

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 16 September 2009 at 2.00 pm

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

Councillors: PA Andrews, AJM Blackshaw, ACR Chappell, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, RI Matthews, AT Oliver, AM Toon, NL Vaughan, WJ Walling and JD Woodward

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

43. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors WU Attfield, DJ Benjamin, SPA Daniels, MD Lloyd-Hayes, SJ Robertson, AP Taylor and DB Wilcox.

44. DECLARATIONS OF INTEREST

5. DCCE0009/1661/F - 21 Aylestone Hill, Hereford, Herefordshire, HR1 1HR
Councillor NL Vaughan; Personal.

6. DCCE0009/1361/F - Land at Lucksall Caravan Park, Mordiford, Herefordshire, HR1 4LP
DW Greenow; Personal.

9. DCCW0009/1654 - Disused Public Toilets, The Oval, Hereford, Herefordshire, HR2 7HG
Councillor AM Toon; Personal.

45. MINUTES

RESOLVED:

That the minutes of the meeting held on 19 August 2009 be approved as a correct record and signed by the Chairman.

46. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report.

47. DCCE0009/1661/F - 21 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1HR [AGENDA ITEM 5]

Proposed extension to provide private accommodation, change of use from single dwelling to bed and breakfast and replacement access and parking area. Painting of external render.

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided as follows:

- Three additional letters of objection had been received; one further letter from the occupants of 23 Aylestone Hill and letters from 14 and 25 Aylestone Hill. The additional points raised were summarised.
- Amended plans had been received which slightly changed the roof design to increase the eaves depth as requested by the Conservation Manager and the design of the new front wall.

Officer comments were also provided as follows:

- In response to the further objections, it was noted that the extension would undoubtedly have an impact on the immediate neighbour but it was not considered that the impact would ultimately be harmful in terms of loss of privacy and light.
- The amended plans had addressed previous concerns.
- The consultation period has now expired and therefore the recommendation was for approval rather than delegated authority.

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

Councillor NL Vaughan, a Local Ward Member, commented that he had once lived in the locality for a number of years and he did not consider that the photographs displayed at the meeting gave a true impression of the particular site circumstances. Therefore, it was proposed that a site inspection be held, as the setting and surroundings were fundamental to the determination or to the conditions being considered.

The Chairman emphasised the importance of good attendance at site inspections agreed by the Sub-Committee. The Central Team Leader suggested that, if Members could not attend on the designated date, Members should contact the case officer to make alternative arrangements to view the site.

RESOLVED:

That consideration of planning application DCCE0009/1661/F be deferred for a site inspection.

48. DCCE0009/1361/F - LAND AT LUCKSALL CARAVAN PARK, MORDIFORD, HEREFORDSHIRE, HR1 4LP [AGENDA ITEM 6]

Siting of a mobile storage unit adjacent to the River Wye.

The Senior Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided as follows:

- The Parish Council recommended acceptance of the application.

The Chairman, speaking in the capacity of Local Ward Member, commended the site owners for the steady growth and popularity of the caravan park and said that she supported application.

In response to questions, the Senior Planning Officer drew attention to the comment of the PROW Manager that the mobile storage unit '...would not appear to affect any recorded public right of way...' and said that the proposal would have only a minimal impact on the Area of Outstanding Natural Beauty.

The Sub-Committee considered the merits of a condition to require the removal of the mobile storage unit during winter or for a certain number of months. The Senior

Planning Officer commented on the potential enforcement difficulties associated with such a condition and confirmed that the building was fully mobile in the event of flooding.

In response to a suggestion that the colour of the roof should be the subject of a condition in order to mitigate the impact of the development, the Senior Planning Officer said that she would discuss the matter with the applicant and the Chairman.

The Chairman drew attention to paragraph 6.6 of the report which considered issues relating to visual amenities.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. **B02 (Development in accordance with the approved plans).**

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.

2. **F06 (Restriction on use).**

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

Informatives:

1. **N01 - Access for all.**
 2. **N03 - Adjoining property rights.**
 3. **N04 - Rights of way.**
 4. **HN02 - Public rights of way affected.**
 5. **N11A - Wildlife and Countryside Act 1981 (as amended) - Birds.**
 6. **N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 - Bats.**
 7. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
 8. **N19 - Avoidance of doubt - Approved Plans.**
49. **DCCW0009/1406/F - 253 WHITECROSS ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LT [AGENDA ITEM 7]**

Erection of four dwellings.

The Sub-Committee was advised that planning applications DCCW0009/1406/F and DCCW0009/1414/F could be considered together as they were interdependent.

The Central Team Leader gave a presentation on the application.

In accordance with the criteria for public speaking, Mr. Hardiman and Mr. Marshall spoke in objection to the applications.

In response to comments made by a speaker, the Principal Lawyer - Corporate commented on the Human Rights Act in the context of the planning system.

In accordance with the criteria for public speaking, Mr. Goldsworthy spoke in support of the applications.

Councillor JD Woodward, a Local Ward Member, expressed reservations about the constrained nature of the site, the proposed density of development and the impact on neighbouring properties. She also commented on the levels of traffic and congestion on Whitecross Road. Given these and other considerations, Councillor Woodward proposed that a site inspection be held, as the setting and surroundings were fundamental to the determination or to the conditions being considered.

A number of Members spoke in support of a site inspection. It was suggested that it would be helpful if, at the site inspection, officers indicated where parking could be provided for vehicles displaced by the proposed development.

RESOLVED:

That consideration of planning application DCCW0009/1406/F be deferred for a site inspection.

50. DCCW0009/1414/F - 255 WHITECROSS ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LT [AGENDA ITEM 8]

Conversion and change of use of existing garage to communal bin store.

RESOLVED:

That consideration of planning application DCCW0009/1414/F be deferred for a site inspection.

51. DCCW0009/1654/F - DISUSED PUBLIC TOILETS, THE OVAL, HEREFORD, HEREFORDSHIRE, HR2 7HG [AGENDA ITEM 9]

Demolition of derelict public toilet building and erection of two storey building for hot food takeaway on ground floor and storage on first floor.

The Central Team Leader gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided as follows:

- The Highway Agency raised no objection.
- Herefordshire Housing had confirmed that they had long term plans for the regeneration of the area.

Officer comments were also provided as follows:

- It was reported that paragraph 6.12 of the report needed to be changed to reflect the requirement to contribute to CCTV. Payment of £5,000 had been agreed. Consequently, an additional condition (B07 - Section 106 Agreement) was recommended.
- The issue raised by Herefordshire Housing did not impact upon the recommendation in the report.

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

In response to comments made by the speaker, the Principal Lawyer - Corporate advised that covenants and leases were civil matters usually outside the control of the planning authority.

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

Councillor H Davies, a Local Ward Member, acknowledged concerns about another takeaway in the area and the existing problems with the alleyway adjoining the site. However, Councillor Davies said that local people considered the former public toilet building to be an eyesore and, therefore, felt that the proposal was acceptable.

Councillor GA Powell, also a Local Ward Member, commented on anti-social behaviour in the vicinity of the existing building and, although concerns were expressed about the alleyway, felt that the application could be supported. In response to a question, the Central Team Leader advised that, as it formed part of the public highway, the process for the closure / stopping up of the alleyway was a separate matter to this planning application.

Councillor PJ Edwards, the other Local Ward Member, noted that the applicant had reduced the massing of the proposal compared to that refused under application DCCW2008/2781/F, and he also noted the need to remove the existing derelict building. However, referring to Herefordshire Unitary Development Plan policies DR1 (Design), DR2 (Land Use and Activity), DR3 (Movement), DR5 (Planning Obligations) and TCR15 (Local and Neighbourhood Shopping Centres), Councillor Edwards proposed that this application be refused. He made a number of related comments, including:

- West Mercia Police estimated the cost of a CCTV system at The Oval to be between £30,000 and £50,000, therefore he considered that the contribution of £5,000 to be insufficient.
- The proposal would exacerbate problems with the alleyway and consequently increase the fear of crime.
- The application was premature as full details of the extraction and ventilation plant/equipment had not been provided.
- The storage, waste and delivery arrangements were not acceptable.
- The proposal would have a detrimental impact on residential amenity and on the surrounding area.
- The proposal would have a detrimental impact on the continued vitality and viability of the shopping centre.

Councillor NL Vaughan commented that CCTV systems not only had to be installed but also had to be operated and questioned whether the level of planning obligation proposed was adequate; it was suggested that a full breakdown of costs should be provided in future reports.

Councillor AM Toon said that it was regrettable that the existing building had not been demolished prior to the disposal of the site and commented that, although the design had improved since the last application, the proposal would not integrate with the emerging plans to regenerate the area. Councillor Toon also commented on the number of existing hot food takeaways in the area. Councillor ACR Chappell expressed similar views and felt the potential impact on the access and highways had not been fully assessed given existing problems with traffic and parking. He added that vehicles had to reverse out of parking spaces into oncoming traffic and additional traffic generated by the proposal would compromise highway safety further.

Councillor KS Guthrie noted concerns that the development would exacerbate problems with the alleyway and commented on the need for a permanent solution, particularly as people intent of anti-social behaviour would not be deterred from climbing over a fence or gate.

Councillor RI Matthews felt that the proposed planning contribution towards CCTV was adequate given the scale of the proposal and questioned whether a refusal of planning permission could be sustained on appeal.

The Central Team Leader advised that the contribution had been discussed with the CCTV Officer and, although £15,000 had been sought initially, an offer of £5,000 was considered acceptable following negotiations with the applicant; it was noted that other elements of funding had been collected elsewhere. The Sub-Committee was also advised that competition in itself was not a material planning consideration and, as takeaways were typical features of neighbourhood shopping centres, it was not considered that another outlet was unacceptable in this context. It was also emphasised that the stopping up of the alleyway involved a separate process.

Councillors Davies and Powell recognised the concerns expressed but maintained that the proposal was acceptable on balance given the existing situation.

Councillor Edwards re-iterated concerns about the proposed level of contribution towards CCTV, issues with anti-social behaviour, the lack of progress with the alleyway problem, and highway safety considerations.

A motion to approve the application failed, then a motion to refuse the application was agreed.

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 and Transportation) provided that the Head of Planning and Transportation does not refer the application to the Planning Committee:**
 - 1. **The proposal by virtue of the scale, mass, intensity and traffic generation will be detrimental to the amenity, security and highway safety of the area contrary to policies DR1, DR2, DR3, DR5 and TCR13 and TCR15 of the Herefordshire Unitary Development Plan and guiding principles contained in PPS1. Therefore the site is considered inappropriate for an A5 use.**
- (ii) **If the Head of Planning and Transportation 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 Central Team Leader advised that, although the resolution was contrary to the officers' recommendation, he was not minded to refer the matter to the Head of Planning and Transportation given the reasons put forward by Members.]

Proposed new dwelling.

The Central Team Leader gave a presentation on the application.

In accordance with the criteria for public speaking, Mrs. Breakwell spoke in objection to the application and Mr. Bishop spoke in support of the application.

Councillor JD Woodward, a Local Ward Member, expressed concerns about the proposed development, particularly in terms of the potential impact on residential amenity and access issues. Councillor Woodward considered that the Sub-Committee would benefit from a site inspection, as the setting and surroundings were fundamental to the determination or to the conditions being considered.

Other Members spoke in support of a site inspection.

RESOLVED:

That consideration of planning application DCCW0009/1390/F be deferred for a site inspection.

53. DCCW0009/1321/F - 152 EIGN STREET, HEREFORD, HEREFORDSHIRE, HR4 0AP [AGENDA ITEM 11]

Erection of two semi-detached dwellings with associated parking.

The Central Team Leader gave a presentation on the application.

Councillor PA Andrews, a Local Ward Member, said that she had concerns about the application and proposed that a site inspection be held, as the setting and surroundings were fundamental to the determination or to the conditions being considered. Councillor AM Toon, also a Local Ward Member, commented on infrastructure limitations in the locality.

RESOLVED:

That consideration of planning application DCCW0009/1321/F be deferred for a site inspection.

54. DCCW0009/1402/F - HOLMER COURT RESIDENTIAL HOME, ATTWOOD LANE, HOLMER, HEREFORD, HEREFORDSHIRE, HR1 1LJ [AGENDA ITEM 12]

Extension to existing care home providing 12 en-suite bedrooms, day rooms, dining room, staff facilities, new car park and landscaped gardens.

The Central Team Leader gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided as follows:

- The applicant's agent had requested an amendment to condition number 2 to allow the development to be built but not occupied until the main sewer had been upgraded.

Officer comments were also provided as follows:

- The amendment requested by the applicant's agent was in line with the restriction on the adjoining site [DCCW2006/2619/O] and was therefore considered acceptable and to accord with Circular 11/95 as there were reasonable prospects

that the sewer will be upgraded. This would also hasten the connection of the existing property to the upgraded system and therefore remove an identified sewage problem at the premises.

- It was recommended that condition 2 be amended accordingly.

In accordance with the criteria for public speaking, Mr. Jenkins spoke on behalf of Holmer Parish Council, Mrs. Allen spoke in objection to the application and Mr. Horridge spoke in support of the application.

Councillor RI Matthews read out a statement on behalf of Councillor SJ Robertson, the Local Ward Member; concerns were expressed about the severe problems with the existing inadequate sewer and traffic problems, it was commented that no further development should take place until the sewage arrangements had been resolved. Councillor Matthews himself felt that the application was unacceptable without assurances about the upgrade works to the sewer.

Councillor PJ Edwards considered the application to be premature and said that he had raised concerns regarding planning application DCCW2006/2619/O [for the development of 300 houses adjoining this site], principally because no sewage undertaker was able to demonstrate that the sewer had capacity and could cope with the existing challenges. He said that paragraph 6.6 should read that 'The solution, which has been agreed is to impose a Grampian condition preventing this proposal commencing until the upgrade works to the sewer proposed in connection with the new 300 houses has been completed *and is proven to have sufficient capacity and is adopted by the relevant sewage undertaker.*'

In response to a question from Councillor ACR Chappell, the Central Team Leader confirmed that upgrade works to the sewer were required through planning application DCCW2006/2619/O but no other party had indicated that they had plans to upgrade the sewer if that development did not proceed for any reason. It was reported that a reserved matters application for that site had been submitted and, subject to approval, the applicant [Crest] anticipated that development would commence in 2010. He added that Crest had been in extensive discussions with Welsh Water regarding the upgrade works. In response to further questions, the Central Team Leader advised that Crest was satisfied that the enhanced system would have capacity for Holmer Court and, as far as he was aware, it should mitigate some of the existing problems.

Councillor AT Oliver noted that this application was dependent on the proposed adjoining development and, given volatility in the housing market, felt unable to support this application given the uncertainties regarding the upgrade works.

Councillor AM Toon commented that a number of infrastructure improvements were reliant on the Crest development proceeding.

In response to a question, the Central Team Leader provided further details about the proposed foul drainage arrangements. Given the concerns expressed by Members, he suggested that the Sub-Committee might wish to consider retaining condition 2 as detailed in the report [that *no development shall commence* until the foul sewer has been upgraded], rather than the amended version provided in the update [that *the development shall not be occupied* until the foul sewer has been upgraded].

Councillor Edwards said that the upgrade works were likely to be substantial and involve connections some distance away. However, he considered that the recommendation could be supported subject to the additional wording he referred to above. Councillor Matthews commented on the need for strict adherence to conditions by developers and endorsed Councillor Edwards' comments.

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

RESOLVED:

That planning permission be granted subject to the following conditions:

1. **A01 (Time limit for commencement (full permission)).**
2. **No development shall commence until the foul sewer into which these premises propose to connect has been upgraded in accordance with the details agreed and approved under plans ref. DCCW2006/2619/O and is proven to have sufficient capacity and is adopted by the relevant sewage undertaker.**

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

3. **K4 (Nature Conservation – Implementation).**
4. **I33 (External lighting).**
5. **I22 (No surface water to public sewer).**
6. **C01 (Samples of external materials).**
7. **G02 (Retention of trees and hedgerows).**
8. **G11 (Landscaping scheme - implementation).**
9. **H13 (Access, turning area and parking).**
10. **H27 (Parking for site operatives).**
11. **I16 (Restriction of hours during construction).**

Informatives

1. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
2. **N11A**
3. **N11B**
4. **N11C**

55. DATE OF NEXT MEETING

14 October 2009

CHAIRMAN