

**MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 23rd January, 2008 at 2.00 p.m.**

**Present:** Councillor JE Pemberton (Chairman)  
Councillor GA Powell (Vice Chairman)

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

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

**109. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors PA Andrews, AJM Blackshaw, ACR Chappell, SPA Daniels, AM Toon, NL Vaughan and DB Wilcox. Apologies were also received from Councillor TW Hunt (ex-officio).

**110. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

Councillor	Item	Interest
SJR Robertson	Minute 116, Agenda Item 8 DCCW2007/3399/F <b>Land off Station Road, Hereford, Herefordshire, HR4 0AY</b>	Declared a prejudicial interest and left the meeting for the duration of the item.
AT Oliver	Minute 119, Agenda Item 11 DCCE2007/3378/F <b>Plot 1, Peacock Lodge, Ridgehill, Hereford, Herefordshire, HR2 8AE</b>	Declared a prejudicial interest and left the meeting for the duration of the item.
AP Taylor	Minute 120, Agenda Item 12 DCCE2007/3542/F <b>16 Aylestone Hill, Hereford, Herefordshire, HR1 1HS</b>	Declared a prejudicial interest following the public speaking period and left the meeting for remainder of the item.

**111. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 19th December, 2007 be approved as a correct record and signed by the Chairman.

**112. 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.

The Development Control Manager reported that an application in relation to the final phase of development at Bradbury Lines, Hereford was likely to be submitted to the Sub-Committee for consideration at a forthcoming meeting. He felt that members would benefit from a site inspection in advance of the Sub-Committee meeting; he cited all three grounds for holding a site inspection as detailed in the Constitution. The Sub-Committee supported this suggestion.

**113. DCCE2007/3249/F - HAMPTON GRANGE NURSING HOME, 48-50 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TH [AGENDA ITEM 5]**

*Erection of nine apartments with associated car parking and landscaping.*

The following update was reported:

- An e-mail had been received from the applicant in support of the application, pointing out the compliance with policy and the sustainable location.

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

Councillor MD Lloyd-Hayes, a Local Ward Member, commented on local residents' concerns about the loss of trees but felt that, subject to sensitive management of the landscape, the proposal was acceptable. In response to a question, the Senior Planning Officer advised that the Nature Conservation Management Plan was a voluntary undertaking by the applicant and was supported by the Conservation Manager (Ecology).

Councillor WJ Walling, a Local Ward Member, considered the proposal to be well thought out, welcomed the proposed planning obligation agreement and felt that the design would complement the Conservation Area.

Councillor AP Taylor, the other Local Ward Member, supported the application, especially given the incorporation of solar panels and other sustainable measures in the scheme.

Councillor PJ Edwards noted that the report stated (in paragraph 6.6, page 17) that the roof provided 'ample opportunity for the introduction of solar panels as demonstrated on the architectural drawings' and he felt that the panels should be required as part of any planning permission granted, particularly given emerging planning policy on renewable energy schemes. The Senior Planning Officer advised that a condition could be added to require the solar panels to remain in situ and be useable thereafter.

In response to a question from Councillor MAF Hubbard, the Senior Planning Officer confirmed that Natural England would be consulted as part of the Nature Conservation Management Plan.

In response to a question from Councillor AT Oliver, the Senior Planning Officer advised that the development could not be required to meet level three of the Code for Sustainable Homes. He added that, as the technical criteria was not yet known, it would be unreasonable to require a condition to this effect. He noted that there were, nevertheless, a number of sustainable initiatives included in the scheme.

Councillor GFM Dawe questioned the sustainability considerations, particularly as the inclusion of nine parking spaces would increase car usage at the site, and felt that the development would have a deleterious impact. The Senior Planning Officer advised that the provision of one parking space per unit was a minimum requirement

and the lack of additional parking should encourage modal shift. In response to Councillor Dawe's concerns about the loss of the hedgerow, the Senior Planning Officer also advised that the applicant was prepared to replant a beech hedge behind the line of the required visibility splay; he added that hedgerows were not protected under Tree Preservation Orders or Conservation Area legislation.

**RESOLVED:**

- 1) **The Legal Practice Manager 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 incorporating any additional matters he considers appropriate.**
- 2) **Upon completion of the aforementioned planning obligation that officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers:**
  1. **A01 (Time limit for commencement (full permission)).**  
**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
  2. **A09 (Amended plans).**  
**Reason: To ensure the development is carried out in accordance with the amended plans.**
  3. **B01 (Samples of external materials).**  
**Reason: To ensure that the materials harmonise with the surroundings.**
  4. **F16 (Restriction of hours during construction).**  
**Reason: To protect the amenity of local residents.**
  5. **No surplus excavated top or sub soil shall be spread or deposited within the application site, but shall be disposed of carefully in accordance with a method statement that has first been submitted to and approved in writing by the local planning authority.**  
**Reason: In order to safeguard the health of protected trees on the site in accordance with Policy LA5 of the Herefordshire Unitary Development Plan 2007.**
  6. **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.**
  7. **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 and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 90 metres in each direction along the nearside edge of the adjoining carriageway as per amended plan 2007-**

526/Sk003 Rev A. 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.

8. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

9. 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.

10. H27 (Parking for site operatives).

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

11. 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.

12. H30 (Travel plans).

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.

13. In this condition a "retained tree" is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority. All tree works shall be carried out in accordance with BS3998.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the local planning authority.

Reason: To ensure proper care and maintenance of trees.

14. No works or development shall take place or materials, plant or equipment brought on to site until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the local planning authority. This scheme shall

include:

- a) A plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
- b) The details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule.
- c) A schedule of tree works for all the retained trees in paragraph (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.
- d) The details and positions shown on the plan at paragraph (a) above of the Ground Protection Zones (section 9.3 of BS5837).
- e) The details and positions (shown on the plan at paragraph (a) above of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected to the satisfaction of the local planning authority prior to each construction phase commencing and remain in place and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- f) The details and positions (shown on the plan at paragraph (a) above of the Construction Exclusion Zones (section 9 of BS5837).
- g) The details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).
- h) The details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction.
- i) The details of tree protection measures for the hard landscaping phase (section 13 and 14 of BS5837).
- j) The timing of the various phases of the works or development in the context of the tree protection measures.

Reason: To ensure the proper care and maintenance of trees.

15. A hedgerow shall be planted in replacement of the roadside hedgerow to be removed in accordance with details to be submitted to and agreed in writing by the local planning authority. Submitted details shall include clarification of plant species, age, number and location. Planting should take place within the first available planting season. Any plants, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Plants failing more than once shall continue to be replaced on an annual basis until the end of the five year defects period.

Reason: To protect the visual amenities of the Conservation Area.

16. Foul water and surface water discharges shall be drained separately from the site.

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

17. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the local planning authority.

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.

18. Land drainage run-off shall not be permitted to discharge, either directly or indirectly into the public sewerage system.

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

19. The development shall be occupied in accordance with the Travel Plan (Foxley Tagg Planning Ltd, October 2007) submitted as part of the planning application.

Reason: To ensure the promotion of sustainable modes of transport.

**Informatives:**

1. HN01 - Mud on highway.
2. HN04 - Private apparatus within highway.
3. HN05 - Works within the highway.
4. N02 - Section 106 Obligation.
5. N19 - Avoidance of doubt.
6. N15 - Reason(s) for the Grant of PP/LBC/CAC.

114. DCCW2007/3582/F - 10 LUARD WALK, HEREFORD, HEREFORDSHIRE, HR2 7BA [AGENDA ITEM 6]

*Construction of a single dwelling.*

The following update was reported:

- An e-mail had been received from the applicant in support of the application.

The Senior Planning Officer confirmed that the Environment Agency was satisfied with the Flood Risk Assessment and proposed slab levels.

Councillor H Davies, a Local Ward Member, felt that the access and car parking

arrangements could compromise highway safety, particularly given the position of the site on a popular cycleway and next to a children's play area.

Councillor PJ Edwards, also a Local Ward Member, questioned the ownership of an area of land fronting the highway as he felt that the enclosure of this land would make it more likely for vehicles to reverse out of the site which would exacerbate the risk of accidents on the strategic cycleway. He felt that greater emphasis should have been given to the importance of the cycleway. He also felt that the proposed development would have a detrimental impact on the Conservation Area and on the natural habitat along the riverbank.

Councillor GA Powell, the other Local Ward Member, did not feel that there had been enough consultation about flooding and riverbank erosion. She also highlighted concerns about highway safety, overlooking onto the children's play area, setting a precedent and the impact on the character and amenity of the area.

The Senior Planning Officer responded to members' concerns as follows: the Traffic Manager had no objections subject to conditions; the Environment Agency was satisfied with the proposal; the River Wye had a number of important designations but Natural England did not control the bank tops; although unkempt, the area concerned was within the domestic curtilage of 10 Luard Walk and there was no issue about the loss of wild space; and the proximity of the development to the play area could be considered a community safety gain as it would allow a degree of passive overlooking.

Councillor DW Greenow noted the concerns of the Local Ward Members but felt that, given the advice of officers, it might be difficult to sustain a refusal of planning permission on appeal. In response to a question, the Senior Planning Officer advised that the Traffic Manager had recommended standard conditions, namely conditions 7 to 11.

The Development Control Manager did not feel that a number of the issues raised in the debate could be substantiated as reasons for refusal. Referring to Policy DR3 (Movement), he noted that a judgement needed to be taken on the impact of additional residential traffic on the footpath/cycleway but questioned whether the traffic generated by one additional dwelling would be so significant as to warrant refusal. It was suggested that members' concerns about boundary treatments could be addressed through the removal of permitted development rights.

In response to a question from Councillor AT Oliver, the Development Control Manager advised that the development could be required to meet level three of the Code for Sustainable Homes. However, it was not yet known what the technical specification for level four would be and, therefore, it would be unreasonable to require level four at this time.

Councillor MD Lloyd-Hayes noted that the Environment Agency had no objections and she did not feel that a single dwelling would have an unacceptable impact on the public highway, on the play area or on residential amenity. A number of members expressed similar views.

Councillor Edwards did not consider that the proposed parking area would provide sufficient space for vehicles to manoeuvre and join the highway in a forward gear and maintained that the development would compromise highway safety on the strategic cycleway.

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

agreed.

**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. **The finished slab level of the dwellings hereby approved shall be set no lower than 54.43 metres above Ordnance Datum.**

**Reason: To protect the development from flooding in accordance with Policy DR7 of the Herefordshire Unitary Development Plan 2007.**

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

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

5. **G02 (Landscaping scheme (housing development)).**

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

6. **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.**

7. **H06 (Vehicular access construction).**

**Reason: In the interests of highway safety.**

8. **H09 (Driveway gradient).**

**Reason: In the interests of highway safety.**

9. **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.**

10. **H05 (Access gates).**

**Reason: In the interests of highway safety.**

11. **H27 (Parking for site operatives).**

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

safety.

12. 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. HN05 - Works within the highway.
  4. All machinery and plant shall be operated and maintained in accordance with BS5228: 1997 'Noise Control of Construction and Open Sites'.
  5. N19 - Avoidance of doubt.
  6. N15 - Reason(s) for the Grant of PP/LBC/CAC.
115. [A] DCCW2007/2633/F AND [B] DCCW2007/2634/C - WAREHOUSE AT LAND ADJACENT TO 47 BARTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0AY [AGENDA ITEM 7]

*Demolition of existing vacant warehouse for three no. terraced town houses and associated parking facilities.*

The Principal Planning Officer recommended an additional condition to require the development to meet level three of the Code for Sustainable Homes.

Councillor JD Woodward, a Local Ward Member, commented on the value of the site inspection that had been held, particularly as it provided members with the opportunity to view the relatively small footprint of the site. She expressed concerns about the lack of amenity space, the design approach, and the potential impact of the access and parking arrangements on highway safety. Therefore, she proposed that the application be refused.

Councillor DJ Benjamin, the other Local Ward Member, felt that the site needed to be redeveloped but felt that the design would be out of keeping with Barton Manor and the character of the street scene. He also expressed concerns about highway safety.

The Principal Planning Officer advised that the objections of the Conservation Area Panel mainly related to materials and the scheme had been revised since the comments were made. He also advised that the development would be set back from the road in order to provide a pedestrian footpath along the frontage, with a rail to prevent accidental transgression into the road.

Councillor PJ Edwards, noting that development had to preserve or enhance the character of the Conservation Area, felt that the scale and design of this proposal would have a detrimental impact and supported the views of the Local Ward

Members. He also felt that it would be difficult to achieve safe access to and from the underground parking area and commented on the technical challenges of this element of the scheme.

In response to concerns expressed about highway safety, the Principal Planning Officer reported that the access and parking arrangements had been informed by pre-application discussions with the Traffic Manager, who had no objections to the proposal subject to conditions.

Members debated the merits of the contemporary design approach and the potential impact on the Conservation Area setting.

**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:**

**CW2007/2663/F**

- 1. The proposal by reason of its design and appearance would appear out of keeping with the character and appearance of the Conservation Area and furthermore the absence of private amenity space to serve the three bed dwellings proposed would lead to an inadequate level of residential amenity within the scheme contrary to Policies DR1, H13 and HBA6 of the Herefordshire Unitary Development Plan 2007.**

**CW2007/2634/F**

- 1. The proposal to demolish the warehouse is contrary to Policy HBA7 of the Herefordshire Unitary Development as planning permission for its redevelopment has been refused.**
- (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.]*

**116. DCCW2007/3399/F - LAND OFF STATION ROAD, HEREFORD, HEREFORDSHIRE, HR4 0AY [AGENDA ITEM 8]**

*Erection of 4 no. 2 bedroom dwellings.*

The following update was reported:

- A letter had been received from the applicant reiterating the comments made at

the last meeting.

Councillor JD Woodward, a Local Ward Member, commented on the constrained nature of the site and was concerned about the lack of amenity space. Councillor Woodward noted the concerns of local residents about parking in the area and felt that a residents' parking scheme should be introduced to alleviate the difficulties already being experienced there. Councillor DJ Benjamin, the other Local Ward Member, supported these views.

The Principal Planning Officer suggested that members' comments be passed to the Traffic Manager to highlight the concerns about parking and request that consideration be given to a residents' parking scheme in the area. He added that the scale of the development fell below the established threshold for negotiating financial contributions from the developer.

Councillor MD Lloyd-Hayes said that this was a good use of a brownfield site and noted the level of demand for two-bedroom accommodation. A number of other members spoke in support of the application but acknowledged the need to address the parking situation.

Councillor AT Oliver opposed the proposal as he felt that it represented an over-intensive form of development.

Councillor PJ Edwards felt it essential that a residents' parking scheme be required through a condition to ensure that it was forthcoming.

The Principal Planning Officer recommended an additional condition to require the development to meet level three of the Code for Sustainable Homes.

**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. **E18 (No new windows in specified elevation) (rear and side).**

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

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

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

5. **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. 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.**

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

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

- 10. The development shall be designed and constructed to meet level three of the Code for Sustainable Homes: A Step Change in Sustainable Home Building Practice Design dated December 2006 or equivalent standard as may be agreed in writing with the local planning authority. No development shall commence until authorised certification has been provided confirming compliance with the agreed standard and prior to the occupation of the last dwelling, further certification shall be provided confirming that the development has been constructed in accordance with the agreed standard.**

**Reason: To promote the sustainability of the development hereby approved in accordance with Policies S1 and H13 of the Herefordshire Unitary Development Plan 2007 and PPS1 Supplement 'Planning and Climate Change'.**

**Informatives:**

- 1. N14 - Party Wall Act 1996.**
- 2. N19 - Avoidance of doubt.**
- 3. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

- 117. DCCW2007/3403/F - WOODFIELDS FARM, TILLINGTON COMMON, TILLINGTON, HEREFORDSHIRE, HR4 8LP [AGENDA ITEM 9]**

*Proposed conversion of existing stone barn and attached ancillary building into 2 no. residential units.*

Given claims made by a member of the public in a letter to Councillors, the Chairman invited Councillor SJ Robertson, the Local Ward Member, to comment. Councillor Robertson advised that, in accordance with Code of Conduct, she had not indicated whether she supported or opposed the application prior to the meeting and contact with the applicant was limited to giving procedural advice. The Legal Practice Manager advised that he had discussed the situation with Councillor Robertson and was satisfied that, on the information provided, the Councillor did not have a personal or prejudicial interest to declare.

The following updates were reported:

- Correspondence had been received from the applicant in support of the application.
- Four letters of support had been received.
- An e-mail had been received from Mr. S. Vaughan which stated that the report was not correct as the whole scheme was for conversion with all the buildings being retained and that there were no extensions.

In response to the additional representations, the following officer comment was reported:

- *To enable the buildings to be converted into two dwellings the lean-to together with the corrugated addition are required to be substantially demolished and rebuilt therefore forming extensions to the main stone barn. Your officers are therefore satisfied that the report accurately reflects the proposal before members.*

In accordance with the criteria for public speaking, Mrs. Reynolds spoke on behalf of Burghill Parish Council and Mrs. Eagling spoke in support of the application.

Councillor SJ Robertson, the Local Ward Member, thanked the Principal Planning Officer for his work on this scheme. Councillor Robertson noted that the Parish Plan had identified the need for affordable housing, particularly for young people who had been priced out of existing local housing, and this proposal provided the opportunity for the family concerned to live at the farm and manage the smallholding into the future. She felt that the proposal, subject to appropriate mitigation measures, would not cause harm to the character of the farm complex or to the wider countryside and proposed that the application be supported.

Councillor RI Matthews concurred with the views of the Local Ward Member and noted that Burghill Parish Council had no objection to the application and local residents supported it. He did not feel that conversion of the outbuildings would have a significant impact and said that a common sense approach needed to be taken to the policy considerations.

Councillor MAF Hubbard commented that references to affordable housing were misleading as the development would be for the benefit of the family concerned rather than the wider community through a social housing provider. However, he acknowledged the specific needs of the applicants and suggested that any planning permission granted be restricted to people working on the smallholding.

The Principal Planning Officer noted that a personal condition or a condition preventing the dwellings being sold separately from each other could be imposed but did not feel that this would entirely overcome the policy objections and other material planning considerations.

Councillor PJ Edwards commented that the footprint of other lean-to extensions to rural buildings had been included in other conversion schemes. In response to a question, the Principal Planning Officer advised that the footprint of the buildings would actually reduce in this instance but emphasised that, whilst the stone barn was worthy of conversion, the additions were not worthy of retention and drew attention to the comments of the Conservation Manager (Historic Buildings). Given the overall reduction in footprint, Councillor Edwards felt that the application could be supported subject to a personal condition.

In response to comments by members, the Development Control Manager outlined the potential complications of a personal condition. He said that the case had not been made for agricultural need and the dwellings would not meet the criteria for affordable housing. Therefore, the proposal was contrary to the authority's current policies.

Councillor Matthews felt that members needed to focus on the application before them, rather than possible future scenarios, and re-iterated his support for the application.

**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. **This permission shall enure for the benefit of the applicant and her dependants and not for the benefit of the land or any other persons interested in the land.**
- (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.**

[*Note:*

*Following the vote on this application, the Development Control Manager advised that, as the resolution was contrary to the officers' recommendation and there were crucial policy issues at stake, he was minded to refer the matter to the Head of Planning Services.]*

**118. DCCE2007/3707/F - 18 FROME COURT, BARTESTREE, HEREFORD, HEREFORDSHIRE, HR1 4BF [AGENDA ITEM 10]**

*Glazed porch to rear elevation.*

In accordance with the criteria for public speaking, Mr. Wilson spoke on behalf of Bartestree and Lugwardine Group Parish Council and Mrs. Griffiths spoke in support of the application.

Councillor DW Greenow, the Local Ward Member, noted the difficulties being experienced by the applicant as a result of the exposed elevation and felt that the introduction of a glazed porch was an acceptable solution.

Councillor RI Matthews felt that the recommended reason for refusal might not be defensible on appeal and that the porch was a practical way to reduce heat loss from the dwelling, subject to high quality materials and finishing.

Councillor MAF Hubbard commented that the photographs, displayed as part of the officer's presentation, had illustrated why permitted development rights had been removed, in order to protect the architectural quality of the development and the

importance of the wider setting. He suggested that the applicant should contact the site developer about problems with the property.

Councillor AT Oliver noted the reasons why permitted development rights were removed on the original grant of planning permission and did not feel that there was a reason to reinstate them.

Councillor PJ Edwards noted the reasoning behind the recommendation of refusal but did not feel that the porch would be visually intrusive or compromise the integrity of the design approach.

The Senior Planning Officer advised that officers maintained the view that the design would not be in keeping with the existing elevation and would have a detrimental impact.

**RESOLVED:**

**That planning permission be refused for the following reason:**

- 1. The proposed extension, by virtue of the detailed design, together with the careful and consistent composition of the existing elevation, is considered detrimental to the character and appearance of the dwelling and the wider terrace, in a manner contrary to Policy H18 of the Herefordshire Unitary Development Plan 2007.**

**119. DCCE2007/3378/F - PLOT 1, PEACOCK LODGE, RIDGEHILL, HEREFORD, HEREFORDSHIRE, HR2 8AE [AGENDA ITEM 11]**

*Four polyhouses 17m x 5m for the production of ornamental vegetable plants etc.*

The following update was reported:

- A letter of support from Paul Keetch MP had been received but with a recommendation that the number of polytunnels be reduced from 4 to 2 in order to reduce the visual impact.

In response to the additional representation, the following officer comment was reported:

- *The development as submitted for four polytunnels is considered acceptable in visual and landscape terms therefore no change is recommended.*

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

Councillor GFM Dawe, the Local Ward Member, commented on the sensitive landscape character of the area and felt that the proposal would have a detrimental visual impact; he added that wooden and glass greenhouses would be better than polytunnels.

Councillor PJ Edwards supported the application, contrasted this scheme to the large-scale polytunnel developments elsewhere in the county, and commented on the need to encourage small-scale agricultural and horticultural enterprises. Councillor MAF Hubbard concurred, wished the applicants success with the venture and, noting the concerns of the Local Ward Member, hoped that there might be opportunity for investment in less intrusive structures in the future.

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

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

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

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

4. **G10 (Retention of trees).**

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

5. **There shall be no sales of any produce or products directly from the site to visiting members of the public.**

**Reason: In the interests of residential and visual amenity and sustainable development.**

**Informatives:**

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

**120. DCCE2007/3542/F - 16 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1HS [AGENDA ITEM 12]**

*Change of use from two flats (residential) to House in Multiple Occupation [HMO]*

The following updates were reported:

- A plan has been received illustrating the capacity to create 7 parking spaces with a turning area.
- A letter of objection had been received from Mr. Bolt and the main points were summarised.
- E-mail correspondence had been received from Councillor DB Wilcox, a Local Ward Member, and the main points were summarised. Councillor Wilcox felt that the application should be refused on the grounds that the change of use would be out-of-keeping and detrimental to the character of the area.

In response to the additional representations, the following officer comment was reported:

- *There is no evidence to suggest that the proposal will cause any increased impact on local amenity or any tangible impact on the character of the area.*

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

application. Mr. Goldsworthy had registered to speak in support of the application but was not present at the meeting.

In response to some of the points raised, the Principal Planning Officer commented that the site was in a sustainable location, close to transport links and other local amenities. He also commented that it could be difficult to sustain a refusal reason based on the impact on the character of the area as there was no distinct land use due the variety of commercial and residential uses in the locality; it was noted that no internal or external alterations were required to achieve the conversion. It was noted that the change of use could increase general activity at the property but, given the proximity of a busy main road and footpath links, officers did not consider that an HMO would have a significant impact on neighbouring properties.

Councillor DW Greenow, referring to Councillor Wilcox's representation, did not feel that any area was suitable for HMOs and considered such accommodation to be outdated. He proposed that the application be refused on the basis that the proposal would have a detrimental impact on the character of the area and represented a form of over-development. Councillor WJ Walling supported this view and questioned whether approval might make it more difficult to resist similar proposals in the future.

Councillor MAF Hubbard noted that HMO accommodation might not be ideal but, nevertheless, there was demand and drew attention to the submission from Private Sector Housing that '*There is a shortage of this type of HMO accommodation in Herefordshire. The property is large and will lend itself to multiple occupancy...*'. He felt that there needed to be a broad range of housing types throughout the city and commented on the desperate shortage of affordable accommodation for low paid workers. Given these considerations, and the close proximity of the site to the city centre, he felt that the application should be approved.

The Principal Planning Officer commented on the lack of high quality shared houses in the Hereford for professional people. He also commented that in some instances up to six people could share a house without the need for planning permission, although an HMO licence would still be required.

Councillor SJ Robertson noted that there was also a shortage of two and three bedroom units and that an appropriate balance had to be achieved. She also commented on problems with HMOs elsewhere in Hereford.

Councillor JD Woodward said that, from the experience of HMOs in Whitecross, it was clear that there were few resources available to effectively monitor and police HMOs.

Councillor Benjamin said that Strategic Housing Section was aware that some HMOs did not comply with the law and he noted the difficulties associated with enforcing maximum occupancy numbers. He noted the demand for self-contained units and felt that shared accommodation represented a backward step.

Councillor PJ Edwards noted that every application needed to be considered on its own merits and noted the need for some HMOs. In response to questions, the Principal Planning Officer advised that: the layout plan received had demonstrated that the site had capacity for parking spaces and a turning area; and there was an area for refuse storage but a further condition could be imposed to ensure that this was sufficient.

A number of members commented on the merits and disadvantages of shared accommodation and the potential impact on the character of the area. The

Development Control Manager emphasised the need for the Sub-Committee to focus on the specific planning effects and noted that a number of concerns could be addressed through conditions; i.e. a requirement for a scheme of noise attenuation measures could mitigate the potential for noise disturbance to the adjoining property.

In response to a comment made by Councillor Benjamin, the Chairman made it clear that the name of the applicant/s was irrelevant to the discussion and that members should avoid matters that could not be considered by the Sub-Committee.

Councillor Greenow maintained that the proposal would have a detrimental impact, he also felt that fear of crime was an issue.

**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 proposal would be detrimental to the character and amenity of the area contrary to Policies S2, H17 and HBA6 of the Herefordshire Unitary Development Plan 2007 particularly by reason of increased noise and disturbance to adjoining and nearby residential properties arising from the intensification of the use beyond that which would be normal for a single family dwelling or a dwelling divided into a small number of self contained units.**
2. **It has not been demonstrated that the development will not lead to an increase in the fear of crime and personal safety and as such the proposal is contrary to Policies S2, DR2 and H13 of the Herefordshire Unitary Development Plan 2007.**

(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.]*

**121. DCCE2007/3385/F - LAND ADJACENT TO RAMSDEN COURT, RAMSDEN ROAD, ROTHERWAS, HEREFORD, HEREFORDSHIRE, HR2 6NP [AGENDA ITEM 13]**

*Proposed light industrial units for B2 and B8 use.*

Mr. Spreckley had registered to speak in support of the application but decided not to speak at the meeting.

Councillor GFM Dawe, the Local Ward Member, felt that the proposal was

acceptable but questioned whether 24 parking spaces were needed for a development of this size, particularly given the cycle links to Hereford. In response, the Principal Planning Officer reported that the parking provision was in line with current standards and that cycle storage was also proposed.

Councillor PJ Edwards commented on the need for industrial buildings to be flexible and hoped that the applicant would consider a structure that could be expanded or contracted in the future, depending on the nature of the business to be accommodated.

**RESOLVED:**

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

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

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

2. **A09 (Amended plans) (6th December, 2007).**

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

3. **B11 (Details of external finishes and cladding (industrial buildings)).**

**Reason: To secure properly planned development.**

4. **Prior to the first use of the development hereby approved full details of a flood evacuation plan and arrangements to ensure a flood free access route should be submitted to and approved in writing by the local planning authority.**

**Reason: To ensure the availability of a flood free access route to enable access by emergency services and evacuation of people, vehicles and goods during flood events.**

5. **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.**

6. **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.**

7. **H30 (Travel plans).**

**Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.**

**Informatives:**

1. N03 - Adjoining property rights.
2. HN25 - Travel plans.
3. N19 - Avoidance of doubt.
4. N15 - Reason(s) for the Grant of PP/LBC/CAC.

**122. DATE OF NEXT MEETING**

Wednesday 20th February, 2008.

The meeting ended at 5.15 p.m.

**CHAIRMAN**