

MINUTES of the meeting of Central Area Planning Sub-Committee held at : The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 13th December, 2006 at 2.00 p.m.

Present: Councillor D.J. Fleet (Chairman)
Councillor R. Preece (Vice-Chairman)

Councillors: Mrs. P.A. Andrews, Mrs. E.M. Bew, A.C.R. Chappell, P.J. Edwards, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, Mrs. S.J. Robertson, Mrs E.A. Taylor, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams and R.M. Wilson

In attendance: Councillors T.W. Hunt (ex-officio) and J.B. Williams (ex-officio)

118. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs. W.U. Attfield, Mrs. S.P.A. Daniels, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell and Miss F. Short.

119. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
See Interest panel	Minute 123, Agenda Item 6 DCCW2006/2619/O Land to the North of Roman Road, Holmer, Hereford, HR1 1LE	Mrs. S.J. Robertson* and Ms. A.M. Toon declared prejudicial interests and left the meeting for the duration of the item. D.J. Fleet, Mrs. M.D. Lloyd-Hayes and Mrs. E.A. Taylor and declared personal interests. Principal Planning Officer K. Bishop declared a personal interest and left the meeting for the duration of the item.
Mrs. S.J. Robertson	Minute 124, Agenda Item 7 DCCE2006/2211/F Land to the Rear of Beech Business Park, Tillington Road, Hereford, Herefordshire, HR4 9QJ	Declared a prejudicial interest and left the meeting for the duration of the item.

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A.L. Williams	Minute 125, Agenda Item 8 DCCE2006/3474/G 1 to 5 Aylestone Court Mews, Rockfield Road, Hereford, HR1 1HS	Declared a personal interest.
Mrs. S.J. Robertson	Minute 128, Agenda Item 11 DCCW2006/3160/F Taste for Adventure Centre, The Hafod, Credenhill, Hereford, HR4 7DA	Declared a prejudicial interest and left the meeting for the duration of the item.
D.B. Wilcox	Minute 131, Agenda Item 14 DCCE2006/3614/F 10 Kyrle Street, Hereford, Herefordshire, HR1 2ET	Declared a personal interest.
Mrs. S.J. Robertson and D.B Wilcox	Minute 134, Agenda Item 17 DCCE2006/2981/F 38 Hampton Dene Road, Hereford, Herefordshire, HR1 1UX	Declared prejudicial interests and left the meeting for the duration of the item.
Mrs. S.J. Robertson	Minute 135, Agenda Item 18 DCCE2006/3508/O Land to the Rear of 105 Gorsty Lane (Ryder Close), Hereford, Herefordshire, HR1 1UN	Declared a prejudicial interest and left the meeting for the duration of the item.

* Councillor Mrs. S.J. Robertson said that she did not believe that she had a prejudicial interest but she would abide by the legal advice given prior to and at the meeting. She commented that the Code of Conduct had denied her the opportunity to represent her constituents and felt that it demonstrated the weaknesses of the Code in its present form. A number of Members expressed sympathy for the position of the Local Ward Member.

120. MINUTES

The Minutes of the last meeting were received.

RESOLVED: That the Minutes of the meeting held on 15th November, 2006 be approved as a correct record and signed by the Chairman.

121. ITEM FOR INFORMATION - APPEALS

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

RESOLVED: That the report be noted.

122. DCCW2006/3153/F - THE BIRCHES STABLES, BURGHILL, HEREFORD, HR4 7RU [AGENDA ITEM 5]

Change of use from agricultural to a 2 family gypsy site.

The Principal Planning Officer reported the receipt of a revised access plan.

In accordance with the criteria for public speaking, Mrs. Reynolds spoke on behalf of

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Burghill Parish Council, Mr. Swancott spoke against the application and Mr. Baines spoke in support of the application.

In response to a comment made by a public speaker, Councillor Mrs. S.J. Robertson, the Local Ward Member, commented that a speed limit recently introduced in the vicinity of the site had taken three years to achieve and was not related to this proposal.

In response to a question, the Principal Planning Officer confirmed that a length of hedgerow would need to be removed in order to improve visibility at the access.

Councillor Mrs. Robertson noted the value of the site inspection that had been undertaken by the Sub-Committee. She briefly explained the planning history of the site and commented that the local community, whilst generally supportive of gypsy families, had raised a number of important concerns about the application. It was felt that there was not a safe and adequate means of access to the site and the proposal would have a detrimental impact on the adjacent Scout Hut. She drew attention to the views of Burghill Parish Council with regard to the policy considerations. Some concerns were expressed about the justification for the application given that the applicant had obtained a similar planning permission in Marden; claims about the costs of water connection at that site were disputed.

Councillor Mrs. Robertson proposed refusal of the application but suggested that if planning permission were granted the hedgerow should be translocated within the site in order to maintain the rural character of the area and the use should be restricted through a personal condition relating to the applicants only. The grounds for refusal were: the development was outside the approved settlement boundary and did not meet the criteria as an exceptional case; highways safety; impact on the Scout Hut; impact on the hedgerow; and the proposal was contrary to the Burghill Parish Plan.

The Principal Planning Officer clarified the recent planning history of the site. He advised that recommended condition 3 could be amended to include the translocation of the hedge.

Councillor R.I. Matthews noted the concerns of the Burghill Scout and Guide Group and Burghill Parish Council, particularly in relation to highways safety and amenity issues, and felt that there were grounds for refusal.

The Central Team Leader commented that this proposal provided the opportunity to improve the existing substandard access.

Councillor A.C.R. Chappell felt it regrettable that this was a retrospective application but did not feel that there were planning grounds to warrant refusal of the application. He commented that the proposed access arrangements were similar to many along rural roads. It was noted that the lack of availability of authorised pitches was a material consideration.

Councillor J.G.S. Guthrie commented that some local residents did not feel able to write to the Council about their concerns regarding this proposal.

In response to a question from Councillor Ms. A.M. Toon about the definition of gypsy, the Principal Planning Officer advised that sufficient evidence had been provided to substantiate the applicants' gypsy status and, therefore, the proposal accorded with Policy H12 (Gypsies and Other Travellers).

Councillor P.J. Edwards noted the worth of the site inspection. He concurred with

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the Local Ward Member that planning permission should be restricted to the applicants for their lifetime and felt that the number of caravans had to be controlled in order to protect the visual amenities of the area. It was noted that some concerns had been expressed as to whether the proposal accorded with Policy H12, particularly with regard to local need.

A number of other Members commented on the lack of authorised pitches but felt that, given the concerns raised, the use of the site should be made personal to the applicant through a condition.

The Central Team Leader acknowledged Members' concerns about landscaping and the need to maintain rural character of the area and agricultural appearance of the land.

A motion to refuse the application was lost. The recommendation was then agreed subject to the additional conditions identified. The Local Ward Member asked that she be kept informed of any further developments.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1. No more than two mobile homes and one touring caravan shall be stationed on the land at any time. No other structure apart from those existing on the site at the time of the application including those permitted by the caravan site licence shall be erected without the approval of the local planning authority.**

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicants special circumstances.

- 2. This permission shall enure for the benefit of Mr and Mrs R. Jones and Miss Rosanne Jones and not for the benefit of the land or any other persons interested in the land. On cessation of their occupation the land shall revert to agricultural use.**

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicants special circumstances.

- 3. Notwithstanding the submitted plans and within one month of the date of this permission a new vehicle access shall be constructed providing visibility splays of 2 metres x 60 metres in each direction and any entrance gates set back 5 metres, full details of which shall be submitted for approval in writing of the local planning authority and the access shall be constructed in accordance with the approved details and retained in perpetuity.**

Reason: In the interests of highway safety.

- 4. Within one month of the date of this permission, details of a scheme of landscaping which shall include translocation and replacement hedgerow planting behind the new access and visibility splay shall be submitted to and approved in writing by the local planning authority, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course**

of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.

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

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

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

6. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.

Reason: In the interests of highway safety.

7. Prior to the use of the application site hereby approved the existing vehicular access onto the adjoining highway shall be permanently closed. Details of the means of closure of this existing access shall be submitted to and approved in writing by the local planning authority prior to the commencement of work on the development hereby approved.

Reason: To ensure the safe and free flow of traffic using the adjoining highway.

8. No goods, plant, material or machinery shall be deposited or stored outside the buildings on the land hereby permitted unless otherwise agreed in writing with the local planning authority.

Reason: To protect the appearance of the locality.

Informatives:

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

[Note: In accordance with Constitution SO 5.10.2, Councillor P.J. Edwards wished it to be recorded that abstained from voting on this application.]

123. DCCW2006/2619/O - LAND TO THE NORTH OF ROMAN ROAD, HOLMER, HEREFORD, HR1 1LE [AGENDA ITEM 6]

Residential development (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 reported the following:

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- Welsh Water had removed their objection subject to conditions relating to adequate on site foul drainage and a condition or additional clause drawn into the Section 106 Agreement preventing occupation of any dwellings until the on and off site foul drainage infrastructure had been installed; the extent of the off site works would need to be informed by a hydraulic modelling exercise funded by the developers.
- Correspondence had been received from Sport England. Off site cycle links with existing / proposed recreation facilities were welcomed and it was suggested that secure cycle parking should be made available to each dwelling. Continuing concerns expressed in relation to the off-site recreation contribution and whether this was adequate to meet the identified need for playing pitches north of the river. Their objection was therefore maintained.
- A letter had been received commenting that some land should be made available for environmentally friendly self-build housing.
- A letter had been received from the Headteacher of Barrs Court School which highlighted the challenges faced by the school, as the only secondary school in the County catering specifically for pupils with severe and multiple learning difficulties, and suggested that a contribution should be made towards the Hydrosense appeal which sought funds for a new building to house a range of specialist facilities.
- A further letter had been received from Holmer and Shelwick Parish Council which re-iterated previous concerns, particularly regarding foul drainage and road capacity, and advised that, unless infrastructure could be provided for the best interests of the community, the Parish Council could not support the application.
- An e-mail had been received from Councillor Ms. A.M. Toon suggesting that the skate park contribution should be increased to £100,000 and education contribution should be enhanced with £30,000 towards the wind turbine at Whitecross School and £75,000 for a new portacabin at Trinity School to enable the nursery to be extended. The Principal Planning Officer advised that no further comments had been received from the Head of Education on this matter.
- It was reported that further meetings had taken place with regard to affordable housing provision and, as a result and with full support of Strategic Housing, the mix had now changed to 65% rented and 35% shared ownership with no low cost discount market housing; it was noted that this form of housing was not proving to be affordable on other sites where it had been negotiated.
- It was also reported that a further letter had been received from the applicants shortly before the Sub-Committee meeting and was summarised as follows:
 - ◆ The charge for any existing residents to connect to the new foul drainage system would be related to the costs of works only and there would be no 'ransom' charge.
 - ◆ Crest would also not resist connections until the new foul infrastructure had been adopted but Welsh Water may do.
 - ◆ With regard to the sustainability of the site, Crest stressed that it was an industry leader in constructing buildings with high standards of energy efficiency and the development would meet if not exceed the standards contained in the Sub-Committee report and proposed Section 106

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Agreement.

- ◆ It was also reported that Crest was aware of recent further requests for additional contributions and, therefore, offered two mechanisms by which the contributions could be increased. The first was to re-distribute the £25,000 plus £10,000 maintenance charge allocated for public art to another use. The second was to change the affordable housing mix from 65/35 to 60/40 which would make a further £180,000 available for a use reasonably related to the development such as education. The Principal Planning Officer advised that the latter suggestion did not have the support of Strategic Housing.

In accordance with the criteria for public speaking, Mr. Owen spoke on behalf of Holmer and Shelwick Parish Council, Mr. Holland spoke in objection to the application and Mr. Hodgson spoke in support of the application.

Following comments made by the public speakers, the Principal Planning Officer responded as follows:

- Planning permission was sought for the construction of 300 dwellings but full details of the types of units to be provided had not been listed in the application. As an outline application, all matters were reserved for future consideration with the exception of the means of access to the site. The number of dwellings would be restricted to 300 through conditions.
- The concerns that had been raised about foul drainage would be fully explored through the study required by Welsh Water and would be addressed through the Section 106 Agreement and conditions.
- In terms of ecology, the creation of a surface water balancing pond in an area of land north of the development site would mitigate some of the ecological impact of the development and enhance bio-diversity.
- Suggestions about measures to discourage the 'rat running' of vehicles along Munstone Road could be further discussed and negotiated with the developers; as an outline planning application, the specific road layout had not been determined at that stage.
- The means of access to the site had been considered by independent consultants for the Council, the Highways Agency and the developers and all had determined that a new signalised junction arrangement would be the optimum solution.
- It was noted that numerous comments had been made about the need for improvements to Munstone Road, College Road and Old School Lane. Whilst the development could not be expected to resolve all highway problems in the area, the Section 106 Agreement would require off-site junction and highway works.

Councillor R.M. Wilson commented that he had been asked to convey a number of issues raised by local residents to the Sub-Committee, some of the matters raised are outlined below:

- It was noted that the Unitary Development Plan (UDP) process had not yet been completed and this application could be considered premature.
- The Section 106 Agreement was inadequate and greater emphasis should be given to infrastructure improvements within the Parish, particularly to Roman Road, Attwood Lane and Munstone Road.

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- Given the volumes of traffic in the locality and potential highway safety problems, improvements were needed to minimise congestion and prevent 'rat running'.
- The traffic situation in the vicinity of the Royal National College for the Blind needed to be addressed.
- A pedestrian crossing on the A49 was needed to enable the safe passage of residents to the Church and Village Hall at Holmer.
- Funding should be provided for all schools in the catchment area, including Barrs Court School.
- Given the problems on the Wentworth Park estate, more detailed information was needed on the foul and surface water drainage arrangements.
- A concern was expressed that the area for development was greater than that indicated in the UDP.
- The archaeological importance of the land should be investigated prior to development.

Councillor Wilson also expressed his own views that: the access arrangements should not hinder traffic using the A4103 Roman Road; the Section 106 Agreement was inappropriate and should be reconsidered; appropriate speed limits were needed; contributions should be concentrated on enhancements within the Ward; and funding for the skate park should be redirected to other matters, particularly as land had already been made available to Hereford City Council for the skate park.

Councillor W.J. Walling commented that the affordable housing should be spread throughout the development to prevent these dwellings being perceived as separate to the rest of the estate.

Councillor P.J. Edwards acknowledged that outline planning permission was sought but felt that the application was premature and that insufficient information had been made available to the Sub-Committee. He proposed that the application be refused on the grounds that the proposal failed to address the essential infrastructure requirements and was contrary a number of policies in the Herefordshire Unitary Development Plan (Revised Deposit Draft) and South Herefordshire District Local plan. He drew attention to references in the report to 'no comments received' from statutory consultees and to additional information and plans awaited from the developers. He commented that the proposed contributions were inadequate and that detailed consideration of both existing and future infrastructure needs was required. He felt it unacceptable that matters relating to electricity cabling, sewerage provision and highway improvements were still outstanding. He also felt that the proposed £138,000 contribution towards the cost of improving the existing railway bridge on Roman Road was unsatisfactory and would not advance the improvements envisaged by the Local Plan Inspector.

Councillor Mrs. P.A. Andrews felt that the contributions proposed in the Section 106 Agreement should be allocated to relevant schools in the catchment area, including Barrs Court School. She commented on the need for the affordable housing to be of appropriate types, with greater emphasis on family homes rather than flats. She also commented that the contribution to the skate park would help to provide a much needed recreational facility for the 12-18 age group.

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In response to points raised by Members, the Principal Planning Officer advised that: there were differences of opinion about the most appropriate means to discourage 'rat running' on roads in the locality; the location of the proposed emergency access could be reviewed with the developers; the allocation of the contributions could be reviewed in order to provide funding towards educational facilities at Barrs Court School; a watching brief would be required in respect of archaeology; a mix of affordable housing types would be provided, with some flats and a high proportion of family dwellings; the Sub-Committee could consider priorities for off-site junction and highway works; the contribution of £138,000 towards the cost of providing a new bridge had been identified as a proportionate figure arising from the traffic impact of the development (the estimated total cost of a new bridge was given as £2.5m); the costs associated with re-routing of electricity cables which crossed the development were explained; and none of the key consultees had raised any objections in principle subject to conditions.

Councillor R.I. Matthews felt that the development should be restricted to the site identified in the UDP and that the proposed balancing pond outside this area should not be considered as amenity space. He expressed concerns about the way in which the proposed contributions and allocations had been identified. He commented that, if a substantial contribution could not be secured towards the cost of providing a new bridge, the sums should be allocated towards viable infrastructure improvements. He felt that the current proposals were inadequate and the application should be refused.

Councillor A.C.R. Chappell emphasised the need for planning gain to be relevant to the needs of the local area involved.

Councillor D.B. Wilcox outlined the potential impact of the development on traffic issues in the Aylestone Ward and, given the concerns raised about the perceived inadequacy of the proposed infrastructure improvements, proposed that consideration of the application be deferred for further discussions and negotiations between the developers and senior officers. He noted that contribution from each dwelling towards infrastructure improvements would be less than the Stamp Duty paid on many of the properties and felt this situation was totally inadequate. He commented that £138,000 was not enough to bring forward improvements to the railway bridge and there was a risk that this amount would be given back to the developers after ten years. Given this possibility and the concerns expressed by local residents, he suggested that funds would be better allocated towards junction and highway works on College Road and Old School Lane. He concurred with other Members that funds should be provided for Barrs Court School but felt that this should be an additional contribution by the developers. He commented that, at a public display and consultation meeting, a view had been expressed that the RNCB development scheme would bring about the necessary improvements to the College Road/Venns Lane/Old School Lane junction but in actual fact further contributions were needed to enhance the traffic control situation in this area. He also noted the accident history at the Munstone Road/College Road junction and the Attwood Road/Old School Lane junction and commented on the need for improvements to these routes.

Councillor Mrs. M.D. Lloyd-Hayes noted that there was significant demand for housing in this part of Hereford. She commended officers for the report and noted that not all the problems in the area could be resolved by this one application. She felt that contributions should not be too narrowly focussed and, in particular, welcomed the suggested contribution towards Barrs Court School. In response to earlier comments, Councillor Mrs. Lloyd-Hayes felt that the proposed contribution towards a skate park was justified given that a number of facilities for younger people in the north of the city had been closed in recent years. She welcomed the

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comments of Welsh Water and noted the ongoing work to address outstanding issues.

Councillor W.J.S. Thomas felt that it was regrettable that, due to the current Code of Conduct, the Local Ward Member was unable to contribute to the debate. He felt that the level of contributions proposed were inadequate and that further discussions should be held with the developer to resolve the areas of concern.

The Central Team Leader commented that deferral for further negotiations might not achieve significant additional contributions but suggested that it would be helpful if Members gave Officers a steer with regard to the priorities for the allocation of the developer contributions identified.

A motion to defer consideration of the application was lost. Then a motion to refuse the application was lost. The recommendation to approve was then agreed with Officers agreeing to discuss the specific allocation of contributions with the developer.

RESOLVED:

- 1. Subject to there being no objection from Sport England by the end of the consultation period and the Traffic Manager's concerns being addressed.**
- 2. The application be referred to the Government Office for the West Midlands under the Departure Procedures.**
- 3. Subject to the Secretary of State confirming that she does not intend to call the application in, the Head of Legal and Democratic Services be authorised to complete a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 covering the matters detailed in the Heads of Terms appended to this report and any additional matters that he considers necessary and appropriate.**
- 4. Upon completion of the above mentioned Planning Obligation, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to conditions.**

CONDITIONS

Due to the scale of the development, the wording of the conditions are still being discussed and agreed with the applicants. However, conditions will be included to cover the following:

- Standard outline conditions regarding commencement and submission of reserved matters details.**
- Phasing of the development and phasing of the construction of affordable housing.**
- Access and internal road construction including traffic calming and parking provision.**
- Off site junction and highway works.**
- A residential travel plan.**
- Tree and hedgerow protection and a landscape and biodiversity maintenance and management plan.**
- Further ecological surveys.**
- Foul and surface water drainage to include a restriction that no development can commence until the drainage works have been agreed**

by the Council and Welsh Water.

- Restriction on construction times, strategy for minimising dust and noise during construction.
- Archaeological watching brief.
- Details of boundary treatments, materials, site and slab levels, hard landscaping, lighting.
- Specification for the play areas.
- Restriction on the number of dwellings to 300.

[Note: In accordance with Constitution SO 5.10.2, Councillor D.B. Wilcox wished it to be recorded that he voted against approval of this application.]

124. DCCW2006/3362/F - LAND TO THE REAR OF BEECH BUSINESS PARK, TILLINGTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 9QJ [AGENDA ITEM 7]

Proposed change of use to agricultural machinery and equipment storage area.

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

Councillors Mrs. P.A. Andrews, the Local Ward Member, noted the history of the site and that the Inspector for the Herefordshire Unitary Development Plan had amended the settlement boundary in order that the land was included within the settlement boundary for Hereford City. She commented that she had not received any complaints about noise from the site directly. Given these considerations and subject to appropriate boundary treatments, she supported the application.

Councillor Mrs. A.M. Toon, also a Local Ward Member, commented on the need for an operating hours condition to reduce disturbance to local residents.

Councillor R.I. Matthews noted that the application would relieve pressure on the working area and should not generate significant extra traffic. He acknowledged the concerns of local residents and felt it essential that the floodlighting should be carefully positioned so that there was no adverse affect on residential amenity.

In response to issues raised by Members, the Principal Planning Officer confirmed that no buildings were proposed on the land, the Environmental Health and Trading Standards Manager had not received any nuisance complaints, recommended condition 6 would control floodlighting, and conditions 8 and 9 would address boundary treatments and landscaping issues.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. **F07 (Restriction on hours of operation of plant/machinery/equipment).**

Reason: To safeguard the amenity of the area.

3. **F20 (Scheme of surface water drainage).**

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

4. **F22 (No surface water to public sewer).**

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

5. **F26 (Interception of surface water run off).**

Reason: To prevent pollution of the water environment.

6. **F32 (Details of floodlighting/external lighting).**

Reason: To safeguard local amenities.

7. **The use of the site shall be for the storage of agricultural plant and equipment in association with Ravenhills Farm Services only.**

Reason: In order to clarify the terms under which this planning permission is granted.

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

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

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

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

Informatives:

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

125. **DCCE2006/3474/G - 1 TO 5 AYLESTONE COURT MEWS, ROCKFIELD ROAD, HEREFORD, HR1 1HS [AGENDA ITEM 8]**

Variation of Condition 6 of planning permission DCCE2005/1017/F granting C1 use - hotel use only. Now requesting both hotel and residential use.

The Principal Planning Officer reported the receipt of correspondence from the applicant confirming that two units were currently being occupied in association with the hotel.

In accordance with the criteria for public speaking, Mr. Tully spoke against the application and Mr. Holloway spoke in support of the application.

In response to comments made by the speakers, the Principal Planning Officer reported that the dedicated off-street parking would remain attached to these units and, subject to this arrangement, the Traffic Manager had no objection to the application.

In response to a question from Councillor Mrs. M.D. Lloyd-Hayes, the Principal

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Planning Officer advised that the intention of the proposal was to provide a degree of flexibility for the use to alternate between residential and hotel accommodation. He added that the situation with regard to Council Tax was unclear at that time and would be a matter for the Tax and Rates Section.

Councillor P.J. Edwards commented on the need to address objectors' concerns about traffic and parking problems on Rockfield Road. In response, the Principal Planning Officer advised that Rockfield Road was not an adopted highway but an informative note could be added to highlight the issues to potential occupiers.

Councillor Ms. A.M. Toon commented on the need for various types of tourist accommodation and questioned whether these units could be retained for this use. The Central Team Leader acknowledged that there was strong support for the retention of tourist accommodation but there were no policies which specifically required tourist accommodation to be safeguarded within the city. He emphasised that the proposal had to be considered on its own merits and residential use of the units was considered appropriate.

RESOLVED:

That planning permission be approved subject to the following conditions:

- 1. A10 (Amendment to existing permission).**

Reason: For the avoidance of doubt.

- 2. The apartments hereby permitted shall be occupied for C1 and C3 Use in association with Aylestone Court Hotel and for no other purpose within Class C of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.**

Reason: In order to clarify the terms of the permission and the interests of the amenity of the area.

- 3. The five parking spaces identified within the curtilage of the hotel shall be for the sole use of the residents of the accommodation hereby permitted.**

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

Informatives:

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

126. DCCE2006/3200/O - THINGHILL COURT, WITHINGTON, HEREFORD, HEREFORDSHIRE, HR1 3QG [AGENDA ITEM 9]

Erection of 2 no 16000 bird, free range egg laying units.

The Principal Planning Officer reported the receipt of the comments of Ocle Pychard Parish Council. The Sub-Committee was advised that the Parish Council had requested that other vehicle and lorry movements from the property also be included in the traffic management agreement. Given the potential impact of traffic generated

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by the development, further works within the highway were proposed and included the provision of two passing bays, piping of a section of open ditch and minor works to some of the highway hedges.

Councillor R.M. Wilson, the Local Ward Member, commented on the need for the applicant to maintain the adjacent bridleway. He also felt that existing traffic from the site should be included in the traffic management agreement.

The Principal Planning Officer outlined the responsibilities of landowners in respect of bridleways and drew attention to recommended condition 9 which would require the appropriate signage to safeguard the safety of users of the bridleway. He also advised that a traffic management agreement could only be required in relation to the specific operation involved but an informative note could be added to highlight the preferred route for large vehicles.

RESOLVED:

Subject to there being no objection from Ocle Pychard Parish Council by the end of the consultation period and

Subject to Head of Legal and Democratic Services being authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 by the 3rd January, 2007 in accordance with the Heads of Terms attached to this report and any additional matters and terms he considers appropriate,

Upon completion of the aforementioned planning obligation officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers.

- 1. A02 (Time limit for submission of reserved matters (outline permission)).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 2. A03 (Time limit for commencement (outline permission)).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 3. A04 (Approval of reserved matters).**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
- 4. A05 (Plans and particulars of reserved matters).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 5. F18 (Scheme of foul and surface drainage disposal).**
Reason: In order to ensure that satisfactory drainage arrangements are provided.
- 6. H13 (Access, turning area and parking).**

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

7. **F32 (Details of floodlighting/external lighting).**

Reason: To safeguard local amenities.

8. **G08 (Retention of trees/hedgerows (outline applications)).**

Reason: To safeguard the amenity of the area.

9. **Prior to the commencement of development, details including scaled plans of the proposed signage and its location to be erected both during the construction phase and thereafter shall be submitted for the approval in writing of the local planning authority. The approved signs shall be erected in accordance with the agreed details prior to the commencement of the development.**

Reason: In order to safeguard the safety of users of bridleway WT21.

10. **H17 (Junction improvement/off site works).**

11. **G26 (Landscaping management plan).**

Informative:

1. **HN21 - Extraordinary maintenance.**
2. **N02 - Section 106 Obligation.**
3. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

127. **DCCE2006/3471/F - NEWCOURT PARK WITH CHANDOS HOUSE, LUGWARDINE, HEREFORD, HR1 4DP [AGENDA ITEM 10]**

Convert existing house presently divided into three flats to six flats.

The Principal Planning Officer reported an additional letter of objection querying whether the applicants owned the land to create the new driveway. It was reported that the applicants had confirmed that they had lawful ownership of the land. It was also reported that, in response to suggestions made by nearby residents, the applicant had advised that it would not be possible to close the existing drive as third parties had legal rights to use the access. However, further traffic calming was suggested in the form of 'sleeping policemen' on the access drive. The applicants had commented that considerable expense was required to maintain New Court and this proposal provided an opportunity to ensure the survival of the listed buildings.

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

Councillor R.M. Wilson, the Local Ward Member, noted that the Conservation Manager had considered the application to be acceptable in principle. It was also noted that the new access should reduce the amount of traffic using the existing access rather than increasing it. He felt that adherence to recommended condition 2 was of particular importance.

CENTRAL AREA PLANNING SUB-COMMITTEE WEDNESDAY, 13TH DECEMBER, 2006

A number of Members commented on the history of New Court and noted the high running costs of maintaining listed buildings.

RESOLVED:

Subject to receipt of suitably amended plans and additional information addressing the concerns of the Conservation Manager the Officers named in the scheme of delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by Officers.

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

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

2. **Details of the specification for the new access driveway shall be submitted for the approval in writing of the local planning authority prior to the commencement of the development hereby permitted. The proposed new access/driveway shall be constructed in accordance with the approved specification and made available for use prior to commencement of any other development.**

Reason: In the interests of highway safety.

3. **H13 (Access, turning area and parking).**

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

4. **H03 (Visibility splays).**

Reason: In the interests of highway safety.

5. **G16 (Protection of trees covered by a Tree Preservation Order).**

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

Informatives

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

128. **DCCW2006/3160/F - TASTE FOR ADVENTURE CENTRE, THE HAFOD, CREDENHILL, HEREFORD, HR4 7DA [AGENDA ITEM 11]**

Proposed improvements to existing access and turning facilities.

In response to a question from Councillor R.I. Matthews, the Principal Planning Officer advised that no comments had been received from Credenhill Parish Council. Councillor Matthews noted that the proposal would enhance the visibility splay and, thereby, provide a safer access to the site. He stressed the need to retain the existing hedgerow.

RESOLVED:

That planning permission be granted subject to the following conditions:

CENTRAL AREA PLANNING SUB-COMMITTEE WEDNESDAY, 13TH DECEMBER, 2006

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

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

2. **A09 (Amended plans) (2nd November 2006).**

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

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

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

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

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

5. **G09 (Retention of trees/hedgerows).**

Reason: To safeguard the amenity of the area.

6. **F32 (Details of floodlighting/external lighting).**

Reason: To safeguard local amenities.

Informatives:

1. **N19 - Avoidance of doubt.**

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

129. DCCW2006/3387/O - BANNUT TREE COTTAGE, STATION ROAD, CREDENHILL, HEREFORD, HR4 7DW [AGENDA ITEM 12]

New dwelling.

The Principal Planning Officer advised that no comments had been received from Credenhill Parish Council.

Councillor R.I. Matthews, the Local Ward Member, supported the recommendation of approval subject to conditions.

In response to a question, the Principal Planning Officer confirmed that slab level and window details would be addressed through the conditions.

RESOLVED:

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

1. **A02 (Time limit for submission of reserved matters (outline permission)).**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

2. A03 (Time limit for commencement (outline permission)).

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. A04 (Approval of reserved matters) (delete access).

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

4. A05 (Plans and particulars of reserved matters) (delete access).

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

5. E18 (No new windows in specified elevation) (side elevations).

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

6. F48 (Details of slab levels)

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

7. H03 (Visibility Splays) (2.4 x 90).

Reason: In the interests of highway safety.

8. H05 (Access Gates).

Reason: In the interests of highway safety.

9. H06 (Vehicular Access Construction).

Reason: In the interests of highway safety.

10. H09 (Driveway Gradient).

Reason: In the interests of highway safety.

11. H12 (Parking and Turning - single house).

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

Informatives:

1. HN5 - Works within the highway.

2. N19 - Avoidance of doubt.

3. N15 - Reason(s) for the Grant of Planning Permission.

130. DCCW2006/3276/F - 225 ROMAN ROAD, HOLMER, HEREFORD, HR4 9QT
[AGENDA ITEM 13]

Proposed first floor extension.

CENTRAL AREA PLANNING SUB-COMMITTEE WEDNESDAY, 13TH DECEMBER, 2006

Councillor Mrs. P.A. Andrews, a Local Ward Member, noted that there were similar extensions in the locality and that this application was considered acceptable subject to conditions.

In response to a question, the Principal Planning Officer advised that there was existing parking to the rear of the property.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

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

3. **E17 (No windows in side elevation of extension).**

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

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

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

Informatives:

1. **N19 - Avoidance of doubt.**

2. **N15 - Reason(s) for the Grant of Planning Permission.**

131. **DCCE2006/3614/F - 10 KYRLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2ET [AGENDA ITEM 14]**

Variation of Condition 4 of planning consent ref. no. DCCE2006/2424/F to permit movement of carts and support vehicles in the yard, and into and out of the yard between 6.00am and 10.00pm.

The Central Team Leader suggested that consideration of the item be deferred to enable both the principal objector and the applicant to be represented at the meeting.

RESOLVED:

That consideration of the item be deferred.

132. **DCCE2006/3313/F - 9 FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1 1LY [AGENDA ITEM 15]**

First floor extension over existing garage.

The Principal Planning Officer reported the receipt of the comments of Hereford City

Council (no objections).

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

4. **F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.

Informatives:

1. **N01 - Access for all.**
2. **N03 - Adjoining property rights.**
3. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
4. **N19 - Avoidance of doubt.**

- 133. DCCE2006/3355/F - BROCKINGTON LODGE, OLD EIGN HILL, HEREFORD, HEREFORDSHIRE, HR1 1TX [AGENDA ITEM 16]**

Change of use from residential to commercial office.

The Senior Planning Officer reported the receipt of an additional letter of objection. The comments of the Economic Development Manager were also reported (the application was supported given the nature of the operation). A further condition (F42 - Restrictions of Open Storage) was recommended in order to control external storage.

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

Councillor W.J. Walling, a Local Ward Member, commented that he had reservations about the application initially but noted that the applicant had demonstrated sensitivity to the needs of the area, particularly with the recent high quality replacement of the roof. He noted that there were other office uses in the locality, including the Council offices at Brockington, and felt that there was no reason to refuse the proposal.

In response to a question, the Senior Planning Officer confirmed that, unlike residential properties, commercial offices did not have any permitted development

rights.

A number of Members felt that the change of use was unfortunate but did not consider that there were any material planning considerations to warrant refusal. The Senior Planning Officer drew attention to recommended condition 4 (E27 - Personal Condition) which sought to safeguard the future use of the building.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. **E02 (Restriction on hours of delivery).**

Reason: To safeguard the amenities of the locality.

3. **E06 (Restriction on use).**

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.

4. **E27 (Personal condition).**

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

5. **H13 (Access, turning area and parking).**

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

6. **H29 (Secure cycle parking provision).**

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

7. **No goods, plant, material or machinery shall be deposited or stored outside the building hereby permitted.**

Reason: To protect the appearance of the locality.

Informatives:

1. **N01 - Access for all.**
2. **N03 - Adjoining property rights.**
3. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
4. **N19 - Avoidance of doubt.**

[Note: In accordance with Constitution SO 5.10.2, Councillor Mrs. P.A. Andrews wished it to be recorded that she abstained from voting on this item.]

134. DCCE2006/2981/F - 38 HAMPTON DENE ROAD, HEREFORD, HEREFORDSHIRE, HR1 1UX [AGENDA ITEM 17]

Proposed two storey extension.

The Central Team Leader recommended an additional condition (E15 – Restriction on Separate Sale) to ensure that the extension was used as ancillary accommodation to the main dwelling house.

Councillor W.J. Walling, a Local Ward Member, felt that the application was acceptable subject to conditions.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. **A09 (Amended plans).**

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

3. **B03 (Matching external materials (general)).**

Reason: To ensure the satisfactory appearance of the development.

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

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

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

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

6. **The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 38 Hampton Dene Road.**

Reason: It would be contrary to the policy of the local planning authority to grant planning permission for a separate dwelling in this location.

Informatives:

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

135. DCCE2006/3508/O - LAND TO THE REAR OF 105 GORSTY LANE (RYDER CLOSE), HEREFORD, HEREFORDSHIRE, HR1 1UN [AGENDA ITEM 18]

Proposed new dwelling.

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

Councillor W.J. Walling, a Local Ward Member, commented that the plot was not as large as others in Ryder Close but was of sufficient size to accommodate some form of development. He felt that the loss of part of the existing mature hedge was unfortunate but noted that this could not be controlled through planning legislation in this instance.

Other Members commented on the need to remove permitted development rights, for the appropriate siting of windows to minimise the impact of the development on adjacent properties and for suitable slab levels having regard to surrounding dwellings.

In response to concerns expressed by Members, the Central Team Leader advised that this was an application for outline planning permission with all matters reserved. He commented that the layout was indicative and a reserved matters application would need to demonstrate that a detailed scheme could be satisfactorily accommodated. He added that it was likely that objections would be received to a reserved matters application and, therefore, was likely to be submitted for the Sub-Committee's consideration in the future.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1. A02 (Time limit for submission of reserved matters (outline permission)).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 2. A03 (Time limit for commencement (outline permission)).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 3. A04 (Approval of reserved matters).**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
- 4. E16 (Removal of permitted development rights).**
Reason: [Special Reason].
- 5. E17 (No windows in side elevation of extension).**
Reason: In order to protect the residential amenity of adjacent properties.
- 6. F16 (Restriction of hours during construction).**
Reason: To protect the amenity of local residents.

7. **F18 (Scheme of foul drainage disposal).**

Reason: In order to ensure that satisfactory drainage arrangements are provided.

8. **F22 (No surface water to public sewer).**

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

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

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

10. **H03 (Visibility splays).**

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

12. **H09 (Driveway gradient).**

Reason: In the interests of highway safety.

13. **H10 (Parking - single house).**

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

Informatives:

1. **N03 - Adjoining property rights.**
2. **HN05 - Works within the highway.**
3. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
4. **N19 - Avoidance of doubt.**

136. **DATE OF NEXT MEETING**

17th January, 2007.

CHAIRMAN