

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 23 February 2011 at 10.00 am**

**Present:** Councillor TW Hunt (Chairman)  
Councillor RV Stockton (Vice Chairman)

Councillors: ACR Chappell, PGH Cutter, H Davies, GFM Dawe, DW Greenow, JW Hope MBE, B Hunt, RC Hunt, G Lucas, RI Matthews, JE Pemberton, DC Taylor, WJ Walling and JD Woodward

**116. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors KS Guthrie, AP Taylor and PJ Watts.

**117. NAMED SUBSTITUTES (IF ANY)**

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor KG Grumbley attended the meeting as a substitute member for Councillor KS Guthrie.

**118. DECLARATIONS OF INTEREST**

10. DMS/103173/F - Caradoc Court, Sellack, Ross-on-Wye, Herefordshire, HR9 6LS.  
Councillor PGH Cutter, Personal, Sits on the AONB Board.

**119. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 2 February 2011 be approved as a correct record and signed by the Chairman.

**120. CHAIRMAN'S ANNOUNCEMENTS**

There were no announcements from the Chairman.

**121. APPEALS**

The Committee noted the report.

**122. DMS/102266/F - HEREFORDSHIRE COLLEGE OF TECHNOLOGY, HOLME LACY CAMPUS, HOLME LACY, HEREFORDSHIRE, HR2 6LL**

The Development Manager reported that English Heritage were carrying out a further assessment of Bower House in respect of its suitability for Listing. In these circumstances the Assistant Director Environment Planning and Waste considered it was appropriate to withdraw the application from the Agenda.

**123. DMS/103017/F - BUSINESS PARK ON LAND AT NEW LIVESTOCK MARKET, ROMAN ROAD, HEREFORD**

The Development Manager gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

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

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors RI Matthews and SPA Daniels, two of the local ward members, commented on a number of issues, including:

- concerns had been raised that the cattle market was not set as far back off Roman Road as had been initially indicated and that the new proposal constituted creeping development;
- any planning permission should be subject to a section 106 agreement to provide funds for a footpath and cycle path from the A4103/A480 roundabout towards Credenhill;
- concerns were expressed in respect of landscaping on the site. Local ward members should be consulted on landscaping proposals;
- hours of operation should be reduced from 8am to midday on Saturdays instead of 8am to 1:00pm;
- the application site should be referred to as the Cattle Market site and not as a Business Park;
- it needs to be ensured that the public rights of way across the land are protected; and
- the landscaping scheme for the area should be commenced immediately in order to address local concerns and take advantage of the growing season.

The Development Manager noted the comments from the local ward members and was in agreement that landscape planting should commence at the earliest opportunity. He noted the comments regarding delivery times but felt that it was imperative for the operation to have consistency between opening and delivery times. He did not consider that the criteria had been met for a Section 106 agreement to be required for a footpath/cycleway towards Credenhill in respect of this application. He advised Members that any funds requested would have to be as a direct necessity of the application and be reasonably related and that this was not the case. The Locum Lawyer advised that a unilateral agreement could be sought from the applicants to provide the funding required by the local ward member. Another alternative would be to make a request to them and he confirmed the view of the Development Manager that a Section 106 agreement could not lawfully be imposed.

Councillors Matthews and Daniels were given the opportunity to close the debate in accordance with the Council's Constitution. They reiterated their opening remarks and made additional comments about the need for development to be limited in the area and for the footpath/cycleway to be provided in accordance with assurances previously given by the Council

**RESOLVED**

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**

3. **C01 Samples of external materials**
4. **F02 Restriction on hours of delivery**
5. **F03 Restriction on hours of opening**
6. **F06 Restriction on Use**
7. **G10 Landscaping scheme**
8. **G11 Landscaping scheme - implementation**
9. **G15 Landscape maintenance arrangements**
10. **H13 Access, turning area and parking**
11. **H16 Parking/unloading provision - submission of details**
12. **H29 Secure covered cycle parking provision**
13. **H20 Road completion in 2 years**
14. **I16 Restriction of hours during construction**
15. **I20 Scheme of surface water drainage**
16. **I26 Interception of surface water run off**
17. **I25 Bunding facilities for oils/fuels/chemicals**
18. **I33 External lighting**
19. **I41 Scheme of refuse storage (commercial)**
20. **E03 Site Observation – Archaeology**

**Informative:**

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

**124. DMS/103031/O - YEW TREE COTTAGE, BARTESTREE, HEREFORDSHIRE, HR1 4BX**

The Principal Planning Officer presented a report about application for Outline permission for the erection of a detached on land forming part of the rear garden of Yew Tree Cottage. Updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mr, Wilson, representing Bartestree Parish Council, and Mrs Seabright, a neighbouring resident, spoke in objection to the application, and Mr Groom, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor DW Greenow, the local ward member, commented on the application. He was concerned about:

- the dimensions of the proposed dwelling;
- the location in a rear garden;
- highway safety issues regarding the access; and
- its detrimental impact on the amenity of neighbouring residential properties through overlooking and potential noise disturbance.

The Committee shared the concerns of the local ward member and the officers about the location, size and impact of the proposed dwelling and noted the concerns which had been raised about the highway safety issues regarding the access. It was also noted that Planning Policy Guideline PPS3 no longer included provision for the development of garden land within its definition of the redevelopment of brownfield land.

Councillor Greenow was given the opportunity to close the debate in accordance with the Council's Constitution. He reiterated his opening remarks and made additional comments about the highway safety issues of increasing use of an existing access on a busy road adjoining a pedestrian crossing.

## **RESOLVED**

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

- 1. The visibility offered by the proposed point of vehicular access is significantly substandard and cannot be improved without incorporating land in third party ownership. The intensified use of the access is considered to represent a threat to highway safety on this busy main road and the application is thus considered contrary to Policy DR3 of the Herefordshire Unitary Development Plan 2007.**
- 2. The erection of a dwelling in this location would result in an increase in vehicular and pedestrian movements and activity in close proximity to the rear private gardens of existing dwellings. The development would also result in the loss of privacy to existing private gardens, whereas the application site is subject to overlooking from existing dwellings. As a consequence the development would generate activity and disturbance in excess of what could reasonably be associated with a typical residential curtilage, result in an unacceptable loss of privacy and fail to provide acceptable levels of amenity for future occupants. The development would thus harm the amenity of adjoining residents in a manner contrary to Policies DR2 and H13 of the Herefordshire Unitary Development Plan 2007.**
- 3. The erection of a 2-storey detached dwelling in this location would constitute a cramped and incongruous form of development that would fail to promote or reinforce the distinctive character and appearance of the locality, particularly in relation to its layout. The proposal is thus contrary to Policies DR1 and H13 of the Herefordshire Unitary Development Plan and guidance set out in Planning Policy Statement 3: Housing.**

### **125. DMS/103173/F - CARADOC COURT, SELLACK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LS**

The Principal Planning Officer gave a presentation and provided updates on an application to vary Condition 9 of Planning Permission DMSE/093151/F to enable the

installation of domestic heating oil tanks at the property. The updates and additional representations received following the publication of the agenda are appended to these minutes.

In accordance with the criteria for public speaking, Mr Harvey, a neighbouring resident, spoke in objection to the application.

The Committee discussed the merits of the application. Some concerns were expressed about the visual aspects of the tanks in an area of outstanding natural beauty and the need for it to be ensured that suitable landscaping conditions were attached to any permission that was granted. There were also concerns expressed about piecemeal planning applications being submitted in respect of the site. The Locum Solicitor explained that alterations had to be dealt with in this way because permitted development rights had been removed when the original planning permission had been granted.

Having considered all the points that had been made about the application, The Committee decided that it should be granted.

## **RESOLVED**

**Subject to no objections raising material planning considerations being received by the expiry of the statutory consultation period and conditions being imposed in respect of landscaping, Officers be authorised to grant planning permission subject to the following conditions:**

1. **B04 Amendment to existing permission**
2. **B01 Development in accordance with the approved plans**

### **Informative:**

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

## **126. DATE OF NEXT MEETING**

The Committee noted the date of the next meeting.

**APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES (Pages 1 - 4)**



# **PLANNING COMMITTEE**

**Date: 23 February 2011**

## **Schedule of Committee Updates/Additional Representations**

**Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.**

**DMS/102266/F- Demolition of buildings and re-development of Holme Lacy Campus with a new masterplan, associated buildings and access alterations at Holme Lacy Campus, Holme Lacy, Herefordshire, HR2 6LL**

**For: Mr Peake per RRA, Packers House 25 West Street, Hereford, Herefordshire, HR4 0BX**

#### **OFFICER COMMENTS**

The Assistant Director Environment, Planning and Waste has withdrawn this item from the Agenda.

It will be reported to a future meeting.

**DMS/103017/F - New industrial unit to supply medicines and feed at Business Park on new Livestock Market, Roman Road, Hereford**

**For: Mr Jones per McCartneys, 7 Broad Street, Leominster, Herefordshire, HR6 8BT**

#### **ADDITIONAL REPRESENTATIONS**

Subject to detailed design the cycle shelter is acceptable although it will be necessary to secure approval of this together with a plan that demonstrates that it is accessible in a safe manner.

An additional email was received from Mr & Mrs Hilder of 1 Veldifer Cottage on 22 February 2011. In the event that permission is granted, consideration of the following conditions is requested:

Operating hours should be restricted to 8am to 6pm from Monday to Friday and 8am to 1pm on Saturdays and closed on Sundays and Bank Holidays. This would be consistent with the hours of delivery condition proposed.

Any lighting should be turned off outside the operating hours

The same level of landscaping should be applied to this site as was applied to the livestock market and this should incorporate bunding and similar trees

#### **OFFICER COMMENTS**

In response to the conditions suggested in the officer recommendation, the applicants have provided details in respect of the following:



- Materials
- Landscaping / Planting
- Hard surface materials for parking areas
- Cycle parking
- Refuse storage
- Foul and surface water drainage

These have been indicated on amended plans submitted which also revise the plot size now that this has been finalised with Property Services. This has been reduced slightly from the original plan, excluding the lime trees from within the site boundary.

The details submitted are not detailed enough and further discussion will need to be had on the landscaping / boundary treatments/ cycle parking and drainage to ensure a satisfactory form of development is undertaken that works with the existing permission for the livestock market site. The conditions recommended would provide the ability to further these discussions.

Where details can be agreed these can be inserted directly into the conditions rather than requiring their submission prior to commencement of works.

In relation to the additional comments provided by Mr & Mrs Hilder, it is considered that the conditions recommended are generally consistent with their duly made concerns and will ensure that appropriate controls are in place to mitigate the environmental impact of the development.

#### **CHANGE TO RECOMMENDATION**

Condition 5 to include control over the switching off of lighting outside of the hours of opening restriction

**DMS/103031/O - Outline permission for the erection of a detached residential dwelling at Yew Tree Cottage, Bartestree, Herefordshire, HR1 4BX**

**For: Mr Blackman per Mr Nicholas Groom (N G Property), 7 Duchess Close, Monmouth, Monmouthshire, MP25 3JL**

#### **ADDITIONAL REPRESENTATIONS**

One further letter of objection has been received. It reiterates the points set out at 5.2 of the report and also refers to the inappropriateness of the development relative to Barber Close.

#### **NO CHANGE TO RECOMMENDATION**

**DMS/103173/F - Application to vary Condition 9 of Planning Permission DMSE/093151/F to enable installation of domestic heating oil tanks at Caradoc Court, Sellack, Ross-on-Wye, Herefordshire, HR9 6LS**

**For: Mr H Bramer per Mr T Egan, M F Freeman, Ruardean Works, Varnister Road, Gloucestershire, GL17 9BH**

**ADDITIONAL REPRESENTATIONS**

Parish Council: No objection

6 letters of objection have been received from local residents. The comments are summarised as follows:

- This is an exceptional and contentious site in a very sensitive location within the AONB and overlooking an attractive stretch of the River Wye SAC/SSSI;
- The site is already overcrowded in a manner entirely inappropriate to the rural location;
- More above ground structures would be wholly unacceptable and would contribute to the creeping intensification observable in the development;
- The decision should be taken to revert to the originally proposed under-ground oil tanks, which should not be discounted simply because they are more costly or difficult to maintain;
- It is reasonable to expect the developer to minimise the adverse visual impact in return for being given the ability to maximise the return from the development;
- Leaks/spillages could have adverse consequences for wildlife in Castlemeadow Wood and conceivably the Wye itself;
- The tanks will increase the likelihood of heavy vehicles using the bridleway and causing congesting upon the site;
- It is considered unlikely that the tanks will be constructed to accord with the relevant regulations and could pose a fire and pollution risk.

In response to the above-stated concerns the agent has responded:

- Leaks from underground tanks will be far more difficult to detect and correct than those from tanks above ground;
- An underground tank will require an electric pump, which is less sustainable in terms of energy consumption;
- There is absolutely no implication for vehicular traffic in building the tanks above ground. It is estimated that refilling of the tanks will be necessary once a year, which would involve six two-way trips a year;
- A fully detailed Building Regulations application is to be submitted to Herefordshire Building Control department. This will confirm compliance with building regulations.

**OFFICER COMMENTS**

There is an error at 6.2, page 53. The final sentence should read:

“There is also no conflict between the proposed location of the individual tanks and the retention of the protected trees around the site’s perimeter.”

**NO CHANGE TO RECOMMENDATION**