

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 4 March 2009 at 2.00 pm

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

Councillors: PA Andrews, WU Attfield, AJM Blackshaw, ACR Chappell, H Davies, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, RI Matthews, AT Oliver, SJ Robertson, NL Vaughan, WJ Walling and JD Woodward

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

112. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors DJ Benjamin, SPA Daniels, GFM Dawe, MD Lloyd-Hayes, AP Taylor, AM Toon and DB Wilcox.

113. DECLARATIONS OF INTEREST

119. DCCW2008/1681/F - 9-11 Tower Road, Hereford, Herefordshire, HR4 0LF [Agenda Item 8]

Councillor PA Andrews; Prejudicial; Left the meeting for the duration of item; Reason: Lives nearby.

Councillor JD Woodward; Personal; Reason: LEA Governor.

M Willmont, Central Team Leader; Prejudicial; Left the meeting for the duration of the item.

K Bishop, Principal Planning Officer; Personal; Left the meeting for the duration of the item.

123. DCCE2009/0062/O – Orchard End, 9 Broadlands Lane, Hereford, Herefordshire, HR1 1HZ [Agenda Item 12]

Councillor SJ Robertson; Prejudicial; Left the meeting for the duration of the item; Reason: Applicant's agent was known to the member through parish council and due to architectural work undertaken on behalf of charity and parents.

114. MINUTES

RESOLVED:

That the minutes of the meeting held on 4 February 2009 be approved as a correct record.

115. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report.

116. ITEM FOR INFORMATION - SECTION 106 AGREEMENTS DETERMINED UNDER DELEGATED POWERS

The Sub-Committee received an information report.

117. DCCW2008/2887/F - 17 MEADOW DRIVE, CREDENHILL, HEREFORD, HEREFORDSHIRE, HR4 7EF [AGENDA ITEM 6]

Change of use from bakery to chip shop.

The Principal Planning Officer provided details of updates / additional representations received following the publication of the agenda as follows:

- One further letter of objection had been received.
- A petition signed by 59 people in support of the proposal had been received.

Councillor RI Matthews said that a chip shop in a shopping area might appear acceptable on face value but, with the full facts, he felt unable to support the application and commented on the following:

- A ventilation system used at a nearby restaurant had been the source of complaints for a number of years and the system to be used for the proposed chip shop might not adequately control fumes and odours.
- The proposed change of use would add to existing parking difficulties associated with the parade of shops.
- There had been issues with anti-social behaviour in the locality, requiring additional police patrols, and this particular type of use could exacerbate the situation.
- Litter was becoming a significant problem in rural wards.

Given these concerns, Councillor Matthews proposed that the application be refused for the following reasons: harm to the residential amenity of the residents in the area particularly those above and adjacent to the premises; harm to the character of the area in terms of social activities outside normal business hours; increased noise and litter; and emanating fumes and odours.

Councillor SJ Robertson concurred with the Local Ward Member and, given the problems with anti-social behaviour, suggested that fear of crime be included in the reasons for refusal.

Councillor PJ Edwards questioned whether the fact that the site was located next to a doctors' surgery was a material planning consideration and, if approved, the reasonableness of including further conditions to mitigate anti-social behaviour and fear of crime, such as additional lighting or CCTV.

In response to a question from Councillor PA Andrews about complaints to Environmental Health, the Principal Planning Officer advised that the Environmental Health Manager had no objection to the application subject to conditions. Councillor Matthews said that he was surprised that the long history of problems in the area was not referred to in the comments of the Environmental Health Manager.

In response to other questions and comments, the Principal Planning Officer advised that:

- The proximity of a doctors' surgery was not a material planning consideration.

- The business hours of nearby shops were similar to the proposed hours for this use.
- It was considered that the potential environmental impacts of the proposal could be controlled through conditions.
- The Traffic Manager had no objection to the proposal.
- The parade of shops was reasonably well lit but an additional condition for appropriate additional lighting could be included.
- A condition would require the implementation of a litter management plan and officers were not aware of any serious complaints about the applicant's other operations.

Councillor MAF Hubbard questioned the likelihood of success of defending refusal of planning permission on appeal given the other nearby uses and he noted the popularity of low cost food outlets during economic downturns.

The Central Team Leader commented that many of the concerns raised could be addressed through conditions and the suggested reasons for refusal would be difficult to defend if challenged.

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 and Transportation) provided that the Head of Planning and Transportation does not refer the application to the Planning Committee:**
1. **Harm to the residential amenity of the residents in the area particularly those above and adjacent to the premises.**
 2. **Harm the character of the area in terms of social activities outside normal business hours.**
 3. **Increased noise and litter.**
 4. **Emanating fumes and odours.**
 5. **Fear of crime.**
- (ii) **If the Head of Planning and Transportation 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 Central Team Leader advised that, as the resolution was contrary to the officers' recommendation and the Sub-Committee's view might not be defensible if challenged, he was minded to refer the matter to the Head of Planning and Transportation.]

118. **[A] DCCE2008/2898/F AND [B] DCCE2008/2902/C - CHURCH VILLA, CHURCH LANE, HAMPTON BISHOP, HEREFORD, HEREFORDSHIRE, HR1 4JY [AGENDA ITEM 7]**

Demolition of existing two storey dwelling and ancillary buildings and replacement with new two storey oak framed dwelling.

The Chairman, speaking in her capacity as the Local Ward Member, advised that the applicant's agent had requested deferral of the application to provide an opportunity to assess properly the comments of the Housing Inspector.

RESOLVED:

That consideration of planning applications DCCE2008/2898/F and DCCE2008/2902/C be deferred.

119. DCCW2008/1681/F - 9-11 TOWER ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LF [AGENDA ITEM 8]

Conversion of existing retirement residential home and self contained basement flat into seven self contained flats/apartments.

The Chairman congratulated the Principal Planning Officer for negotiating a reduction in the number of flats from nine to seven.

Councillor JD Woodward, a Local Ward Member, said that her primary concern related to the basement and this had now been addressed by reducing the accommodation on this level from two one-bed flats to one two-bed flat. Councillor Woodward said that she still had concerns about traffic and parking problems in the locality but noted that the proposed scheme was likely to be the best that could be achieved for this particular site.

In response to a question, the Principal Planning Officer advised that the contribution amounts detailed in the Heads of Terms, attached to the report, were accurate. Councillor Woodward asked for assurance that monies would be allocated to infrastructure improvements in the locality, rather than pooled into general funds, to ensure that local people benefited directly from such contributions.

Councillor PJ Edwards commented on traffic and parking problems and, noting that the Sub-Committee had expressed concerns about parking in this area at the last meeting, asked whether a response had been received from the Highways Department. The Chairman advised that nothing had been received to date but a response would be sought.

A number of Members commented on the need for consultation with Ward Members about potential planning obligations at the earliest opportunity to ensure that local knowledge about community needs informed the terms of any agreement and to ensure that such sums were allocated for the purposes for which it was intended. The Chairman noted that consideration needed to be given to this issue at a wider strategic level.

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. 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.

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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

4. Before development commences, full details including scaled plans and/or structural details shall be submitted for the approval in writing of the local planning authority in order to maintain and/or enhance the structural integrity of the existing eastern boundary sufficient to support the construction of a new access drive. The access drive and associated works to the boundary wall to include the removal of the existing ramp and steps shall be completed in accordance with the approved details prior to first occupation of the development hereby permitted.

Reason: To ensure the driveway is constructed to an appropriate standard and safeguard the amenity of neighbouring dwelling and comply with the requirements of Policies DR1 and DR3 of the Herefordshire Unitary Development Plan.

5. H29 (Secure covered 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 and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

6. I42 (Scheme of refuse storage (residential)).

Reason: In the interests of amenity and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

7. B07 (Section 106 Agreement).

Informatives:

1. N02 - Section 106 Obligation.
2. N19 - Avoidance of doubt - Approved Plans.
3. N15 - Reason(s) for the Grant of PP/LBC/CAC.

120. DCCW2008/3044/F - TRADEGA, LITMARSH, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3EY [AGENDA ITEM 9]

Replacement two storey detached house.

Councillor KS Guthrie, the Local Ward Member, commented that Marden Parish Council was concerned about the overall scale of the proposed dwelling but she

noted that the increase in floor area, to approximately 20% of the original, was considered acceptable.

Councillor AJM Blackshaw said that the replacement dwelling would represent an improvement and did not feel that the increase in floor area was substantial. Other Members also spoke in support of the application.

Councillor AT Oliver expressed concerns about the design and layout and felt that the proposal would have an overbearing impact. In response to a question from Councillor Oliver, the Principal Planning Officer advised that no sustainable technologies were proposed as part of the scheme.

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. **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.

3. **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.

4. **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.

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

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

6. **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.

7. **H09 (Driveway gradient).**

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

8. **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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

9. I16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

10. I51 (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 so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

Informatives:

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

2. N19 - Avoidance of doubt - Approved Plans.

121. DCCW2008/2647/F - WARHAM COURT FARM, BREINTON, HEREFORD, HEREFORDSHIRE, HR4 7PF [AGENDA ITEM 10]

The construction of a clean water attenuation pond for the recycling of storm water.

The Principal Planning Officer provided details of updates / additional representations received following the publication of the agenda as follows:

- The applicants had now agreed to the Heads of Terms.

In accordance with the criteria for public speaking, Mrs. Eyles spoke on behalf of Breinton Parish Council and Mr. Wheeler spoke in support of the application.

Councillor RI Matthews, the Local Ward Member, commented on the scale of a recently constructed agricultural stock building, the sensitive nature of the location, that numerous changes had resulted in a lack of clarity about the development of this site, and that local residents were also concerned about possible non-compliance with conditions on previous planning permissions.

In response to questions from Councillor Matthews, the Principal Planning Officer advised that:

- The position of the pond had been amended during the processing of the application by some 4.5m away from the submitted position but it was considered that the pond would be seen as part of the farm complex and officers were satisfied that the proposal complied with the relevant policies.
- The pond would be for clean water and, as it would be used to provide livestock drinking water, there would be measures to prevent contamination.
- The overflow system, to control the release of water through a system of various sized pipe outlets to maintain the water level of the pond, was explained.
- A further planning application would be needed if any new building was proposed to house pumping equipment.

Councillor Matthews commented that a landscaping scheme had not yet been implemented and felt that this had to be undertaken during the current planting

season; adding that screening would help to alleviate some of the concerns of local residents and the parish council. Councillor Matthews proposed that planning permission be granted but, to ensure rapid implementation, the landscaping scheme be delegated to officers in consultation with himself as Local Ward Member. He stressed the need for conditions to be adhered to and, as necessary, for thorough and prompt enforcement action.

The Central Team Leader advised that dirty water would be directed to an existing brown water pond and this proposal was for a clean water attenuation pond. He added that it was not anticipated that there would be any pollution to the River Wye.

In response to a concern expressed by Councillor NL Vaughan about the lack of comment from the Environment Agency given the complexities of the scheme and the potential environmental impacts, the Principal Planning Officer advised that the application was below the size level for consultation with the Environment Agency.

A number of Members supported the views of the Local Ward Member and commented on the importance of the landscaping scheme.

In response to a question from Councillor AJM Blackshaw, the Principal Planning Officer advised that full details of the specification for the disposal of the water from the overflow would be required through a condition.

Councillor PJ Edwards said that he understood the concerns of local residents and the parish council, particularly given the intensification of agricultural activities in this sensitive location and the impact on the quiet lane. Councillor Edwards suggested that the landscaping scheme should include mature tree specimens to provide immediate and adequate screening. Other Members supported this.

Councillor ACR Chappell commended officers on the report, noted the need for sufficient landscaping, questioned if there were measures to prevent the accumulation of surface water on roads, and commented on the importance of farm diversification for the local economy.

Councillor DW Greenow said that the scheme had the potential to become a model for the development of similar farms and he urged the applicant to address the concerns raised.

The Principal Planning Officer reported that discussions had been held with the applicant and the implementation of the landscaping scheme was imminent. He said that the applicant was prepared to follow the methods and combination of planting recommended by the Council's Landscape Officer and officers would be happy to work with the Local Ward Member to ensure a satisfactory outcome. He also reported that there had been a discussion with the applicant about measures to address the concern about surface water on roads.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

- 2. The clean water attenuation pond hereby permitted shall be completed**

and available for use within six months of the date of this permission.

Reason: In order to ensure that a suitable surface water drainage system is operated to serve the development and to comply with Policy E16 of Herefordshire Unitary Development Plan.

3. Notwithstanding the details shown on the approved plans and prior to the commencement of development, details of the precise route and specification for the disposal of the water from the overflow shall be submitted for approval in writing of the local planning authority. The dispersal shall be undertaken in strict accordance with the approved details.

Reason: Insufficient detail was shown on the submitted plans and to ensure that the development accords with the requirements of Policies DR6 and E13 of the Herefordshire Unitary Development Plan.

4. G10 (Landscaping scheme).

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

5. G11 (Landscaping scheme - implementation).

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

6. Prior to the commencement of the development details of any pumping system to be installed for the operation of the development shall be submitted for any approval in writing by the local planning authority.

Reason: In order to ensure that a suitable surface water drainage system is operated to serve the development and to comply with Policy E16 of the Herefordshire Unitary Development Plan.

Informatives:

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

122. DCCW2008/2781/F - PUBLIC CONVENIENCE, THE OVAL, BELMONT ROAD, HEREFORD, HEREFORDSHIRE, HR2 7HG [AGENDA ITEM 11]

Demolish existing public convenience and replace with three storey building, hot food takeaway on ground floor, storage on first floor, staff living accommodation on second floor.

The Principal Planning Officer provided details of updates / additional representations received following the publication of the agenda as follows:

- The applicant's agent had confirmed a willingness to light the public footpath to the rear of the building.
- Given the above, an additional condition requiring details of lighting of the footpath to the rear of the building was recommended by officers.

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

Councillor H Davies, a Local Ward Member, commented on anti-social behaviour issues at the site and the need for some form of redevelopment. However, she also acknowledged the concerns of local residents and businesses about the potential impact of another takeaway in the shopping parade. Given the concerns raised, including traffic and parking problems, Councillor Davies felt that the Sub-Committee would benefit from a site inspection.

Councillor PJ Edwards, also a Local Ward Member, said that the site was in a dreadful state but he questioned whether this proposal might be overintensive, particularly given the increase in cubic capacity.

Councillor GA Powell, the other Local Ward Member, said that she understood the concerns of objectors but considered that redevelopment of the site was necessary and noted that the design would be compatible with adjoining buildings. Councillor Powell added that she would prefer the flat on the second floor to contain two rather than three bedrooms, reflecting the situation with other shop units.

The Legal Practice Manager reminded the Sub-Committee of the criteria for holding site inspections and the Chairman emphasised the need for good levels of attendance at such visits.

Councillor ACR Chappell felt that a site inspection was justified and commented on traffic and parking problems in the vicinity of the site, the number of takeaway food outlets in the area, and fear of crime considerations. He added that the removal of the footpath between the existing complex and the proposed building would address a number concerns.

Following the vote on holding a site inspection, Councillor Edwards suggested that officers investigate the land ownership matters associated with the footpath and whether it could be removed through this scheme or by alternative means.

RESOLVED:

That consideration of planning application DCCW2008/2781/F 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.**

123. DCCE2009/0062/O - ORCHARD END, 9 BROADLANDS LANE, HEREFORD, HEREFORDSHIRE, HR1 1HZ [AGENDA ITEM 12]

Erection of detached house and garage.

The Principal Planning Officer provided details of updates / additional representations received following the publication of the agenda as follows:

- The applicant's agent had now agreed to the Heads of Terms.

Councillor NL Vaughan, a Local Ward Member, commented on traffic volumes and congestion on the local road network and the additional impact of another dwelling in this location. He welcomed low density development *and supported the application* but drew attention to local residents' comments about potential overlooking ~~and the need to mitigate this concern~~ [*Amendment made at Sub-Committee meeting on 1*

April 2009].

In response to a question from Councillor DW Greenow, the Principal Planning Officer explained that the contribution sought to provide enhanced educational structure was relatively low as the Education Manager had indicated that there was capacity at local primary and secondary schools.

Some Members expressed the view that one additional dwelling would not have a significant impact on the area.

Councillor Vaughan suggested that officers reconsider the educational contributions, especially in respect of Special Educational Needs and Youth Service, and noted that there were long standing traffic problems in the area which needed to be highlighted.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. **A02 (Time limit for submission of reserved matters (outline permission)).**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

2. **A03 (Time limit for commencement (outline permission)).**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. **A04 (Approval of reserved matters).**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with policy DR1 of the Herefordshire Unitary Development Plan.

4. **A05 (Plans and particulars of reserved matters).**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

5. **B07 (Section 106 Agreement).**

Reason: In order to provide enhanced sustainable transport infrastructure, educational facilities and improved play space in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

6. **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.

7. **H09 (Driveway gradient).**

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

8. 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

Informatives:

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

124. DCCE2009/0126/F - CADITH HOUSE, WHITESTONE, HEREFORD, HEREFORDSHIRE, HR1 3RX [AGENDA ITEM 13]

Proposed planting scheme of green beech hedge and retention of existing timber fence.

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

Councillor DW Greenow, the Local Ward Member, said that the fence had limited visual impact and noted the benefits for the occupiers of Cadith House, including improved security, safety and reduced noise. He commented that the colour of the fence would fade and the beech hedge would thicken and grow in a short space of time. He also commented on the mixed uses in the area, that nearby properties had fences of similar heights and dimensions, and drew attention to the comment of the Traffic Manager that *'the required setback can be achieved'*. Given these considerations, he felt that planning permission could be granted.

Councillor SJ Robertson noted that each application had to be considered on its own merits and felt that the proposal could be supported. Councillor H Davies noted the practical difficulties of living next to a busy road and supported the views of the Local Ward Member.

In response to a question from Councillor NL Vaughan, the Planning Officer advised that it would be the property owners' responsibility to maintain the hedge to ensure that highway safety was not compromised. The Legal Practice Manager added that, if the hedge encroached on the highway, the authority could undertake the works necessary and recharge the costs to the owners.

Councillor RI Matthews noted that a fence next to a highway could not be over 1 metre high and questioned how far this fence, as constructed, would need to be set back to overcome the requirement. In response, the Planning Officer said that the distance would need to be more than 20 metres but, as it would remain adjacent to the highway, planning permission would still be required. Councillor Matthews noted the planning policy considerations and felt unable to support the application.

Councillor AJM Blackshaw felt that the beech hedge would adequately screen the fence as it matured.

Councillor AT Oliver supported the officer's recommendation of refusal and said that the fence was a discordant feature and dominated the front aspect of the property.

Councillor MAF Hubbard noted the case put forward by the applicants for the

retention of the fence but he felt that the protection of the rural environment, through the planning policies, was a key consideration.

Councillor Greenow said that, as landscape gardeners, the applicants would ensure that the planting scheme was satisfactory and well maintained.

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

RESOLVED:

That planning permission be refused for the following reason:

- 1. The existing fence by virtue of its height, length and siting would visually dominate the front aspect of the property and the wider locality. As such the retention of the fence is contrary to Policies S2 and DR1 of the Herefordshire Unitary Development Plan 2007.**

125. DATES OF FUTURE MEETINGS

1 April 2009
29 April 2009
27 May 2009

The meeting ended at 4.20 pm

CHAIRMAN