

**MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 29th August, 2007 at 2.00 p.m.**

**Present:** Councillor JE Pemberton (Chairman)

**Councillors:** WU Attfield, DJ Benjamin, SPA Daniels, H Davies, GFM Dawe, PJ Edwards, DW Greenow, MAF Hubbard, MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, AP Taylor, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward

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

**John Guthrie**

The Chairman paid tribute to John Guthrie, a former Councillor for the Sutton Walls Ward and Member of the Sub-Committee, who had sadly passed away recently. All those present observed a minute's silence in remembrance of Mr. Guthrie's good work and contribution made to Herefordshire Council.

**40. APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors PA Andrews, AJM Blackshaw, ACR Chappell, KS Guthrie, GA Powell and AM Toon.

**41. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

Councillor	Item	Interest
SJR Robertson	Minute 45, Agenda Item 6 DCCW2007/1234/F <b>4 Hazel Grove, Hereford, Herefordshire, HR2 7JX</b>	Declared a prejudicial interest and left the meeting for the duration of the item.
MD Lloyd-Hayes	Minute 47, Agenda Item 8 DCCE2007/2022/F <b>101-107 St. Owen Street, Hereford, Herefordshire, HR1 2JW</b>	Declared a personal interest.
SJR Robertson	Minute 48, Agenda Item 9 DCCE2007/1230/O <b>Rear of 40/42 Newtown Road, Hereford, Herefordshire, HR4 9LL</b>	Declared a prejudicial interest and left the meeting for the duration of the item.
JD Woodward	Minute 53, Agenda Item 14 DCCW2007/1974/F <b>32 Broomy Hill, Hereford, Herefordshire, HR4 0LH</b>	Declared a personal interest.

**42. MINUTES**

The minutes of the last meeting were received.

Councillor AT Oliver, referring to minute 33 [DCCE2007/1209/F - 10 Ledbury Road, Hereford, HR1 2SY], felt that the minutes did not reflect fully the issues that Councillor JD Woodward and himself had raised at the meeting. The Legal Practice Manager advised that the minutes were not a verbatim record but sought to reflect the general feeling at the meeting and how the resolution was reached.

**RESOLVED: That the minutes of the meeting held on 1st August, 2007 be approved as a correct record and signed by the Chairman.**

**43. ITEM FOR INFORMATION - APPEALS**

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

**RESOLVED: That the report be noted.**

**44. DCCE2007/1930/F - FROME COURT [FORMER BARTESTREE CONVENT], BARTESTREE, HEREFORD, HEREFORDSHIRE, HR1 4BF [AGENDA ITEM 5]**

*Erection of a terrace of 4 cottages. Amendment to parking areas. (Revised scheme).*

The Principal Planning Officer reported that:

- Discussions had taken place with the applicant with a view to securing a financial contribution towards the future maintenance of the burial grounds on the site and/or a condition securing a landscape management plan to enhance the burial grounds. The applicants had confirmed that they owned the burial grounds on either side of the application site. The burial ground to the south would be landscaped in accordance with a scheme that had been agreed with the Sisters of the former convent and the founder of the Hospice and would be controlled by a Management Committee of residents. The site to the north had just been acquired and the applicants were happy to have a condition attached to any permission to require landscaping/future maintenance of this site.
- If Members were minded to grant planning permission subject to the future maintenance of the burial grounds, officers recommended that a further condition be attached to any permission requiring details of the landscaping and future maintenance of these areas to be approved.

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

Councillor DW Greenow, the Local Ward Member, drew attention to the planning history and sensitive context of the site. He felt that the area had reached the maximum limits of development potential and that any further buildings would represent an over intensive development of the site and would restrict views of the Listed Buildings. He felt that parking provision should not be reduced given the relatively low level of existing parking and drew attention to the comment of the Traffic Manager that '...some concern is expressed at the absence of a turning area for a refuse lorry...'. He also drew attention to the concerns of local residents about foul drainage arrangements. Given these considerations, he proposed that planning permission should be refused.

The Principal Planning Officer advised that: the scale of the new build was designed to be subservient to the existing buildings; given the scale of the Listed Buildings, views from public vantage points were unlikely to be obscured; the scheme was in accordance with planning policy and it was not considered that a refusal reason based on lack of parking provision could be sustained given that this issue was not a reason for refusal on the previous application; and the failures in a pumping mechanism of the unadopted foul sewage holding tank was an independent matter, separate to this application. The Central Team Leader added that recommended condition 9 would ensure that satisfactory drainage arrangements for the development would be provided. He also advised that the Convent and surrounding area was within a sub area of the Bartestree settlement boundary and that the principle of new residential development was accepted.

In response to a question from Councillor DB Wilcox, the Legal Practice Manager explained the public speaking procedure. It was noted that the Constitution provided the general framework that permitted the public to speak at meetings of Planning Committees, subject to certain criteria, but it did not define precisely the methodology to be used. Therefore, the Planning Chairman's Group, a working group of Councillors and officers, had sought to clarify the order of proceedings and in their recent newsletter confirmed they considered that those members of the public who had registered to speak upon an agenda item, should speak before any debate on a particular application, so that all relevant information had been provided to Members. A parish council representative and an objector had been invited to speak at the last meeting. The item was subsequently deferred for a site visit. However, the applicant's agent was not present at the last meeting but had registered to speak at the current meeting and had been permitted to speak as the 'supporter' slot had not been exhausted at the last meeting. Councillor Wilcox commented on the need for balanced opportunities for public speakers to address the Sub-Committee.

Councillor Wilcox commented on the number of additional dwellings that had been approved in recent years and asked whether the site could be considered as one complete development for affordable housing purposes. The Central Team Leader advised that no affordable housing had been secured as part of the original planning permission for the conversion of the Convent and construction of new buildings and that the subsequent planning applications had been for smaller individual developments which did not trigger the affordable housing requirements. Therefore, there was no policy basis to secure affordable housing in respect of this proposal.

A number of Members concurred with the Local Ward Member's views and commented on the need to protect and restore the adjacent burial grounds.

Councillor PJ Edwards commented that the recent developments complemented the Listed Buildings but felt that this proposal would result in the urbanisation of the street scene and would have a detrimental impact on the character and appearance of the area.

The Central Team Leader noted that Members did not consider the reasons for refusal in respect of a previous planning application had been overcome [DCCE2006/1978/F refers] but advised that a new technical reason for refusal based on concerns about drainage issues was unlikely to be sustained on appeal. Councillor Greenow withdrew drainage issues from the motion of refusal.

In response to a question from Councillor MAF Hubbard, the Development Control Manager advised that the Herefordshire Unitary Development Plan 2007 [hereafter

‘UDP’] provided a better policy basis for future developments and officers were acutely aware of the need to secure affordable housing and recognised the concerns about incremental development as a means of avoiding affordable housing thresholds.

In response to questions, the Central Team Leader briefly explained the differences between this application and that previously refused and outlined the options available to the authority to ensure the protection of the burial grounds.

**RESOLVED: That**

**(i) The Central Area Planning Sub-Committee is minded to refuse the application subject to the reason for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the applications to the Planning Committee:**

- 1. The proposed development would, by reason of its siting and scale, result in the loss of an additional element of open space and the cumulative effect of further development would add to the sense of enclosure of the site. This would adversely impact upon the visual amenities of the locality and detract from the setting of Bartestree Convert, a Listed Building, contrary to Policies S2, S7 and HBA4 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and the guiding principles set out in PPG 15: Planning and the Historic Environment.**

**(ii) If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.**

[*Note:*

*Following the vote on this application, the Development Control Manager advised that, although the resolution was contrary to the officers’ recommendation, he was not minded to refer the matter to the Head of Planning Services in this instance given the reasons put forward by the Sub-Committee.]*

**45. DCCW2007/1234/F - 4 HAZEL GROVE, HEREFORD, HEREFORDSHIRE, HR2 7JX [AGENDA ITEM 6]**

*Proposed extension after demolition of garage.*

Councillor WU Attfield, a Local Ward Member, acknowledged the concerns of local residents but noted that there was already planning permission for a single storey extension and that conditions were proposed to mitigate impact on adjoining properties. Councillor Attfield commented on the parking and traffic problems in the area but noted that the provision of two off street parking spaces was considered reasonable.

Councillor AT Oliver, also a Local Ward Member, did not feel that the development would be overbearing or result in a significant loss of light for adjoining properties and, therefore, supported the application.

Councillor DW Greenow urged the applicant to be mindful of his neighbours during

construction works.

**RESOLVED:**

**That planning permission be granted subject to the following conditions:**

**1. A01 (Time limit for commencement (full permission)).**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2. B02 (Matching external materials (extension)).**

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

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

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

**4. H12 (Parking and turning – single house) (2 cars).**

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

**Informatives:**

**1. N03 - Adjoining property rights.**

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

**3. N19 - Avoidance of doubt.**

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

**46. DCCE2007/1825/F - LAND OFF WITHIES ROAD, WITHINGTON, HEREFORD, HR1 3PX [AGENDA ITEM 7]**

*Erection of 19 dwellings and associated parking, roadworks, services and drainage.*

The Principal Planning Officer reported that:

- Four further letters of objection had been received in response to the amended plans. Largely re-iterating comments already made. In addition, also stating 19 dwellings still represented an over cramming of the site, with 15 being more appropriate, and the cumulative impact along side other developments was unacceptable. Also, that the re-consultation on the amended plans was incomplete and that West Mercia Constabulary should be consulted on the application with regard to traffic impact and pedestrian safety.
- A further response had been received from Withington Parish Council stating that, although they originally accepted the amended plans, in light of strong local concerns, they now considered the number of units should be reduced from 19 to a more realistic figure.
- Comments had also been received from E.on (Central Networks) who raise no objection to the application.

The Principal Planning Officer commented that:

- The amended plans clearly illustrated the impact and appearance of the development and the traffic impact of the development had been assessed by the Traffic Manager, including an assessment of the capacity of the local network to accommodate further traffic associated with the development.
- The density of the development was almost identical to the other recent development opposite the site and only just above the minimum density threshold set by policy H15 of the UDP. The density was entirely in keeping with the character of the area and a further reduction in the number of units would be contrary to the requirement to make the most efficient use of housing land in sustainable locations.
- A change to Part 7 of the draft Section 106 Head of Terms was recommended so that it read 'The developer shall provide pre and post construction compliance certificate to Herefordshire Council confirming that development has been designed and constructed to level ~~four~~ *three*'.

Councillor DW Greenow, the Local Ward Member, noted that the UDP, and land sale particulars, indicated 15 units on this site and he felt that any additional units would result in over development of the site. He welcomed the re-orientation of the units facing the road but maintained the view that the proposed density of development was too high. He commented on concerns regarding water and electricity supplies and traffic speeds along Withies Road, despite the 30mph speed restriction. He noted that the Parish Council had changed its initial view on the proposals in response to local opposition. Given these considerations, he felt that the application should be refused.

Councillor MD Lloyd-Hayes felt that the proposal was acceptable having regard to the location of the site in a main village and welcomed the 7 affordable units.

The Principal Planning Officer advised that: Welsh Water had no objections to 20 units, subject to conditions which would be incorporated into the scheme; the UDP indicated 15 units but this was not informed by detailed layout plans and planning policies emphasised the need to make the most efficient use of land; an adjacent development on a former supermarket site was developed at a density of 32 units per hectare and this proposal, equating to 33.9 units per hectare, was not considered to be out of character with the area.

Councillor SJR Robertson felt that the developer had gone some way to address the concerns of the Sub-Committee and welcomed the affordable housing and planning contributions. Other Members supported this view.

Councillor RI Matthews did not feel that the amended plans went far enough and felt that 19 units would appear cluttered on this site, particularly as it backed onto open fields unlike other recent development. He noted the importance of affordable housing but emphasised the need for adequate infrastructure to support housing development in rural areas.

Councillor AT Oliver felt that the construction compliance certificate should be at level four and not three to ensure that a high standard of energy efficiency measures was set.

Councillor PJ Edwards noted that the site was very much on the edge of the village and asked for clarification about the ecological considerations. In response, the Principal Planning Officer advised that the existing hedgerows, with the exception of the roadside hedge, were to be retained and reinforced. There would be new

landscaping introduced and the developer would be required to make contributions towards ecological planting to compensate for the loss of biodiversity and towards new or enhanced open space, play, sport and recreation facilities. He added that the Parks and Countryside Manager considered it more worthwhile to provide appropriate facilities for the use of the village as a whole rather than a small play area to serve only this development.

Councillor Greenow felt that there were risks associated with a central play area, not least the need for children to cross a busy road, and felt that a reduction in the numbers of proposed houses would not only overcome the concerns about density but would also provide additional amenity space on the site.

#### **RESOLVED:**

- 1) **The Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional matters and terms he considers appropriate.**
- 2) **Upon completion of the aforementioned planning obligation 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:**
- 3) **That the officers named in the Scheme of Delegation to Officers be authorised to amend the terms of the conditions as necessary to reflect the terms of the planning obligation.**

#### **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. **E05 (Restriction on delivery and construction hours).**

**Reason: In order to protect the amenity of occupiers of nearby properties.**

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

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

5. **E17 (No windows in side elevation of certain properties).**

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

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

**Reason: To safeguard the appearance of the development and to enable the local planning authority to give consideration of the acceptability of**

any future alterations or extensions.

7. W01 (Foul/surface water drainage).

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

8. 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.

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

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

10. F48 (Details of slab levels).

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

11. G02 (Landscaping scheme (housing development)).

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

12. G03 (Landscaping scheme (housing development) – implementation).

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

13. G06 (Scope of landscaping scheme).

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

14. G09 (Retention of trees/hedgerows).

Reason: To safeguard the amenity of the area.

15. G13 (Landscape design proposals).

Reason: In the interests of visual amenity.

16. H09 (Driveway gradient).

Reason: In the interests of highway safety.

17. 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.

18. H17 (Junction improvement/off site works).



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

- 19. H18 (On site roads - submission of details).**

**Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.**

- 20. H19 (On site roads – phasing).**

**Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.**

- 21. H21 (Wheel washing).**

**Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.**

- 22. H27 (Parking for site operatives).**

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

- 23. H29 (Secure covered cycle parking provision).**

**Reason: To ensure that there is adequate provision for secure covered cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.**

- 24. Prior to the commencement of the development, the Owner shall provide the Council with a Waste Management Strategy relating to construction waste and the recycling of spoil and other materials excavated from the site and generated by the development. The development shall be completed in accordance with the agreed strategy.**

**Reason: To minimise the impact of any waste generated by the development and ensure any waste that is generated is appropriately managed.**

**Informatives:**

- 1. HN01 - Mud on highway.**
- 2. HN05 - Works within the highway.**
- 3. HN08 - Section 38 Agreement details.**
- 4. HN10 - No drainage to discharge to highway.**
- 5. N02 - Section 106 Obligation.**
- 6. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 7. N19 - Avoidance of doubt.**

**47. DCCE2007/2022/F - 101-107 ST. OWEN STREET, HEREFORD, HEREFORDSHIRE, HR1 2JW [AGENDA ITEM 8]**

*Demolition of existing car showroom premises and erection of 12 one bedroom and 9 two bedroom residential apartments.*

The Principal Planning Officer reported that:

- Comments had been received from the Environmental Health Officer and, consequently, an additional condition was recommended to require a contamination survey of the site to be undertaken.
- Further comments had been received from Traffic Manager which clarified that the proposed development would generate less vehicle movements than the current permitted use for car sales and servicing.

Councillor MAF Hubbard, the Local Ward Member, expressed some concerns about the loss of employment land but supported the scheme as he felt that the design would enhance the street scene and welcomed the affordable housing element. He asked that the contribution of £25,300 'towards the cost of new or enhancement of existing open space, play, sport and recreation facilities' be earmarked to the nearest play areas. He noted that many people in the ward did not have access to a car and welcomed the proposed cycle parking provision.

In response to comments made by Councillor GFM Dawe about the potential health risks associated with former garage sites, the Principal Planning Officer advised that the contamination survey required by the Environmental Health Officer would involve a review of historic uses, site sampling and monitoring.

Councillor MD Lloyd-Hayes expressed a number of concerns, including: the level of density would be overbearing in the area and that there should be fewer units with only one bedroom; given the cumulative impact of numerous planning permissions granted in the vicinity of the site and along Ledbury Road, she felt that there were significant highway safety risks associated with this proposal; she disagreed that the predominant land use in the area was residential and commented that employment land should not be lost and the existing mixture of uses should be preserved; she felt that the traffic movements to and from the site would conflict with the safe operation of the Fire Station; the Section 106 Agreement was criticised for not being specific about where the contributions would be spent; she outlined the recent history of traffic accidents in the area and felt that this had not been given due weight. Given these considerations, Councillor Lloyd-Hayes felt that the application should be refused.

Councillor WJ Walling felt that the existing site was an eyesore and the proposed development would enhance the area, although he did feel that there should be more family orientated accommodation and that there should be further discussions with the Fire Service about the access arrangements.

Councillor DB Wilcox commented that there was a plethora of single occupancy dwellings being constructed and felt that units with additional bedrooms should be included in such schemes. He felt that the current proposal was too intensive and the loss of employment land would be regrettable. However, if planning permission was granted, he suggested an additional condition to include a covered parking provision for mobility scooters/vehicles; he added that such provision should be considered as part of future schemes in the City Centre.

Councillor AT Oliver opposed the application on the basis of the loss of employment

land and felt that a mixed business/residential development would be better suited to the site.

Councillor PJ Edwards commented that a mixed-use development would be preferable but, noting that Members had to consider the application before them, supported the application.

A number of Members noted the demand for affordable and centrally located accommodation, that the Traffic Manager considered that the proposed development would generate less vehicle movements than the existing use, that there did not appear to be any direct links between collisions in the area and this application site, and redevelopment for residential use was preferable to the site standing empty.

In response to concerns expressed about the density of the development, Councillor Hubbard commented on the need to make the most efficient use of previously developed land, particularly in the City Centre.

The Principal Planning Officer advised that a mixed-use scheme had been considered but local agents had confirmed that there was little or no demand for retail or office space in this area. He also advised that the Traffic Manager supported the proposed scheme, even if there was potentially an increase in vehicular movements but this was not anticipated given the permitted use as a car sales garage and servicing centre.

A motion to refuse the application was lost and the resolution below was then agreed.

**RESOLVED:**

- 1) **The Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional matters and terms that he considers appropriate.**
- 2) **On completion of the aforementioned planning obligation 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. **B02 (Matching external materials (extension)).**  
**Reason: To ensure the external materials harmonise with the existing building.**
  3. **D01 (Site investigation - archaeology).**  
**Reason: To ensure the archaeological interest of the site is recorded.**
  4. **E02 (Restriction on hours of working).**  
**Reason: In order to protect the amenity of occupiers of nearby properties.**

5. F01 (Scheme of noise attenuating measures).  
Reason: To safeguard the amenity of the area.
6. W01 (Foul/surface water drainage).  
Reason: To protect the integrity of the public sewerage system.
7. 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.
8. W03 (No drainage run-off to public system).  
Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.
9. Non Standard (Contamination condition).
10. E17 (No windows in side elevation).  
Reason: In order to protect the residential amenity of adjacent properties.
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. F39 (Scheme of refuse storage).  
Reason: In the interests of amenity.
13. 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.
14. H29 (Secure covered cycle parking provision).  
Reason: To ensure that there is adequate provision for secure covered cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.
15. G04 (Landscaping scheme (general)).  
Reason: In order to protect the visual amenities of the area.
16. G05 (Implementation of landscaping scheme (general)).  
Reason: In order to protect the visual amenities of the area.
17. G01 (Details of boundary treatments).

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

- 18. No development including demolition shall take place until a site Waste Management Plan has been implemented in accordance with details which have first been submitted to and approved in writing by the local planning authority.**

**Reason: In the interests of pollution prevention and waste minimisation and management.**

**Informatives:**

- 1. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 2. N19 - Avoidance of doubt.**

- 48. DCCE2007/1230/O - REAR OF 40/42 NEWTOWN ROAD, HEREFORD, HEREFORDSHIRE, HR4 9LL [AGENDA ITEM 9]**

*Erection of 3 dwellings.*

Councillor MAF Hubbard, the Local Ward Member, supported the recommendation of approval but was disappointed that no affordable housing could be incorporated into the scheme. He noted that the Section 106 Agreement was proposed to benefit the Herefordshire and Gloucestershire Canal Trust and suggested that the Draft Heads of Terms be amended so that the Trust was the first beneficiary, rather than Herefordshire Council, to ensure that the Trust received the contributions.

Councillor DB Wilcox supported the application but questioned why officers had not pursued a capital payment from the developer towards the canal. In response, the Development Control Manager advised that, unlike some recent developments in the area, the proposed development had no direct impact on the protected route of the canal and, therefore, it was not considered that a refusal of planning permission could not be sustained for this reason alone. However, a further condition was recommended preventing any alterations to the existing rear boundary wall abutting the canal route which would give the opportunity for a contribution to be negotiated in the future should the owner wish to provide direct access to the canal.

Some Members commented on the parking situation in Newtown Road and on the need for appropriate conditions to ensure safe access and egress.

In response to a question from Councillor WU Attfield, the Central Team Leader advised that Newtown Road had experienced some surface water flooding in recent months but it was understood that the floor levels would be above the highest recorded or estimated flood level for the area and there were no objections from the Environment Agency.

**RESOLVED:**

- 1) The Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 as set out in the Heads of Terms appended to this report and any additional matters and terms as he considers appropriate.**

- 2) Upon completion of the aforementioned planning obligation 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. 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.
  3. A03 (Time limit for commencement (outline permission)).  
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
  4. A04 (Approval of reserved matters).  
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
  5. A05 (Plans and particulars of reserved matters).  
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
  6. B01 (Samples of external materials).  
Reason: To ensure that the materials harmonise with the surroundings.
  7. C16 (Detailed scheme of demolition operations).  
Reason: To minimise the risk of damage to the existing building.
  8. E16 (Removal of permitted development rights).  
Reason: To enable the local planning authority to retain control over future development at the site including alterations to the boundary treatments in the interests of the visual and residential amenity to the locality.
  9. E17 (No windows in side elevation of extension).  
Reason: In order to protect the residential amenity of adjacent properties.
  10. E19 (Obscure glazing to windows).  
Reason: In order to protect the residential amenity of adjacent properties.
  11. F16 (Restriction of hours during construction).  
Reason: To protect the amenity of local residents.

12. W01 (Foul/surface water drainage).

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

13. 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.

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

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

15. H05 (Access gates).

Reason: In the interests of highway safety.

16. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

17. 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.

18. H27 (Parking for site operatives).

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

19. G01 (Details of boundary treatments).

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

**Informatives:**

1. HN01 - Mud on highway.

2. HN04 - Private apparatus within highway.

3. HN05 - Works within the highway.

4. HN10 - No drainage to discharge to highway.

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

6. N19 - Avoidance of doubt.

49. DCCE2007/2237/F - SWISS COTTAGE, WHITESTONE, HEREFORD, HEREFORDSHIRE, HR1 3SE [AGENDA ITEM 10]

*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:

- A letter of objection had been received from Mr. P. Foster of Sunnyside and the main points were outlined.
- A letter had been received from the applicant's agent stating that his clients were happy to provide a legal agreement rescinding their existing permission if this planning permission was approved.
- Comments had been received from the Environmental Health Officer stating that the noise levels at the proposed site were unlikely to be materially different to the approved site.
- Comments had been received from the Landscape Officer stating that the proposal would reduce the landscape quality of the area and recommended refusal of the application.

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

Councillor DW Greenow sympathised with the position of the applicant and, subject to appropriate landscaping and screening, felt that there would be minimal impact on the landscape character of the area. He commented on the apparent blight caused by allocation of land south of the railway line as a possible passenger railway station and park and ride area in the UDP. It was noted that no objections had been raised by the Traffic Manager, Lugwardine Parish Council or Withington Parish Council. Given these considerations, he felt that the application should be supported.

The Principal Planning Officer advised the Sub-Committee that, if Members were minded to approve the application for the replacement dwelling, consideration needed to be given to measures to ensure that the building currently occupied by the applicant was removed. It was reported that the applicant stated that the existing accommodation would be 'ancillary' to the new dwelling. However, the footprint of the existing accommodation was larger than the proposed new dwelling, contained all the normal facilities associated with an independent dwelling, and the distance between buildings seemingly contradicted the notion of ancillary use. Therefore, it was recommended that a Section 106 Agreement be required to ensure the demolition of the existing accommodation.

A number of Members supported the views of the Local Ward Member and, although disappointed about the distance from the approved location, felt that the replacement dwelling should be permitted. However, it was felt that the existing accommodation was too far away from the proposed replacement dwelling to be considered ancillary and should be removed. There was some discussion about how this could be progressed but it was felt that the exact wording regarding the removal of the existing accommodation should be delegated to officers, in consultation with the Chairman and the Local Ward Member, to ensure that the most secure method of compliance was taken.

Some Members noted that the application was contrary to a number of adopted policies and felt that it could set a precedent for similar developments in the open countryside.

The Development Control Manager advised that there was a presumption against



new residential development within open countryside but one exception was the replacement of an existing dwelling with established residential use rights. However, the policy required that the replacement dwelling should be on the same site as the existing building and this was not the case with the scheme before the Sub-Committee. Furthermore, it was considered that the development would detract from the landscape character of the area. He noted that, whilst some useful suggestions had been made about mitigating the policy objections through the removal of existing buildings and appropriate landscaping, an assessment had to be made as to whether the crucial policy considerations had been addressed.

**RESOLVED: That**

- (i) **The Central Area Planning Sub-Committee is minded to approve the application, subject to the condition listed below, (and to any further conditions felt to be necessary by the Head of Planning Services), provided that the Head of Planning Services does not refer the application to the Planning Committee:**
1. **A S106 Agreement or other appropriate mechanism to enable the rescinding of the extant permission for a replacement dwelling and the demolition of the existing annex accommodation.**
- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee the Officers named in the Scheme of Delegation to Officers be instructed to approve the application, subject to such conditions referred to above and any other conditions deemed reasonable and necessary by Officers**

[Note:

*Following the vote on this application, the Development Control Manager advised that, as the resolution was contrary to the officers' recommendation, he was minded to refer the matter to the Head of Planning Services. Councillor Hubbard asked that Members be kept informed of progress as it was an interesting case study.]*

**50. DCCW2007/2069/O - ROSEMULLION, BISHOPSTONE, HEREFORD, HEREFORDSHIRE, HR4 7JE [AGENDA ITEM 11]**

*Erection of one detached dwelling with garage.*

The Principal Planning Officer reported that:

- An additional condition was recommended in order to remove permitted development rights to ensure that the size of dwelling was controlled to maintain affordability.

In accordance with the criteria for public speaking, Mr. Knott spoke in objection to the application.

The Chairman, noting that the Local Ward Member was not in attendance due to prior commitments, reported that Councillor AJM Blackshaw was satisfied with the recommendation subject to the dwelling being limited to a two-bedroom bungalow. Councillor Blackshaw had also raised concerns about drainage issues in the locality. The Chairman noted that paragraph 6.4 of the report highlighted the need to restrict the dwelling to a single storey, condition 5 would control the height of the building and condition 6 would control the habitable floor space. In light of these considerations, the Chairman moved approval of the application.

In response to a question from Councillor PJ Edwards, the Principal Planning Officer advised that, in smaller settlements, the UDP required a gap between dwellings not exceeding 30 metres and this was measured from building to building, not from boundaries. In response to a question from Councillor AT Oliver, the Principal Planning Officer advised that the application could not be refused solely because it was an outline and not a full application.

**RESOLVED:**

**That 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. **E13 (Restriction on height of building).**  
**Reason: To safeguard the character and amenities of the locality.**
6. **The habitable floor space of the proposed dwelling shall not exceed 90 sq.m.**  
**Reason: In accordance with the criteria contained within Policy H6 of the Herefordshire Unitary Development Plan 2007.**
7. **E16 (Removal of permitted development rights)**  
**Reason: In accordance with the criteria contained within Policy H6 of the Herefordshire Unitary Development Plan 2007.**

**Informatives:**

1. **N19 - Avoidance of doubt.**
  2. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
51. **DCCW2007/2057/F - THE BIRCHES STABLES, BURGHILL, HEREFORD, HEREFORDSHIRE, HR4 7RU [AGENDA ITEM 12]**

*Variation of condition 2 of planning consent DCCW2006/3153/F to allow sale of the property (if necessary) to another travelling family.*

The Principal Planning Officer reported that:

- A letter had been received from the applicant's agent to confirm that they were in on going discussions with the authority regarding the access.

Councillor SJ Robertson, the Local Ward Member, commented that there had been a serious incident at the site the weekend before the meeting and felt it appropriate to defer consideration of the item.

**RESOLVED:**

**That consideration of the application be deferred.**

**52. DCCW2007/2087/F - NEW HOUSE ADJACENT 9 CLIFFORD STREET, HEREFORD, HR4 0HG [AGENDA ITEM 13]**

*Retrospective application to retain increase in roof pitch not in accordance with previously approved application.*

In accordance with the criteria for public speaking, Mr. Marsh had registered to speak in objection to the application and Mr. Pritchard had registered to speak in support of the application. However, neither speaker wished to make any comments.

Councillor JD Woodward, a Local Ward Member, felt it regrettable that this was a retrospective planning application but noted that, subject to conditions, the proposal was considered acceptable. Councillor DJ Benjamin, the other Local Ward Member, also commented on the retrospective nature of the application but did not feel that the proposal would have a detrimental impact, particularly given the mixture of roof slopes in the area.

**RESOLVED:**

**That planning permission be granted subject to the following condition:**

1. **A10 (Amendment to existing permission) (DCCW2005/2759/F) (4th October, 2005).**

**Reason: For the avoidance of doubt.**

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

**Reason: In order to protect the amenity of adjoining residents.**

**Informatives:**

1. **N19 - Avoidance of doubt.**
2. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

**53. DCCW2007/1974/F - 32 BROOMY HILL, HEREFORD, HEREFORDSHIRE, HR4 0LH [AGENDA ITEM 14]**

*Conversion of former school building into 7 no. apartments. 2 no. two bed and 3 no.*

*three bed houses. Demolition of existing modern school buildings.*

The Principal Planning Officer reported that:

- Comments had been received from the Historic Buildings Officer and were summarised. It was considered that the 'revised plans address the previously given conservation advice and present a scheme for which I recommend approval'.
- Comments had also been received from the Senior Landscape Officer and were summarised. In particular, it was considered that 'it will be necessary to devise a site-specific scheme of protection and enhancement for all the trees on the site' and an additional condition was recommended.
- The Draft Head of Terms had been discussed with the applicant's agent and, due to the development falling below the threshold for certain contributions, revisions were recommended so that there would be no contribution to open space provision and a reduced contribution of £14,400 towards education, specifically to Lord Scudamore School; contributions toward highways and CCTV would remain the same as detailed in the report.
- A change to Part 7 of the Draft Head of Terms was recommended so that it read 'The Development shall meet level ~~four~~ *three* of the Code for Sustainable Homes...'

In accordance with the criteria for public speaking, Mr. Saul spoke in objection to the application.

Councillor JD Woodward, a Local Ward Member, felt that the Sub-Committee would benefit from a site inspection, particularly to consider the density of development and access and parking implications.

Councillor DJ Benjamin, the other Local Ward Member, supported a site inspection and asked for clarification about drainage and access issues. In response, the Principal Planning Officer advised that the Drainage Engineer did not consider that there would be any impact on the existing surface water drainage of the area, there would only be pedestrian access from Broomy Hill, and discussions were ongoing about road markings and signage.

**RESOLVED:**

**That consideration of the application be deferred for a site inspection for the following reason:**

- **the setting and surroundings are fundamental to the determination or to the conditions being considered.**

**54. DCCW2007/2438/RM - UPPER HOUSE FARM, MORETON-ON-LUGG, HEREFORD, HEREFORDSHIRE, HR4 8AH [AGENDA ITEM 15]**

*Proposal of a new agricultural dwelling.*

The Principal Planning Officer reported that:

- Correspondence had been received from River Lugg Drainage Board (no comments).
- The Transportation Manager raised no objections subject to conditions.
- The applicant's agent had submitted a landscaping plan. However, officers considered that the landscaping plan needed to be amended to incorporate a

native hedge along the proposed stock proof fencing to the west and north. Therefore, delegated authority was sought to determine the application subject to the receipt of a satisfactorily amended landscaping plan.

The Chairman, noting the understandable absence of the Local Ward Member, moved approval of the application.

**RESOLVED:**

**That planning permission be granted subject to the following conditions:**

1. **The farm office shall at all times be used for this purpose and no other including habitable accommodation.**

**Reason: In order to clarify the terms of this permission and to limit the amount of habitable floorspace within the dwelling in accordance with Policy H8 of the Herefordshire Unitary Development Plan 2007.**

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

**Reason: To limit the amount of potentially available habitable foorspace in accordance with Policy H8 of the Herefordshire Unitary Development Plan 2007.**

3. **G05 (Implementation of landscaping scheme)**

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

**Informative Notes:**

1. **N19 - Avoidance of doubt.**
2. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

**55. DATE OF NEXT MEETING**

Wednesday 26th September, 2007.

The meeting ended at 5.45 p.m.

**CHAIRMAN**