

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 11 November 2009 at 2.00 pm

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

Councillors: PA Andrews, WU Attfield, DJ Benjamin, ACR Chappell, PJ Edwards, KS Guthrie, MAF Hubbard, AT Oliver, SJ Robertson, AM Toon, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward

In attendance: Councillors TW Hunt (ex-officio)

69. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors AJM Blackshaw, SPA Daniels, H Davies, GFM Dawe, DW Greenow, MD Lloyd-Hayes, RI Matthews and AP Taylor.

70. DECLARATIONS OF INTEREST

None.

71. MINUTES

RESOLVED:

That the minutes of the meeting held on 14 October 2009 be approved as a correct record and signed by the Chairman.

72. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report.

73. DCCE0009/1383/F - 22 BUTE AVENUE, HEREFORD, HEREFORDSHIRE, HR2 6BU [AGENDA ITEM 5]

Proposed dwelling adjoining existing dwelling.

The Planning Officer gave a presentation on the application.

Councillor WU Attfield, a Local Ward Member, commented that many areas of concern with the proposal had been overcome. It was noted that there would be some overlooking of adjoining properties but, as there was already overlooking by existing properties, it was not considered to be so significant as to warrant refusal of planning permission. It was also noted that the Traffic Manager had not raised any objections subject to conditions.

Councillor ACR Chappell, also a Local Ward Member, commented that the cul-de-sac form of Bute Avenue should ensure that highway safety was maintained.

In response to a question from Councillor AT Oliver, the other Local Ward Member, the Planning Officer advised that a previous application for a detached dwelling

[DCCE2008/1747/F refers] had been refused on the grounds of design, scale and impact on the immediate and surrounding properties; he added that the current scheme addressed the previous reasons for refusal. Councillor Oliver commented that a semi-detached dwelling was preferable to a detached dwelling in this location, there would be some impact on the amenity of adjoining properties, and the dwelling should be built to achieve a minimum of code level 3 for sustainable homes. The Planning Officer said that a condition could be considered.

Councillor Atfield drew attention to the need to restrict any new openings in the side elevation of the extension and supported the officer's recommendation of approval.

In response to a question from Councillor WJ Walling, the Planning Officer highlighted the position of the electricity sub-station and the Central Team Leader said that it was not uncommon for residential dwellings to be sited next to sub-stations. In response to a further question, the Planning Officer confirmed that the condition in respect of the removal of permitted development rights would apply to the proposed dwelling.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **C01 Samples of external materials**
4. **F14 Removal of permitted development rights**
5. **F15 No windows in side elevation of extension**
6. **G09 Details of boundary treatments**
7. **G10 Landscaping scheme**
8. **G11 Landscaping scheme - implementation**
9. **H06 Vehicular access construction**
10. **H09 Driveway gradient**
11. **H10 Parking - single house**
12. **I16 Restriction of hours during construction**
13. **L01 Foul/surface water drainage**
14. **L02 No surface water to connect to public system**
15. **L03 No drainage run-off to public system**

Informatives:

1. **HN01 Mud on highway**
2. **HN05 Works within the highway**

3. **HN10 No drainage to discharge to highway**
 4. **N03 Adjoining property rights**
 5. **N15 Reason(s) for the Grant of PP/LBC/CAC**
 6. **N19 Avoidance of doubt - Approved Plans**
 7. **N14 Party Wall Act 1996**
74. **DCCE0009/1984/F - LAND TO THE SOUTH OF HIGHFIELD, ADJOINING HOLYWELL GUTTER LANE, HEREFORD, HR1 1UB [AGENDA ITEM 6]**

Erection of new residential care home with associated offices and facilities.

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 identifying the widening of Holywell Gutter Lane from the junction with the B4224, the provision of two pedestrian accesses from Holywell Gutter Lane to the adjacent public open space and provision of a further passing place opposite the proposed site entrance. The Traffic Manager had also confirmed that the improvements to Holywell Gutter Lane satisfied the Section 106 requirements in this instance.
- A further plan had been provided identifying the retention of additional mature trees within the site and along the site frontage.

Officer comments were also provided as follows:

- The amended plans addressed the Traffic Manager's comments and would facilitate safer access and exit and general passage of vehicles along Holywell Gutter Lane. In addition, the retention of further mature trees was welcomed and would assist in integrating the development into the site and surroundings.
- It was considered that all outstanding issues had now been addressed and therefore the application was recommended for approval.
- Typographical errors in the report were corrected.
- An informative note was recommended in respect of the need for the applicants to ensure that they had lawful authority to drive vehicles over the public bridleway.

In accordance with the criteria for public speaking, Ms. Ward spoke in objection to the application.

The Chairman, speaking in her capacity as the Local Ward Member, made a number of comments, including:

- Attention was drawn to paragraph 1.3 of the report, that 'Martha Trust is a non profit making charity that provides lifelong and day care respite for children and young adults with profound and multiple disabilities', and the Chairman commented on a visit to the existing facility with a planning officer some years before.
- The facility would help to improve the quality of life for those being cared for and should be welcomed as a valuable resource in the county.
- The case officer was congratulated for producing a report which had fully assessed the material considerations, including the conflict with Policy CF7, and the recommendation of approval was supported.

Councillor NL Vaughan commented on the excellent work of the Trust but queried the impact of the development on the surrounding countryside. In response, the Principal Planning Officer advised that the application was supported by a Landscape and Visual Impact Assessment and it was considered that, even with the loss of some existing trees, the development would not be prominent within the immediate or wider landscape; he added that a large number of the trees to be removed were Category C (minor value) and new tree planting would also be undertaken.

Councillor Vaughan also queried the likely effectiveness of the Travel Plan requirements. The Principal Planning Officer advised that the Plan would not be accepted unless it contained sufficient details and suitable penalties if targets were not achieved. In response to a further question, the Principal Planning Officer said that financial penalties for non-compliance with the Travel Plan might not be entirely appropriate in this instance but other measures would be required.

Councillor DB Wilcox noted that various elements of the application had to be considered, including the landscape impact, the departure from Policy CF7, the high quality design of the development, the need for the facility, and the creation of 60 new full time jobs. Whilst noting concerns about the impact on residential amenity, Councillor Wilcox felt that the application was acceptable on balance and supported the recommendation of approval. He asked for clarification about the comment in the report that 'adequate parking will be provided within the site' but noted the wider benefits associated with the alterations and improvements to Holywell Gutter Lane.

Councillor PJ Edwards commented on the valuable work of the Trust, the sustainable credentials and design of the development, and the support from Hampton Bishop Parish Council. Given the comments of the speaker and the open countryside location of the site, Councillor Edwards said that improvements to the lane should not result in an overly urbanised appearance. The Principal Planning Officer said that officers recognised the need to maintain the character of the lane and, for this reason, no footpath or street lighting was recommended; although new pedestrian links to the open space to the west from Holywell Gutter Lane would be required. The Assistant Solicitor (Corporate) said that the status of the lane as a bridleway would have implications for the type of surface treatment that could be used.

The Principal Planning Officer outlined the sustainability measures and advised that the proposed development was close to achieving the highest possible rating under the 'BREEAM' assessment system.

Councillor ACR Chappell supported the application and commented on the need for objectivity, the high standard of architecture proposed, visual impact considerations, and construction sustainability.

Councillor PA Andrews commented on the quality of the design approach and said that, given the 24 hour care requirements, the Travel Plan needed to be appropriate for the type of use proposed.

In response to a question, the Principal Planning Officer explained the arrangements for staff and visitor parking and for vehicular manoeuvring; there was provision for mini-buses but it was not envisaged that large buses would need to be parked at the site.

Councillor MAF Hubbard commented that some staff at the existing facility already used sustainable modes of transport and suggested that this could be further encouraged through parking charges during the day.

Councillor AM Toon noted the architectural merits of the scheme but expressed reservations about the potential socio-economic impact of the use. In response to a

question, the Principal Planning Officer advised that the level of highway works proposed in the scheme were greater than could be achieved through a Section 106 Agreement and no other contributions were required.

Councillor WU Attfield commented that there were positive economic benefits from the creation of new full time jobs that the development would generate. Councillor Attfield noted that the development would have an impact on residential amenity and on the landscape but the wider benefits had to be taken into consideration.

Councillor Vaughan felt that the proposal should be amended to include specific reference to the penalties to be applied in the event of non-compliance with the targets in the Travel Plan. The Principal Planning Officer advised that the standard condition would require targets relating to particular modes of transport and appropriate penalties if the targets were not met. The Central Team Leader commented on the robust approach being taken in relation to Travel Plans and advised that the targets would be set as a result of discussions with transportation and sustainability officers.

The Chairman noted the need to consider the broader community aspects of the scheme.

RESOLVED:

The officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

1. **A01 Time limit for commencement (full permission)**
2. **C01 Samples of external materials**
3. **G02 Retention of trees and hedgerows**
4. **G03 Retention of existing trees/hedgerows**
5. **G11 Landscaping scheme – implementation**
6. **H03 Visibility splays**
7. **H13 Access, turning area and parking**
8. **H17 Junction improvement/off site works**
9. **H29 Secure covered cycle parking provision**
10. **H27 Parking for site operatives**
11. **H30 Travel plans**
12. **I09 Sound insulation of plant and machinery**
13. **I16 Restriction of hours during construction**
14. **I20 Scheme of surface water drainage**
15. **I33 External lighting**
16. **I41 Scheme of refuse storage (commercial)**

17. **I55 Site Waste Management**
18. **I56 Sustainable Construction Condition**
19. **L01 Foul/surface water drainage**
20. **L02 No surface water to connect to public system**
21. **L03 No drainage run-off to public system**
22. **K4 Nature Conservation - Implementation**

Informatives:

1. **N15 Reason(s) for the Grant of PP/LBC/CAC**
2. **N19 Avoidance of doubt - Approved Plans**
3. **The applicant's attention is drawn to the need to secure the landowners permission to use the bridleway by vehicular traffic.**

75. DCCW/092285/F - LAND REAR OF 93 HIGHMORE STREET, HEREFORD, HR4 9PG [AGENDA ITEM 7]

Proposed erection of two semi detached chalet bungalows and associated works.

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 Transportation Manager had confirmed no objection subject to the imposition of condition H13 to ensure suitable access, turning and parking area.
- Hereford City Council recommended refusal as an overdevelopment of a backland plot.
- A letter of objection had been received from Mr D Fletcher stating that noise and pollution would be moved closer to his property and the boundary hedge would be removed to create the access.

Officer comments were also provided as follows:

- The condition recommended by the Transportation Manager had been added to the recommendation.
- The site was granted planning permission in 2008 for two chalet bungalows and, therefore, the comments of Hereford City Council and the neighbour could not be sustained.
- As the consultation period did not expire until 13 November 2009, delegated authority was sought to approve the application.

Councillor PA Andrews, a Local Ward Member, noted that there were a number of backland developments in the locality and did not consider that there was any material planning reason to warrant refusal of this application.

Councillor AM Toon, also a Local Ward Member, commented that this was a typical form of development and did not feel that a site inspection was necessary in this instance.

In response to a question from Councillor DB Wilcox, the Central Team Leader confirmed that there were Section 106 Agreement contributions associated with an outline planning permission on the site [DCCW08/2004/O refers] but as the new application was for full planning permission, rather than reserved matters, no contributions were required. Some Members expressed concerns about the lack of contributions.

The Assistant Solicitor (Corporate) read out the amended recommendation, reproduced in the resolution below.

RESOLVED:

That subject to no further objections being received, by the end of the consultation period, that raise additional material considerations, officers named in the Scheme of Delegation to Officers be authorised to approve the application, subject to the conditions noted in the report, and any further conditions considered necessary by officers.

76. DATE OF NEXT MEETING

9 December 2009

The meeting ended at 3.17 pm

CHAIRMAN