

MINUTES of the meeting of Central Area Planning Sub-Committee held at Council Chamber, Brockington on Wednesday, 3rd September, 2003 at 2.00 p.m.

Present: Councillor David Fleet (Chairman)
Councillor Robert Preece (Vice Chairman)

Councillors: Mrs. P.A. Andrews, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, Ms. G.A. Powell, Mrs. S. Robertson, Ms. A. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams and R.M. Wilson

In attendance: Councillors T.W. Hunt and J.B. Williams

21. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs. W.U. Atfield, Mrs. E.M. Bew., G.V. Hyde, Mrs. J.E. Pemberton, D.C. Short MBE, W.J.S. Thomas, and A.L. Williams

22. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
J.C. Mayson and Mrs. S.J Robertson	Item No. 8 – CW2003/2039/F Reconditioning, refurbishment and extension to include a change of use into a public house at: OLD SCHOOL ROOMS, MORETON-ON-LUGG, HEREFORDSHIRE, HR4 4DF	Both Members declared prejudicial interests and left the meeting for the duration of the item.

23. MINUTES

RESOLVED: That the Minutes of the meeting held on 6th August, 2003 be approved as a correct record and signed by the Chairman.

24. ITEM FOR INFORMATION - APPEALS

The Sub-Committee noted the Council's current position in respect of planning appeals for the central area of Herefordshire.

RESOLVED: That the report be noted.

25. HEAD OF PLANNING SERVICES REPORT

The report of the Head of Planning Services was presented in respect of planning applications received for the central area of Herefordshire.

RESOLVED: That the planning applications be determined as set out in the appendix to these Minutes.

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: That under section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION

26. ITEM FOR INFORMATION - ENFORCEMENT

The Sub-Committee received an information report about the enforcement notices served within the central area of Herefordshire.

- 12) Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:**
- (a) any legal proceedings by or against the authority, or**
 - (b) the determination of any matter affecting the authority**
- (whether, in each case, proceedings have been commenced or are in completion)**
- 14) Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.**

27. DATE OF NEXT MEETING

The next scheduled Central Area Planning Sub-Committee was Wednesday 1st October, 2003.

The meeting ended at 3.28 p.m.

CHAIRMAN

Document is Restricted

APPENDIX

Ref. 1
TILLINGTON
CW2002/3102/O

Site for proposed dwelling including details of design, external appearance, siting and access at:

GROVE COTTAGE, TILLINGTON, HEREFORDSHIRE, HR4 8LW

For: **MR. K. MORRILL PER MR. C. GOLDSWORTHY, 85 ST. OWENS STREET, HEREFORD, HR1 2JW**

In accordance with the criteria for public speaking, Mr. Naylor had registered to speak against the application but was not present at the meeting.

The Central Divisional Planning Officer reported the receipt of additional correspondence from the applicant.

Councillor Mrs. S.J. Robertson, the Local Member, noted that other proposals in the area had been refused due to access problems. Concerns regarding foul drainage seepage and over development of the area were also expressed. For these reasons, she felt unable to support the application.

In response to these concerns, the Central Divisional Planning Officer advised that the Head of Engineering and Transportation considered the access to be acceptable and that final details for drainage would be required by condition. He added that the circumstances of other proposals in the area were not directly comparable with this proposal and that, as applications had to be considered on their merits, approval of this application would not set a precedent for other development.

In response to a suggestion, the Central Divisional Planning Officer confirmed that a condition could be added which would require the provision of a splay at the access to the application site [access is to be included as a 'reserved matter' for future consideration].

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.

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

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

6. **H27 (Parking for site operatives).**

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

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

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

8. **F48 (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.

9. **F18 (Scheme of foul drainage disposal).**

Reason: In order to ensure that satisfactory drainage arrangements are provided.

10. **B01 (Samples of external materials).**

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

11. **E18 (No new windows in side elevation of extension).**

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

Ref. 2
HEREFORD
CW2003/0620/F

Erection of 6 no. storage silos on concrete base at:

GELPACK EXCELSIOR LTD, GRANDSTAND ROAD, HEREFORD, HR4 9NT

For: **GELPACK EXCELSIOR LTD. PER CLARKE MATTHEWS LTD., 16 MUSEUM PLACE, CARDIFF, CF10 3BH**

The Principal Planning Officer reported the receipt of a further letter of objection from the occupiers of 19 Grandstand Road and summarised its contents.

The Principal Planning Officer advised that, as a result of negotiations

with the applicant, the height of the proposed silos had been reduced by one metre to eleven metres and the silo nearest to properties on Grandstand Road had been moved approximately two metres further away.

Councillor Mrs. P.A. Andrews, a Local Member, welcomed the improvements which had been made to the application but was disappointed to note that the silos would not be partially recessed into the ground. In response, the Principal Planning Officer confirmed that the 'digging down' of silos to lower their appearance would present many unreasonable technical difficulties.

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. **A07 (Development in accordance with approved plans).**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. **Deliveries to the six storage silos hereby approved shall only be made between the hours of 0830 to 1700 Monday to Friday. No deliveries shall be made on weekends or on Bank Holidays.**

Reason: To protect the residential amenity of properties adjoining the northern site boundary.

4. **The rating level of the noise emitted from the feed pipes and associated machinery/plant serving the six silos hereby approved shall not exceed the existing background noise level of 45 dB LA90 by more than 3 dB. The noise level shall be determined at 1m from the rear façade of 99 Grandstand Road (including measurement at first floor level as close to 1m from the façade as possible) and all readings shall be taken in accordance with BS 4142:1997.**

Reason: To protect the residential amenity of properties adjoining the northern site boundary.

5. **GO1 (Details of acoustic boundary fence).**

Reason: In the interests of residential amenity.

6. **A09 (Amended plans).**

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

Ref. 3
**LITTLE
 DEWCHURCH**
 CE2003/0002/F

Continued siting of bus caravan used as forestry workers dwelling at:
**TRILLOES COURT WOOD, LITTLE DEWCHURCH,
 HEREFORDSHIRE, HR2 6PS**
 For: **MR. S.W. KEOGH, 1 THE CLUSTERS, KINGS CAPLE,
 HEREFORD, HR1 4UD**

RESOLVED:

That planning permission be granted subject to the following conditions:

1 E25 (Personal and time limited permission)

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

2 E26 (Cessation of personal/time limited permission)

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

Note to Applicant:

- 1 The applicant is advised that this planning permission has been given on an exceptional basis only having regard to the particular circumstances of the site and the 'temporary' woodland enterprises carried out. Having regard to these circumstances the applicant is also advised that under present conditions it is unlikely that a permanent planning permission would be given to retain the bus caravan or erect a dwellinghouse.**

Ref. 4
TILLINGTON
 CW2003/1862/F

Erection of two holiday chalets at:
**LAND OPPOSITE THE HAVEN, BADNAGE LANE, TILLINGTON,
 HEREFORDSHIRE**
 For: **MRS. R. JONES PER SMITH ROBERTS ASSOCIATES, 3
 BEAUFORT BUILDINGS, CLIFTON, BRISTOL, BS8 4AN**

Councillor Mrs. S.J. Robertson, the Local Member, noted that the proposal would regenerate an existing brown-field site and welcomed the application. However, she felt that the amount of time that the chalets could be let for each year should be restricted. In response, the Principal Planning Officer advised that this issue could be addressed through conditions.

In response to a concern about access, the Principal Planning Officer recognised that Badnage Lane was very narrow but noted that it was not unique in rural areas and that it would not prevent an otherwise acceptable development which would generate low levels of traffic.

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. **E31 (Use as holiday accommodation).**

Reason: The local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation in this rural location.

3. **B01 (Samples of external materials).**

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

4. **G04 (Landscaping scheme (general)).**

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

5. **G05 (Implementation of landscaping scheme (general)).**

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

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

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

7. **F01 (Scheme of noise attenuating measures).**

Reason: To safeguard the amenity of the area.

8. **F18 (Scheme of foul drainage disposal).**

Reason: In order to ensure that satisfactory drainage arrangements are provided.

9. **H01 (Single access - not footway) (2 x 30 metres).**

Reason: In the interests of highway safety.

Ref. 5
HEREFORD
CE2003/1982/F

Variation of conditions 2 and 3 of previous planning permission CE01/1302/F. Permanent use of site for residential purposes and minibus business to include parking of three mini buses at:

10 MOUNT CRESCENT, TUPSLEY, HEREFORD, HR1 1NQ

For: **MR. C.J. MASON, 10 MOUNT CRESCENT, TUPSLEY, HEREFORD, HR1 1NQ**

The Central Divisional Planning Officer clarified that, whilst the application sought to increase the number of minibuses kept at the site from two to three, it was recommended that permission be granted for two minibuses only and subject to permission being personal to the applicant whilst he resided at the property.

In accordance with the criteria for public speaking, Mr. Youll spoke against the application.

The Central Divisional Planning Officer advised that concerns about the stability of fencing and about damage to a landscaped area outside the boundaries of the application site were not planning considerations.

Councillor Mrs. M.D. Lloyd-Hayes, a Local Member, noted the considerations outlined in the Officers Appraisal but subsequently expressed concerns about the proposal, particularly regarding potential risks to pedestrian and highway safety.

The Central Divisional Planning Officer advised the Sub-Committee that, whilst the current application had generated five letters of objection, there had been no previous complaints of nuisance during the two year test period of the temporary planning permission [application CE2001/1302/F refers].

Councillor W.J. Walling, also a Local Member, felt that a minibus business in this location was inappropriate and that it should be sited on suitable commercial premises.

A number of other Members spoke against the application. In particular, it was felt that the proposal was an inappropriate business use in a residential area, would be detrimental to highway safety and would cause nuisance from vehicle movements. Therefore, it was proposed that the application be refused as it was considered to be detrimental to highway safety and detrimental to the amenity of neighbouring properties.

The Central Divisional Planning Officer reiterated that the expansion of the business by the introduction of an additional minibus to be kept at the site was considered inappropriate but, as there was a lack of evidence of harm caused during the initial two year test period, permanent use of the site for mixed residential and business purposes was considered acceptable. He added that no objections had been received from the Environment Agency or from internal consultees.

The Chief Development Control Officer commented that it was not unusual to have mixed residential and business uses, that nuisance from vehicle movements could occur from residential uses and that it was not uncommon for fuel to be delivered to residential properties.

As Members were minded to make a decision contrary to Officers' advice, the Principal Lawyer (Planning, Environment and Transport) outlined the Council's Referral Procedure.

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 Services), provided that the Head of Planning Services does not refer the application to the Planning Committee:

1. The proposal is considered to be detrimental to highway safety;
 2. The proposal is considered to be detrimental to the amenity of neighbouring properties.
- (ii) If the Head of Planning Services 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:

1. Under the Council's Referral Procedure, the Chief Development Control Officer advised that, whilst the Sub-Committee wished to make a decision contrary to Officers' advice, he would not refer the application to the Head of Planning Services because there were no crucial policies at stake and given the reasons outlined by Members.)

Ref. 6
HEREFORD
CW2003/1824/F

Resiting of existing solvent store and flocculation plant room at:

**EXCELSIOR PLASTICS LTD., WESTFIELDS TRADING ESTATE,
HEREFORD, HR4 9NT**

For: **GELPACK EXCELSIOR LTD. PER MR. A.W. MORRIS, 20
FERNDALE ROAD, KINGS ACRE, HEREFORD, HR4 0RW**

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

In response to a question from Mrs. P.A. Andrews, a Local Member, the Principal Planning Officer advised that the new acoustic boundary fence would not be more than 2.5m in height as a higher fence could have a detrimental visual impact.

In response to a question from the Chairman, the Principal Planning Officer confirmed that gaps in planting along the adjoining residential boundary would be filled as part of the landscaping 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. **A07 (Development in accordance with approved plans).**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

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

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

4. **G04 (Landscaping scheme (general)).**

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

5. **G05 (Implementation of landscaping scheme (general)).**

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

6. **B01 (Samples of external materials).**

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

7. **Notwithstanding the information supplied on the submitted drawings, full details and written specification of the proposed plant equipment to be contained within the approved building shall be submitted to and approved in writing by the local planning authority. Only the details and equipment approved shall be installed within the building which shall not be improved, altered or replaced without the prior written approval of the local planning authority.**

Reason: In the interests of residential amenity and to ensure minimum disturbance to adjoining properties.

Ref. 7
HEREFORD
CW2003/1126/F

Proposed conversion of buildings into 3 no. dwellings at:

HOLMER PARK, OFF ATTWOOD LANE, HEREFORD

For: **MR. D. EDWARDS PER MR. EDWARDS, DAVID EDWARDS ACCOCIATES, STATION APPROACH, HEREFORD, HR1 1BB**

The Principal Planning Officer advised that the application had been withdrawn by the applicant prior to the start of the meeting.

Ref 8
HEREFORD
CW2003/2039/F

Reconditioning, refurbishment and extension to include a change of use into a public house at:

OLD SCHOOL ROOMS, MORETON-ON-LUGG, HEREFORDSHIRE, HR4 8DE

For: **MRS. J.V. PERKINS, PER MR. J.E. SMITH, PARKWEST, LONGWORTH, LUGWARDINE, HEREFORD, HR1 4DF**

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

Councillor J.G.S. Guthrie, the Local Member, felt that a public house would be a valuable facility within the village. However, concerns were expressed about roadside parking in the village and the need for suitable parking arrangements. In response, the Principal Planning Officer advised that officers would continue to negotiate with the applicant in order to further improve the car park layout and to protect the residential amenities of adjoining properties. It was recommended that conditions be added regarding access and signage.

RESOLVED:

Subject to the receipt of satisfactory amended plans indicating the exact floor area to be used for the public house and a revised car parking layout that officers named in the Scheme of Delegation to Officers be authorised to approve planning permission subject to the following conditions and any other conditions considered necessary by officers:

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 G01 (Details of boundary treatments)

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

3 G04 (Landscaping scheme (general))

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

4 G05 (Implementation of landscaping scheme (general))

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

5 E02 (Restriction on hours of delivery)

Reason: To safeguard the amenities of the locality.

6 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

7 F35 (Details of shields to prevent light pollution)

Reason: To minimise light overspill and to protect the amenity of neighbouring properties.

8 F38 (Details of flues or extractors)

Reason: In the interests of the amenity of the area.

9 F39 (Scheme of refuse storage)

Reason: In the interests of amenity.

10 H03 (Visibility splays)

Reason: In the interests of highway safety.

11 H05 (Access gates)

Reason: In the interests of highway safety.

12 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.

13 H23 (Canopies/signs/projections over the highway)

Reason: In the interests of highway safety.

14 H26 (Access location)

Reason: In the interests of highway safety.

15 H27 (Parking for site operatives)

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

16 H29 (Secure 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.

17 Prior to the commencement of the development details of car parking signage including signs indicating the one way system for entry and access shall be submitted to and approved in writing by the local planning authority. The appropriate signs shall be in place prior to the commencement of the use hereby approved.

Reason: In the interests of highway safety.

Notes to Applicant:

- 1 HN01 - Mud on highway**
- 2 HN05 - Works within the highway**
- 3 HN10 - No drainage to discharge to highway**
- 4 HN19 - Disabled needs**
- 5 N08 - Advertisements**
- 6 N04 - Rights of way**