

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

**Present:** Councillor D.J. Fleet (Chairman)

**Councillors:** Mrs. P.A. Andrews, P.J. Edwards, J.G.S. Guthrie, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell, Mrs. S.J. Robertson, Mrs. E.A. Taylor, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams and R.M. Wilson

**In attendance:** Councillors T.W. Hunt (ex-officio) and J.B. Williams (ex-officio)

**162. APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, Mrs. M.D. Lloyd-Hayes, R. Preece and Miss F. Short.

**163. DECLARATIONS OF INTEREST**

The following declarations of interest were made:-

Councillor	Item	Interest
R.M. Wilson	Minute 166, Agenda Item 5 DCCE2006/3982/F <b>Plot Adjacent to 'Stoneleigh', Formerly 'Rowberry', Lugwardine, Hereford, HR1 4DS</b>	Declared a prejudicial interest and left the meeting for the duration of the item.
D.J. Fleet and Ms. A.M. Toon	Minute 168, Agenda Item 7 DCCE2007/0195/F <b>Access from U72011 Road to Field Known as Warwickshire, OSM 9071, HR2 6PG</b>	Declared personal interests during the meeting.
J.C. Mayson	Minute 170, Agenda Item 9 DCCE2007/0151/F <b>Broadmeadow Flying Club, Broadmeadow Farm, Haywood Lane, Hereford</b>	Declared a personal interest during the meeting.
S.J. Robertson	Minute 171, Agenda Item 10 DCCE2007/0206/F <b>38 Folly Lane, Hereford, Herefordshire, HR1 1LX</b>	Declared a prejudicial interest and left the meeting for the duration of the item.
S.J. Robertson	Minute 173, Agenda Item 12 DCCE2007/0313/F <b>Land to the Rear of Stokes Stores, Holme Lacy Road, Hereford</b>	Declared a prejudicial interest and left the meeting for the duration of the item.

S.J. Robertson	Minute 176, Agenda Item 15 DCCW2007/0081/F <b>Bank House, 27 Holmer Road, Hereford, HR4 9RX</b>	Declared a prejudicial interest and left the meeting for the duration of the item.
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Mr. S. Withers, Central Team Leader, declared a personal interest in respect of Agenda Item 16, DCCW2007/0247/RM - Land Adjacent 242 Kings Acre Road, Hereford, Herefordshire, HR4 0SD.

#### 164. MINUTES

The Minutes of the last meeting were received.

**RESOLVED: That the Minutes of the meeting held on 7th February, 2007 be approved as a correct record and signed by the Chairman.**

#### 165. 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.**

#### 166. DCCE2006/3982/F - PLOT ADJACENT TO 'STONELEIGH', FORMERLY 'ROWBERRY', LUGWARDINE, HEREFORD, HR1 4DS [AGENDA ITEM 5]

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

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

The Senior Planning Officer advised the Sub-Committee that the dwelling itself was unchanged from the approved scheme but the application block plan associated with application DCCE2005/3180/F was inaccurate, with the site narrower than was understood to be the case. Therefore, the distance to the boundary to the east and west were less than agreed. He outlined the enforcement investigation process and the advice given to the applicants. It was noted that a condition would require the access to be completed prior to occupation and that land ownership was a civil matter for the applicants to resolve. It was reported that a requirement for obscured glazing in the side elevation had not been complied with and would need to be addressed if the application was supported.

In response to questions about the enforcement process, the Senior Planning Officer explained that the building had been built in accordance with the approved plans, despite the siting errors, and the appropriate course of action was to invite this revised application. He emphasised that the principal matter for consideration was the impact of the reduced distance from the dwelling to the neighbouring properties.

Councillor R.I. Matthews expressed a number of concerns about the application and enforcement process, the continued construction at the site months after the mistakes had been identified, and questioned why conditions had been omitted from the recommendation compared to the previously approved application. He felt that

this proposal could set a negative precedent and felt that the application should be refused.

The Development Control Manager reiterated that the house had been built in accordance with the approved scheme and the discrepancy related to distances between boundaries. It was acknowledged that the building was closer to the adjacent property than had been expected and a judgement needed to be made on whether the impact remained within acceptable limits. He commented that the omission of obscured glazing could be corrected and advised that, whilst the short-term use of an original access for supervised deliveries during construction was not uncommon, the long-term access arrangements would need to be resolved prior to occupation. In response to comments that a stop notice should have been served, the Development Control Manager advised that a stop notice would be difficult to defend in this instance given that permission had been granted for the dwelling and, apart from the issues of siting and glazing, it had been built in accordance with that permission. He reiterated that the key issue was the impact of the reduced distances and Officers felt that this was not significant enough to warrant refusal.

In response to Councillor Matthews' question about conditions, the Senior Planning Officer explained that some conditions had been combined and others matters, such as drainage, had been addressed and no longer needed to be included as conditions.

Councillor Matthews expressed concerns about access arrangements, drew attention to the comments of the Parish Council and maintained that the appearance and setting of the building was unacceptable.

Councillor P.J. Edwards questioned whether the assertion in paragraph 5.4k that the new dwelling was 'in a half an acre site' was correct and expressed concern that there may still be inaccuracies in the report. He also questioned whether the slab levels of the building were correct and whether the removal of permitted development rights would prevent the garage from being used as habitable accommodation. In response, the Senior Planning Officer advised that the information in paragraph 5.4 had been submitted by the applicant, that the slab levels and dimensions were considered satisfactory and a condition could be added regarding use of the garage.

Councillor Mrs. S.J. Robertson felt that, due to the siting, the building had an overbearing impact on the adjacent properties and the application should be refused. A number of Members supported this view.

#### **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 applications to the Planning Committee:**

- 1. The development, by virtue of its design, siting and scale, represents a cramped and overbearing form of development which is detrimental to residential and visual amenities. The development is therefore contrary to Herefordshire Unitary Development Plan Policies S2, S7, DR1 and DR2.**

**(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: Following the vote on this application, the Development Control Manager advised that, although the resolution was contrary to the Officer's recommendation, he was not minded to refer the matter to the Head of Planning Services given the grounds for refusal put forward by the Sub-Committee.]

**167. DCCE2007/0196/A - CALLOW MARSH, CALLOW, ROSS ROAD, HEREFORD, HEREFORDSHIRE, HR2 8BT [AGENDA ITEM 6]**

*Fascia sign, entrance feature, directional and parking signs. Replacement pylon.*

The Senior Planning Officer reported the following:

- A letter of objection has been received from Mr. and Mrs. Layton, Karolek, Grafton Lane, Hereford and the comments raised were summarised.

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

Councillor W.J.S. Thomas, the Local Ward Member, proposed that a site inspection be held to enable Members to fully understand the nature of the site and the respective needs of the businesses and residents in the locality.

**RESOLVED:**

**That consideration of the application be deferred for a site inspection for the following reasons:**

- **the character or appearance of the development itself is a fundamental planning consideration**
- **a judgement is required on visual impact**
- **the setting and surroundings are fundamental to the determination or to the conditions being considered**

**168. DCCE2007/0195/F - ACCESS FROM U72011 ROAD TO FIELD KNOWN AS WARWICKSHIRE, OSM 9071, HR2 6PG [AGENDA ITEM 7]**

*Access track using plastic mesh, grassed paving system/scalplings, re-seeding with grass and re-instating verges and ditches.*

The Senior Planning Officer reported the following:

- Correspondence had been received from the Conservation Manager; no objections subject to conditions. A condition was recommended controlling species and timings of works and this was incorporated into the recommendation.
- A letter of objection has been received from D. L. and J.A. Seeney of Sunset, Dinedor Cross and the comments were summarised. It was noted that previous correspondence from the objectors had been received and considered but was not referenced in the report in error.
- It was noted that the ownership of this lane was in doubt but land ownership matters were not a material planning consideration in this instance.
- A condition regarding the introduction of a gate was recommended as a

precautionary measure. However, the applicant had made no suggestion that a gate was proposed.

- Attention was drawn to the need to correct Page 34, 5.2, 3., so that it read ‘...the reinstatement has *not* been done as specified.’

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

Councillor W.J.S. Thomas, the Local Ward Member, noted that the proposal had to be considered on its own merits and as if there had been no changes to the green lane in question. On this basis, he felt that the application should be refused given the detrimental impact that it would have on the lane.

In response to a question from the Chairman, the Principal Lawyer (Corporate) advised that the lane was not regarded as a public right of way on the definitive map and civil disputes should not prejudice the determination of this planning application.

Councillor R.M. Wilson commented that the grass paving system could actually improve accessibility for users of the lane and supported the proposed reinstatement measures.

In response to concerns expressed by a number of Members about the reference made to the use of gates, the Senior Planning Officer advised that gates were not proposed as part of the application and condition 5 was recommended as a precaution to ensure that highways safety was not compromised in the event that gates were installed. He also explained the background to the application and drew attention to the comments of the Conservation Manager.

Councillor Mrs. S.J. Robertson felt that the proposed surface treatment would have a detrimental impact on the character of the green lane.

In response to a question from Councillor Ms. A.M. Toon, the Senior Planning Officer explained that the landscape and ecological enhancement plan and associated conditions would ensure that historic features were maintained.

Councillor P.J. Edwards emphasised the need for the rural character of the lane to be restored and suggested that condition 5 should prohibit the installation of any gates.

Councillor Mrs. P.A. Andrews supported the Local Ward Member's views and felt that the proposed use of materials would have an adverse visual impact on the landscape.

Councillor Thomas commented on other means of vehicular access to the field in question and maintained that this proposal should be refused.

#### **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 applications to the Planning Committee:**

- 1. The development already undertaken, together with the proposed outstanding works, are detrimental to the landscape of**

**the locality and harmful to the visual amenities of the area. The proposal is therefore contrary to Herefordshire Unitary Development Plan Policies S2, S7 and LA2.**

- (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: Following the vote on this application, the Development Control Manager advised that, although the resolution was contrary to the Officer's recommendation, he was not minded to refer the matter to the Head of Planning Services given the grounds for refusal put forward by the Sub-Committee.]

**169. DCCE2007/0199/F - RIDGE VIEW, GRAFTON LANE, HEREFORD, HR2 8BS  
[AGENDA ITEM 8]**

*Proposed two storey extension.*

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

Councillor W.J.S. Thomas, the Local Ward Member, commented on the value of the public speaking procedure and, given the issues raised by the speakers, felt that a site inspection was warranted.

**RESOLVED:**

**That consideration of the application be deferred for a site inspection for the following reasons:**

- **the character or appearance of the development itself is a fundamental planning consideration**
- **a judgement is required on visual impact**
- **the setting and surroundings are fundamental to the determination or to the conditions being considered**

**170. DCCE2007/0151/F - BROADMEADOW FLYING CLUB, BROADMEADOW FARM,  
HAYWOOD LANE, HEREFORD [AGENDA ITEM 9]**

*Variation of condition 5, ref SW1999/2550/F.*

The Senior Planning Officer reported the following:

- Correspondence had been received from Belmont Rural Parish Council; objection on the grounds of detrimental effect on neighbouring properties.
- Further correspondence had been received from Haywood Parish Council; objection on the grounds of disturbance to residential amenities.

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

Councillor W.J.S. Thomas, the Local Ward Member, advised that local residents were very concerned about disturbance from activities from this site during the evenings and he could not support an extension of hours to 2100. However, he felt that an earlier start time was reasonable and proposed the variation of hours to 0800

to 2000. Councillor P.J. Edwards supported the Local Ward Member's views and noted local residents' fears about the potential for increased disturbance.

The Development Control Manager suggested that, if a variation to 0800 to 2000 could not be agreed with the applicant, then Officers be delegated to refuse the application given that Members had identified a greater amenity issue about take-offs during the evening.

In response to a question from Councillor R.M. Wilson, the Development Control Manager confirmed the respective responsibilities of the Council and the Civil Aviation Authority. He also outlined the general policy considerations but acknowledged the specific and unusual nature of this application.

Councillor D.B. Wilcox noted that, although the Environmental Health Department had confirmed that they were not in receipt of any noise complaints regarding the site, local residents had highlighted contraventions with the Flying Club directly and had now raised serious concerns as part of the application process. Therefore, he felt that the existing controls should be maintained and enforced as necessary. He added that an earlier start time would have a detrimental impact, particularly on Sundays and Bank Holidays.

Councillor Thomas commented that an earlier start time would allow some flexibility for the Flying Club without seriously compromising residential amenity.

#### **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. **Take-offs shall only occur between the hours of 0800 and 2000 local time.**

**Reason: To enable the local planning authority to retain control over the development in the interests of the residential amenity of local residents.**

3. **The permission hereby granted is an amendment to planning permission SW1999/2550/F and, otherwise than is expressly altered by this permission, the conditions and informatives attached thereto remain.**

**Reason: For the avoidance of doubt.**

#### **Informatives:**

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

2. **N19 - Avoidance of doubt.**

[Note: Following the meeting, the proposed amendment to reduce the take-off time to 2000 was discussed and agreed with the applicant and the permission has therefore been granted.]

171. **DCCE2007/0206/F - 38 FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1 1LX [AGENDA ITEM 10]**

*Erection of 4 flats with parking under.*

The Senior Planning Officer reported the following:

- Correspondence had been received from a solicitor acting on behalf of the applicant and the contents were summarised; it was asserted that, contrary to letters of objection (paragraph 5.2, 13 refers), a right of access did exist.

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

Councillor W.J. Walling, a Local Ward Member, said that the application site was in a poor state at present and that development should be welcomed. However, he felt that the proposal might result in an over-dominant form of development. He also expressed concerns about access and parking arrangements.

The Senior Planning Officer advised that, as access would be from an existing car park rather than directly from the highway, the Traffic Manager had no objections subject to conditions.

Councillor Walling commented that the car park was often full and this could result in traffic congestion that would compromise highway safety.

Councillor Mrs. E.A. Taylor, also a Local Ward Member, felt that the layout, access and parking arrangements were highly problematic.

A number of Members supported the views of the Local Ward Members.

Councillor D.B. Wilcox drew attention to the concerns of Hereford City Council, commented on potential manoeuvring difficulties, questioned whether Officers had taken into account a recent traffic order relating to restrictions along Whittern Way, and commented on potential additional traffic resulting from the Learning Village development.

The Central Team Leader reminded the Sub-Committee that there was an existing means of access from the car park to this site and that there was an extant planning permission for the redevelopment of the site to provide two dwellings.

Some Members expressed concerns about the design and access but noted that it might be difficult to defend a refusal of planning permission in this instance given the extant planning permission.

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

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

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



**Reason: To protect the amenity of local residents.**

4. **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.**

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

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

6. **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.**

7. **W01 (Foul/surface water drainage).**

**Reason: To protect the integrity of the public sewerage system.**

8. **W02 (No surface water to connect to public system).**

**Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.**

9. **W03 (No drainage run-off to public system).**

**Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.**

10. **Prior to the commencement of development, a scheme for the provision of storage, prior to disposal, of refuse, crates, packing cases and all other waste materials shall be submitted for the approval of the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted.**

**Reason: In the interests of amenity**

**Informatives:**

1. **N01 - Access for all.**
2. **N03 - Adjoining property rights.**
3. **HN01 - Mud on highway.**
4. **HN05 - Works within the highway.**
5. **N16 - Welsh Water Informative.**
6. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
7. **N19 - Avoidance of doubt.**

**172. DCCE2006/4002/F - 43 BODENHAM ROAD, HEREFORD, HEREFORDSHIRE, HR1 2TP [AGENDA ITEM 11]**

*Proposed single storey extension to provide additional bedrooms and day space. Erection 2 no. garden sheds.*

The Principal Planning Officer reported the following:

- An amended plan had been received from the applicants to demonstrate that 15 parking spaces could be provided within the forecourt area. It was noted that the arrangement satisfied the Traffic Manager's concerns.

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

Councillor A.L. Williams, a Local Ward Member, noted the planning history of this site and recognised the concerns of local residents about creeping development. He also commented on the level of additional traffic that could be generated through the provision of additional bedrooms, particularly from medical and other support services. In response, the Principal Planning Officer acknowledged that the existing parking layout was inadequate and that proper delineation of parking spaces would be required as part of the planning permission if granted.

Councillor D.B. Wilcox, also a Local Ward Member, noted the difficulties of balancing the requirements of the care home and the need to protect the Conservation Area and residential amenities. He noted that the primary concerns of the objectors related to loss of privacy and visual impact and asked for clarification about how these issues would be addressed. In response, the Principal Planning Officer considered that there would be no serious loss of residential amenities given the single storey nature of the extensions, the distances between the extensions and the adjacent property, the removal of windows to the side elevation of the north-west wing, and the height of the boundary wall.

Councillor Wilcox suggested that, in order to mitigate visual impact, a landscaping scheme should also be required as a condition. The Principal Planning Officer advised that the possibility of landscaping could be considered but noted that there was limited distance between the proposed extensions and the boundary wall. He also commented on proposed roof design elements which would minimise visual impact.

Councillor P.J. Edwards did not feel that the scheme would preserve or enhance the Conservation Area and drew attention to the comments of the Conservation Manager, particularly concerns about the scale of the proposed extensions.

A number of Members acknowledged the concerns raised by local residents and the Conservation Manager but did not feel that, given incremental development in recent years, the impact of the proposal was sufficient enough to warrant refusal of this application.

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

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

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.**

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

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

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

**Informatives:**

1. **N03 - Adjoining property rights.**

2. **N13 - Control of demolition - Building Act 1984.**

3. **N19 - Avoidance of doubt.**

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

**173. DCCE2007/0313/F - LAND TO THE REAR OF STOKES STORES, HOLME LACY ROAD, HEREFORD [AGENDA ITEM 12]**

*Erection of 3 houses & formation of parking area.*

The Principal Planning Officer reported the following:

- Correspondence had been received from Hereford City Council; recommended refusal on the basis of over intensive development with inadequate access.
- A further letter of objection had been received and the contents were summarised.
- A further letter had been received from the applicant's agent clarifying the delivery and access arrangements. A further plan had also been provided illustrating the relative scale/height of the proposed development in relation to existing buildings and an increase in the height of the boundary fencing.
- Following the receipt of the additional information, the application was recommended for approval without the need for delegation to Officers.

In accordance with the criteria for public speaking, Mr. Hudson spoke in objection to the application and Mrs. Merret spoke in support of the application.

In response to a question from Councillor W.J. Walling, the Principal Planning Officer outlined the differences between this application and that previously refused (CE2006/1460/F refers), these included: reduced footprint, height and general massing; one bedroom rather than two bedroom units; the removal of windows overlooking the immediate neighbours; and the retention of, and siting away from, an existing tree on the site.

In response to questions from Councillor P.J. Edwards, the Principal Planning Officer clarified the distance between the principal objector's dwelling and the proposed

development. Councillor Edwards commented on the need for appropriate boundary treatments and slab levels in order to mitigate the impact of the development on neighbouring properties.

Councillor Mrs. P.A. Andrews commented that this proposal could be considered a cramped form of backland development and felt that the Sub-Committee would benefit from a site inspection in order to assess the level of impact on residential amenities. A number of Members supported this suggestion.

**RESOLVED:**

**That consideration of the application be deferred for a site inspection for the following reasons:**

- **the character or appearance of the development itself is a fundamental planning consideration**
- **a judgement is required on visual impact**
- **the setting and surroundings are fundamental to the determination or to the conditions being considered**

**174. DCCE2007/0125/F - FIELD FARM, HAMPTON BISHOP, HEREFORD, HEREFORDSHIRE, HR1 4JP [AGENDA ITEM 13]**

*Conversion of redundant barn to office.*

Councillor Mrs. J.E. Pemberton, the Local Ward Member, commented that Hampton Bishop suffered greatly from the threat of flooding and that information that came to light before the strengthening of the Stank flood defences had heightened concerns further. Councillor Mrs. Pemberton emphasised that the threat was not just from the River Wye, as recent flooding of the River Lugg had clearly demonstrated. She commented that much good work had been undertaken on evacuation procedures but, nevertheless, the fears of the Parish Council and local residents were genuine and justified. It was noted that the site was within open countryside and was also designated as a flood plain. Given these considerations, Councillor Mrs. Pemberton felt unable to support the application. She also noted that another planning application at this site for the demolition of barns and the erection of offices and a swimming pool had recently been refused.

The Principal Planning Officer explained that the application that had been refused did not pass the sequential test when dealing with new developments in flood plains; i.e. it involved the introduction of a new footprint in the flood plain rather than utilising existing structures and it was likely that other sites were available outside the flood plain. Whereas, for the application under consideration, the Environment Agency had not objected to the proposed development as it involved the conversion of an existing building.

Councillor Mrs. Pemberton commented that the Environment Agency had previously indicated that development in the flood plain was unlikely to be supported in Hampton Bishop in the foreseeable future and she maintained that this development would introduce unnecessary additional risks into the flood plain.

Councillor W.J.S. Thomas noted the important work that had been undertaken at the Stank adjacent to the Bunch of Carrots Public House but suggested that the location of the application site meant that it would not be protected by the improved stretch of the defences. He felt unable to support the proposal as it was not free of risk and was not the only site available.

Councillor P.J. Edwards noted that recommended condition 7 would require measures to protect the building from flooding in the event of extreme flood and supported the application. In response to a question from Councillor W.J. Walling, the Principal Planning Officer advised that the precautions sought by the Environment Agency would be addressed through condition 7.

A number of Members expressed concerns about the flood risks, both from the Wye and the Lugg, and felt that the application should be refused.

**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 applications to the Planning Committee:**

- 1. The application site lies within an area at risk of flooding and in the absence of a Flood Risk Assessment it is not considered that the potential flood risk arising from the development is acceptable or can be satisfactorily mitigated. Accordingly the development is contrary to Policy DR.7 of the Herefordshire Unitary Development Plan 2007 and the advice contained within PPS.25.**

**(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: Following the vote on this application, the Development Control Manager advised that he was minded to refer the matter to the Head of Planning Services as the Sub-Committee's view might not be defensible if challenged. However, following further discussions with the Environment Agency it was considered that in the absence of a Flood Risk Assessment and in view of the potential risk of flooding on the site, that a reason for refusal could be substantiated.]

**175. DCCW2007/0229/F - THE ROODS, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3EW [AGENDA ITEM 14]**

*Demolition of existing cottage and erection of 3 two bedroom houses and 2 three bedroom houses with parking facilities.*

The Senior Planning Officer reported the following:

- A letter of objection had been received from the occupier of 23 Springfield Close and the contents were summarised.
- Attention was drawn to a typographical error in Paragraph 6.5 of the report.

In accordance with the criteria for public speaking, Mr. Ternouth spoke on behalf of Marden Parish Council.

The Senior Planning Officer explained the policy considerations in relation to density, particularly with regard to developments in designated settlement boundaries.

Councillor J.G.S. Guthrie, the Local Ward Member, noted that the Parish Council

and local residents were very concerned about the potential loss of the existing cottage and, whilst recognising the need for appropriate development, felt that the proposal represented an over intensive form of development. He said that he understood the applicant to be willing to examine other options and felt that this should be explored further. He also commented on the concerns about the access arrangements and related highway safety considerations.

The Central Team Leader commented that, given the siting of the existing dwelling, development of the site could be difficult if the cottage was retained, as it may not result in the optimum use of available land and may not result in a satisfactory relationship between buildings.

Councillor R.I. Matthews supported the Local Ward Member's views and felt that the rural appearance of the village should be protected and the cottage retained.

Councillor P.J. Edwards commented that impact on local character and the design of the development were material planning considerations.

Councillor W.J.S. Thomas felt that the proposal would have a detrimental impact on the street scene and supported the views of the Parish Council.

#### **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 applications to the Planning Committee:**

- 1. The redevelopment of the site in the manner proposed would necessitate the demolition of the existing cottage, which is considered to be a locally important building in terms of its vernacular architecture and contribution to the streetscene. Accordingly the proposal would be contrary to Policy HBA8 of the Herefordshire Unitary Development Plan 2007.**
- 2. The redevelopment as proposed, by reason of its design and layout would represent an uncharacteristic overdevelopment of the site that would be detrimental to the distinctive semi-rural character of the site and the surrounding locality. Accordingly the proposal would be contrary to Policies DR1, H13 and H14 of the Herefordshire Unitary Development Plan 2007.**

**(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: Following the vote on this application, the Development Control Manager advised that, although the resolution was contrary to the Officer's recommendation, he was not minded to refer the matter to the Head of Planning Services given the grounds for refusal put forward by the Sub-Committee.]

**176. DCCW2007/0081/F - BANK HOUSE, 27 HOLMER ROAD, HEREFORD, HR4 9RX  
[AGENDA ITEM 15]**

*Retrospective change of use to taxi call office and erection of 3.0 metre aerial to*

*chimney (1 ground floor room only).*

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

Councillor Mrs. P.A. Andrews, a Local Ward Member, commented on parking problems associated with other uses in the vicinity of the site and noted the need for strict adherence to condition 2 and, if necessary, for appropriate enforcement to be considered.

**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. **No taxis shall operate from collect, drop off or wait for customers and no customers shall be collected or dropped off at the property.**

**Reason: In the interests of highway safety and to protect the amenity of the area.**

3. **Within one month of the date of this permission, a plan showing the designated parking spaces for the radio controllers shall be submitted to and approved in writing by the local planning authority. The parking area shall be made available and shall thereafter not be used for any other purpose than the parking of vehicles.**

**Reason: In the interests of highway safety and to protect the amenity of the area.**

**Informatives:**

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

**177. DCCW2007/0247/RM - LAND ADJACENT 242 KINGS ACRE ROAD, HEREFORD, HEREFORDSHIRE, HR4 0SD [AGENDA ITEM 16]**

*Proposed detached two storey four bedroom dwelling and detached garage.*

The Principal Planning Officer reported the following:

- Correspondence had been received from Hereford City Council; no objections.

In accordance with the criteria for public speaking, Mr. Mace (on behalf of Mr. Essenhigh) and Mrs. Lake spoke against the application.

In response to comments made by the speakers, the Senior Planning Officer drew attention to the fact that the means of vehicular access were assessed and subsequently approved as part of the outline planning permission (DCCW2006/1623/O refers).

Councillor Mrs. P.A. Andrews, a Local Ward Member, noted that the principle of residential development and means of access had been established by the outline planning permission and felt that the development would not be incongruous with the street scene.

Councillor Mrs. S.J. Robertson drew attention to the comments of Breinton Parish Council, particularly concerns about the scale of the development and highway safety considerations.

Councillor R.M. Wilson noted that there were more entrances on the south side of Kings Acre Road than on the north side and supported the Local Ward Member's views.

**RESOLVED:**

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

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

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

2. **E18 (No windows in specified elevation).**

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

3. **E19 (Obscure glazing to windows).**

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

**Informatives:**

1. **N01 - Access for all.**
2. **N19 - Avoidance of doubt.**
3. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

**178. NEXT MEETING DATES**

4th April, 2007  
25th April, 2007

The meeting ended at 5.25 p.m.

**CHAIRMAN**