

MINUTES of the meeting of the Central Area Planning Sub-Committee held at Brockington, 35 Hafod Road, Hereford, on Wednesday 14th January, 2004 at 2.00 p.m.

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

Councillors Mrs. P.A. Andrews, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, 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, W.J.S. Thomas, Ms A.M. Toon, W.J. Walling and R.M. Wilson.

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

50. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs. W.U. Attfield, G.V. Hyde, Mrs. M.D. Lloyd-Hayes, D.B. Wilcox and A.L. Williams.

51. DECLARATIONS OF INTEREST

The following declarations of interest were made.

<u>Councillor(s)</u>	<u>Item</u>	<u>Interest</u>
Ms. A.M. Toon	Ref. 1 and Ref. 2 - DCCE2003/2814/F and DCCE2003/2815/C Demoliton of existing house and outbuildings and erection of 11 no. flats with associated car parking and Full demoliton of existing buildings and associated single storey outbuildings at: SOUTHBANK HOUSE, 33 SOUTHBANK ROAD, HEREFORD, HR1 2TL	Declared a personal interest.
J.C. Mayson and P.J. Edwards	Ref. 3 – CW2002/3058/M Extraction of sand and gravel; erection of aggregate processing plant and ancillary facilities / infrastructure; construction of new access; diversion of utility services and continued use of rail sidings for loading/dispatch of aggregates at: LAND AT MORETON DEPOT, OFF A49, MORETON ON LUGG, HEREFORDSHIRE	Both Members declared prejudicial interests and left the meeting for the duration of this item.

Mrs. S.J. Robertson	Ref. 5 – DCCE2003/3285/G Modification of planning obligations under S.106A dated 17/01/92 and 28/08/96. Obligations:- To not cause or permit any person other than an elderly person or chronically sick or disabled person to reside within any part of property or any extension thereto at land to south-west side of Lugwardine Court Orchard at: LUGWARDINE COURT, LUGWARDINE, HEREFORDSHIRE, HR1 4AE	Declared a prejudicial interest at the start of the meeting but there was no debate on this application as it was to be directly referred to the Planning Committee for determination.
Mrs. S.P.A. Daniels	Ref. 6 – DCCE2003/2159/F First floor bedroom extension and lift for disabled use to side of property at: 24 HOPTON CLOSE, BARTESTREE, HEREFORDSHIRE, HR1 4DQ	Declared a personal interest during this item.
P.J. Edwards	Ref. 7 – DCCW2003/1332/O Proposed erection of B1 (offices and light industry) and B8 (wholesale storage distribution) floorspace at: MORETON PARK, MORETON-ON-LUGG, HEREFORD, HR4 8DS	Declared a prejudicial interest and left the meeting for the duration of this item.

52. MINUTES

RESOLVED: That the Minutes of the meeting held on 1st December, 2003 be approved as a correct record and signed by the Chairman.

53. REPORT OF THE HEAD OF PLANNING SERVICES

The report of the Head of Planning Services was presented in respect of the planning applications received for the Central Area.

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

The meeting ended at 2.47 p.m.

CHAIRMAN

APPENDIX

Ref. 1
HEREFORD
DCCE2003/2814/F
&
Ref. 2
HEREFORD
DCCE2003/2815/C

Demolition of existing house and outbuildings and erection of 11 no. flats with associated car parking:

&
Full demolition of existing buildings and associated single storey outbuildings at:

SOUTHBANK HOUSE, 33 SOUTHBANK ROAD, HEREFORD, HR1 2TL

For: **H. MORGAN PER JAMIESON ASSOCIATES, 30 EIGN GATE, HEREFORD, HR4 OAB**

The Principal Planning Officer noted that consideration of these applications had been deferred at the last meeting in view of concerns that the building would be overbearing. However, following further discussions with the applicant's agent, no amendments were proposed. The Principal Planning Officer reminded the Sub-Committee that the issue of overbearing impact was not raised by the Inspector in respect of a similarly positioned and proportioned proposal on this site which was previously dismissed at appeal. The Sub-Committee was advised that it was not considered that a refusal based on the overbearing impact of the proposal could be sustained in planning terms and unreasonable in the light of the recent planning history.

The Legal Practice Manager drew attention to the extract of the appeal decision, as reproduced in the report, and noted that the opportunity for debate on this application was limited given the Inspector's comments.

Councillor W.J.S. Thomas felt that this proposal addressed the previous objections and spoke in support of the application.

In response to a question from Councillor W.J. Walling, the Principal Planning Officer noted that the Head of Engineering and Transportation had no objection to the proposal subject to conditions and noted that it was evident from the appeal decision that the impact of the previous proposal on highway safety was considered satisfactory.

Councillor P.J. Edwards noted that the slight increase in the height of the proposed building through pitched roofs was not considered sufficiently significant to warrant objection.

RESOLVED:

In respect of DCCE2003/2814/F:

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 development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. 3772.P20, .P21, .P24, .P25, .P26, .P27, and .P28) except where otherwise stipulated by conditions attached to this permission.**

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

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

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

- 4. 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-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.**

Reason: To protect the amenity of local residents.

- 5. E18 (No new windows in specified elevation) (south-west and north-east facing)**

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

- 6. The south-west and north-east facing side elevation windows shall be glazed with obscured glass and fixed shut.**

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

- 7. Notwithstanding the details shown on the approved drawings, full details of the intended treatments of the rear (south-west) boundary of the site shall be submitted for approval in writing by the local planning authority prior to the commencement of any other works, and the intended treatment shall be carried out as approved prior to occupation of the units.**

Reason: The application contains insufficient information for the satisfactory approval of this detail at this stage.

- 8. F20 (Scheme of surface water drainage).**

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

9. F22 (No surface water to public sewer).

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

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. G02 (Landscaping scheme (housing development)).

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

12. G05 (Implementation of landscaping scheme (general)).

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

13. G18 (Protection of trees).

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

14. H14 (Turning and parking: change of use - domestic).

Reason: To minimise the likelihood of indiscriminate parking 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. F18 (Scheme of foul drainage disposal).

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

Notes to Applicant:

1. HN19 - Disabled needs.

2. The applicant is advised to ensure that there are no bats or other protected species in the existing buildings prior to their demolition. It is an offence to kill or injure protected

species and their habitats. If protected species are found then English Nature should be contacted and their requirements met.

3. **N01 - Access for all.**
4. **N03 - Adjoining property rights.**
5. **N13 - Control of demolition - Building Act 1984.**
6. **N14 - Party Wall Act 1996.**

In respect of DCCE2003/2815/C:

That Conservation Area Consent be granted subject to the following conditions:

1. **C01 (Time limit for commencement (Listed Building Consent)).**

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. **C14 (Signing of contract before demolition).**

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Ref. 3
MORETON-ON-LUGG
CW2002/3058/M

Extraction of sand and gravel; erection of aggregate processing plant and ancillary facilities / infrastructure; construction of new access; diversion of utility services and continued use of rail sidings for loading / dispatch of aggregates at:

LAND AT MORETON DEPOT, OFF A49, MORETON-ON-LUGG, HEREFORDSHIRE

For: **TARMAC LIMITED PER SLR CONSULTING LIMITED,
STRELLEY HALL, MAIN STREET, STRELLEY VILLAGE,
NOTTINGHAM, NG8 6PE**

The Principal Planning Officer (Minerals and Waste) reported the following:

- details of the groundwater monitoring scheme had been received on 12th January, 2004 and, therefore, the gaps in recommended condition 16 would be filled in;
- the Highways Agency maintained its Direction that if planning permission was granted it had to be in accordance with conditions prescribing the formation of a new roundabout and specified access details;
- a unilateral agreement of works and costs had been received from the applicant; and

- that planning permission would be subject to a Section 106 of the Town and Country Planning Act 1990 in respect of the planning obligations.

Councillor J.G.S. Guthrie felt that it would be helpful if the Sub-Committee undertook a site visit.

The Principal Planning Officer (Minerals and Waste) noted that the value of a site visit would be to view the highways aspects of the proposal rather than the proposed extraction site.

A number of Members commented on local concerns regarding highway safety and spoke in support of a site visit.

In response to questions, the Principal Planning Officer (Minerals and Waste) briefly outlined the main features of the proposal.

In accordance with the criteria for public speaking, Mrs. Lane had registered to speak against the application and Mr. Lawer had registered to speak in support of the application but both deferred the opportunity to speak until the site visit had been held.

RESOLVED:

That consideration of planning application CW2002/3058/M be deferred for a site visit.

Ref. 4
CROSS KEYS
DCCE2003/2935/F

Change of use of land for domestic curtilage together with retention of summerhouse at:

MARSHFIELD COTTAGE, CROSS KEYS, HEREFORDSHIRE, HR1 3NN

For: **MR. & MRS. LANCETT PER MR. J.I. HALL, NEW BUNGALOW, NUNNINGTON, HEREFORD, HR1 3NJ**

In accordance with the criteria for public speaking, Mr. Matthews and Mrs. Williams spoke against the application and Mr. Hall spoke in support of the application.

In response to comments made by the speakers regarding flooding issues, the Principal Planning Officer advised that, whilst some concerns were expressed, the Environment Agency had not recommended refusal of this application.

Councillor R.M. Wilson commented that some work had been undertaken to clear out the Little Lugg in recent times and noted that it was not considered that a refusal based on flooding issues could be sustained.

In response to a question from Councillor Ms. A.M. Toon, the Principal Planning Officer advised that the use of land for domestic curtilage would normally allow permitted development rights but, given the comments of the Environment Agency, a condition was recommended which would remove these rights.

RESOLVED:

That planning permission be granted subject to the following condition:

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, or garages, outbuildings or other buildings shall be erected other than those expressly authorised by this permission.

Reason: To safeguard the amenities of the locality and to protect the flood plain from inappropriate development, in accordance with Policies C1 and C44 of the South Herefordshire District Local Plan.

Note to Applicant:

1. The decision to grant planning permission has been taken having regard to the policies and proposals in the South Herefordshire District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Policies C1 and C44

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Ref. 5
LUGWARDINE
DCCE2003/3285/G

Modification of planning obligations under S.106A dated 17/01/92 and 28/08/96. Obligations:- To not cause or permit any person other than an elderly person or chronically sick or disabled person to reside within any part of property or any extension thereto at land to south-west side of Lugwardine Court Orchard at:

LUGWARDINE COURT, LUGWARDINE, HEREFORDSHIRE, HR1 4AE

For: **TRUSTEES OF LUGWARDINE EDUCATION CENTRE PER FLINT & COOK, 4 KING STREET, HEREFORD, HR4 9BW**

The Chairman reported that this application would be directly referred to the Planning Committee for determination as the Central Area Planning Sub-Committee had already expressed a view on 11th June, 2003.

Ref. 6
BARTESTREE
DCCE2003/2159/F

First floor bedroom extension and lift for disabled use to side of property at:

24 HOPTON CLOSE, BARTESTREE, HEREFORDSHIRE, HR1 4DQ

For: **MR. J.W. LOCKE OF THE SAME ADDRESS**

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

The Central Divisional Planning Officer advised that this application had taken longer than normal to reach this stage so that a workable method of extending the property could be brought forward having regard to the personal circumstances of the applicant. He added that the recommended conditions should address the issue of overlooking and the potential noise of the proposed lift.

Councillor R.M. Wilson, the Local Member, noted the amount of work that had gone into this proposal and felt that there was no planning reason to warrant refusal.

A number of Members commended the 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. **B02 (Matching external materials (extension)).**

Reason: To ensure the external materials harmonise with the existing building.

3. **Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the window[s] marked "X" on the approved plans shall be glazed with obscure glass only and shall be non-opening.**

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

4. **Prior to the installation of the proposed lift, full manufacturer details of the lift, including the method of fixing and noise insulation shall be submitted to and approved in writing by the local planning authority. The lift shall be installed in accordance with these details and the insulation retained until such time that the lift is removed.**

Reason: In the interests of the amenities of the neighbouring

property.

Notes to Applicant:

1. **N03 - Adjoining property rights.**
2. **N14 - Party Wall Act 1996.**
3. **The decision to grant planning permission has been taken having regard to the policies and proposals in the South Herefordshire District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:**

**Policy GD1 - General Development Criteria
Policy SH23 - Extensions to Dwellings**

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Ref. 7
MORETON-ON-LUGG
DCCW2003/1332/O

Proposed erection of B1 (offices and light industry) and B8 (wholesale storage distribution) floorspace at:

MORETON PARK, MORETON-ON-LUGG, HEREFORD, HR4 8DS

For: **GREATWEST INVESTMENTS LTD. PER PRC FEWSTER, 32 VICTORIA ROAD, SURBITON, SURREY, KT6 4JJ**

The Central Divisional Planning Officer outlined the reasons why a site visit was recommended in this instance.

In accordance with the criteria for public speaking, Mr. Welsh had registered to speak in support of the application but deferred the opportunity to speak until the site visit had been held.

RESOLVED:

That Members of the Central Area Planning Sub-Committee undertake a site visit to consider the potential impact of this development on the character and appearance of the area.

Ref. 8
HEREFORD
DCCW2003/3376/F

Temporary erection of one metal container to provide storage for tractor and associated implements (previous approval no. CW2000/0783/F) at:

DONKEY SANCTUARY, BELVEDERE LANE, HEREFORD

For: **HEREFORD CATHEDRAL SCHOOL PER JAMIESON ASSOCIATES, 30 EIGN GATE, HEREFORD, HR4 OAB**

The Planning Assistant reported the receipt of the comments of the

Conservation Area Advisory Committee (objections, it was considered that the container was unsightly and did not enhance the Conservation Area) and the Conservation Officer (no objections to temporary planning permission).

Councillor Mrs. E.M. Bew, the Local Member, advised that she had not received any representations from local residents.

In response to a question by Councillor P.J. Edwards, the Central Divisional Planning Officer advised that it would not be reasonable to require planting to screen the container as it was considered that the proposal did not cause significant harm to the Conservation Area but that any permission should be limited to a period to expire in January 2006.

The Central Divisional Planning Officer noted that future proposals could not be prejudged.

RESOLVED:

That the application be referred to the Environment Agency, and subject to them confirming that they will not be referring the application to the Secretary of State then planning permission be granted subject to the following condition and any other conditions considered necessary by the Environment Agency:

- 1. This permission shall expire on 14th January 2006. Unless further permission is granted in writing by the local planning authority prior to the end of that period, the use hereby approved shall permanently cease.**

Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.

Ref. 9
HEREFORD
DCCW2003/3399/F

Retention of an existing 1200mm diameter satellite dish at:

**CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, KINGS
ACRE ROAD, HEREFORD, HR4 0SD**

For: **CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
PER FRITH WILLIAMS ARCHITECTS, 30A HIGH STREET,
NEWPORT, SHROPSHIRE, TF10 7AQ**

Councillor R.I. Matthews drew attention to comments of Breinton Parish Council and noted the view that the satellite dish should be sited elsewhere. In response, the Planning Assistant advised that it was understood that the only alternative location would be to the east of the building but this would involve the erection of a 12-foot pole and this was considered to be visually obtrusive.

RESOLVED:

That planning permission be granted:

Note to Applicant:

The decision to grant planning permission has been taken having regard to the policies and proposals in the Hereford Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Policy ENV14 - Design

Policy H21 - Compatibility of Non-residential Uses

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).