

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 14 October 2009 at 2.00 pm

Present: Councillor JE Pemberton (Chairman)

Councillors: WU Attfield, DJ Benjamin, AJM Blackshaw, SPA Daniels, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, AM Toon, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward

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

56. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors PA Andrews, ACR Chappell, H Davies, GFM Dawe, GA Powell and AP Taylor.

57. DECLARATIONS OF INTEREST

5. DCCE0009/1661/F - 21 Aylestone Hill, Hereford, Herefordshire, HR1 1HR
Councillor WU Attfield; Personal.
Councillor NL Vaughan; Personal.
7. DCCW0009/1390/F - Land adjacent to Dinham, Ryeland Street, Hereford, HR4 0LA
Councillor SJ Robertson; Prejudicial; Left the meeting for the duration of the item.
9. DCCW0009/1678/RM - Land to the North of Roman Road, Holmer, Hereford, HR1 1LE
Councillor PJ Edwards; Personal.
Councillor SJ Robertson; Personal.
Councillor AM Toon; Prejudicial; Councillor Toon exercised the opportunity to speak before withdrawing for the remainder of the item.
K Bishop, Central Team Leader; Prejudicial; Left the meeting for the duration of the item.
10. DCCE0009/1718/O - Land adjacent to Methodist Church, East Street, Hereford, Herefordshire.
Councillor WU Attfield; Personal.
Councillor MAF Hubbard; Personal.
Councillor DB Wilcox; Personal.
Councillor JD Woodward; Personal.

58. MINUTES

RESOLVED:

That the minutes of the meeting held on 16 September 2009 be approved as a correct record and signed by the Chairman.

59. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report.

60. 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:

- A further letter had been received from the applicant's agent advising that the extension was now 5.5 metres from the neighbouring property, existing boundary vegetation had recently been removed and the neighbours existing pergola reduced daylight and sunlight to the window due to the timber running south west and the existing dwelling obscured sun from the south east.
- Amended plans had been submitted reducing the size of the first floor windows to high level obscure glazed windows and reducing the width of the extension by $\frac{3}{4}$ metre.

Officer comments were also provided as follows:

- The amended plans assisted in mitigating the impact on the neighbour and were considered acceptable. Therefore, the recommendation was adjusted accordingly.

Councillor NL Vaughan, a Local Ward Member, made a number of comments, including:

- The layout suggested a high density of occupation, with consequential impacts on residential amenity and traffic generation.
- Although obscure glazed windows would partly improve the privacy considerations, the extension would still have an impact on sunlight reaching the neighbouring dwelling which was Grade II listed and situated within the Conservation Area.
- The development would involve the loss of garden on both the frontage and rear of the property.
- The design of the railings would not be in keeping with other properties in the locality.
- Given these and other considerations, Councillor Vaughan proposed that the application be refused as the proposed development would have an overintensive and overbearing impact on the local area, would not be in keeping with the character of the neighbourhood, and would be detrimental to residential amenities.

Councillor DB Wilcox, the other Local Ward Member, also expressed a number of points, including:

- It was questioned whether the property was suitable for the development proposed.
- Attention was drawn to comment in the report that '*a parking area could be created under permitted development rights in any event*' and Councillor Wilcox said that the Sub-Committee had to consider the application before them and he did not consider that the proposal would either preserve or enhance the Conservation Area.
- Concerns were expressed about the potential impact of the proposed use on traffic movements and highway safety, particularly given the history of accidents on Aylestone Hill.

- It was suggested that a single, rather than a two storey extension might be more acceptable. However, the current proposal would be overbearing and would have a deleterious impact on the light and outlook enjoyed by the neighbouring property.
- The removal of vegetation by the occupants of the neighbouring property was not a material planning issue and should not form part of the consideration.
- The proposed 36% increase in floor area was considered significant on an already large property.
- Councillor Wilcox supported refusal of planning permission on the basis that the development would have an overintensive and overbearing impact and would not preserve or enhance the character or appearance of the Conservation Area.

In response to the comments of the Local Ward Members, the Principal Planning Officer advised that:

- A parking area could be created under permitted development rights, subject to the use of a permeable surface.
- The existing access was substandard and the new vehicular access would improve highway and pedestrian safety.
- The plans did not accurately illustrate the intended appearance of the railings and would be traditional in design.
- The Conservation Manager had no objections subject to conditions and the boundary treatment and landscaping scheme were outlined.
- A single storey extension with a pitched roof was likely to be broadly comparable in terms of height with this proposal for a two storey extension with a mansard roof.
- The 36% increase in floor area was not considered excessive in policy terms.
- Although the extension would have an impact on the neighbouring property, it was not considered that the impact would be sufficiently harmful to warrant refusal of the application.

In response to questions from Councillor DW Greenow, the Principal Planning Officer explained how the impact of the development on light levels and outlook from the neighbouring property had been assessed and confirmed that the size of the parking bays were considered acceptable. Councillor Greenow expressed reservations about the extension and the limited manoeuvring space for vehicles.

Councillor MD Lloyd-Hayes commented on the shortage of bed and breakfast accommodation, welcomed the proposed improvements to the access, considered the extension to be acceptable, and noted that no objections had been raised by Hereford City Council, the Conservation Advisory Panel or by officers.

The Chairman noted the value of the information provided by both the applicant and the principal neighbour.

Councillor SJ Robertson emphasised the need to preserve and enhance the area and supported the views of the Local Ward Members.

Councillor PJ Edwards noted the need for additional accommodation in the city but said that the character of the area needed to be safeguarded and felt that this proposal would have too great an impact on the neighbouring property. He also commented on problems with traffic movements on Aylestone Hill and did not consider that the access and parking arrangements would enable visiting drivers to manoeuvre safely.

In response to a question by Councillor KS Guthrie, the Principal Planning Officer advised that the frontage would involve the construction of a traditional dwarf brick wall with traditional railings above, the total height being approximately 1.5m high.

Councillor MAF Hubbard noted that a number of issues had to be considered and balanced, including: the conservation and preservation of the character of the area; finding a useful future for the building; the need for bed and breakfast accommodation and importance of tourism; and the impact on the amenity of neighbours.

Councillor NL Vaughan commented on congestion and highway safety issues on Aylestone Hill and the difficulties associated with egressing the site, particularly when turning right.

The Central Team Leader highlighted a number of issues, including: the access improvements that would result from this proposal; the fall-back position in terms of permitted development rights; the parking bays accorded with the relevant standards; a 1m railing could be erected without planning permission; a bed and breakfast use in this location was considered acceptable; and it was not considered that the proposed extension would be demonstrably harmful to the amenity of the neighbouring property to the extent that refusal of planning permission was warranted.

RESOLVED:

That

- (i) The Central Area Planning Sub-Committee is minded to refuse the application subject to the reasons 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 proposed development would have an overintensive and overbearing impact on the local area;**
 - 2. Would not be in keeping with the character of the neighbourhood and would not preserve or enhance the character or appearance of the Conservation Area; and**
 - 3. Would be detrimental to residential amenities.**

- (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 Development Control Manager explained the Council's referral procedure and 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.]

**61. DCCW0009/1321/F - 152 EIGN STREET, HEREFORD, HEREFORDSHIRE, HR4 0AP
[AGENDA ITEM 6]**

Erection of two semi-detached dwellings with associated parking.

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:

- A further letter had been received from the applicant's agent advising that the land served no other property other than their clients, the proposed use would have less impact than a new commercial use, and the proposed development enhances the Conservation Area.

Councillor AM Toon, a Local Ward Member, commented on traffic congestion and access issues and said that there was a need for additional road markings to prevent blockages and facilitate easier access and egress. It was questioned whether this site was suitable for residential development given the predominantly commercial uses in the vicinity, particularly given the potential impact of commercial activities on the future occupants of the dwellings. Given these and other considerations, Councillor Toon proposed that the application be refused as the site was not considered suitable for residential development, would represent an overintensive form of development, highway safety issues, and would have a detrimental impact on residential amenity.

Councillor SPA Daniels, also a Local Ward Member, did not consider the site to be suitable for the form of development proposed and commented on the proximity of a bus lane to the access. A number of Members expressed similar views.

Councillor WJ Walling suggested that consideration should be given to the provision of an access via the adjoining Aldi superstore car park. Councillor PJ Edwards concurred and questioned whether deferral of the application could provide an opportunity for the applicant to examine this possibility with the relevant landowner/s.

Councillor MAF Hubbard acknowledged the traffic problems on the local road network but reminded the Sub-Committee that there was an established historic access from the highway. He suggested that informal parking on the site perhaps generated more traffic movements than would be the case with a residential development. He also noted that it was for potential future occupants to decide whether the dwellings provided a suitable form of accommodation for their particular needs.

Councillor NL Vaughan expressed concerns about the limited comment provided by the Traffic Manager regarding access and highways issues.

The Senior Planning Officer advised that Members needed to consider the application before them, the proposal could result in a net reduction in parking on the site, the development would comprise modest two, two-bedroom dwellings, there was already mixed use development in the area which was not untypical of vibrant city centre locations, and the proximity of the site to the city centre was likely to limit the number of vehicular movements.

A motion to approve the application failed and a motion to refuse planning permission was then agreed.

RESOLVED:

That

- (i) **The Central Area Planning Sub-Committee is minded to refuse the application subject to the reasons 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 site is not considered suitable for residential development;**
 - 2. The proposal would represent an overintensive form of development;**
 - 3. Highways safety issues; and**
 - 4. The proposal would have a detrimental impact on residential amenity.**
- (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 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 and Transportation.]

62. DCCW0009/1390/F - LAND ADJACENT TO DINHAM, RYELAND STREET, HEREFORD, HR4 0LA [AGENDA ITEM 7]

Proposed new dwelling.

Councillor JD Woodward, a Local Ward Member, commented on the value of the site inspection, particularly as it helped members understand the constraints of the site. Councillor Woodward considered that the application should be refused as the proposal would have an overbearing impact on adjoining properties (particularly to the property to the north of the site), would represent an overdevelopment of the site, and on design grounds.

Councillor DJ Benjamin, also a Local Ward Member, expressed reservations about the design and commented that some form of development might be acceptable if the building was moved further back on the site. Therefore, he felt unable to support the application in its present form.

The design approach was debated and a number of members felt that the siting of the development needed to be reconsidered in order to minimise the impact on adjoining properties. Councillor RI Matthews urged officers to make every effort to address the concerns with the applicant.

Councillor AM Toon questioned whether there was merit in deferring the application to discuss possible amendments with the applicant. In response, the Senior Planning Officer advised that the orientation of the site was not square and adjusting the position of the building further back would move the mass closer to adjoining properties and officers did not consider that the consequential impact on residential amenity would be acceptable. He explained the design approach and commented that the re-positioning of the building, resulting in a larger area of forecourt, would be a discordant feature in the streetscape.

A number of Members felt that the design and position of the building could be adjusted without significant impact on neighbouring properties.

In response to a comment by Councillor NL Vaughan about the lack of detail provided, the Senior Planning Officer advised that a condition was recommended in respect of external materials and it was intended that contemporary materials would be used but these would be sympathetic to the streetscape.

Councillor Woodward commented on the potential impact of the proposal, in its current form, on the outlook and amenity of the adjoining property, 'Winston'.

The Central Team Leader outlined the reasons for refusal in relation to the previous application [CW08/2658/F refers] and said that re-positioning the development further back on the site could have a more demonstrable detrimental impact on neighbouring properties than the current proposal.

RESOLVED:

That

(ii) The Central Area Planning Sub-Committee is minded to refuse the application subject to the reasons 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 would have an overbearing impact on adjoining properties;**
- 2. Would represent an overdevelopment of the site; and**
- 3. The design approach is not considered suitable.**

(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 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 and Transportation.]

63. [A] DCCW0009/1406/F - 253 WHITECROSS ROAD & [B] DCCW0009/1414/F - 255 WHITECROSS ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LT [AGENDA ITEM 8]

[A] Erection of four dwellings & [B] Conversion and change of use of existing garage to communal bin store.

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:

- Further information had been received from the applicant's agent confirming the improvements to access, refuse collection and use of land.

Councillor JD Woodward, a Local Ward Member, commented on the attractive appearance of the Victorian house and garden and did not consider that the proposal was acceptable. Councillor Woodward expressed concerns about overlooking, parking provision, refuse storage, and the impact on residential amenity.

Councillor DJ Benjamin, also a Local Ward Member, considered the proposal to be quite sympathetic to the area and did not envisage that the level of additional vehicle activity generated by the development would have a significant impact on the local road network.

Councillor DW Greenow said that the erection of four dwellings would have a major impact and felt that the applications should be refused.

Councillor NL Vaughan expressed concerns about the principle of development, density and traffic. He felt that the proposal would have an overbearing impact on neighbouring properties and on the surrounding area.

Councillor MD Lloyd-Hayes noted that the site was brownfield land and therefore the principle of residential development was acceptable.

Councillor AT Oliver drew attention to the provisions of policy H14 (Re-using previously developed land and buildings) and commented on the need to safeguard existing property from loss of privacy and amenity.

Councillor PJ Edwards commented on national planning policy guidance and considered that the applications were acceptable subject to conditions, with specific emphasis on recommended conditions 6 and 7.

Councillor RI Matthews commented on the need to protect the quality of life of residents, particularly in busy city centre locations, and supported refusal of the applications.

Councillor MAF Hubbard questioned whether refusal could be sustained on appeal and said that the development should not set a precedent in the area given the specific site circumstances in this case.

Councillor SPA Daniels drew attention to the comments in the letters of objection.

Councillor AJM Blackshaw acknowledged the arguments in favour and against the development and, whilst acknowledging that this involved classic backland development, felt that the density was perhaps too high.

In response to questions and comments, the Central Team Leader advised that loss of privacy and amenity were valid considerations but officers were of the opinion that the applications were acceptable in policy terms. He also outlined the areas of landscaping to be retained and commented on appeal decisions on similar developments elsewhere.

Councillor Woodward said that the policies could not anticipate all individual site circumstances and re-iterated concerns about traffic, density and the impact of the development on the setting and surroundings.

A motion to refuse the applications failed and a motion to approve was then agreed.

RESOLVED:

That planning permission be granted subject to the following conditions:

In respect of DCCW0009/1406/F:

- 1. A01 Time limit for commencement (full permission).**
- 2. C01 Samples of external materials.**

3. **F15 No windows in side elevations of the building.**
4. **F14 Removal of permitted development rights.**
5. **G02 Retention of trees and hedgerows.**
6. **G09 Details of boundary treatments.**
7. **I51 Details of slab levels.**
8. **I32 Details of floodlighting/external lighting.**
9. **G10 Landscaping scheme.**
10. **G11 Landscaping scheme – implementation.**
11. **G15 Landscape maintenance arrangements.**
12. **H06 Vehicular access construction.**
13. **H09 Driveway gradient.**
14. **H13 Access, turning area and parking.**
15. **H29 Secure covered cycle parking provision.**
16. **H27 Parking for site operatives.**
17. **L01 Foul/surface water drainage.**
18. **L02 No surface water to connect to public system.**
19. **L03 No drainage run-off to public system.**
20. **I16 Restriction of hours during construction.**
21. **Prior to the occupation of any of the dwellings hereby permitted the communal bin store shall be implemented in accordance with the details submitted and permitted under planning application ref. no. DCCW0009/1414/F the bin store shall thereafter be permanently retained and available in perpetuity to serve the refuse storage and collection needs of the occupants of the development hereby permitted.**

Reason: In order to ensure satisfactory provision for the storage and collection of refuse, in the interests of amenity and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

Informatives:

1. **N03A Adjoining property rights.**
2. **N03C Adjoining property rights.**
3. **N14 Party Wall Act 1996.**
4. **N19 Avoidance of doubt - Approved Plans.**

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

In respect of DCCW0009/1414/F:

- 1. A01 Time limit for commencement (full permission).**
- 2. This permission shall only be implemented in conjunction with the development permitted under application ref. no. DCCW0009/1406/F.**

Reason: The development hereby permitted is an integral part of the development permitted under planning application ref. no. DCCW0009/1406/F and in order to ensure that a satisfactory standard of parking provision is available for No. 255 Whitecross Road, having regard to the requirements of Policy T11 of the Herefordshire Unitary Development Plan.

- 3. B02 Development in accordance with approved plans and materials.**
- 4. On the completion of the development hereby permitted and the completion of the parking and turning area for the development hereby permitted under planning application ref. no. DCCW0009/1406/F the existing vehicular access shall be sealed up. Details of the works and materials for the sealing up of the access shall be submitted to and approved in writing prior to the commencement of the development.**

Reason: In the interests of highway safety, the streetscape character of the surrounding area and the requirements of Policies DR1 and DR2 of the Herefordshire Unitary Development Plan.

Informatives:

- 1. N03 Adjoining property rights.**
- 2. N03C Adjoining property rights.**
- 3. N04 Rights of way.**
- 4. N19 Avoidance of doubt - Approved Plans.**
- 5. N15 Reason(s) for the Grant of PP/LBC/CAC.**

64. DCCW0009/1678/RM - LAND TO THE NORTH OF ROMAN ROAD, HOLMER, HEREFORD, HR1 1LE [AGENDA ITEM 9]

Residential development of 300 dwellings including access from Roman Road, essential infrastructure, open space, balancing pond, landscaping, roads, parking, footpaths, cycleway and engineering earth works.

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:

- Amended plans had been provided which covered the majority of the changes required by the Traffic Manager. However, further amendments as detailed in the report had been requested and therefore further amended plans were required.
- Further information regarding foul drainage had been provided by the developers as follows:

They confirmed that an order had been placed for the additional equipment required to bring the existing drainage infrastructure up to an adoptable standard and the equipment was to be installed within the next 4 to 6 weeks. Within the same timescale, the land was to be transferred to Crest. The existing drainage system was then to be submitted to Welsh Water for adoption by the end of 2009.

- The Environmental Health and Trading Standards Manager raised no objection subject to minor points being clarified with respect to the ground investigation report.
- Crest had also agreed to provide 20 bird boxes as requested by Hereford Ornithological Club.
- Natural England and the Council's ecologist had withdrawn their objections as acceptable mitigation and enhancement for Great Crested Newts had been demonstrated.
- Further letters have been received from Mrs Allen along with two letters from Bill Wiggin MP. The points made were already covered in the report primarily concerning the existing drainage infrastructure. Additional points included the impact on barn owls and the need to obtain a licence from Natural England and the whole development should be re-considered including further liaison with the landowners.
- Holmer Primary School had requested £5000 for improvements to existing educational infrastructure at the school.
- The Parish Council had requested that the burial ground contribution be given to Holmer burial ground as originally requested rather than Holmer Church burial ground.

Officer comments were also provided as follows:

- The resolution of the existing foul drainage problems and adoption of the system prior to the new drainage infrastructure being installed was welcomed.
- Subject to Crest and the Children's and Young Peoples Directorate agreement, some of the agreed education contribution could be directed to Holmer School as requested and the burial ground contribution could be amended as requested by the parish council.
- Delegated authority was still sought to enable the final amendments to be resolved.

Councillor AM Toon declared a prejudicial interest at the start of the item but, in accordance with the Constitution [Appendix 12, Members Code of Conduct, Part 2, paragraph 12 (2)], wished to exercise the opportunity to speak for up to three minutes before withdrawing from the meeting. She welcomed the implementation of Eco Homes 'Very Good' standard and the mix and tenure of the affordable housing. The importance of the drainage issues was noted. Councillor Toon suggested that the delegation to officers should include consultation with the Local Ward Member and, if planning permission was approved, a condition should be included to restrict commercial vehicles.

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

Councillor SJ Robertson, the Local Ward Member, made a number of comments, including:

- An opportunity had been missed at the outline application stage [DCCW2006/2619/O refers] to defer consideration until the essential foul drainage capacity issues had been addressed and to renegotiate the details of the Section 106 Agreement.

- Local residents were frustrated by the frequent problems with the inadequate drainage infrastructure and the lack of progress made by the developer and Welsh Water to resolve the situation. It was considered that the authority had a duty to ensure that the problems were rectified by the relevant parties.
- In terms of design, the three-storey houses were considered out of keeping with the rural area.
- The contributions towards the enhancement of educational infrastructure should be allocated specifically to Holmer Primary School.
- Concerns were expressed about the additional traffic that would be generated by the development. Details of recent accidents in the vicinity were outlined. Ongoing problems with speeding on nearby roads were also outlined.
- Councillor Robertson did not consider that the application was acceptable in its present form and suggested that it would be prudent to hold a site inspection to ensure that the outstanding issues were addressed.

The Development Control Manager clarified that this application sought Reserved Matters approval following on from the outline for the layout, scale, appearance and landscaping of the development. It was acknowledged that the existing drainage infrastructure was a problem area that needed to be addressed but it was considered that the appropriate controls over drainage existed through the Section 106 Agreement. The Principal Planning Officer outlined the controls and advised that no development could be occupied until the approved drainage scheme had been implemented.

Councillor PJ Edwards said that the resolution should include wording similar to that included in a decision made at the last meeting regarding an adjoining site [DCCW0009/1402/F - Holmer Court Residential Home, refers], that *'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'*. Alluding to problems with other large developments, he commented that the road network needed to be of sufficient width and include practical curbing treatments in order to avoid difficulties with passing and manoeuvring. Councillor Edwards also commented on the need to ensure that the development was restricted to a maximum number of 300 houses, questioned the arrangements for the future maintenance of the open areas, and questioned the timescale envisaged by the developer to bring the existing drainage infrastructure to an adoptable standard given the substantial upgrades required.

In response to questions and comments, the Principal Planning Officer advised that:

- The Section 106 Agreement had been agreed as part of the outline planning permission and included a specific schedule relating to drainage.
- The works referred to in the updates intended to tackle the existing drainage problems.
- The internal road network would be constructed to adoptable standards and parking was generally on plot or in courts.
- A management plan for the future maintenance of the open areas had been included in the Section 106 Agreement.
- A single means of vehicular access would serve the development and a network of new footpath and cycle links would connect to existing footpaths.
- The three-storey dwellings should not appear significantly higher than the two-storey dwellings, particularly as the mass of the larger blocks would be broken up with different roof heights and detailing.

- The layout of the development had been designed around the existing landscape features and included a green infrastructure corridor around the perimeter of the site.

Councillor RI Matthews felt that application should be deferred in order to address the outstanding concerns; he added that this would provide the opportunity for the imminent drainage infrastructure improvements to be completed to a satisfactory standard and adopted by Welsh Water. The Principal Planning Officer provided further clarification about the controls included in the schedule relating to drainage. The Development Control Manager said that officers understood the concerns but it was not considered reasonable to require the adoption of the existing infrastructure prior to any development commencing, as this would be reliant on third party agreement outside the control of the applicants and the Council, and deferral for this purpose could result in a challenge against non-determination.

In response to a suggestion by Councillor AJM Blackshaw, the Development Control Manager provided assurance that the Local Ward Member would be briefed about ongoing developments.

Councillor MD Lloyd-Hayes noted the need to determine the application before the Sub-Committee, welcomed development north of the city given the enhanced community infrastructure available there compared to other areas, considered the layout and open space features to be satisfactory, and noted the importance of involving the Local Ward Member.

In response to questions from Councillor AT Oliver, the Principal Planning Officer advised that the outline planning permission restricted the number of dwellings to 300 and the higher density elements were concentrated centrally within the site. Councillor Oliver urged officers to look seriously at the road system improvements suggested by the parish council, expressed concerns about the design approach, and felt that the development should include enhanced sustainability technologies.

In response to questions from Councillor NL Vaughan, the Principal Planning Officer advised that each dwelling would have at least one parking space, there should be no discernible difference between the design of the general market and affordable dwellings, particularly given the broad mix and spread of housing types. He also commented on the measures required to meet the Eco Homes 'Very Good' standard.

RESOLVED:

Subject to the resolution of the objection from Natural England and subject to the submission of amended plans addressing the concerns of officers and the Traffic Manager, the officers named in the Scheme of Delegation to Officers be authorised to issue reserved matters approval subject to the following conditions and any additional conditions considered necessary by officers:

- 1. F16 No new windows in specified elevation.**
- 2. Vehicular access to the site during the construction phase shall be via the proposed new access onto Roman Road only and there shall be no other vehicular access to the site during the construction of the development.**

Reason: In the interests of highway and pedestrian safety, to safeguard the amenity of local residents and to comply with Policies DR2 and DR3 of the Herefordshire Unitary Development Plan.

Informatives:

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

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

65. DCCE0009/1718/O - LAND ADJACENT TO METHODIST CHURCH, EAST STREET, HEREFORD, HEREFORDSHIRE [AGENDA ITEM 10]

Erection of 10 no. one-bedroom flats.

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:

- Amended plans had been received which lowered the height of all three accommodation blocks and removed part of the first floor unit to the rear of 50 East Street. The design of the fenestration on the two storey unit had also been modified.
- The Conservation Officer had reviewed the building to be demolished and had confirmed that it may be listed by virtue of attachment to surrounding buildings.

Officer comments were also provided as follows:

- The amendments addressed the Conservation Officer's concerns and assisted in reducing overall height and visual mass when viewed from East Street, ensured that the development was now subservient to the adjacent Methodist Hall and also reduced the impact on the immediate neighbour at 50 East Street. The plans were considered acceptable.
- The Conservation Officer considered that the demolition of the single storey building would enhance the setting of the adjoining listed buildings and he therefore maintained no objection subject to the appropriate application being submitted.
- As the amended plans were considered acceptable, the recommendation detailed in the report was adjusted accordingly.

In accordance with the criteria for public speaking, Mr. Cook and Mr. Holden spoke in objection to the application and Mr. Guilor spoke in support of the application.

Councillor MAF Hubbard, the Local Ward Member, drew attention to an objector's comment that the adjacent Methodist Hall should not set the precedent for the scale of development on this site. Councillor Hubbard considered that the scale and mass of the building would be out of keeping with the area and would have a significant impact on Pulling Mews. He also expressed concerns about the number of units proposed and the degree of overlooking and overshadowing.

Councillor NL Vaughan commented on the narrowness of East Street and, given the listed buildings nearby, questioned the contemporary design approach.

Councillor DB Wilcox said that all city centre developments should include provision for the storage of electric mobility vehicles for persons with disabilities. He also asked how this application differed to a previous application that was refused [CE2007/2166/O refers].

In response to questions and comments, the Principal Planning Officer advised that:

- there was adequate space to include a store for mobility vehicles;
- a two storey scheme would still involve a degree of overlooking;

- re-positioning the development further back on the site would have more impact on 50 East Street; and
- the previous application would have involved a greater degree of impact on the residential amenity of neighbouring properties.

Councillor Wilcox noted that the Conservation Manager - Historic Buildings and the Conservation Advisory Panel had expressed reservations about the design and questioned whether this proposal had fully addressed the reasons for refusal in respect of the previous application.

Councillor WU Attfield commented that the scale and mass of the proposal would have an impact on the streetscape. She also noted that the narrowness of East Street caused problems for pedestrian safety, particularly as vehicular speeds could be quite high.

Councillor PJ Edwards suggested that authority to issue planning permission be delegated to officers, in consultation with the Local Ward Member and the Chairman, to resolve the final details. He also noted the Traffic Manager's comment about a possible link from the site to Barroll Street and felt that this should be investigated.

The Principal Planning Officer advised that the Section 106 Agreement would prevent the future occupiers of the development from being eligible for residents' parking permits within the city centre. He clarified the distance between the site and Pulling Mews and noted that the building-to-building relationship was not untypical. He also confirmed that the Conservation Manager was satisfied with the amended plans.

Councillor AM Toon drew attention to the draft Heads of Terms, noted the need to use contributions to improve infrastructure in the locality, and made the following comments:

- the sum in respect of public open space should be allocated towards the Castle Green;
- the sum in respect of sports should be allocated towards access improvements at the Hereford Canoe Centre;
- the lack of a pavement contrasted with efforts to provide Safe Routes for Schools; and
- the contribution towards off site highway works should include an element towards the refurbishment of St. Peter's Square bus shelters/street furniture.

Councillor RI Matthews noted that Hereford City Council had no objections to the application and that officers did not consider that the impact on amenity would be such that refusal of planning permission was warranted in this instance.

Councillor MD Lloyd-Hayes expressed concerns about the density and design of the proposal and the impact on the local neighbourhood. Comments were also made about library facilities and bus services.

Councillor DJ Benjamin noted that contemporary designs had integrated well in other parts of East Street, despite the initial reservations of the Sub-Committee.

Councillor Hubbard requested that, should the application be approved, the contribution towards off site highway works be put towards a Traffic Order to include East Street in the 20mph speed limit scheme.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. **A02 Time limit for submission of reserved matters (outline permission).**
2. **A03 Time limit for commencement (outline permission).**
3. **A04 Approval of reserved matters.**
4. **A05 Plans and particulars of reserved matters.**
5. **B07 Section 106 Agreement.**
6. **C01 Samples of external materials.**
7. **D02 Approval of details.**
8. **E01 Site investigation - archaeology.**
9. **E04 Submission of foundation design.**
10. **F10 No balconies/roof amenity area.**
11. **F17 Obscure glazing to windows.**
12. **G11 Landscaping scheme - implementation.**
13. **H27 Parking for site operatives.**
14. **H29 Secure covered cycle parking provision.**
15. **I16 Restriction of hours during construction.**
16. **I51 Details of slab levels.**
17. **I56 Sustainable homes condition.**

Informatives:

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

66. DCCE0009/1751/F - WEST LYDIATT DWELLING, WEST LYDIATT, WITHINGTON, HEREFORD, HR1 3PM [AGENDA ITEM 11]

Proposed garages and workshop together with utility and log store, for the storage of vintage cars linking West Lydiatt dwelling with the disused barn.

The Central Team Leader reported that the location plan in the agenda was incorrect and the correct plan was displayed at the meeting. The Central Team Leader gave a presentation on the application.

In accordance with the criteria for public speaking, Mr. Perks spoke in objection to the application and Mr. Snadden spoke in support of the application.

In response to a question from Councillor DW Greenow, the Local Ward Member, the Central Team Leader advised that an existing barn was not considered to have the depth necessary for storing vehicles. Councillor Greenow drew attention to the comments of Withington Parish Council and the letters of objection; in particular, he

noted the potential for noise disturbance, impact on residential amenity and concerns about additional traffic. He also questioned whether the hours of working on the hobby could be limited.

Councillor PJ Edwards supported the application, subject to specific weight being given to recommended condition 3 (F07 Domestic use only of garage). Other Members also supported the application.

In response to a question about whether a refusal of planning permission could be defended if challenged, the Central Team Leader commented on the domestic nature of the application and said that officers considered the proposal to be acceptable subject to conditions.

Given the concerns raised by Members, the Central Team Leader suggested additional conditions in respect of noise insulation, a restriction on the use of power-tools on Sundays, and external lighting. He added that the details could be discussed with the Local Ward Member and the Chairman.

In response to further questions, the Central Team Leader re-iterated that the proposed building would be for the applicant's personal use only and that any noise nuisance could be addressed through separate legislation.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission).**
- 2. C03 Matching external materials (general).**
- 3. F07 Domestic use only of garage.**
- 4. F08 No conversion of garage to habitable accommodation.**
- 5. F14 Removal of permitted development rights.**
- 6. No power tools or machinery shall be used at the premises other than portable tools on a Sunday.**

Reason: In the interest of the amenity of the area and to comply with Policy DR13 of the Herefordshire Unitary Development Plan.

- 7. I33 External Lighting**

Informatives:

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

67. DCCW0009/1867/F - LAND ADJACENT TO BRICK HOUSE, BUSH BANK, CANON PYON, HEREFORD, HEREFORDSHIRE, HR4 8PH [AGENDA ITEM 12]

Permanent retention of fixed (not rotated) Spanish polytunnels for use in soft fruit growing (table top method), granted temporary planning permission respectively on 29/10/2003 and 09/03/2004, (expiring on 29/10/2009 and 09/02/2011 respectively) under LPA refs: DCCW2003/2321/F & DCW2004/4212/F.

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:

- An amended plan, deleting one additional row of polytunnels adjacent to Pyon House and including planting of oak trees along the southern side of the driveway to Pyon House, had been received.
- The applicant's agent had confirmed that the Landscape and Visual Impact Assessment [LVIA] had been updated from the previous submission and addressed the points raised by the Landscape Officer.
- Two further letters of support and one further letter of objection had been received.

Officer comments were also provided as follows:

- Comparison with the submitted plan and the amended plan showed minor variations with the exception of the area adjacent to Pyon House where the second polytunnel was now removed.
- The updated LVIA did take account of the unregistered park and garden and the landscape mitigation had been updated accordingly.
- The additional letters of support and objection did not raise any new issues.

In accordance with the criteria for public speaking, Mr. Preece spoke on behalf of Pyons Group Parish Council, Ms. O'Neill spoke in objection to the application and Mrs. Phillips and Mr. Asbury spoke in support of the application.

Councillor AJM Blackshaw, the Local Ward Member, expressed sympathy with the concerns of the owner of Pyon House and the remarks of Withington Parish Council. He also noted the importance of agriculture to the local economy. In response to a question, the Central Team Leader advised that a minimum height of 10' for the oak trees could be achieved.

Councillor Blackshaw commented on a number of matters raised in the report, the principal points included:

- It was noted that Unitary Development Plan policies E13 (Agricultural and Forestry Development) and LA4 (Protection of Historic Parks and Gardens) were of particular relevance to this proposal.
- The scheme for habitat enhancement and management, including the oak tree planting, should address some of the concerns of the Hereford & Worcester Gardens Trust.
- It was noted that there had been a recent traffic accident on the A4110.

The Central Team Leader commented on the survey process and said that there was no evidence of any major accidents on the part of the road near to the site. He also advised that both access routes were used by the operation.

- Attention was drawn to the comments of the Conservation Manager (Landscape), particularly that *'the landscape has the capacity to accommodate the degree of change presented by the proposed development'* and that, whilst it could be considered that there might be a conflict with policy LA4, *'attaching a condition requiring the preparation and delivery of a management strategy, in conjunction with a landscaping scheme and management plan, which addresses the historic environment will be sufficient and reasonable in this case'*. It was noted that recommended condition 4 would cover this matter.

- Referring to the comments of the Conservation Manager (Ecology), it was noted that recommended condition 7 would ensure that a scheme for habitat enhancement and management was implemented.
- The removal of an additional row of polytunnels and the landscaping scheme should mitigate some of the impact on Pyon House.
- It was noted that the Supplementary Planning Document - Polytunnels sought to limit polytunnels within 30 metres of the boundary of residential property and 50 metres of any dwelling whichever was the greater. In this case, the polytunnels were beyond 50 metres from Pyon House but were within 30 metres of the boundary. It was considered that, given the previous appeal decision and subject to the recommended conditions, the development was acceptable. The importance of condition 9, to require the sides of the polytunnels to be lowered during spraying, was highlighted.
- It was noted that it was necessary to weigh against the harm to the landscape the benefits of the use of polytunnels. The contributions of polytunnels to the viability of the agricultural sector and to the local economy were acknowledged.
- Councillor Blackshaw welcomed the late concessions by the applicant and commented on the need to involve the local community in ongoing discussions, particularly in respect of the landscaping scheme and management plan. He supported the officer recommendation and noted the need for strict adherence to the conditions.

Councillor DW Greenow commented that the planting would provide the start of a good break but would need to be maintained to ensure that there was no obstruction to the public bridleway.

Councillor RI Matthews expressed sympathy for the occupants of Pyon House and questioned whether anything else could be done to alleviate the impact of the development. In response, the Central Team Leader said that the application was considered acceptable and the scheme had been enhanced further by the removal of a row of polytunnels and the additional landscaping.

Councillor DJ Benjamin said that he could not support permanent planning permission given the impact on the character of the area, expressed reservations about the access arrangements and said that the area where polytunnels were to be removed should never have been covered in any case.

In response to questions from Councillor AM Toon, the Central Team Leader advised that the conditions would require that the polythene be removed between November and February, explained that the Inspector considered that there was no significant harm caused by the polytunnels adjacent to the boundary of Pyon House, and outlined the distances involved. The Development Control Manager advised that weight was given to the guidance in the SPD - Polytunnels but, on balance and in the context of the previous appeal decision, officers considered a temporary planning permission to be acceptable in this instance. The Central Team Leader confirmed that temporary planning permission of ten years was recommended.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1. F20 Temporary permission and reinstatement of land.**
- 2. G10 Landscaping scheme.**

3. **G11 Landscaping scheme - implementation.**
4. **G14 Landscape management plan.**
5. **G02 Retention of trees and hedgerows.**
6. **In the event of the polytunnels hereby permitted becoming redundant for the growing of soft fruit the polytunnels including support structure and tables shall be permanently removed from the application site within a period of six months.**

Reason: To ensure the removal of the redundant structures in accordance with Policy LA4 of the Herefordshire Unitary Development Plan.

7. **Within three months of the granting of planning permission, a scheme for habitat enhancement and management, including all adjacent hedgerows and the Wellington Brook shall be submitted to the local planning authority for written approval. The scheme shall be implemented as approved.**

Reason: To comply with Herefordshire Council's Unitary Development Plan Policies NC6, NC8 and NC9 in relation to Nature Conservation and Biodiversity Action Plan Habitats and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

8. **None of the polytunnels hereby permitted shall be covered with polythene from November until December in any calendar year nor during the months of January and February in any calendar year unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure that the visual impact of the development hereby permitted is limited to the growing period in accordance with Policy LA2 of the Herefordshire Unitary Development Plan.

9. **When spraying takes place the sides of the polytunnels shall be lowered to the floor.**

Reason: In the interest of amenity of the area and adjoining residents in accordance with Policy DR4 of the Herefordshire Unitary Development Plan.

10. **The open area adjacent to the eastern boundary of Pyon House as indicated on the attached plan and coloured green shall be retained as a buffer zone and kept free from associated storage, vehicular accesses or other activities connected with the operation of the polytunnel development.**

Reason: In the interest of amenity of the area and adjoining residents in accordance with Policy DR4 of the Herefordshire Unitary Development Plan and SPD Polytunnels.

11. **The open areas either side of the driveway to Pyon House as indicated in blue on the attached plan shall be retained as a buffer zone and kept free of associated storage with the polytunnel development.**

Reason: In the interest of amenity of the area and adjoining residents in accordance with Policy DR4 of the Herefordshire Unitary Development Plan and SPD Polytunnels.

12. The enhanced landscaping of the driveway to Pyon House through the Polytunnels as identified on the amended layout plan number 1275/06 rev F shall provide for an avenue of Oak Trees planted at a minimum height of 3m.

Reason: In the interest of amenity of the area and adjoining residents in accordance with Policy DR4 of the Herefordshire Unitary Development Plan.

Informatives:

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

68. DATE OF NEXT MEETING

11 November 2009

The meeting ended at 7.00 pm

CHAIRMAN