

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 25th August, 2004 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, A.C.R. Chappell, P.J. Edwards, J.G.S. Guthrie, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox and R.M. Wilson

In attendance: Councillors P.E. Harling, T.W. Hunt and J.B. Williams

31. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. E.M. Bew, Mrs. S.P.A. Daniels, G.V. Hyde, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, Mrs. S.J. Robertson, Miss F. Short and A.L. Williams.

32. DECLARATIONS OF INTEREST

The following declarations of interest were made.

<u>Councillor(s)</u>	<u>Item</u>	<u>Interest</u>
Mrs. P.A. Andrews	Item 4, DCCW2004/1679/F – Amendment to planning permission ref: CW2001/1848/F to accommodate a re-positioning of the approved bulk store extension (no increase in floor space) together with a free standing canopy in association with home delivery service at: TESCO STORES LTD., ABBOTSMEAD ROAD, BELMONT, HEREFORD, HR2 7XS	Declared a prejudicial interest and left the meeting for the duration of this item.
R. Preece	Item 9, (A) DCCW2004/1701/F and (B) DCCW2004/1703/F (A) Change of use from public house to private dwelling. Alterations and extensions to convert the existing building into two units and the erection of two additional units and (B) Change of use of existing car park to residential use and for the erection of two dwellings and associated covered and uncovered parking at: THE PLOUGH INN, CANON PYON, HEREFORDSHIRE, HR4 8NU	Declared a prejudicial interest and left the meeting for the duration of this item.

33. MINUTES**RESOLVED:**

That the Minutes of the meeting held on 28th July, 2004 be approved as a correct record and signed by the Chairman.

34. DCCW2004/1679/F - TESCO STORES LTD., ABBOTSMEAD ROAD, BELMONT, HEREFORD, HR2 7XS (AGENDA ITEM 4)

Amendment to planning permission ref: CW2001/1848/F to accommodate a re-positioning of the approved bulk store extension (no increase in floor space) together with a free standing canopy in association with home delivery service.

The Chief Development Control Officer reported the receipt of the comments of the Head of Environmental Health and Trading Standards (no adverse comments).

Councillor P.J. Edwards, a Local Ward Member, felt that the potential impact of the development on adjoining properties had been underestimated and proposed that Officers be authorised to grant planning permission, in consultation with the Local Members and the Chairman, to enable further consideration to be given to amenity issues. Councillor Edwards, noting that the existing gated access was not frequently used, felt that the increased use of the access onto Abbotsmead Road would cause highway safety problems and suggested that the developer should contribute to the provision of a no waiting order outside the access. Councillor Edwards also felt the proposal would increase noise disturbance and he suggested that an improved noise attenuation fence should be required.

The Chief Development Control Officer advised that the local planning authority could not control the public highway and that this proposal would not justify the provision of a no waiting order. He also advised that a condition requiring additional measures to control noise could be added to any planning permission granted if the Head of Environmental Health and Trading Standards felt it to be necessary.

Councillor Edwards felt that controls were needed to prevent indiscriminate parking near to the access to the site. The other Local Ward Members also commented on concerns regarding highway safety and noise issues.

Officers were asked to consider whether restrictions could be imposed on the operating times of the vehicles associated with the home delivery service.

RESOLVED:

Officers named in the Scheme of Delegation to Officers, in consultation with the Local Ward Members and the Chairman, be authorised to grant planning permission subject to the following conditions and any other conditions felt to be 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. H16 (Parking/unloading provision - submission of details).

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

4. H23 (Canopies/signs/projections over the highway).

Reason: In the interests of highway safety.

5. H26 (Access location).

Reason: In the interests of highway safety.

Informative:

1. N15 - Reason(s) for the Grant of Planning Permission.

35. DCCE2004/1858/F - PAGETS SPRING, HAWKERS LANE, FOWNHOPE, HEREFORDSHIRE, HR1 4PZ (AGENDA ITEM 5)

Proposed stable block and hardstanding, retention of gates.

In accordance with the criteria for public speaking, Mrs. Scully spoke in support of the application.

Councillor Mrs. J.E. Pemberton, the Local Ward Member, outlined a number of concerns associated with these proposals and the area in general, including: the limited accommodation for horses in the stable block; the size of the hardstanding; surface water drainage problems; the condition of public footpaths; the number of retrospective planning applications being dealt with; the controversial design of the gates; the need to preserve a nearby stone bothy; and the need to minimise light overspill.

In response to a question, the Chief Development Control Officer advised that there were no development rights and any further proposals would require planning permission.

A number of Members felt that the lighting at the entrance gates should be kept to a minimum in order to protect the amenity of neighbouring properties. Some Members commented on the attractiveness of the gates but others felt them to be unsuitable.

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 development shall be carried out in all respects strictly in accordance with the approved plans date stamped 20th May 2004.

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. Notwithstanding the submitted application, details of the external lighting to be installed at the entrance gates shall be submitted to and approved in writing by the local planning authority within one month of the date of this decision. This shall include light positions, light wattage and time periods of operation. Only the approved details shall be installed and operated on site. The approved scheme shall be implemented on site within three months from the date the scheme is approved.

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

5. Notwithstanding the submitted drawings, ground levels and drainage of the hardsurfacing area shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development is of a scale and height appropriate to the area.

6. Notwithstanding the submitted drawings, details of any materials surfacing the hardstanding including technical engineering specification of the area shall be submitted to and approved in writing by the local planning authority.

Reason: To protect the visual amenities of the area.

7. E11 (Private use of stables only).

Reason: In order to safeguard the residential amenity of the area.

8. The waste material from the development is to be disposed of on site, none of the material should be disposed of inside the SSSI boundary and neither spread across the meadow.

Reason: To protect the natural environment.

Informatives:

1. Referring to Conditions 5 and 6, the local planning authority in the absence of the information requested has concerns regarding the surface of the area and request discussions with the local planning authority prior to commencement of the submitted application.

2. The right of way should remain at its historic width and suffer no encroachment or obstruction during the works or at any time after completion and should remain open at all times. If development works are perceived to be likely to endanger members of the public then a temporary closure order should be applied for from the Public Rights of Way Department, preferably 6 weeks in advance of work starting.

3. All washwaters, manures and stable waste should be collected, stored and disposed of in accordance with DEFRA "Code of Good Agricultural Practice for the Protection of Water".
4. Developments on this scale in these lower risks locations outside zone 3 fall outside the scope of formal standing advice. The following is offered to aid local planning authorities and developers in managing the surface water runoff issues for information purposes only as a pointer towards best practice for surface water disposal.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of Building Regulations 2000 sets out a hierarchy for surface water disposal which encourage a SUDs approach.

In accordance with Approved Document Part H of the Building Regulations 2000, the first option for surface water disposal should be the use of sustainable drainage methods (SUDS) which limit flows through infiltration e.g. soakaways or infiltration trenches, subject to establishing that these are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries ground water pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365.

5. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environment Protection Act 1990.
 6. N15 - Reason(s) for the Grant of Planning Permission.
36. DCCE2004/0535/F - WORKSHOP ADJACENT TO STONELEIGH, BULLINGHAM, HEREFORD, HEREFORDSHIRE, HR2 6EG (AGENDA ITEM 6)

Proposed 2 no. 1 bedroom flats and parking areas.

The Planning Officer advised that the recommendation detailed in the report should be amended to read '...Subject to no objections raising additional material *planning* considerations...'

RESOLVED:

That the Environment Agency be notified and re-consulted on the decision to approve the application and;
Subject to no objections raising additional material planning considerations by the end of the consultation period, the Officers named in the Scheme of Delegation to Officers 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 H05 (Access gates)

Reason: In the interests of highway safety.

4 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.

5 H27 (Parking for site operatives)

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

6 Foul water and surface water discharges must be drained separately from the site.

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

7 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

Reason: To prevent hydraulic overload of the Public Sewerage System and pollution of the environment.

8 No land drainage run-off will be permitted to discharge to the Public Sewerage System.

Reason: To prevent hydraulic overload of the Public Sewerage System and pollution of the environment.

9 Prior to the first occupation of the dwellings residents shall be advised in writing to place themselves on the Environment Agency's flood warning system. Written confirmation that this advice has been issued shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that residents are made aware of the potential flooding to the highway.

Informatives:

1 The Environment Agency Flood Defence team can be contacted in Monmouth on 01600 771145 with regard to the flood warning system.

- 2 If a connection is required to the public sewerage system, the developer is advised to contact the Network Development Consultants (DVWW Sewerage Agents) on tel: 01443 331155.
- 3 HN04 - Private apparatus within highway.
- 4 HN05 - Works within the highway.
- 5 Your attention is drawn to the concerns of the Environment Agency who maintain that the access to the site could be affected by flooding at a rate of 1% apf (annual probability flooding). The Council can take no legal responsibility whatsoever in the event of a flood.
- 6 N15 – Reasons for the Grant of PP/LBC/CAC.

37. **DCCE2004/1826/F - LAND AT BREWERS ARMS, EIGN ROAD, HEREFORD, HR1 2RU (AGENDA ITEM 7)**

Proposed 2 no. 3 bed dwellings.

The Planning Officer recommended additional conditions in respect of slab levels and hours of working. An informative note was also recommended which would stress the absence of parking within the site and on-street parking restrictions.

Councillor W.J. Walling, a Local Member, expressed concerns about the density of the development, parking problems in the area and the potential impact of the proposal on residential amenity. Councillor Walling felt that the proposal would represent over-development and over-crowding of the site.

In response to questions, the Planning Officer advised the Sub-Committee that the design and form of the properties respected the character and scale of surrounding properties and explained the measures to mitigate the perception of overlooking. The Sub-Committee was also advised that the parking issue was not one that would uphold a refusal of planning permission given the government policy to encourage city centre living and the use of sustainable methods of transport. In response to a suggestion, the Chief Development Control Officer advised that it might be unreasonable to require the developer to provide bicycles and/or bus passes to the future occupants of the dwellings given the scale of the proposed development.

A number of Members spoke in support of 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 **A07 (Development in accordance with approved plans)**
Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 B01 (Samples of external material)

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

4 E19 (Obscure glazing to windows)

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

5 E17 (No windows in side elevation of extension)

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

6 Foul water and surface water discharges must be drained separately from the site.

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

7 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

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

8 No land drainage run-off will be permitted, either directly or indirectly, to discharge to the public sewerage system.

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

9 E16 (Removal of permitted development rights)

Reason: To protect the character and amenities of the surrounding area.

10. Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

Informatives:

1 HN01 - Mud on highway.

2 HN04 - Private apparatus within highway.

3 HN05 - Works within the highway.

4 If connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water Development Consultants on tel: 01443 331155.

5 N14 - Party Wall Act 1996.

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

7. It is drawn to the applicant's attention that the site does not accommodate off street parking. Parking on Eign Road is subject to a Residents' Parking Scheme. Herefordshire Council is not under any obligation to agree to a parking permit for these dwellings.

38. DCCE2004/2101/F - MERIDIAN GRANGE DEVELOPMENT (OPPOSITE) LAND OFF WITHIES ROAD, WITHINGTON, HEREFORDSHIRE (AGENDA ITEM 8)

Retrospective application for the siting of temporary sales centre for use in connection with Jennings Homes Ltd.

The Planning Officer suggested amendments to the recommendation to require the removal of the development within one month of the occupation or sale of the last dwelling, whichever was the sooner, and to require a scheme of work for the restoration of the site to be submitted within three months. She also advised that the drawing number of the submitted plans was 131.

Councillor R.M. Wilson, the Local Ward Member, advised the Sub-Committee that, contrary to rumour, he was not a member of Withington Parish Council and therefore did not need to declare an interest in this respect. Councillor Wilson said that he would have preferred a more suitable external colour to have been used but felt that temporary permission was acceptable subject to conditions.

Some Members expressed strong views about the retrospective nature of this application, particularly given that the applicant was a major developer and would be well aware of planning law; there was a suggestion that the application should be refused as a matter of principle. In response, the Principal Lawyer (Planning, Environment and Transport) clarified how retrospective applications had to be dealt with and outlined potential enforcement issues. The Chief Development Control Officer added that it was possible that the sales centre would have fulfilled its function and be relocated by the applicant by the time that enforcement action could proceed. The Sub-Committee was advised that a planning permission provided an opportunity to control the development.

A number of Members felt that the retrospective nature of the application to be regrettable but, given the current position in law, a refusal on this ground was unlikely to be sustained on appeal. The Sub-Committee agreed that a strongly worded letter should be sent to the developer, copied to other major developers, to highlight the unacceptable number of developments being built in the County without prior planning consent and reminding them of the relevant procedures.

In response to a suggestion that the sales centre be painted a more subdued colour, the Planning Officer advised that the development was considered acceptable in this location having regard to the temporary nature of the application.

To ensure the removal of the development within a reasonable timescale, it was proposed that the sales centre be removed within eighteen months.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1 Within one month of the occupation or sale of the last dwelling on the**

associated site or within eighteen months of the date of this decision, whichever is the earliest, the use and temporary building hereby approved shall be removed and the land restored to its former condition in accordance with a scheme of work to be submitted to, within three months of the date of this decision, and approved in writing by the local planning authority.

Reason: The local planning authority is only prepared to allow the use and temporary building until sale of the dwellings is complete.

- 2 Notwithstanding the submitted plans on drawing number 131, the area of car parking shown, and marked with a 'X' shall be omitted from the scheme.

Reason: The local planning authority would not support the introduction of parking in this location having regard to the close proximity of the car parking available at the village hall.

Informative:

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

39. (A) DCCW2004/1701/F AND (B) DCCW2004/1703/F - THE PLOUGH INN, CANON PYON, HEREFORDSHIRE, HR4 8NU (AGENDA ITEM 9)

(A) Change of use from public house to private dwelling. Alterations and extensions to convert the existing building into two units and the erection of two additional units.

(B) Change of use of existing car park to residential use and for the erection of two dwellings and associated covered and uncovered parking.

In accordance with the criteria for public speaking, Mr. Vaughan spoke on behalf of Canon Pyon Parish Council and Mrs. Santillo spoke in support of the application. Mr. McLeod had registered to speak against the application but was not present at the meeting.

Councillor J.C. Mayson, the Local Member, acknowledged the depth of local feeling regarding the loss of community facilities but noted that the business was, regrettably, no longer commercially viable.

RECOMMENDATION

In respect of DCCW2004/1701/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. A09 (Amended plans).

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

3. B01 (Samples of external materials).

Reason: To ensure that the materials harmonise with the surroundings.
4. D03 (Site observation - archaeology).

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.
5. E16 (Removal of permitted development rights).

Reason: In the interests of the character and amenity of the surrounding area.
6. E18 (No new windows in specified elevation).

Reason: In order to protect the residential amenity of adjacent properties.
7. E19 (Obscure glazing to windows).

Reason: In order to protect the residential amenity of adjacent properties.
8. G04 (Landscaping scheme (general)).

Reason: In order to protect the visual amenities of the area.
9. G05 (Implementation of landscaping scheme (general)).

Reason: In order to protect the visual amenities of the area.
10. G01 (Details of boundary treatments).

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
11. H14 (Turning and parking: change of use - domestic).

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.
12. Foul water and surface water discharges must be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.
13. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of exiting residents and ensure no detriment to the environment.
14. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.

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

- 15. The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.**

Reason: To protect the integrity of the public sewer and avoid damage thereto.

- 16. E24 (Staging of Development)**

Reason: To ensure that adequate parking provision for the overall development is provided.

- 17. F39 (Scheme of refuse storage).**

Reason: In the interests of amenity.

- 18. F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.

Informatives:

- 1. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01441 331155.**
- 2. The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. I enclose our Conditions for Development near Watermains. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the Developer.**
- 3. N15 - Reasons for the Grant of PP.**

In respect of DCCW2004/1703/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. A09 (Amended plans).**

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

3. **B01 (Samples of external materials).**
Reason: To ensure that the materials harmonise with the surroundings.
4. **D03 (Site observation - archaeology).**
Reason: To allow the potential archaeological interest of the site to be investigated and recorded.
5. **G04 (Landscaping scheme (general)).**
Reason: In order to protect the visual amenities of the area.
6. **G05 (Implementation of landscaping scheme (general)).**
Reason: In order to protect the visual amenities of the area.
7. **G01 (Details of boundary treatments).**
Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
8. **H14 (Turning and parking: change of use - domestic).**
Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.
9. **Foul water and surface water discharges must be drained separately from the site.**
Reason: To protect the integrity of the public sewerage system.
10. **No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.**
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of exiting residents and ensure no detriment to the environment.
11. **No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.**
Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.
12. **E16 (Removal of permitted development rights).**
Reason: In the interests of the character and amenity of the surrounding area.
13. **F39 (Scheme of refuse storage).**
Reason: In the interests of amenity.
14. **F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.

Informatives:

- 1. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01441 331155.**
- 2. The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. I enclose our Conditions for Development near Watermains. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the Developer.**
- 3. N15 - Reasons for the Grant of PP.**

40. DATE OF THE NEXT MEETING

The Chairman advised that the date of the next meeting would be Monday 27th September, 2004.

The meeting ended at 3.22 p.m.

CHAIRMAN