

**MINUTES of the meeting of Planning Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Friday, 24th August, 2007 at 10.00 a.m.**

Present: Councillor TW Hunt (Chairman)
Councillor RV Stockton (Vice Chairman)

Councillors: PA Andrews, PGH Cutter, GFM Dawe, DW Greenow,
JW Hope MBE, B Hunt, P Jones CBE, RI Matthews, R Mills,
JE Pemberton, PD Price, AP Taylor, WJ Walling, PJ Watts, JB Williams
and JD Woodward

In attendance: Councillors KG Grumbley, MD Lloyd-Hayes, AT Oliver and
JK Swinburne

20. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors ACR Chappell, Mrs H Davies, G Lucas and DC Taylor.

21. NAMED SUBSTITUTES (IF ANY)

The following named substitutes were appointed:-

MEMBER	SUBSTITUTE
Mrs H Davies	Mr PA Andrews
G Lucas	PD Price
DC Taylor	JB Williams

22. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

23. MINUTES

RESOLVED: That the Minutes of the meeting held on 13th July, 2007 be approved as a correct record and signed by the Chairman

24. CHAIRMAN'S ANNOUNCEMENTS

Revised Code of Conduct

The Head of Legal and Democratic Services said that its meeting on 27 July, Council had decided to adopt the revised Code of Conduct. He explained what the changes were for Members regarding personal and prejudicial interests and that Members in such a position were able to speak in such circumstances but not to participate in the debate or to vote.

Polytunnels

The Team Leader Local Planning outlined the progress that was being made in connection with the preparation of a Supplementary Planning Document to control the use of polytunnels within the County.

Referred Planning Application

On the suggestion of the Chairman, the Committee agreed to hold a site inspection on 4th September, 2007 in advance of an application being submitted to the Committee for a site at Upper Newton Farm, Newton St. Margarets, Vowchurch.

25. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 25th July, 2007 be received and noted.

26. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 1st August, 2007 be received and noted.

27. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 18th July and 5th August, 2007 be received and noted.

28. TARRINGTON PARISH PLAN

A report was presented by the Team Leader Local Planning about the Tarrington Parish Plan which had been prepared to provide further planning guidance to the Herefordshire Unitary Development Plan. He said that the aim of the document was to identify measures by which the community aimed to improve and enhance the quality of the built environment and to provide a mechanism to inform and influence the decisions of statutory bodies about community priorities and local needs. Key recommendations were included about transport and traffic, environment, planning community facilities, health youth and crime and safety.

The Committee expressed its appreciation for the hard work undertaken by the local community in helping to prepare the document.

RESOLVED: That it be recommended to the Cabinet Member (Environment and Strategic Housing) that the planning elements of the Tarrington Parish Plan be adopted as further planning guidance to the Herefordshire Unitary Development Plan and as an expression of local distinctiveness and community participation.

29. REPORTS OF THE HEAD OF PLANNING SERVICES

The Committee considered the following planning applications and authorised the Head of Planning Services to impose any additional or varied conditions and reasons which he considered to be necessary

30. DCNC2007/0667/O - SITE FOR THE ERECTION OF AN ADDITIONAL BUILDING FOR PROVISION OF CARE TO THE ELDERLY MENTALLY INFIRM AT PENCOMBE HALL, PENCOMBE, BROMYARD, HEREFORDSHIRE, HR7 4RL

Consideration of the application had been deferred at the previous meeting for a site inspection.

The Development Control Manager reported the following updates:

letter from the Nunwell Surgery, Bromyard, stating:

“As Councillors are aware, the proposal is to provide accommodation for 40 persons suffering from dementia. What Councillors may not be aware of is that besides mental frailty, the majority of the residents will be elderly and have physical problems requiring much medical and nursing input. This nursing is currently provided by the District Nursing Service which is currently on a tight budget, with no extra funding for the foreseeable future. Therefore the extra nursing time needed at Pencombe Hall will have to come from spreading the service more thinly for other patients in the local community. I am not able to speak for the PCT, but I would urge that it be consulted before permission is granted for this new facility”.

OFFICER COMMENTS

This letter further underlined the speculative nature of development which has not come forward as a result of a study of local needs and may even put additional strains on other health services in this part of the County.

In view of the letter from Nunwell Surgery, the Committee decided to defer consideration of the application until the views of the PCT were known.

RESOLVED: That consideration of the application be deferred for the views of the Primary Care Trust to be obtained about the proposal.

31. DCNE2007/1224/F - PROPOSED TWO STOREY DWELLING FOR ANCILLARY ACCOMMODATION AT BLACK HILL, BRITISH CAMP, MALVERN, HEREFORDSHIRE, WR13 6DW

The Development Control Manager said that at its meeting on 25th July 2007 the Northern Area Planning Sub-Committee was mindful to grant planning permission contrary to officer recommendation and Council policy.

In accordance with the criteria for public speaking Mr Watts spoke in favour of his application.

Councillor R Mills and RV Stockton the Local Ward Members were of the view that the proposed dwelling was ancillary accommodation to the main dwelling and that because of its design and location, it did not detract from it or have an adverse impact on the rural setting. They felt that Suitable conditions could be imposed which tied it to Blackhill. The Development Control Manager explained why the application did not comply with the Council's Planning Policies and that there was a danger that if permitted, the dwelling could be sold separately from Blackhill.

A motion that the application should be refused as recommended was lost and a subsequent motion to grant permission for the application with appropriate conditions was carried.

RESOLVED:

That planning permission be granted subject to conditions about materials, landscaping and tying the dwelling to Blackhill, and any further conditions felt to be necessary by the Development Control Manager.

32. DCNE2007/0966/F - PROPOSED THREE STOREY BUILDING TO PROVIDE 13 APARTMENTS, WITH 18 PARKING SPACES AND ASSOCIATED CYCLE PARKING AT LAND REAR OF HOMEND SERVICE STATION, THE HOMEND, LEDBURY, HEREFORDSHIRE, HR8 1DS

It was reported by the Development Control Manager that the application was considered at the Northern Area Planning Sub-Committee at its meeting on 25 July 2007 when Members resolved to grant planning permission contrary to recommendation. He also reported on the contents of a further letter of objection received from a local resident

In accordance with the criteria for public speaking, Mr Bradford of Ledbury Town Council and Mr Stone an objector, spoke against the application.

Councillor Mrs K Swinburne one of the Local Ward Members had a number of reservations about the application and was of the view that the size and design of the proposed building was totally out of keeping with the area and against the design principles of C.A.B.E. She was concerned that there had been no community involvement by the applicants when preparing the scheme or assessment of the impact that it would have on the Ledbury Conservation Area. She also felt that the large expanse of glass on the frontage of a three-storey building in an elevated position would be highly visible for some distance, particularly when the sun was striking it. Councillor PJ Watts another Local Ward Member shared the concerns of Councillor Swinburne and felt that because of their close proximity to the petrol station, the dwellings would suffer from fumes, and disturbance from its late-night opening.

The Committee discussed the merits of the application and was of the view that the height of the building was inappropriate; the design was unsympathetic to the surroundings; parking provision was inadequate and that footpath provision would be adversely affected. Overall it was felt that the scheme would have a considerable impact on a medieval town and its conservation area. Notwithstanding the advice of the officers, the Committee had reservations about the proposals because of the concerns raised and felt that whereas it may not be too visible from under the petrol station canopy it would be highly visible from elsewhere.

RESOLVED:

That the application be refused on the grounds of design and the impact on residential amenity.

33. DCNC2006/3893/F - DEMOLITION OF REDUNDANT RACING STABLES AND ERECTION OF 4 NO. 3 BED HOUSES (LOW COST MARKET) TOGETHER WITH 8 PARKING SPACES AT RISBURY RACING STABLES, RISBURY, LEOMINSTER, HEREFORDSHIRE, HR6 0NQ

The Development Control Manager reported the contents of a letter received from Mr M Kimberly a local resident who objected to the proposal. He also provided the Committee with the following update:

Since the report had been drafted there had been further correspondence between the applicant's agent and the legal representatives of the developer and the Council. A Section 106 planning obligation was close to being finalised. Further work may be required to fine tune the agreement but the principles were as follows:

- the scheme would provide for four new dwellings to be sold at a discounted cost to people with a local connection;
- if no suitable purchasers could be found the properties would be sold to the Marches Housing Association who would take on the responsibility for their disposal but they must maintain the discounted value;
- detailed provisions were to be finalised to ensure that a discounted price also applied to all subsequent sales of the properties in line with the method for calculating the discount as set out in the Affordable Housing Supplementary Planning Guidance.

Whilst the final wording of the Agreement had not been fully agreed between the legal representatives, the principles had been agreed along with the written agreement of Marches Housing Association to their involvement.

OFFICER COMMENTS

With reference to the 7 criteria of policy H.10, the situation was:

1. the proposal could be regarded as “intermediate housing” for the purposes of PPS3;
2. Planning Officers still have some doubt whether a genuine need existed for the four houses in Risbury, although the Strategic Housing officers were satisfied that the Housing Need Survey had demonstrated sufficient need and there was a reasonable chance of finding suitable residents for the houses;
3. the size and character was acceptable;
4. assuming that the Section 106 agreement could be finalised, the retention of the houses at a discounted price should be possible in perpetuity (although it should be noted that this has not been successfully achieved elsewhere in the County hitherto.);
5. the site was remote from services and facilities and remained, in the officers’ opinion, an unsustainable location;
6. the site was not a mixed development;
7. the proposal remained for four dwellings and not one, as was required by policy H.10.

In the light of the above comments, and recognising that considerable progress that had been made with the draft Section 106 Agreement, planning officers remained concerned that this development was not a response to local need but a proposal to redevelop a redundant barn for residential use in a location where residential development would not normally be permitted. Policy H10 provided an exception to the normal policy of housing restraint but did so only for single dwellings to meet a specific identified need. Policy H10 was not therefore complied with in this case.

The draft Section 106 Agreement proposed that all four houses such be built to full “Joseph Rowntree Lifetime Homes” standards. The standards would be expensive to achieve on all four houses and may make it difficult to achieve the development of the site within the discounted price needed to comply with the

Supplementary Planning Guidance document. The applicant had agreed to provide one of the dwellings to the full standard but not all four.

The Housing Needs & Development Manager said that although the applicant was prepared to provide one dwelling to the Joseph Rowntree standard, the view of the Strategic Housing Section was that all four needed to meet this criteria for the scheme to proceed. The Committee felt that there was a need for the officers to hold more discussions with the applicants about the issues that had been raised and decided that the matter should be deferred to allow this.

RESOLVED:

That consideration of the application be deferred for the officers to hold further discussions with the applicants about the issues that had been raised

34. DCCE2007/1209/F - RESIDENTIAL DEVELOPMENT TOGETHER WITH ALTERATIONS TO 10 LEDBURY ROAD TO PROVIDE 6 RESIDENTIAL UNITS AT 10 LEDBURY ROAD, HEREFORD, HEREFORDSHIRE, HR1 2SY

The Development Control Manager reported the following update:

ADDITIONAL REPRESENTATIONS

Letter from Councillor Oliver stating that the Central Area Sub Committee refused the application on the basis of Policy H18 of the UDP. In his view the site was too small for the number of units proposed and did not include sufficient private amenity space.

OFFICER COMMENTS

Policy H18 related to domestic extensions rather than the creation of new residential development. The site contained an area of communal garden which, in the context of city living, was not unusual and was in line with other permitted developments of flats/apartments in and around the city.

In accordance with the provisions of the revised Code of Conduct adopted by Council on 27th July 2007, Councillor Mrs M Lloyd Heyes a Local Ward Member, spoke against the application on the grounds of highway safety, density and the lack of amenity space. She then withdrew from the meeting.

Councillor WJ Walling, a Local Ward Member, commented that he had reservations about the original scheme because it had also included two one-bedroomed bungalows, but he felt that the deletion of these in the revised scheme made it more acceptable.

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, particularly when children were travelling to school.

Councillor DW Greenow felt that the scheme for six dwellings was acceptable and that the design would blend in with the street scene. He was of the opinion that there would not be any significant highway safety issues associated with the scheme. Councillor PGH Cutter shared this view. Councillor Mrs PA Andrews was not entirely satisfied with the proposals but took the view that there were insufficient grounds to refuse it. Councillors Mrs JE Pemberton and PD Price had some concerns about vehicles entering and exiting the site at the same time and the Development Control Manager said that this would be dealt with by appropriate

conditions.

Having considered all the details about the application, the committee decided that it should be approved.

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 B01 (Samples of external materials)

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

3 E05 (Restriction on delivery and construction hours)

Reason: In order to protect the amenity of occupiers of nearby properties.

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 W01 (Foul/surface water drainage)

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

7 W02 (No surface water to connect to public system)

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

8 W03 (No drainage run-off to public system)

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

9 F39 (Scheme of refuse storage)

Reason: In the interests of amenity.

10 G01 (Details of boundary treatments)

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

11 H02 (Single access - footway)

Reason: In the interests of highway safety.

12 H06 (Vehicular access construction)

Reason: In the interests of highway safety.

13 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.

14 H27 (Parking for site operatives)

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

15 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.

35. DCCE2007/1961/F - 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 AT 1-3 PEREGRINE CLOSE, HEREFORD, HEREFORDSHIRE, HR2 6BS

The Development Control Manager reported the following update:

A letter had been received from Cllr Oliver stating that, in his view, the development is contrary to policies H13, H14 and H18 of the UDP. He considered that the scheme would result in a reduction in amenity space and privacy for existing flats, inadequate amenity for the new dwelling, the relocation of the food preparation area may result in deliveries from Acacia Close impacting on safety and security of existing residents, and the original dwelling will no longer be the dominant feature.

A further letter had been received from Mr and Mrs Cound of 4 Acacia Close pointing out that all the residents of Acacia Close object to the scheme and that they were concerned about delivery traffic in Acacia Close, the hours of operation and litter associated with the use.

OFFICER COMMENTS

There would be a loss of some of the existing garden is to provide off street parking for the existing flats and proposed dwelling however, the Planning Inspector found this to be a benefit of the previous proposals. The new dwelling would have a commensurate area of private garden with communal garden retained for the existing flats. The scale of physical development on the site would not be significantly increased. Part of the food preparation area would be relocated from the single storey garage on the Peregrine Close side of the building to an enlarged kitchen and preparation area on the Acacia Close frontage but was not significantly increased overall. The principal front elevation of the development to Peregrine Close would remain the dominant feature, albeit that the current single storey garage would be slightly enlarged to accommodate one additional (single storey) dwelling.

With regard to the letter from Mr and Mrs Cound, the difficulty was that the hot food takeaway already existed without any conditions on times of operation or deliveries. It would therefore be unreasonable to apply hours of use conditions to the extension when they could not be applied to the main use itself. A condition to require deliveries through the front door of the shop only would not be practical to enforce. A delivery vehicle could lawfully use any part of the public highway.

It should be noted that final details of extraction equipment, which should be an improvement on the current facilities, had yet to be received. Consequently the recommendation in the report remained one of seeking delegated approval to issue the permission, but only after satisfactory details of the extraction equipment had been received.

In accordance with the criteria for public speaking Mr. Rogers the agent acting for the applicant spoke in support of the application.

Councillor GFM Dawe was of the view that the proposal would have a harmful impact on the character and amenity of the area and that it should be refused. The Committee noted the concerns that had been expressed by the Local Ward Members and the Central Area Planning Sub Committee, but questioned whether there were defensible grounds for refusal given that a number of issues had been addressed since the previous application was refused. It was therefore decided that the application should be approved.

RESOLVED

That subject to submission and approval of the takeaway extraction equipment, 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. **H06 (Vehicular access construction).**

Reason: In the interests of highway safety.

4. **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.

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. G01 (Details of boundary treatments).

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

7. E16 (Removal of permitted development rights)

Reason: In order to safeguard the character and amenities of the locality.

8. Finished floor levels shall be set no lower than 52.6 AOD unless otherwise agreed in writing with the local planning authority.

Reason: To protect the development from flood risk.

Informatives:

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

2. N19 - Avoidance of doubt.

The meeting ended at 11.59 a.m.

CHAIRMAN