

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 1st August, 2007 at 2.00 p.m.

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

Councillors: PA Andrews, WU Attfield, DJ Benjamin, AJM Blackshaw, ACR Chappell, H Davies, GFM Dawe, DW Greenow, RI Matthews, AT Oliver, SJ Robertson, AP Taylor, AM Toon, WJ Walling and JD Woodward

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

29. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors SPA Daniels, PJ Edwards, KS Guthrie, MAF Hubbard, MD Lloyd-Hayes, NL Vaughan and DB Wilcox.

30. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
SJR Robertson	Minute 38, Agenda Item 9 DCCW2007/1234/F 4 Hazel Grove, Hereford, Herefordshire, HR2 7JX	Declared a prejudicial interest and left the meeting for the duration of the item.

31. MINUTES

The minutes of the last meeting were received.

RESOLVED: That the minutes of the meeting held on 4th July, 2007 be approved as a correct record and signed by the Chairman.

32. 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.

33. DCCE2007/1209/F - 10 LEDBURY ROAD, HEREFORD, HEREFORDSHIRE, HR1 2SY [AGENDA ITEM 5]

Residential development together with alterations to 10 Ledbury Road to provide 6 residential units.

The Principal Planning Officer reported that:

- Hereford City Council recommended refusal on the basis that the amendments had not dealt with the concerns expressed previously.
- One further letter in response to the amended plans had been received from 16 Ledbury Road, re-iterating previous comments in relation to access, on-street and site parking. Also the occupants commented that the development would overlook their property, would result in increased noise from the use of the balconies, the construction may affect the stability of the neighbouring property and its basement and that the bungalows were the least offensive element of the scheme.
- The Traffic Manager advised that the reduction in the number of units would be beneficial in terms of reducing vehicle movements to and from Ledbury Road and his recommendation of approval remained unchanged.

Councillor WJ Walling, a Local Ward Member, commented that he had reservations before the receipt of the amended plans but felt that the key issues had now been addressed.

Councillor AP Taylor, also a Local Ward Member, welcomed the alterations but expressed concerns about the access and egress and related highway and pedestrian safety considerations.

Councillor AM Toon noted that the development would lead to intensification in the use of the site and questioned whether the Traffic Manager had taken into account the cumulative impact of other developments on the local road network. In response, the Principal Planning Officer advised that the Traffic Manager had considered the impact of other developments being constructed or were pending and had concluded that the application was acceptable subject to conditions.

Councillor ACR Chappell drew attention to the traffic accident history in the area and commented on the problems caused by parked vehicles along Ledbury Road.

In response to a question from Councillor GFM Dawe, the Principal Planning Officer advised that the design of the development and the use of privacy screens would minimise overlooking. Councillor Dawe noted the need to consider the impact of developments and loss of gardens on hydrology and the Principal Planning Officer advised that permeable block paving would be used to allow water to penetrate into the ground.

A number of Members felt that the proposal would have a detrimental impact on the free and safe flow of traffic. Some also felt that the development was over intensive and that garden space should not be lost.

In response to concerns about highway safety and density, the Central Team Leader re-iterated that the Traffic Manager recommended approval and that national and local planning policies emphasised the importance of the re-use of urban land in greater densities.

Councillor Toon felt that the proposal and associated vehicle movements would represent an overdevelopment of the site which would have a detrimental impact on highway safety. Therefore, she proposed that the application be refused.

RESOLVED: That

- (i) **The Central Area Planning Sub-Committee is minded to refuse the application subject to the reason for refusal set out below (and any**

further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the applications to the Planning Committee:

- 1. Overdevelopment of the site resulting in an increase in traffic movements that would be detrimental to highway safety.**
- (ii) If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.**

[*Note:*

Councillor Walling wished it to be recorded that he voted against the resolution above and felt that the decision could difficult to sustain on appeal.

Following the vote on this application, the Head of Planning Services advised that, as the resolution was contrary to the officers' recommendation, he was minded to refer the matter to the Planning Committee as the Sub-Committee's view might not be defensible if challenged.]

34. DCCE2007/1825/F - LAND OFF WITHIES ROAD, WITHINGTON, HEREFORD, HR1 3PX [AGENDA ITEM 6]

Erection of 20 dwellings and associated parking, roadworks, services and drainage.

The Principal Planning Officer reported that:

- A correction was made to paragraph 5.2.15 of the report as the speed limit in Withies Road was already 30mph.
- An amendment to the Section 106 Heads of Terms was recommended.

In accordance with the criteria for public speaking, Mr. Soutar spoke on behalf of Withington Parish Council and Mr. Richmond and Mr. Packman spoke in objection to the application.

In response to comments made by the public speakers, the Principal Planning Officer advised that the layout had been largely dictated by the access restrictions, as only a single point of access was deemed acceptable in highway safety terms. This resulted in rear gardens running along the highway boundary, although the visual impact would be mitigated by some of the houses having a 'double frontage' appearance. It was reported that the Unitary Development Plan (UDP) required sites outside of Hereford and the Market Towns to deliver residential development at a density of at least 30 dwellings per hectare and this development equated to 35.7 units per hectare. It was not considered that the density was unacceptable in this location or inappropriate for the character of the area. The Principal Planning Officer added that Withington, as it was classed as a main village, was deemed to have capacity to accommodate additional residential development.

Councillor DW Greenow, the Local Ward Member, expressed concerns about the design approach and felt that, in its current form, the application represented an over intensive form of development in this location and would have detrimental impact on residential amenities. He felt that the rear gardens running along the highway boundary would damage the character and appearance of the street scene and the locality, especially if boundary treatments and ancillary structures were not strictly controlled. He also expressed concerns about the potential impact of increased

activity on highway and pedestrian safety, particularly given the speed of traffic along Withies Road. He noted the significant increase in the number of dwellings in the village in recent years and commented on the need for adequate infrastructure, parking and play space facilities.

In response to the Local Ward Members concerns, the Principal Planning Officer advised that: recommended condition 6 would remove permitted development rights to safeguard the appearance of the development; it was anticipated that a native hedgerow could be translocated to provide additional natural screening and a softer boundary to the highway; and the Section 106 Agreement would require a contribution towards off site open space, sport and recreation for the use of the village as a whole.

Councillor RI Matthews felt that the design, density and layout were unacceptable. He also commented on the general lack of landscaping and potential visual impact of the development. Other members expressed similar views.

In response to a question from Councillor AM Toon, the Principal Planning Officer clarified the meaning of 'main village' as defined in the UDP and advised that local amenities and access to public transport would have been considered as part of the UDP process. Councillor Toon commented on difficulties experienced in the area with interruptions to the electricity supply, apparently due to demand from recent residential developments, and suggested that this matter be clarified with the relevant utility provider.

In response to a question from Councillor GFM Dawe, the Principal Planning Officer clarified the on and off site ecology considerations.

Councillor PA Andrews felt that consideration of the application should be deferred to allow for further discussions and negotiations in relation to the design, density and layout of the development. This suggestion was supported by a number of members. Councillor Greenow suggested that a number of units be removed from the proposal but the Head of Planning Services, whilst acknowledging the principal areas of concern, emphasised the need for flexibility.

RESOLVED: That consideration of the application be deferred for further discussions regarding layout, density and design.

35. DCCE2007/1961/F - 1-3 PEREGRINE CLOSE, HEREFORD, HEREFORDSHIRE, HR2 6BS [AGENDA ITEM 7]

Conversion and extension of garage/preparation area to single storey dwelling and extension of take-away preparation area. Formation of parking area for existing flats.

The Principal Planning Officer reported that:

- An additional condition was recommended requiring the floor levels of the extension to be above the highest recorded flood level as recommended previously by the Environment Agency.

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

In response to comments made by the objector, the Principal Planning Officer suggested that two additional conditions, the first to require deliveries via Hinton Road and the second to restrict deliveries to the period 11.00 to 16.00, in order to

reduce congestion and disturbance.

Councillor WU Attfield, a Local Ward Member, felt that the proposal would alter the character of the area and the associated traffic generated by the proposal would exacerbate congestion in the locality. Councillor ACR Chappell, also a Local Ward Member, noted that there was significant pedestrian footfall past this site and explained the existing safety hazards associated with traffic and parking in Hinton Road, Acacia Close and Peregrine Close. He did not feel that the previous reasons for refusal had not been resolved satisfactorily and he proposed that planning permission be refused on this basis. Councillor AT Oliver, the other Local Ward Member, commented on the popularity of the takeaway and the traffic generated as a result. He considered that the proposal would have a detrimental impact on the character of the area and on residential amenities; particular reference was made to Unitary Development Plan policy S1 (sustainable development).

Councillor RI Matthews questioned whether there were defensible grounds for refusal given that a number of issues had been addressed since the previous application was refused (DCCE2006/1277/F refers). The Principal Planning Officer reminded the Sub-Committee that the size of the takeaway would not be increased and that the existing flats did not have any off street parking but this proposal would provide a parking space for each unit. The Central Team Leader added that the Planning Inspector, in dismissing the recent appeal, acknowledged that the existing situation was not ideal but, with the proposed off street parking, it was deemed acceptable. It was considered that the other issues raised by the Inspector had been addressed.

The Local Ward Members maintained that the proposal would have a harmful impact on the character and amenity of the area.

RESOLVED: That

- (i) **The Central Area Planning Sub-Committee is minded to refuse the application subject to the reason for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the applications to the Planning Committee:**
1. **The intensification in the use of the site will have a harmful impact upon the character and amenity of the area.**
- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.**

[Note:

Following the vote on this application, the Head of Planning Services advised that, as the resolution was contrary to the officers' recommendation, he was minded to refer the matter to the Planning Committee as the Sub-Committee's view might not be defensible if challenged.]

36. DCCE2007/1763/F - 7 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1HR [AGENDA ITEM 8]

Extension and conversion of three (3) number existing apartments into six (6) number self contained studio apartments.

The Senior Planning Officer reported that:

- Amendments to the recommendation were proposed to enable any necessary condition or Section 106 Agreement to be imposed in respect of ineligibility for residents parking permits.
- No comments had been received from Hereford City Council on the amended scheme (involving the reduction in the flat numbers).
- An additional condition was recommended to ensure the removal of an existing polytunnel structure in the rear garden.

In response to concerns raised before the meeting by Councillor DB Wilcox regarding the basement accommodation and the recent start of work on site, the Central Team Leader advised that the basement was already a self-contained unit and would remain as such and that works had started on site but that this involved the stripping out of the property which did not require planning permission.

Councillor PA Andrews advised that Hereford City Council was unhappy with the initial proposal of 8 apartments but did not object to the amended proposal of 6 apartments. She felt that there were no material planning considerations to warrant refusal and supported the application. A number of members supported this view.

The Central Team Leader commented that this was a car free development and drew attention to the proposed legal agreement regarding the ineligibility of occupants of the apartments to obtain residents' parking permits. The Senior Planning Officer added that the property had an existing entitlement to 2 permits but it was intended that these would be rescinded.

RESOLVED:

Subject to no further objections raising additional material planning considerations by the end of the consultation period and subject to any necessary condition or Section 106 Agreement in relation to the ineligibility of occupants of the apartments to obtain a residents parking permit, the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers.

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

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

2. **B01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings.

3. **W01 (Foul/surface water drainage).**

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

4. **W03 (No drainage run-off to public system).**

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

5. **H29 (Secure covered cycle parking provision).**

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

6. **F39 (Scheme of refuse storage).**

Reason: In the interests of amenity.

7. **Within two months of the date of this permission a planning obligation under Section 106 Agreement of the Town and Country Planning Act 1990 (or other appropriate mechanism) shall be completed. The agreement shall secure the ineligibility of future occupants of the development for residents' parking permits in perpetuity, and shall otherwise be in accordance with the draft agreement (subject to necessary variation) received with the planning application on 6th June, 2007.**

Reason: The development has been promoted as a sustainable car-free scheme; in order to prevent indiscriminate parking on the local road network in the interests of highway safety and to comply with Policy DR3 of the Herefordshire Unitary Development Plan 2007.

8. **Within two months of the date of this permission a scheme for the permanent removal of the existing polytunnel and landscaping of the resultant area shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details.**

Reason: To enhance the character and appearance of the Conservation Area in accordance with Policy HBA6 of the Herefordshire Unitary Development Plan 2007.

9. **The first floor area labelled as "landlord's office and cleaners store" shall be used as such and not for residential purposes.**

Reason: For the avoidance of doubt as to the nature of the approved scheme

Informatives:

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

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

37. **DCCE2007/1930/F - FROME COURT (FORMER BARTESTREE CONVENT), BARTESTREE, HEREFORD, HEREFORDSHIRE, HR1 4BF [AGENDA ITEM 9]**

Erection of a terrace of 4 cottages. Amendment to parking areas. (Revised scheme)

In response to a question from a public speaker, the Chairman of Planning Committee, Councillor TW Hunt, explained the procedure for public speaking and advised that, in response to some complaints and concerns, the Planning Chairman's Group had reviewed the order of proceedings and had clarified that the case officer would provide updates and a short presentation, followed by public

speaking, then comments from the Local Ward Member/s, if present, and then followed by a general debate by the Sub-Committee. Councillor Hunt added that any proposed site inspection should be debated and voted upon once all relevant information had been provided to Members.

In accordance with the criteria for public speaking, Mr. Wilson spoke on behalf of Bartestree Parish Council and Mr. Carmen spoke in objection to the application.

Councillor DW Greenow, the Local Ward Member, noted the long planning history of Bartestree Convent and associated development and felt that the new members to the Sub-Committee would benefit from a site inspection.

RESOLVED: That consideration of the application be deferred for a site inspection for the following reason:

- **the character or appearance of the development itself is a fundamental planning consideration;**
- **a judgement is required on visual impact; and**
- **the setting and surroundings are fundamental to the determination or to the conditions being considered.**

38. DCCW2007/1234/F - 4 HAZEL GROVE, HEREFORD, HEREFORDSHIRE, HR2 7JX [AGENDA ITEM 10]

Proposed extension after demolition of garage.

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

Councillor ACR Chappell, a Local Ward Member, sympathised with the positions of both speakers and felt that the Sub-Committee would benefit from a site inspection. The other Local Ward Members, Councillors WU Attfield and AT Oliver, felt that there were clear merits in holding a site inspection.

RESOLVED: That consideration of the application be deferred for a site inspection for the following reason:

- **the character or appearance of the development itself is a fundamental planning consideration;**
- **a judgement is required on visual impact; and**
- **the setting and surroundings are fundamental to the determination or to the conditions being considered.**

39. DATE OF NEXT MEETING

The Democratic Services Officer reported that the site inspections would be held during the afternoon of Tuesday 14th August, 2007 to accommodate Health Scrutiny Committee during the morning. The Central Team Leader recommended an additional site inspection in respect of planning application DCCE2007/1894/F - Callow Marsh Garage, Grafton Lane, Grafton. This was agreed by members.

The next scheduled Sub-Committee meeting was Wednesday 29th August, 2007.

The meeting ended at 4.21 p.m.

CHAIRMAN