition should be added to any approval to ensure that the applicants dealt with the ongoing maintenance and repair of the acoustic wall between the application site and the adjoining dwellings.

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

Councillor PJ Edwards, one of the Local Ward Members, said that he had been in discussion with the applicants for a considerable length of time regarding the maintenance of the leylandii tree screening and the acoustic fence. He felt that there were no grounds to refuse the application but that adequate conditions needed to be included about the following:

- maintenance of the fence, trees and hedges;
- a parking restriction on Abbotsmead road;
- the engines of delivery vehicles should not be left running on site; and
- the installation of an exhaust extraction system on site.

Councillor GA Powell, another Local Ward Member, felt that the situation regarding noise, disturbance and fumes suffered by local residents was intolerable and that the application should be refused on the grounds of the adverse impact it had on residential amenity.

Councillor ACR Chappell was of the view that the company had previously been granted temporary permission for the use and that because they had failed to comply with its terms and conditions regarding hours of use and noise attenuation during this period, the application should be refused. Councillors MD Lloyd-Hayes and AT Oliver shared this view and was particularly concerned at the impact of the business on adjoining residents. Councillor MAF Hubbard felt that the noise attenuation barrier needed to be improved and that the permission could be extended for a further trial period but with stronger conditions controlling the impact on local residents. The situation could then be assessed to determine if the applicants had complied. Councillor DB Wilcox suggested that the objectors needed to keep a diary of any disturbances and fume pollution which arose and notify their local ward members. The Environment Protection Manager could then monitor and deal with such complaints. Councillor GFM Dawe was of the view that the noise, disturbance and problems arising from exhaust fumes was intolerable for adjoining residents and that permission should be refused. Councillor PJ Edwards was also concerned that despite having asked for some eighteen months for the appropriate maintenance of the screening to be undertaken, it was only now that the company had informed the Principal Planning Officer that it would be prepared to consider doing something about it. Councillor H Davies, one of the Local Ward Members, was of the view that the business would be better operated from the town centre Tesco Store because of the deliberate lack of maintenance at the Belmont site.

The Principal Planning Officer said that he had received no complaints about the business until the current application had been submitted. He was satisfied that all the issues and concerns which had been raised could be dealt with by the appropriate conditions. The application had to be viewed in the context that it was in respect of Sundays only and he stressed that there were no reasonable planning grounds for it to be refused.

Notwithstanding the views of the Officers the Sub-Committee had a number of reservations about the application because of noise and nuisance issues that were facing local residents. Various options were considered including whether the application should be refused, or deferred so that the Sub-Committee could be satisfied that the applications would comply with conditions regarding the acoustic fence, screening and engine fumes. The Sub-Committee decided that, because of the ongoing disturbance created for local residents, refusal was the preferred option.

**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 and Transportation) provided that the Central Team Leader does not refer the application to the Head of Planning and Transportation

**The adverse impact upon the amenity of local residents**

- (ii) If the Central Team Leader does not refer the application to the Head of Planning and Transportation, the 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 Central Team Leader said that he would refer the matter to the Head of Planning and Transportation because of the planning policy issues involved.]*

**72. DCCE2008/2385/F - HAUGHLEY COTTAGE, MORDIFORD, HEREFORD, HR1 4LT [AGENDA ITEM 8]**

The Sub-Committee noted that there were certain issues regarding consultation of the local parish council and agreed with the suggestion of the Chairman that the application should be deferred.

**RESOLVED**

**That consideration of the application be deferred pending the outcome of consultation with Fownhope Parish Council.**

**73. DCCE2008/2266/F - LAND TO THE WEST OF VELDO FARM AND EAST OF THE A465 AT NUNNINGTON, HEREFORD, HEREFORDSHIRE, HR1 3QB [AGENDA ITEM 9]**

The Chairman informed the Sub-Committee that the Local Ward Member was unable to attend the meeting due to illness. There were a number of issues he wanted to raise about the application and the Chairman therefore suggested that consideration of the application should be deferred.

**RESOLVED**

**That consideration of the application be deferred.**

**74. DATES OF FUTURE MEETINGS**

The dates of future meetings were given as 3 December 2008, 7 January 2009 and 4 February 2009.

The meeting ended at 3.45 p.m.

**CHAIRMAN**