

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 29th June, 2005 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, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Mrs. S.J. Robertson, W.J.S. Thomas, Ms. A.M. Toon and R.M. Wilson

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

10. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. E.M. Bew, Ms. G.A. Powell, G.V. Hyde, R.I. Matthews, Miss F. Short, W.J. Walling, D.B. Wilcox and A.L. Williams.

11. DECLARATIONS OF INTEREST

The following declaration of interest was made:

Councillors	Item	Interest
A.C.R. Chappell	Agenda Item 8 - DCCE2005/1501/F – Demolition of existing dwelling and erection of 7 apartments with associated car parking at: Midway House, Fir Tree Lane, Rotherwas, Hereford, Herefordshire, HR2 6LA	Declared a personal interest.

12. MINUTES

RESOLVED:

That the Minutes of the meeting held on 1st June, 2005 be approved as a correct record and signed by the Chairman.

13. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report in respect of the planning appeals for the central area.

RESOLVED:

That the report be noted.

14. DCCW2005/0376/F - GELPACK EXCELSIOR LTD, WESTFIELDS TRADING ESTATE, HEREFORD, HR4 9NT

Variation of existing condition 4 of CW03/0620/F to allow a variation in noise levels.

The Central Team Leader reported the receipt of correspondence from Councillor D.B. Wilcox and summarised its contents; Councillor Wilcox had indicated that he was satisfied with the up-dated report and the proposed amended condition.

Councillor Mrs. P.A. Andrews, a Local Member, felt that the views of the Local Members were most relevant to this application. She noted the work undertaken by the Principal Environmental Health Officer but felt that the concerns resulting from this application provided an object lesson regarding the difficulties of having industrial and residential uses in such close proximity. Councillor Mrs. Andrews noted that the Sub-Committee had given careful consideration to conditions attached to planning application CW2003/0620/F and did not feel that there was any reason to change them. Councillors Mrs. S.P.A. Daniels and Ms. A.M. Toon, the other Local Members, endorsed these views.

The Principal Environmental Health Officer noted the concerns of Members but emphasised that the intrusive noise experienced by local residents was most likely from the printing and extrusion process at Gelpack and not from the silos and feed-pipes to which this application related. He explained that, given the dominant level of noise from other parts of the operation, it was difficult to measure the noise emanating from silos and, therefore, enforcement of the condition in question would be unfeasible.

There was a brief discussion about the methods used to obtain noise measurements. Councillor Ms. Toon expressed concern that approval of this application would give the wrong impression that noise levels from Gelpack Excelsior Ltd were considered acceptable.

In response to a question from Councillor Mrs. M.D. Lloyd-Hayes, the Principal Environmental Health Officer confirmed that Environmental Health and Trading Standards had received no noise complaints recently from local residents but the letters of objection received by Planning Services indicated that there were concerns.

Councillor P.J. Edwards noted that a number of objections raised by the local residents related to noise from other activities on site and suggested that discussions be held to investigate whether some of these problems could be voluntarily ameliorated by the applicant. The Chairman suggested that this should be pursued whatever the outcome of the Sub-Committee's decision. Councillor Mrs. Andrews suggested that a way forward might be to defer consideration of the application to assess the whole issue of noise management on the site.

The Principal Environmental Health Officer commented that there might be room for discussion but this would be outside the remit of this application. He noted, however, that isolating the noise of the silos would be unachievable unless the constant activities on the site were ceased for a time.

Councillor Edwards noted that this application had been deferred before and felt that matters needed to be moved on, subject to the applicant being encouraged to address some of the other issues regarding the operation.

Councillor Ms. Toon suggested that, if the noise from the silos and feed-pipes was so insignificant, there might not actually be a need for the application in the first

place.

Councillor Mrs. Andrews proposed that the application be refused on the basis that the existing conditions were adequate. In response, the Central Team Leader urged caution as it might be difficult to defend this reason for refusal given the professional advice that had been received and he suggested that deferral for further discussions might be a better option; he added that this was regrettable given the time that the application had been in the system.

RESOLVED:

That consideration of the application be deferred for further discussions with the applicant.

15. DCCE2005/1399/F - 205 ROSS ROAD, HEREFORD, HEREFORDSHIRE, HR2 7RR

Change of use of single room (cloakroom) from residential to hair-dressing business.

WITHDRAWN

16. DCCW2005/1406/F - 50 WYEDEAN RISE, BELMONT, HEREFORD, HR2 7XZ

Erection of wooden fence and change of land usage to domestic.

The Senior Planning Officer reported that paragraph 5.2 of the report should refer to 49 Wyedean Rise and not 29 Wyedean Rise. He also reported that Councillor Ms. G.A. Powell, a Local Member, had asked that her objection to the application be noted as she felt that it would be detrimental to highway safety.

In accordance with the criteria for public speaking, Mr. Palmer (the applicant) had registered to speak but decided not take the opportunity to speak at the meeting.

Councillor P.J. Edwards, a Local Member, noted that the area was characterised by open frontages and was concerned that this should not be lost. He felt that the best possible compromise was to ensure that the fence was constructed a reasonable distance back from the boundary. He noted that the land was in private ownership and, therefore, should not be maintained by the Council. Given the highway safety concerns and the need to retain visibility splays, Councillor Edwards suggested that additional conditions be added regarding vehicular parking. Councillor J.W. Newman, also a Local Member, supported these views.

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. A09 (Amended plans) (24th May, 2005).

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

3. The fence hereby permitted shall not extend beyond the front elevation of

the dwelling to the southwest, or within 1.8 metres of the carriageway to the northwest, or 1.8 metres of the boundary to the northeast.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no fence/gates/walls or other means of enclosure whatsoever shall be erected on the land to the northeast or southwest that falls outside of the fence hereby approved.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no hard surface shall be laid on the land to the northeast or southwest that falls outside of the fence hereby approved.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no means of access to a highway shall be created from any part of the land subject to this planning permission.

Reason: In the interests of highways safety and to protect the general character and amenities of the area.

7. There shall be no parking or storage of motor vehicles, trailers or caravans, on any part of the land subject to this planning permission.

Reason: In the interests of highways safety and to protect the general character and amenities of the area.

Informative:

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

17. DCCE2005/1501/F - MIDWAY HOUSE, FIR TREE LANE, ROTHERWAS, HEREFORD, HEREFORDSHIRE, HR2 6LA

Demolition of existing dwelling and erection of 7 apartments with associated car parking.

The Principal Planning Officer reported the receipt of the comments of the Head of Economic Development; including the opinion that the intensification of residential use should be resisted given that Rotherwas was the main industrial estate. It was also reported that amended plans had been received which addressed a number of issues highlighted in the report; including details about access and cycle storage and a tree survey.

In accordance with the criteria for public speaking, Mr. Collins (the applicant) spoke in support of the application.

Councillor W.J.S. Thomas, the Local Member, noted that an existing dwelling would

be replaced and felt that there was no reason why this proposal should not be approved. However, he noted that industrial and residential uses in such close proximity could cause conflict and urged officers to think very carefully about noise attenuation measures; particularly given the importance of businesses in the area to the local economy.

Councillor J.W. Newman felt that the proposal was exciting and should be supported.

Councillor Mrs. P.A. Andrews noted the potential for noise disturbance from adjacent industrial uses and suggested that double-glazed windows should be a specific requirement. The Central Team Leader noted that recommended condition 4 would require a scheme of noise attenuating measures and suggested that an additional informative note could be added to highlight the issue further.

In response to a suggestion from Councillor Ms. A.M. Toon that an elevator could help residents with young children, the Chairman noted that the intention of the proposal was to provide low cost housing and this might not be achievable if an elevator was required. The Principal Planning Officer noted that revised plans would be required. The Legal Practice Manager added that the construction and ongoing maintenance charges of an elevator might negate the other benefits of the application and it might be difficult to defend such a requirement on appeal.

Councillor P.J. Edwards noted the need for the development to work from the outset and welcomed the recommended conditions, particularly 4 and 6.

In response to a question from Councillor Mrs. M.D. Lloyd-Hayes, the Principal Planning Officer advised that a 2 metre wide footway along the frontage of the site, as recommended by the Traffic Manager, had been included in the amended plans. In response to another question, the Principal Planning Officer explained which trees were considered worthy of retention.

RESOLVED:

That the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional 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 A06 (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 materials)

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

4 F01 (Scheme of noise attenuating measures)

Reason: To safeguard the amenity of the area.

5 G01 (Details of boundary treatments)

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

6 G10 (Retention of trees)

Reason: In order to preserve the character and amenities of the area.

7 Any conditions recommended by the transport manager upon receipt of amended plans.

8 Prior to the demolition of the existing dwelling on site, details of the method and site for the disposal of the waste materials arising from the demolition of the dwelling shall be submitted to and agreed in writing with the local planning authority. The demolition and disposal of the waste materials shall be carried out in accordance with the approved details.

Reason: To ensure the appropriate disposal of waste materials.

Informatives:

1 N15 - Reason(s) for the Grant of PP Local Plan.

2. For the purposes of discharging Condition 4, the local planning authority considers that the installation of double glazing should form part of the submission.

18. DCCW2005/1602/F - 99 DORCHESTER WAY, BELMONT, HEREFORD, HR2 7ZW

New boundary fence.

The Senior Planning Officer reported that Councillor Ms. G.A. Powell, a Local Member, had asked that her objection to the application be noted as she felt that the land should be retained as open space and that the proposal would be detrimental to the highway safety. He also reported the receipt of a letter from the applicant which refuted a number of issues raised by objectors.

Councillor P.J. Edwards, a Local Member, disagreed with Officers that the realigned fence would not represent an unacceptable obstruction to visibility during the use of the driveway and felt that the application should be refused on highway safety grounds in its current form. Councillor J.W. Newman, also a Local Member, noted that vehicles travelled at pace along this road and felt that safety should not be compromised.

In response to a question from Councillor Ms. A.M. Toon, the Central Team Leader clarified the permitted development rights in relation to access.

Councillor Mrs. J.E. Pemberton noted that a number of applications at this meeting had been determined without specific mention of the representations of the relevant town or parish council and asked the Sub-Committee to bear the comments in mind.

Councillor P.J. Edwards expressed concern about openness and suggested that a lower fence height would afford users of the driveway, footway and highway some degree of vision.

Councillor W.J.S. Thomas felt that the open character of the area was pleasant and should be preserved.

The Central Team Leader explained the permitted development rights of the applicant in relation to boundary treatments but suggested that Officers could have further discussions with the applicant to determine whether the fence could be repositioned to satisfy Members' concerns.

RESOLVED:

That consideration of the application be deferred for further discussions with the applicant.

19. DCCW2005/1559/F - 14 BAGGALLAY STREET, HEREFORD, HR4 0DZ

Proposed demolition of detached garage and existing extension and erection of 3 no. two bedroom houses.

WITHDRAWN

20. DCCE2005/1687/F - THE FREELANDS, MITCHMORE, HOLME LACY, HEREFORDSHIRE, HR2 6LJ

Replacement dwelling.

The Principal Planning Officer reported the receipt of the comments of Holme Lacy Parish Council; no objections subject to the proposal addressing the refusal reasons of a previous application. He reported that the receipt of the comments of the Environment Agency; no objections subject to conditions. He also reported the receipt of a letter of objection from H. Gurney and summarised its contents.

In accordance with the criteria for public speaking, Mrs. Cluett (a local resident) spoke against the application.

The Principal Planning Officer explained the recommended reasons for refusal.

Councillor W.J.S. Thomas, the Local Member, thanked Officers for their work on the application. He noted that a number of properties had been developed in the vicinity in recent years and that this site represented a 'final piece of the jigsaw'. He suggested that a site visit be undertaken as he felt that a judgement was required on visual impact and that the setting and surroundings were fundamental to the determination.

The Central Team Leader commented that the delay resulting from a site visit would mean that the application would not be determined within the 8 week target.

Other Members felt that a site visit was unnecessary in this instance and a motion to hold a site visit failed.

In response to questions, the Principal Planning Officer illustrated the size and scale of the existing property compared to the proposed replacement dwelling.

RESOLVED:

That planning permission be refused for the following reason:

- 1. The proposal is contrary to Policy GD1 and SH21 of the South Herefordshire District Local Plan and Policy H7 of the Revised Deposit Draft Herefordshire Unitary Development Plan as the size and scale of the**

dwelling is not similar or comparable to the existing bungalow.

21. DCCW2005/1609/O - 14 MOOR PARK ROAD, HEREFORD, HR4 0RR

Demolish existing building, redevelop site as 2 houses.

The Central Team Leader reported the receipt of an additional letter of objection from F. Edinborough and summarised its contents. He emphasised that this application was in outline form.

In accordance with the criteria for public speaking, Mr. Swancott and Mr. Field (local residents) spoke against the application.

The Central Team Leader advised the Sub-Committee that the plans submitted were purely indicative and that many of the concerns of local residents could be addressed when the designs of the new dwellings were submitted under a Reserved Matters application.

Councillor Mrs. P.A. Andrews, a Local Member, noted the current trend of demolishing existing, serviceable buildings for redevelopment. She suggested that, should a Reserved Matters application come forward in the future, the new development should be located on the approximate footprint of the existing dwelling at the forefront of the site and be no higher than the existing dwelling; to protect the amenities of the area and to prevent overshadowing. Councillors Mrs. S.P.A. Daniels and Ms. A.M. Toon, the other Local Members, endorsed these views.

The Central Team Leader suggested an additional informative note could be added to highlight the issues raised by the Local Members.

Councillor Mrs. Andrews commented that the Reserved Matters application should be considered by the Sub-Committee in due course.

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. H08 (Access closure).

Reason: To ensure the safe and free flow of traffic using the adjoining County highway.

6. H09 (Driveway gradient).

Reason: In the interests of highway safety.

7. H11 (Parking - estate development (more than one house)).

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

Informatives:

1. HN01 - Mud on highway

2. HN05 - Works within the highway.

3. HN10 - No drainage to discharge to highway.

4. The reserved matters application should respect the area covered by the existing buildings in terms of the siting of the new dwellings and distance from the road. It should also be noted that the indicative plans submitted would not be considered acceptable and that dwellings more in keeping with the local character of the area and of a similar height as the existing dwelling would be expected.

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

22. DCCE2005/1583/F - 2 PARK VIEW, BARTESTREE, HEREFORD, HEREFORDSHIRE, HR1 4BX

Proposed bungalow for dependant relative.

In accordance with the criteria for public speaking, Mr. James (a local resident) spoke against the application and Mrs. Williams (the applicant) spoke in support of the application.

The Principal Planning Officer explained that this revised scheme represented a 'toned down' proposal to that originally submitted and would not compete visually with the main dwelling or other structures in the area. He also explained the proposed landscaping scheme and advised that the path of electricity cables via an objector's boundary was a civil matter.

Councillor R.M. Wilson, a Local Member, noted that the revised scheme was considered acceptable and that no objections had been received from the Conservation Manager or the Traffic Manager.

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. **A06 (Development in accordance with approved plans)**

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

3. **A09 (Amended plans)**

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

4. **B03 (Matching external materials (general))**

Reason: To ensure the satisfactory appearance of the development.

5. **E15 (Restriction on separate sale)**

Reason: It would be contrary to the policy of the local planning authority to grant consent for a separate dwelling in this location.

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

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

7. **E29 (Occupation ancillary to existing dwelling only (granny annexes))**

Reason: It would be contrary to the policy of the local planning authority to grant planning permission for a separate dwelling in this location.

8. **The parking facilities associated with the application site shall be retained and kept available for such use.**

Reason: In the interests of highway safety.

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

Reason: To protect the amenity of local residents.

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

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

Informative(s):

1. **N03 - Adjoining property rights**

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

23. **DCCE2005/1642/F - LLAMEDOS, PRESTON WYNNE, HEREFORD, HEREFORDSHIRE, HR1 3PB**

Demolition of existing garage. Construction of single storey extension to rear of existing building.

In accordance with the criteria for public speaking, Ms. Timmel (the applicant's

agent) had registered to speak but decided not take the opportunity to speak at the meeting.

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 E17 (No windows in side elevation of extension)

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

4 E19 (Obscure glazing to windows)

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

5 G01 (Details of boundary treatments)

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

Informatives:

1 N03 - Adjoining property rights

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

24. DCCE2005/1130/RM - LAND AT BRADBURY LINES, BULLINGHAM LANE, HEREFORD

Proposed residential development mix of 2,3,4 and 5 bed houses, flats, car parking/garages, roads and sewers thereto and landscaping (Phase 2).

The Principal Planning Officer reported the receipt of the following comments:

- the Highways Agency was now satisfied with the scheme;
- the Strategic Housing Manager was generally happy with the mix of housing;
- the Traffic Manager suggested minor adjustments to turning heads; and
- the Landscape Officer had given an indication of support for the landscaping scheme which included the retention of a number of trees and an area of open space.

The Principal Planning Officer advised that authorisation to approve the application was being sought as the majority of concerns had been or could be overcome.

In accordance with the criteria for public speaking, Mr. Powell (a local resident) had registered to speak but had left the meeting before the item was considered.

Councillor A.C.R. Chappell, a Local Member, felt that Members should visit the area given the significant amount of development being undertaken or was planned on this site. Councillor Mrs. W.U. Attfield, also a Local Member, supported a site visit to enable Members to see how development was being progressed on the ground.

The Chairman sought clarification from the Local Members that this application was satisfactory subject to the resolution of a number of matters and the purpose of a site visit would be for informative purposes only about general development issues at Bradbury Lines. Councillor Chappell commented on the need for Members to be aware of the potential problems with the continued development of the site.

A number of Members spoke in support of a site visit to key parts of Bradbury Lines, particularly given that substantial further development was expected to come forward at this site and the consequential need to ensure that the mix and density of housing was appropriate, that there were sufficient infrastructure improvements and that there were adequate traffic management measures.

Councillor Chappell noted that the Residents' Association had made a valuable contribution to the plans and requested that no substantial changes be made without further consultation with them.

RESOLVED:

That subject to the receipt of suitably amended plans, no further objections raising additional material planning considerations by the end of the consultation period and the Highways Agency objection being overcome the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by Officers.

Informatives:

- 1 The applicant's attention is drawn to conditions attached to Outline Planning Consent reference CE2001/2757/O which require further details to be submitted and agreed prior to commencement of the development.**
- 2 N02 - Section 106 Obligation**
- 3 N15 - Reason(s) for the Grant of PP/LBC/CAC**

25. DATE OF NEXT MEETING

It was noted that the next scheduled meeting was Wednesday 27th July, 2005.

The Chairman noted that a meeting for Scrutiny Chairmen and Vice-Chairmen had been arranged to take place at the same time as the scheduled site visit on 12th July, 2005 and it was suggested that the site visit be undertaken on 19th July, 2005 instead.

The meeting ended at 3.50 p.m.

CHAIRMAN