

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 7th February, 2007 at 2.00 p.m.

Present: Councillor D.J. Fleet (Chairman)
Councillor R. Preece (Vice-Chairman)

Councillors: Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. S.P.A. Daniels, P.J. Edwards, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.W. Newman, Mrs. S.J. Robertson, Mrs E.A. Taylor, W.J.S. Thomas, W.J. Walling, D.B. Wilcox and R.M. Wilson

In attendance: Councillors T.W. Hunt (ex-officio)

148. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs. E.M. Bew, A.C.R. Chappell, J.G.S. Guthrie, J.C. Mayson, Mrs. J.E. Pemberton, Ms. G.A. Powell, Miss F. Short, Ms. A.M. Toon and A.L. Williams.

149. DECLARATIONS OF INTEREST

The following declarations of interest were made:-

Councillor	Item	Interest
R.M. Wilson	Minute 156, Agenda Item 9 DCCE2006/3982/F Plot Adjacent to 'Stoneleigh', Formerly 'Rowberry', Lugwardine, Hereford, HR1 4DS	Declared a prejudicial interest and left the meeting for the duration of the item.
Mrs. P.A. Andrews	Minute 158, Agenda Item 11 DCCW2006/4011/F 9-11 Tower Road, Hereford, HR4 0LF	Declared a prejudicial interest and left the meeting for the duration of the item.

Mr. K. Bishop, Principal Planning Officer, declared a personal interest in Agenda Item 8, DCCE2006/3894/F - Hagley Cottage, Bartestree, Hereford, HR1 4BX.

150. MINUTES

The Minutes of the last meeting were received.

Councillor Mrs. E.A. Taylor asked for the following words (in italics) to be added to Minute 141, page 3, paragraph 2, sentence 2, as follows 'Councillor Mrs. E.A. Taylor questioned whether the operation had outgrown the site, *as she had seen the coffee carts parked outside the compound next to the site of the former hairdressers on many occasions*, and felt the disturbance to the neighbouring property in the early hours of the morning was unacceptable'.

RESOLVED: That, subject to the above, the Minutes of the meeting held on 17th January, 2007 be approved as a correct record and signed

by the Chairman.

151. 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.

RESOLVED: That the report be noted.

152. DCCW2006/3705/F - WEIR VIEW, BREINTON, HEREFORD, HR4 7PR [AGENDA ITEM 5]

New detached house with garage and vehicular access thereto.

The Senior Planning Officer reported the following:

- The applicant had submitted a revised dormer design, lowering the overall ridge height in line with that of Weir View.
- The scale of the proposed dwelling was now considered to be acceptable, overcoming the second reason for refusal detailed in the report. However, notwithstanding the acceptability of the design, the principle policy objection to the erection of dwelling within the open countryside remained.

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

The Chairman noted that the site was in the indicative flood plain maps but was significantly above the highest recorded flood level in that area.

Councillor R.I. Matthews, the Local Ward Member, commented on the value of the site inspection that had been undertaken.

Councillor R.M. Wilson noted the policy considerations but felt that, in this instance, the proposal was an acceptable form of infill development and proposed that the application be approved subject to conditions considered necessary by Officers.

A number of other Members spoke in support of the application and felt that, with the revised design, the development should not have a detrimental impact on the locality.

The Development Control Manager explained that, having regard to the comments of the Forward Planning Manager, Officers recommended refusal on the grounds that the site was located outside any identified settlement boundary, in an area of open countryside as defined by the Herefordshire Unitary Development Plan (Revised Deposit Draft). It was noted that no representations were made regarding Breinton or Breinton Common's lack of designation as either a main village or smaller settlement in the UDP and the relevant policies were not proposed for modification. It was also noted that the lapsed planning permission that had been referred to had been granted in 1973.

A number of Members felt that the development could be accommodated on this site. Councillor P.J. Edwards commented that the Local Development Framework would provide further opportunity to revisit planning policies.

RESOLVED:

- That (i) **The Central Area Planning Sub-Committee is minded to approve the application, subject to conditions felt to be necessary by Head of Planning Services, provided that the Head of Planning Services does not refer the application to the Planning Committee:**
- (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 approve the application, subject to such conditions referred to above.**

[Note: Following the vote on this application, the Development Control Manager advised that he would refer the application to the Head of Planning Services given that there were crucial policy issues at stake.]

**153. DCCE2006/3665/F - CLUB MO, GAOL STREET, HEREFORD, HR1 2HU
[AGENDA ITEM 6]**

Variation of hours to nightclub of planning permission H/P28121/E to: Mon - Thurs 12.00-02.00, Friday - Sat 12.00-03.00, Sunday 12.00-01.30.

The Senior Planning Officer reported the following:

- Following the publication of the agenda it was noted that the format of the recommended condition did not follow that of the standard 24 hour clock. The details in the recommendation were amended accordingly.

The Licensing Officer circulated information relating to the terminal hour of nearby licensed premises and noted that a number were licensed until 03.00.

Councillor R.I. Matthews noted that some premises were licensed until 03.00 but most did not open every night. He felt that the premises should be properly monitored and the appropriate action taken if any public nuisance issues arose.

The Chairman, speaking in his capacity as Local Ward Member, noted the problems experienced by residents in the town centre but felt that, subject to controls through the relevant legislation, there were no material planning reasons to warrant refusal. A number of Members supported this view.

Councillor Mrs. S.J. Robertson said that she was aware that the premises sometimes had its doors open resulting in significant levels of noise outside the building. It was suggested that an additional condition be added to address this matter but the Legal Practice Manager advised that this would be better addressed through the licensing function of the Council. Some Members felt that, as the planning function was responsible for the built environment, a condition requiring automatic closure of doors would not be unreasonable. The Legal Practice Manager explained that planning conditions should not duplicate the effects of other controls.

In response to questions, the Senior Planning Officer clarified the hours that were sought by the applicant and the hours that Officers recommended to the Sub-Committee.

In response to a question about a contribution towards Closed Circuit Television (CCTV), the Chairman advised that a meeting was to be held with senior officers shortly in order to identify a way forward regarding CCTV coverage, operation and management.

Some Members commented on the impact of the Licensing Act 2003 on communities.

RESOLVED:

That planning permission be approved 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. **The use hereby permitted shall not be open to customers outside the following hours: Monday 12.00 hours to Tuesday 02.00 hours, Tuesday 12.00 hours to Wednesday 02.00 hours, Wednesday 12.00 hours to Thursday 02.00 hours, Thursday 12.00 hours to Friday 02.30 hours, Friday 12.00 hours to Saturday 03.00 hours, Saturday 12.00 hours to Sunday 02.00 hours, Sunday 12.00 hours to Monday 01.30 hours.**

Reason: In the interest of the amenity of the locality.

3. **The permission hereby granted is an amendment to planning permission H/P/2821/E and, otherwise than is expressly altered by this permission the conditions attached thereto remain.**

Reason: For the avoidance of doubt.

4. **Within two months of the date of this permission, details including a timetable and the method of providing a contribution(s) and/or other assistance towards the operation and management of Closed Circuit Television system, street cleaning and client dispersal policy in the locality of the application site shall be submitted for the approval in writing of the local planning authority. The agreed contributions and/or other measures shall be implemented in accordance with the approved details and timescale.**

Reason: To ensure the effective operation and management of the day and night time economy in the interests of public safety, residential and visual amenity and the general vitality and viability of Hereford City Centre.

Informatives:

1. **N03 - Adjoining property rights.**
2. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
3. **N19 - Avoidance of doubt.**

154. **DCCW2006/3725/RM - LAND OPPOSITE SUTTON PRIMARY SCHOOL, SUTTON ST. NICHOLAS, HEREFORD, HR1 3AZ [AGENDA ITEM 7]**

Erection of 15 dwellings comprising 10 open market houses and 5 affordable houses.

Councillor Mrs. P.A. Andrews welcomed the inclusion of affordable housing but

stressed the need to avoid the ghettoization of such housing within developments and the urgent need for three-bedroom family houses rather than two-bedroom units. A number of Members supported these views.

The Central Team Leader, whilst acknowledging the valid points that had been made in general terms, advised that the layout was considered acceptable in this specific case given the prominent position of the affordable housing at the front of the site which related well to existing properties.

Councillor P.J. Edwards drew attention to condition 9 regarding on site roads and asked how this related to the creation of a 20mph speed limit home zone in the vicinity of the school. He also asked whether conditions regarding waste management considerations could be included in the planning permission. The Central Team Leader advised that the traffic regulation orders were being actively pursued by the Highways and Transportation. In terms of waste management, he advised that additional conditions may not be considered reasonable in this instance given the nature of the Reserved Matters application. He added that Officers recognised the need to identify waste management considerations in pre-application discussions for major schemes in the future. A number of Members commented on the need for proper allowances to be made for the collection of waste.

RESOLVED:

1. **The Head of Legal and Democratic Services be authorised to complete a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 covering the matters detailed in the Heads of Terms appended to this report and any additional matters that he considers necessary and appropriate.**
2. **Upon completion of the aforementioned planning obligation that the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:**
 1. **A07 (Development in accordance with approved plans).**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.
 2. **B01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings.
 3. **G01 (Details of boundary treatments).**

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
 4. **No development shall commence on site or machinery or materials brought onto the site for the purpose of development until a landscaping design has been submitted to and approved by the local planning authority. The submitted design shall include drawings at a scale of 1:200 or 1:500 and a written specification clearly describing the species, sizes, densities and planting numbers. The plans must include accurate details of all existing trees and hedgerows with their location, species, size and condition.**

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 5. The landscaping scheme approved under condition 4 above, shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of five years. During this time any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with other of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the five year maintenance period.**

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 6. The hedgerows (or any parts thereof including any mature or semi-mature trees) forming the boundaries of the application site shall not be wilfully damaged, destroyed, uprooted, removed, felled, lopped and/or topped without the prior written consent of the local planning authority. Any parts of the hedgerows removed without such consent or dying, being severely damaged or becoming seriously diseased within five years of the date of this permission shall be replaced with hedging of such size and species as is agreed in writing by the local planning authority. Any hedging plants that fail more than once shall continue to be replaced.**

Reason: To ensure that the application site is properly landscaped in the interests of the visual amenity of the area.

- 7. 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.**

Reason: To safeguard residential amenity.

- 8. H18 (On site roads - submission of details).**

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 9. H19 (On site roads – phasing).**

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

Informatives:

- 1. N02 - Section 106 Obligation.**
- 2. N01 - Access for all.**
- 3. N10 - Council contract.**

4. **All machinery and plant shall be operated and maintained in accordance with BS5228: 1997 'Noise Control of Construction and Open Sites.'**
 5. **HN01 - Mud on highway.**
 6. **HN05 - Works within the highway.**
 7. **HN08 - Section 38 Agreement details.**
 8. **HN09 - Drainage details for Section 38.**
 9. **The applicant/developer is advised that the southeast corner of the application site may be prone to water logging or localized flooding and it is therefore advised the measures for floodproofing properties in this part of the site should be carefully considered.**
 10. **N19 - Avoidance of doubt.**
 11. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
155. **DCCE2006/3894/F - HAGLEY COTTAGE, BARTESTREE, HEREFORD, HR1 4BX [AGENDA ITEM 8]**

Two new dwellings.

The Senior Planning Officer reported the following:

- Further correspondence had been received from Bartestree with Lugwardine Group Parish Council and was summarised; the Parish Council noted that the access drive had been improved but maintained objections to the proposal.
- The Traffic Manager had commented that, on the basis of the revised access arrangements, he had no objections subject to standard conditions and informatives. The details in the recommendation were amended accordingly.
- The agent acting on behalf of the applicant had confirmed that no new connections to the public sewer would be permitted post the upgrading of the system, planned for April 2008. Hence the private sewer option (Paragraph 6.6 of the report and condition 6 refers).

In accordance with the criteria for public speaking, Mrs. Morrison spoke against the application.

Councillor R.M. Wilson, the Local Ward Member, commented on the heavy level of traffic in the vicinity of the site and pedestrian movements to and from the Post Office, schools and housing estate. It was noted that the Traffic Manager considered the revised access arrangements to be satisfactory but Councillor Wilson maintained his concerns about additional traffic accessing the busy main road. Councillor Wilson also commented on the low water pressure in the area.

In order to address the Local Ward Member's concerns, the Senior Planning Officer suggested an additional condition in order to retain control of the access and parking arrangements.

The Senior Planning Officer clarified the phasing of the scheme of foul drainage disposal.

A number of Members spoke in support of the application.

In response to questions from Councillor P.J. Edwards, the Senior Planning Officer re-iterated that the Traffic Manager had no objections subject to conditions and clarified the proposed layout of the dwellings. Councillor Edwards suggested that the Local Ward Member be kept informed regarding the access and parking arrangements.

Councillor Wilson sympathised with local residents and also noted that the occupants of the new dwellings could suffer some noise disturbance from the adjacent school. However, it was not felt that there were any material planning reasons to warrant refusal of the application in this instance.

RESOLVED:

That, subject to receipt of the confirmation of the acceptability of the access, parking and turning revisions, the Officers named in the Scheme of Delegation be authorised to approve the application subject to the following conditions and any further 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. **B01 (Samples of external materials).**

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

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

Reason: In the interests of the amenities of the locality.

4. **E18 (No new windows in specified elevation).**

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

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

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

6. **The dwelling hereby approved shall, as soon as is reasonably practicable, be connected to mains sewerage.**

Reason: In the interests of land amenity and securing effective long term drainage for this site.

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

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

8. **F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.

9. Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.

Reason: In the interests of highway safety.

10. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.

Reason: In the interests of highway safety.

11. Prior to the occupation of the development hereby approved the driveway and/or vehicular turning area shall be consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority at a gradient not steeper than 1 in 8.

Reason: In the interests of highway safety.

12. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

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

13. Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

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

14. Prior to the first occupation of any new dwellings to which this permission relates an area for car parking shall be laid out within the curtilage of the existing dwelling (Hagley Cottage), in accordance with plans to be submitted to and approved in writing by the local planning authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.

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

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. **The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.**
 6. **This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. C. Hall, Area Manager (Central), Thorn Business Park, Rotherwas, Hereford, HR2 6JT Tel: 01432-260786, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.**
 7. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
 8. **N19 - Avoidance of doubt.**
156. **DCCE2006/3982/F - PLOT ADJACENT TO 'STONELEIGH', FORMERLY 'ROWBERRY', LUGWARDINE, HEREFORD, HR1 4DS [AGENDA ITEM 9]**

Proposed new dwelling (retrospective). Revised siting from approval DCCE2005/3180/F.

The Senior Planning Officer reported the following:

- The Traffic Manager had commented that, on the basis of the confirmed access arrangements, he had no objections subject to standard conditions and informatives. The details in the recommendation were amended accordingly.
- A solicitor acting on behalf of the applicant had submitted documentation in support of the applicant's claims over access rights/ownership.
- The applicant had submitted a lengthy document in support of the application, the key points of were summarised.
- In response to the representations, it was stressed that the ownership of the access was not a matter for consideration in the context of the planning process.

In accordance with the criteria for public speaking, Mr. Wood spoke on behalf of Bartestree and Lugwardine Group Parish Council and Mr. Smith spoke in support of the application.

In response to a question, the Senior Planning Officer explained the proposed access arrangements and how this related to land ownership matters.

Councillor R.I. Matthews expressed concerns about the approved scheme (application DCCE2005/3180/F refers) and noted that Lugwardine Parish Council and a number of local residents had raised objections to the current application. He felt that the Sub-Committee would benefit from a site inspection.

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.**

157. DCCE2006/3940/O - LAND ADJOINING BROOKFIELD, TARRINGTON, HEREFORD, HEREFORDSHIRE, HR1 4HZ [AGENDA ITEM 10]

Erection of one dwelling and construction of new vehicular access.

The Principal Planning Officer reported that the applicant was content to remove matters relating to the siting, layout and design from this outline application, with the principle of development and access arrangements remaining the essential matters for determination. All other matters would then be considered as part of a future reserved matters application.

In accordance with the criteria for public speaking, Mr. Fraser spoke against the application and Mr. Sanderson spoke in support of the application.

Councillor D.B. Wilcox noted that Tarrington was classified as a 'main village' within the Unitary Development Plan (Revised Deposit Draft) and asked for clarification about this term. He felt that the development would be out of character with existing properties. He felt that the increasing use of private drainage arrangements was inappropriate and that greater emphasis should be given to contributions to upgrade existing public sewerage systems. Councillor Wilcox drew attention to the concerns of Tarrington Parish Council, particularly that the Parish Plan was not in favour of infill development that was out of proportion to or out of character with neighbouring properties. He also noted that the main road was very well used and felt that an additional access in this location would compromise highway safety.

The Principal Planning Officer explained that the rural settlements that had been termed main villages were those considered to have both the potential of providing a relatively good level of public transport and had a reasonable level of community facilities. He advised that national and local policies did not require connection to mains sewerage if an adequate private system could be accommodated and there was no legal means to prevent development until mains sewerage was available. It was reported that the Traffic Manager had visited the site and considered the access arrangements to be adequate. The Principal Planning Officer advised that Officers considered the design to be inappropriate and re-iterated that matters relating to siting, layout and design could be removed from the outline planning permission.

Councillor P.J. Edwards commented on the difficulties associated with the uniformity of the Unitary Development Plan, particularly in relation to smaller settlements, and the potential for changes as a consequence of the Local Development Framework.

In response to a question from Councillor Mrs. P.A. Andrews, the Principal Planning Officer advised that a track adjacent to the site, shown on the plan attached to the report, was an agricultural access and was outside of the applicant's control.

In response to a question from Councillor W.J. Walling, the Principal Planning Officer advised that a street scene plan that had been provided for illustrative purposes only and did not form part of the application.

Councillor Mrs. S.J. Robertson commented on the value of the Parish Plan and the views of the Parish Council and felt that the application should be refused.

Some Members commented on highway safety concerns.

Councillor Wilcox proposed that, given outstanding concerns about the access arrangements and design, a site inspection be held. This motion failed and the application was then approved, subject to the deletion of matters relating to siting, layout and design.

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. **B01 (Samples of external materials).**
Reason: To ensure that the materials harmonise with the surroundings.
6. **E17 (No windows in side elevation of extension).**
Reason: In order to protect the residential amenity of adjacent properties.
7. **F18 (Scheme of foul drainage disposal) (connection to mains when available).**
Reason: In order to ensure that satisfactory drainage arrangements are provided.
8. **G05 (Implementation of landscaping scheme (general)).**
Reason: In order to protect the visual amenities of the area.
9. **G01 (Details of boundary treatments).**
Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
10. **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.

11. H03 (Visibility splays).

Reason: In the interests of highway safety.

12. H09 (Driveway gradient).

Reason: In the interests of highway safety.

13. H12 (Parking and turning - single house).

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

14. H05 (Access gates).

Reason: In the interests of highway safety.

15. H02 (Single access - footway).

Reason: In the interests of highway safety.

16. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

Informatives:

- 1. HN01 - Mud on highway.**
- 2. HN05 - Works within the highway.**
- 3. HN10 - No drainage to discharge to highway.**
- 4. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 5. N19 - Avoidance of doubt.**

158. DCCW2006/4011/F - 9-11 TOWER ROAD, HEREFORD, HR4 0LF [AGENDA ITEM 11]

Sub division of existing Nursing Home to three dwellings.

The Principal Planning Officer reported the following:

- Following publication of agenda it was considered appropriate to include a requirement to agree the details of the boundary treatment between the site and the neighbouring property. The details in the recommendation were amended accordingly.

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

In response to a comment by the public speaker, the Principal Planning Officer

advised that the plans had not changed substantially and, noting concerns about the potential multiple occupation of the premises, emphasised that this proposal was specifically for three dwellings and had to be considered on its own merits.

Councillor Mrs. M.D. Lloyd-Hayes, whilst sympathising with the concerns of the speaker, felt that the proposal would enhance the character of the building and the area. She noted that many similar buildings were being sub-divided into much smaller units.

In response to questions, the Principal Planning Officer clarified the parking arrangements.

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. **Prior to any works commencing on site full details including structural details of the proposed driveway, parking area and boundary treatment shall be submitted for approval in writing of the local planning authority and the driveway constructed in accordance with the approved details.**

Reason: To ensure the driveway is constructed without detriment to the adjoining property.

3. **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.

4. **Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.**

Reason: In the interests of highway safety.

5. **Prior to the occupation of the development hereby approved the driveway and/or vehicular turning area shall be consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority at a gradient not steeper than 1 in 8.**

Reason: In the interests of highway safety.

Informatives:

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

159. DCCW2006/3908/F - UPPER HOUSE FARM, WESTHOPE, HEREFORD, HEREFORDSHIRE, HR4 8BL [AGENDA ITEM 12]

Erection of 2m diameter wind turbine to provide electricity for site.

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

Councillor P.J. Edwards supported the application but felt that the wind turbine should be painted to blend in with the predominant background colour. The Legal Practice Manager noted that recommended condition 2 would address this issue. The Central Team Leader suggested an amendment to the condition to ensure that prior approval of the colour was required.

A number of Members supported the proposal.

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. The turbine shall be coloured in accordance with details to be submitted for approval in writing by the local planning authority. The turbine shall be installed in accordance with these details and the manufacturer's specifications and thereafter be kept in good decorative order.

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

3. Within six months of the wind turbine becoming redundant it shall be removed together with all associated equipment.

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

Informatives:**1. N19 - Avoidance of doubt.****2. N15 - Reason(s) for the Grant of PP/LBC/CAC.****160. DCCW2007/0042/O - 4 WINDSOR STREET, HEREFORD, HR4 0HW [AGENDA ITEM 13]**

Proposed building plot.

The Principal Planning Officer reported the following:

- The receipt of the comments of Hereford City Council; no objections.

In accordance with the criteria for public speaking, Ms. Campbell spoke in support of the application.

Councillor Mrs. P.A. Andrews supported the application but commented on the

compact dimensions of the proposal.

Councillor D.B. Wilcox drew attention to the Traffic Manager's concerns about parking and felt that the proposal would exacerbate problems associated with on street parking.

It was noted that Government advice sought to limit parking provision in such areas.

RESOLVED:

That outline 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. **F22 (No surface water to public sewer).**

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

Informatives:

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

161. DATE OF NEXT MEETING

7th March, 2007.

The meeting ended at 3.55 p.m.

CHAIRMAN