

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 11th January, 2006 at 2.00 p.m.

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

Councillors: Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell, Mrs. S.J. Robertson, Miss F. Short, Mrs E.A. Taylor, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling and D.B. Wilcox

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

120. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. P.A. Andrews, Mrs. W.U. Attfield, J.G.S. Guthrie, J.C. Mayson, A.L. Williams and R.M. Wilson.

121. DECLARATIONS OF INTEREST

The following declaration of interest was made.

Councillor	Item	Interest
Miss. F. Short	Item 7 - DCW2005/3733/F The Lakes, Swainshill, Hereford, HR4 7PU	Declared a personal interest.

122. MINUTES

RESOLVED: That the Minutes of the meeting held on 14th December, 2006 be approved as a correct record.

123. ITEM FOR INFORMATION - APPEALS

The Sub-Committee noted the details of the Council's current position in respect of planning appeals for the central area.

124. DCCE2005/1752/O - LAND AT REAR OF DENCO SITE, HOLMER ROAD, HEREFORD, HR4 9SH [AGENDA ITEM 5]

Class A1 non-food retail development, car parking, associated facilities and services.

The Central Team Leader reported that, following the site inspection by the Sub-Committee, the applicant had agreed to increase the financial contribution for off site recreational facilities to £250,000. It was noted that the Parks and Countryside Section confirmed that this would be sufficient for the provision of football pitches, infrastructure and ancillary facilities at Aylestone Park. It was also reported that a condition would be attached to any planning permission granted in respect of

compensatory parking associated with the loss of parking adjacent to the existing sports field.

Councillors Ms. A.M. Toon and Mrs. S.P.A. Daniels, Local Ward Members, welcomed the increased financial contribution but expressed concerns about junction arrangements. In response, the Central Team Leader explained the access and junction arrangements and advised that the Highways Agency had no objection subject to a condition.

The Chairman reported that Councillor Mrs. P.A. Andrews, the other Local Ward Member, was satisfied with the financial contribution given the need for improved sports facilities.

Councillor D.B. Wilcox noted that the Aylestone Ward would greatly benefit from the contribution to the facilities at Aylestone Park.

Councillors P.J. Edwards and A.C.R. Chappell both spoke about the need to ensure that retail warehousing development did not have detrimental impact on city centre retail outlets. Councillor Chappell suggested that signage should be provided to indicate the proximity of the city centre to visitors. Councillor Chappell also commented on the need to improve the adjacent public right of way.

RESOLVED:

Subject to the applicants providing an appropriately completed Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 providing financial contributions for the off site provision of recreation facilities, highway works and public transport measures and any additional matters and terms considered necessary and appropriate by the local planning authority,

The Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered necessary by Officers:

- 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)(delete access).**
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)(delete access).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 5. B01 (Samples of external materials)(delete details)**

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

- 6. The premises shall be used as a retail warehouse within Class A1 of the Town & Country Planning (Use Classes) Order 1987 with the exception of the following uses:**

- i) the sale of food and drink to be consumed off the premises;**
- ii) sale of clothing and footwear;**
- iii) sale of cutlery, crockery and glassware;**
- iv) sale of jewellery, clocks and watches;**
- v) sale of toys, camping and travel goods;**
- vi) sale of books, audio and visual recordings and stationery except for the retail sale of office supplies, office equipment and office furniture including the sale of both bulky and non-bulky catering packs of food and drink for office use;**
- vii) sale of medical goods, cosmetics and toiletries;**
- viii) sales of sports goods, equipment and clothing;**
- ix) all uses within Categories A1 (B to F) of Class A1;**

except where the retail sale of these goods forms a minor and ancillary part of the operation of any of the retail activity.

Reason: The Council's policy as set out in the Hereford Local Plan and Revised Deposit Draft Unitary Development Plan is directed towards the protection of the commercial viability of the existing central shopping area of Hereford. This condition is imposed in order to clarify the terms of the permission in accordance with the Council's stated policy, having regard to the need to protect the viability of the historic town centre.

- 7. Foul water and surface water discharges must be drained separately from the site.**

Reason: To protect the integrity of the Public Sewerage System.

- 8. 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 existing residents and ensure no detriment to the environment.

- 9. No land drainage run-off will be permitted, either directly or in-directly, to discharge into the public sewerage system.**

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

- 10. G04 (Landscaping scheme (general))**

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

- 11. G05 (Implementation of landscaping scheme (general))**

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

- 12. H16 (Parking/unloading provision - submission of details)**

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

13. H27 (Parking for site operatives)

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

14. 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.

15. H17 (Junction improvement/off site works)

Reason: To ensure the safe and free flow of traffic on the highway.

16. F39 (Scheme of refuse storage)

Reason: In the interests of amenity.

17. F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

18. G01 (Details of boundary treatments)

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

19. The development hereby approved shall not commence until details including scaled plans of the improvements to public footpath HER9 have been submitted to, and approved in writing by the Local Planning Authority. These details shall form part of the overall site development and should incorporate the footpath into the overall layout. The details shall include details of construction, surfacing, drainage and lighting including a specification to enable potential pedestrian and cycle use, all to be agreed in writing by the Local Planning Authority. The details shall be implemented as approved prior to the development opening to customers.

Reason: To ensure the planning of the site and achieve sustainable integration with the wider rights of way network.

20. No development within the application area shall be occupied or brought into use unless the proposed access as shown on drawing number 031102/02 Rev B has been completed to the satisfaction of the Local Planning Authority after consultation with the Highways Agency.

Reason: To ensure the safe and free flow of traffic on the highway.

Informatives:

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

2. **N02 - Section 106 Obligation**
3. **The applicant is advised that additional traffic calming may be required within the approved site for the new B&Q store based upon the illustrative layout provided.**

125. DCCE2005/3306/F - 48 HAFOD ROAD, HEREFORD, HR1 1SQ [AGENDA ITEM 6]

Retrospective application for raised decking to rear garden, new boundary fencing and railings.

The Senior Planning Officer reported the receipt of a further letter of objection from Mrs. Sally Morgan, 47 Lichfield Avenue, regarding privacy and amenity issues.

Councillor W.J. Walling, a Local Ward Member, commented that he was disappointed that this was a retrospective application and felt that the applicant should have been aware of the requirements. However, he did not feel that the development was unacceptable on its own merits and, therefore, reluctantly supported the recommendation.

A number of other Members expressed concerns about retrospective planning applications and Councillor D.B. Wilcox suggested that such applications should be subject to increased application fees. The Development Control Manager noted the limitations of the law but welcomed the suggestion about fees and said that he would raise the matter with the relevant national bodies. The Chairman suggested that the issue could be further explored through a planning seminar for Members.

In response to a question about screening, the Development Control Manager noted that landscaping schemes usually required planting to be undertaken during the next planting season but there was no reason why a specific time limit could not be applied; it was agreed that planting should be undertaken within three months of the date of the planning permission.

The Development Control Manager advised that a letter would be sent to the applicant outlining Members' concerns about the retrospective nature 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. **A09 (Amended plans).**

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

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

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

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

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

6. **G09 (Retention of trees/hedgerows).**

Reason: To safeguard the amenity of the area.

Informatives:

1. **N03 - Adjoining property rights.**
2. **N15 - Reason(s) for the Grant of Planning Permission.**

126. DCW2005/3733/F - THE LAKES, SWAINSHILL, HEREFORD, HR4 7PU [AGENDA ITEM 7]

Erection of new workshop building and expansion of service/storage yard.

The Principal Planning Officer reported the receipt of the comments of the Head of Economic Development (no objections). It was recommended that an additional condition be added to any planning permission granted about details to be submitted in respect of the proposed racking. It was noted that a further application would be required to vary a Section 106 Agreement in due course.

Councillor R.I. Matthews, the Local Ward Member, drew attention to the fact that some properties were not shown on plans provided.

In accordance with the criteria for public speaking, Mr. McHarg spoke on behalf of the Parish Council, Mr. Marshall spoke against the application and Mr. Crump spoke in support of the application.

Councillor Matthews felt that the Section 106 Agreement, which limited the extent of development on the site, was founded on strong principles and should not be amended. Councillor Matthews drew attention to the detailed representation from Stretton Sugwas Parish Council and concurred with their view that the business had outgrown its surroundings and should be relocated to more appropriate premises in a manufacturing area. The concerns of the Parish Council and local residents were also noted in respect of the potential deleterious effect of the proposal on the landscape and, in particular, the setting of the church of St. Mary Magdalene. Councillor Matthews felt that relocation would help the long-term viability of the business and that every effort should be made to help the applicant to find a suitable alternative location. Therefore, he proposed that the application should be refused given the principles behind the Section 106 Agreement, the detrimental impact on the nearby Listed Building and the detrimental impact on the amenities of residential dwellings.

Councillor P.J. Edwards expressed concerns about the landscape buffer, particularly given the gaps in the existing hedgerow. He felt that measures to protect the tree lined hedge could result in a shift in the development which would bring activity even closer to the residential dwellings, including the movements of articulated lorries and forklift trucks.

Councillor Mrs. S.J. Robertson agreed with the Local Ward Member that the

business had outgrown the location and noted a suggestion that the site could be re-developed for residential purposes which could off-set the costs of relocation.

Councillor A.C.R. Chappell commented that the economic benefits of the proposal outweighed other concerns, particularly given the difficulties being experienced in the rural economy. He noted that many churches were located near to intensive farming and other activities and felt that this proposal would have minimal impact. He also noted concerns about previous breaches of conditions but felt that this should not be a reason to prevent a valuable business enterprise from expanding.

Councillor Ms. A.M. Toon sympathised with the needs of growing rural businesses but felt that there could be additional noise disturbance and suggested that a condition be added to limit noise to an appropriate level. Councillor Ms. Toon expressed concern about the lack of information about some matters, particularly relating to breaches of conditions.

Councillor Matthews noted the economic development arguments but maintained his view that this was the wrong location for this growing enterprise.

In response to comments about noise levels, the Principal Planning Officer reported that the Head of Environmental Health and Trading Standards was satisfied with the noise assessment that accompanied the application and the operational matters raised by local residents would be monitored. He added that the new building would be used for the assembly of timber-framed buildings and the only machinery proposed was an overhead crane and power hand tools.

Councillor W.J.S. Thomas supported the application given the related economic and employment benefits. He noted the Parish Council's thorough assessment of the situation and felt that some of the suggestions should be incorporated into any planning permission granted; specifically, those relating to operating times, landscaping, noise levels and limiting consent to the applicant for the purpose of the application.

Councillor D.B. Wilcox commented that some of the advice provided in respect of noise levels was contradictory but noted that Officers felt that the impact could be controlled through conditions. He noted the need to support rural businesses but also acknowledged the reasons for the Section 106 Agreement and the alleged breaches of conditions on previous permissions. He felt that the proposal would be out of character with the neighbourhood and should be refused.

In response to suggestions that the business should consider relocation, Councillor Thomas noted that it was likely that such businesses would relocate to areas outside the county if they were unable to expand and noted that jobs could be lost as a consequence.

Councillor Matthews reiterated the reasons behind the Section 106 Agreement and stressed that he wanted to see the business succeed but felt that this site was inappropriate

A motion to refuse the application failed and the recommendation detailed in the report was then approved subject to additional conditions. The Principal Planning Officer advised that Members' comments would be taken into account in the drafting of the decision notice.

RESOLVED:

That planning permission be granted subject to the following conditions and

any additional conditions deemed reasonable and necessary:

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. Notwithstanding the submitted plans the new workshop shall be sited to ensure that there is five metres from the eastern boundary.

Reason: In order to protect the tree lined hedge.

3. The only machinery to be used in the new workshop are hand held tools and an overhead crane. No other fixed machinery shall be installed.

Reason: In order to protect the amenity of nearby residents.

4. B02 (Matching external materials (extension)).

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

5. Before any fixed extractions, ventilation, or other noise penetrating plant is used on the premises, the applicant shall submit for the prior approval of the local planning authority a scheme of noise attenuating measures. The approved scheme shall be implemented before the first use of the development to which it relates commences and shall be retained for the duration of use.

Reason: In the interests of protecting residential amenity.

6. 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: 8.00am to 6.00pm Mondays to Fridays and 8.00am to 1.00pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of protecting residential amenity.

7. The large metal clad doors on the north and south elevation of the building should remain closed at all times, except during deliveries or movement of stock. All other doors and openings shall remain closed whilst work operations are taking place except for access to and exit from the building.

Reason: In the interests of protecting residential amenity.

8. Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the building approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority to match the slab of the existing workshop. 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.

9. G04 (Landscaping scheme (general)).

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

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

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

11. G07 (Details of earth works).

Reason: (Special Reason)

12. G09 (Retention of trees/hedgerows).

Reason: To safeguard the amenity of the area.

13. G28 (Monitoring of landscaping).

Informative:

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

127. DCCW2005/3988/F - 1 BREINTON LEE, HEREFORD, HR1 0SZ [AGENDA ITEM 8]

Retrospective application for wrought iron gates.

The Senior Planning Officer reported the receipt of further letters of objection from Mr. Richards and from Mr. and Mrs. Wakeley. He also reported the receipt of correspondence from the applicant in response to the matters raised in the letters of objection. At the request of the Local Ward Member, the Senior Planning Officer read out the representation from Breinton Parish Council.

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

In response to comments made during public speaking, the Assistant Solicitor (Property and Planning) clarified that land ownership was a civil matter and not a material planning consideration.

Councillor R.I. Matthews, the Local Ward Member, noted the concerns of local residents and felt that the applicant should be obliged to reduce the noise associated with the automated gates. He felt it regrettable that this was another retrospective application.

In response to a question about the need for the gates, the Development Control Manager noted that the gates defined the transition between the public highway and the private driveway. The Senior Planning Officer advised that the Traffic Manager had no objections in principle but would have suggested that the gates be installed one metre further down the private driveway if the application had not been retrospective. The Senior Planning Officer noted that such a shift in position would actually result in the gates being brought closer to the principal objector's property and, therefore, this was not recommended to the Sub-Committee.

A number of Members commented on the retrospective nature of the application. The Development Control Manager commented that permitted development rights would allow for a slightly smaller gate to be erected. Therefore, it could be difficult to defend a refusal of planning permission on appeal. The Development Control

Manager said that a letter would be sent to the applicant to highlight the concerns.

RESOLVED:

That retrospective planning permission be granted.

128. DCCW2005/3971/F - 37 HOLMER ROAD, HEREFORD, HR4 9RX [AGENDA ITEM 9]

Demolition of existing dwelling and replacement with 6 no. apartments.

This item was withdrawn before the start of the meeting.

129. DCCW2005/3897/F - 18-20 MEADOW DRIVE, CREDENHILL, HEREFORD, HR4 7EF [AGENDA ITEM 10]

Replacement refrigeration unit.

The Senior Planning Officer reported that no comments had been received from the Environmental Health and Trading Standards Manager.

Councillor R.I. Matthews, the Local Ward Member, expressed surprise that Environmental Health had not responded given the numerous complaints that had been made. He noted the importance of ensuring that the acoustic enclosures mitigated noise and vibration from the unit.

RESOLVED:

That subject to no objection being raised by the Environmental Health and Trading Standards Manager, planning permission be granted subject to the following condition:

- 1. Within two months of the date of this permission, the air conditioning/refrigeration units hereby permitted shall be enclosed within acoustic enclosures in accordance with a scheme to be submitted to and approved in writing by the local planning authority, and the approved acoustic enclosure shall thereafter be retained for as long as the air-conditioning/refrigeration units remain in situ.**

Reason: To safeguard the amenity of the area.

Informative:

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

130. DATE OF NEXT MEETING

It was noted that the next scheduled meeting was 8th February, 2006.

The meeting ended at 3.55 p.m.

CHAIRMAN