

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 4th July, 2007 at 2.00 p.m.

Present: Councillor JE Pemberton (Chairman)

Councillors: PA Andrews, WU Attfield, DJ Benjamin, ACR Chappell, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, RI Matthews, AT Oliver, SJ Robertson, AM Toon, WJ Walling, DB Wilcox and JD Woodward

In attendance: Councillors TW Hunt (ex-officio) and RV Stockton (ex-officio)

17. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors AJM Blackshaw, SPA Daniels, MD Lloyd-Hayes, GA Powell, AP Taylor and NL Vaughan.

18. DECLARATIONS OF INTEREST

Councillor	Item	Interest
DW Greenow and WJ Walling	Minute 22, Agenda Item 6 [A] DCCE2007/0642/F and [B] DCCE2007/0647/L Land Adjacent to the Science Block, The Hereford Cathedral School, The Old Deanery, The Cathedral Close, Hereford, HR1 2NG	Both Members declared personal interests.
AM Toon	Minute 24, Agenda Item 8 DCCW2007/0960/F Garage Site to Rear of 48-50 Highmore Street, Westfields, Hereford, Herefordshire, HR4 9PQ	Declared a personal interest.
SJR Robertson	Minute 27, Agenda Item 11 DCCW2007/1382/F Land adjacent to Stoney Croft, Marden, Hereford, Herefordshire, HR1 3DX	Declared a prejudicial interest and left the meeting for the duration of the item.

19. MINUTES

The minutes of the meeting held on 6th June, 2007 were received. It was noted that, under Declarations of Interest, the entry relating to Councillor MD Lloyd-Hayes should relate to planning application DCCE2007/1209/F [10 Ledbury Road, Hereford] and not DCCE2007/0163/F [17 Walney Lane, Hereford].

RESOLVED: That, subject to the above amendment, the minutes of the meeting held on 6th June, 2007 be approved as a correct record and signed by the Chairman.

20. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report about the Council's current position in respect of planning appeals for the central area.

RESOLVED: That the report be noted.

(Note: At the meeting, Agenda Item 11, Minute 27 [DCCW2007/1382/F – Land Adjacent to Stoney Croft, Marden, Hereford, Herefordshire, HR1 3DX] was considered first but the original agenda order has been retained in the minutes for ease of reference.)

21. DCCE2007/1209/F - 10 LEDBURY ROAD, HEREFORD, HEREFORDSHIRE, HR1 2SY [AGENDA ITEM 5]

Residential development together with alterations to 10 Ledbury Road to provide 8 residential units.

It was reported that:

- Further plans had been submitted by the applicant which omitted the 2 single storey units proposed at the rear of the site.
- In light of the late submission of the revised plans, it had not been possible to carry out any form of consultation with local residents and as such it was considered appropriate to defer consideration of the revised application until this had been undertaken.

The Chairman commented that the revised plans had only been received earlier in the day and felt that the item should be deferred. Councillor WJ Walling, a Local Ward Member, concurred with this view.

RESOLVED:

That, due to the late submission of revised plans, consideration of planning application DCCE2007/1209/F be deferred for further consultation.

22. [A] DCCE2007/0642/F AND [B] DCCE2007/0647/L - LAND ADJACENT TO THE SCIENCE BLOCK, THE HEREFORD CATHEDRAL SCHOOL, THE CATHEDRAL CLOSE, HEREFORD, HR1 2NG [AGENDA ITEM 6]

New sports hall and alterations to existing science block.

The Central Team Leader reported that, as a result of negotiations, there were no outstanding objections to the application and he outlined the key elements of the proposal.

The Chairman commented on the value of the site inspection that had been undertaken and noted that the report had been updated with the comments of English Heritage and Hereford City Council in respect of the revised proposals that had been incorporated.

Councillor MAF Hubbard, the Local Ward Member, acknowledged the need for enhanced sports facilities for the school and felt that the proposal was very innovative. He emphasised the importance of the conditions in respect of nature conservation and bio-diversity. He expressed some concerns about the scale of the building and potential visual impact, particularly on East Street. In response, the Central Team Leader highlighted the street scene considerations and advised that,

although there would be an impact, it was considered that the final scheme effectively addressed the sensitive issues associated with this site.

A number of members commented on the interesting architectural approach that the Cathedral School had taken in respect of other buildings in the locality and supported this proposal.

RESOLVED:

That officers named in the Scheme of Delegation to Officers to be authorised to refer the application to the Secretary of State and approve the applications with such conditions as officers consider appropriate.

Suggested 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. **D01 (Site investigation – archaeology).**

Reason: To ensure the archaeological interest of the site is recorded.

4. **D04 (Submission for foundation design).**

Reason: The development affects a site on which archaeologically significant remains survive. A design solution is sought to minimise archaeological disturbance through a sympathetic foundation design.

5. **Prior to the commencement of development, the first fire escape exit onto East Street shall be revised and recessed in accordance with details to be submitted to, and approved in writing by, the local planning authority. Development shall then be completed in accordance with the approved details.**

Reason: In the interests of pedestrian safety.

6. **The proposals set out in the Mitigation and Compensation section of the ecologist's report shall be followed as detailed. Results of protected species surveys shall be submitted to, and approved by, Herefordshire Council prior to the commencement of development, including appropriate mitigation and enhancement measures. Development shall then proceed in accordance with the approved details.**

Reason: In the interests of nature conservation.

7. **Details of construction, siting and erection of nest boxes for nesting birds shall be submitted to, and approved in writing by, Herefordshire Council in accordance with the proposed recommendations to provide nearby alternative nest sites. This will include a scheme of work to ensure that the birds are not disturbed during nesting from March to September. Development shall then proceed in accordance with the approved details.**

Reason: In the interests of nature conservation.

- 8. A habitat enhancement scheme based upon the recommendation of the Mitigation and Compensation section of the ecologist's report shall be specified in a method statement for submission to, and approval by, Herefordshire Council prior to the commencement of development. Development shall then proceed in accordance with the approved details.**

Reason: In the interests of nature conservation.

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

Reason: To protect the amenity of local residents.

- 10. F32 (Details of floodlighting/external lighting).**

Reason: To safeguard local amenities.

- 11. 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.

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

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

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

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

Informatives:

- 1. N01 – Access for all.**
- 2. N03 – Adjoining property rights.**
- 3. N06 – Listed Building Consent.**
- 4. ND2 – Area of Archaeological Importance.**
- 5. N11A – Wildlife and Countryside Act 1981 (as amended) – Birds.**
- 6. N11B – Wildlife and Countryside Act 1981 (as amended) and Conservation (Nat. Habitats and C) Regs 1994 – Bats.**
- 7. All ecological mitigation work should be overseen by a relevantly qualified and experienced ecological clerk of works (or consultant engaged in that capacity).**
- 8. N15 – Reasons for the Grant of PP/LBC/CAC.**
- 9. N19 – Avoidance of doubt.**

DCCE2007/0647/L:

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. C02 (Approval of details).

Reason: To safeguard the character and appearance of this location of special architectural or historical interest.

3. C11 (Specification of guttering and down pipes).

Reason: To safeguard the character and appearance of this location of special architectural or historical interest.

4. C17 (Samples of roofing materials).

Reason: To safeguard the character and appearance of this location of special architectural or historical interest.

Informatives:

1. Access for all.

2. NC1 – Alterations to submitted/approved plans.

3. N15 – Removal for the grant of PP/LBC/CAC.

4. N19 – Avoidance of doubt.

23. **DCCW2007/1165/F - 17-19 BAGGALLAY STREET, HEREFORD, HEREFORDSHIRE, HR4 0DZ [AGENDA ITEM 7]**

Proposed two storey extension to rear of residential home for the elderly to provide 4 no. single bedrooms.

The Senior Planning Officer, responding to questions asked at the site visit, clarified that the proposal would only provide one additional bedroom in real terms as the main purpose of the extension was to move residents out of twin rooms and into single rooms.

Councillor PA Andrews noted that residential homes had to provide single room accommodation and she did not feel that there were any material planning reasons to warrant refusal of the application, particularly given the recent revisions to the design of the elevation fronting Gruneison Street. Councillor Andrews endorsed the comment at paragraph 6.6 of report about the need 'for an appropriate informative to advise the applicant that the capacity of the site has been reached' and asked that this informative be firmed up if possible. In response, the Development Control Manager advised that the authority could not pre-determine any future applications but said that officers would inform the applicants of members' concerns. Councillor Andrews commented on the need to maintain sufficient amenity space for the residents.

Councillor AM Toon, also a Local Ward Member, commented that the future redevelopment of the former Whitecross School site could result in further parking and access issues in the locality.

Councillor DW Greenow expressed concern about the loss of amenity space for residents of the application site and emphasised the need for suitable facilities for the elderly. Councillor Andrews commented on the current standards that such accommodation had to comply with.

Councillor AT Oliver felt that the property had already reached capacity and felt that the amenity space for residents should be preserved. He proposed that the application be refused but this was not seconded. The resolution below was then approved.

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 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 delivery taken at or despatched from the site outside the following times: Monday - Friday 7.00 am - 6.00 pm, Saturday 8.00 am - 1.00 pm nor at any time on Sundays, Bank or Public Holidays.**

Reason: To safeguard residential amenity.

Informatives:

1. **N01 - Access for all.**

2. **N03 - Adjoining property rights.**

3. **N14 - Party Wall Act 1996.**

4. **HN05 - Works within the highway.**

5. **All machinery and plant shall be operated and maintained in accordance with BS5228: 1997 'Noise Control of Construction and Open Sites'.**

6. **N19 - Avoidance of doubt.**

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

24. **DCCW2007/0960/F - GARAGE SITE TO REAR OF 48-50 HIGHMORE STREET, WESTFIELDS, HEREFORD, HEREFORDSHIRE, HR4 9PQ [AGENDA ITEM 8]**

4 no. two bedroom semi detached starter homes with parking. Demolish existing garaging.

The Senior Planning Officer, responding to questions asked at the site visit, clarified that the existing vehicular access was approximately 5 metres.

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

Councillor PA Andrews, a Local Ward Member, commented on other backland development in the area, that the application site was in a state of disarray and supported the recommendation of approval. Councillor AM Toon, also a Local Ward Member, noted the need for such accommodation and felt that the proposal represented an appropriate form of development given the constraints of the site.

In response to a question from Councillor PJ Edwards, the Development Control Manager advised that the development was not of a size that would require affordable housing provision. He added that the size and type of accommodation would suggest that the units would be available at the lower end of current open market prices for the area.

A number of members felt that the design and layout was acceptable in this location, having regard to the mixed character of other properties in the locality.

In response to a question from Councillor AT Oliver, the Senior Planning Officer noted concerns about water pressure difficulties in the area but advised that Welsh Water had no objection to the development subject to the imposition of standard conditions.

In response to a question from Councillor JD Woodward, the Development Control Manager outlined the policy considerations in relation to backland development and how the policies on the use of urban land had changed in recent years.

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 materials).**

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

4. **E17 (No windows in side elevation of extension).**

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

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

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

6. G01 (Details of boundary treatments).

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

7. 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.

8. H05 (Access gates).

Reason: In the interests of highway safety.

9. F17 (Scheme of foul drainage disposal).

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

10. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken or despatched from the site outside the following times: Monday - Friday 7.00 am - 6.00 pm, Saturday 8.00 am - 1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard residential amenity.

Informatives:

1. N01 - Access for all.

2. N03 - Adjoining property rights.

3. N14 - Party Wall Act 1996.

4. HN05 - Works within the highway.

5. All machinery and plant shall be operated and maintained in accordance with BS5228: 1997 'Noise Control of Construction and Open Sites'.

6. N19 – Avoidance of doubt.

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

25. DCCE2007/0951/F - SWISS COTTAGE, WHITESTONE, HEREFORD, HEREFORDSHIRE, HR1 3SE [AGENDA ITEM 9]

Replacement dwelling and continued temporary use of existing outbuilding as full residential accommodation. (Alternative siting of approved dwelling under CE2002/1868/F).

The Principal Planning Officer reported that:

- The applicant had submitted a revised plan moving the dwelling closer but still some 80 metres from the established residential curtilage of the approved replacement dwelling and as such it was still considered to be contrary to policy.
- The suggested revision would require the submission of a fresh application and

as such it was considered that the Sub-Committee should determine the application in its original form. Any revised application could be brought back for Sub-Committee consideration in due course.

- The applicant had submitted in writing the comments he had made at the last meeting, in accordance with the Council's public speaking procedure, and the main points were read out.

Councillor DW Greenow, the Local Ward Member, made the following points: despite recent heavy rain, he had not witnessed any significant flooding problems; Network Rail had no objections; the Traffic Manager had no objections; Withington Parish Council sympathised with the applicant's situation; he noted that wording used in an auction advertisement was to promote the property; he felt that the proposed design was impressive; and he felt that the particular circumstances prompting this proposal should be taken into account. In view of these matters, he felt that planning permission should be granted.

Councillor DB Wilcox noted that the application site fell within open countryside and, therefore, there was a presumption against any new residential development. He drew attention to paragraphs 6.1, 6.2 and 6.4 of the report and, given the crucial policy issues, he supported the officer recommendation of refusal. A number of members supported this view.

Councillor RI Matthews commented on the proximity of other residential dwellings in the area and felt that there were material planning reasons to support this particular application.

Councillor Wilcox noted that it was not considered that the proposal satisfied the exception criteria and that the application was for a permanent, not temporary, building.

Councillor PJ Edwards asked what discussions there had been about potential relocation of the dwelling. In response, the Development Control Manager advised that the revised plan would bring the development closer to the existing dwelling but it was still contrary to Development Plan policies.

RESOLVED:

That planning permission be refused for the following reasons:

- 1. The proposed site for the dwelling is not on the same site as the existing dwelling (now demolished) and therefore, the development is contrary to Policy H7 of the Herefordshire Unitary Development Plan 2007.**
- 2. The site occupies an exposed location within the open countryside and the proposed development would detract from the landscape character of the area. As such the development is contrary to Policies S1, S2, S7, DR1 and LA2 of the Herefordshire Unitary Development Plan 2007.**

26. DCCE2007/1060/F - STABLEBLOCK ADJACENT TO SILVERDALE, 8 BODENHAM ROAD, HEREFORD, HR1 2TS [AGENDA ITEM 10]

Conversion of existing building to form dwelling house.

The Principal Planning Officer reported that:

- The applicant had confirmed by submission of title deeds that they enjoyed an

unrestricted right of access to the application site and furthermore that they were the legal owners of the whole of the site outlined in red on the site plan that accompanied the application.

In accordance with the criteria for public speaking, Mrs. Wilson spoke in objection to the application.

Councillor DB Wilcox, a Local Ward Member, asked for clarification about matters relating to loss of privacy, the reasons for refusal of a previous application, and access and turning arrangements. In response, the Principal Planning Officer advised that: there were no direct window to window relationships and it was not considered that the additional impact of the development would be unacceptable; that the refused application in 1994 was effectively for the part demolition of the existing building and construction of a full first floor tantamount to an entirely new building; and the Traffic Manager considered that the off street parking and vehicle manoeuvring and turning area were adequate.

In response to a question from Councillor GFM Dawe, the Central Team Leader advised that Conservation Area status did not place an embargo on development but it did require stricter tests for develop in such areas.

Councillor PJ Edwards supported the recommendation of approval and noted that it was considered that the development would preserve and enhance the character and appearance of the Conservation Area. This view was supported by a number of members.

In response to a question from Councillor WJ Walling, the Central Team Leader clarified the street numbering practice in the locality.

RESOLVED:

Subject to clarification regarding the ownership of part of the application site, 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. **B01 (Samples of external materials).**

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

3. **E16 (Removal of permitted development rights).**

Reason: To enable the local planning authority to give further consideration to the acceptability of any extensions or alterations in the interests of visual and residential amenity.

4. **H10 (Parking - single house).**

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

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

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

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

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

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

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

8. **E09 (No conversion of garage to habitable accommodation).**

Reason: To ensure adequate off street parking arrangements remain available at all times.

Informatives:

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

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

27. DCCW2007/1382/F - LAND ADJACENT TO STONEY CROFT, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3DX [AGENDA ITEM 11]

Proposed dwelling.

In accordance with the criteria for public speaking, Mr. Fraser spoke on behalf of Marden Parish Council and Dr. Poole spoke in objection to the application.

Councillor KS Guthrie, the Local Ward Member, noted that an outline planning permission had been granted on this site (planning application DCCW2006/1071/O refers) and, as the site was within the settlement boundary for Marden, the principle of residential development was accepted. Councillor Guthrie noted that the main concerns of local residents related to access, potential over development, and drainage issues.

In response to questions, the Principal Planning Officer advised that the access details included improved visibility splays and that the Traffic Manager had no objections subject to conditions. He added that, in the interests of highway safety, the recommended conditions could be amended to ensure that the improved access was constructed prior to the commencement of other building works. He also advised that Welsh Water had no objections to the drainage arrangements subject to conditions.

Councillor AM Toon noted that Welsh Water had been consulted but, given problems with electricity supplies, suggested that comments should also be sought from other utility companies on future applications.

Councillor PJ Edwards noted that the site was within the settlement boundary but, given the comments of the public speakers, asked for reassurance that the development would not result in an unacceptable impact on the character and appearance of the area. The Principal Planning Officer commented on the mixed

character of dwellings in Marden and that it was considered that the design of the new development would complement the street scene.

Councillor MAF Hubbard drew attention to the spacing between other properties in the locality and felt that the proposal represented an acceptable form of development in this context. Other members supported this view.

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. **E16 (Removal of permitted development rights).**

Reason: In order to maintain control over any extensions or alterations to the property which would detract from the amenities of the site and neighbouring properties and to secure compliance with Policy H13 of the Herefordshire Unitary Development Plan 2007.

4. **E17 (No windows in side elevation of extension).**

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

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

Reason: To protect the amenity of local residents.

6. **F18 (Scheme of foul drainage disposal).**

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

7. **F22 (No surface water to public sewer).**

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

8. **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.

9. **None of the existing trees or hedgerows on the site forming the southern and eastern boundary of the application site shall be removed, destroyed, felled, lopped or pruned without the prior consent in writing of the local planning authority.**

Reason: To safeguard the amenity of the area.

10. Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site as shown on the 1:500 scale block plan submitted with the application. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

11. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

12. The development hereby permitted shall not be commenced until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

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

13. H27 (Parking for site operatives).

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

14. H12 (Parking and turning - single house).

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

Informatives:

1. HN05 - Works within the highway.
2. HN10 - No drainage to discharge to highway.
3. N19 - Avoidance of doubt.
4. N15 - Reason(s) for the Grant of PP/LBC/CAC.

28. DATE OF NEXT MEETING

Wednesday 1st August, 2007 at 2.00 p.m.

The meeting ended at 3.57 p.m.

CHAIRMAN