

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 24th October, 2007 at 2.00 p.m.

Present: Councillor JE Pemberton (Chairman)

Councillors: PA Andrews, WU Attfield, DJ Benjamin, AJM Blackshaw, ACR Chappell, SPA Daniels, GFM Dawe, PJ Edwards, DW Greenow, MAF Hubbard, RI Matthews, AT Oliver, SJ Robertson, AP Taylor, AM Toon, WJ Walling, DB Wilcox and JD Woodward

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

75. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors H Davies, KS Guthrie, MD Lloyd-Hayes and GA Powell.

76. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
AP Taylor DB Wilcox	Minute 79, Agenda Item 5 [A] DCCE2007/2467/RM and [B] DCCE2007/2469/F Land at Venns Lane Royal National College For The Blind, College Road, Hereford, Herefordshire, HR1 1EB	AP Taylor declared a prejudicial interest and left the meeting for the duration of the item. DB Wilcox declared a personal interest.
MAF Hubbard	Minute 80, Agenda Item 6 DCCE2007/2594/F Land to rear of Prospect Place, St. Martins Avenue, Hereford, Herefordshire, HR2 7RQ	Declared a personal interest.
SPA Daniels	Minute 84, Agenda Item 10 DCCW2007/2664/F Land adjacent Parsonage Farm, Auberrow Road, Wellington, Hereford, HR4 8AU	Declared a personal interest.
ACR Chappell	Minute 85, Agenda Item 11 DCCW2007/2834/F Land to the rear of Mulberry Close, Belmont, Hereford	Declared a prejudicial interest and left the meeting for the duration of the item.

Mr. Withers, the Central Team Leader, declared personal interests in items 7 [DCCE2007/2817/F] and 8 [DCCE2007/2554/F].

77. MINUTES

The minutes of the last meeting were received.

RESOLVED: That the minutes of the meeting held on 26th September, 2007 be approved as a correct record and signed by the Chairman.

78. 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.

79. [A] DCCE2007/2467/RM AND [B] DCCE2007/2469/F - LAND AT VENNS LANE, ROYAL NATIONAL COLLEGE FOR THE BLIND, COLLEGE ROAD, HEREFORD, HEREFORDSHIRE, HR1 1EB [AGENDA ITEM 5]

[A] The erection of 81 no. dwellings with associated parking and landscaping.

[B] Variation of condition 10 of planning permission DCCE2006/0099/O to allow the construction of 81 affordable and open market residential units.

The Principal Planning Officer reported that:

- Amended plans had been received. The main changes were highlighted.
- Letters had been received in response to the amended plans from 4, 21, 23 and 25 Loder Drive. The comments were summarised.
- Comments had been received from the Traffic Manager in response to the amended plans and he had confirmed that the principal concerns had been addressed but minor revisions to the internal road layout were required.

The Principal Planning Officer commented that:

- The amended plans addressed the principal concerns expressed by officers and consultees. Minor revisions were still required to some of the house types, boundary treatments, garden areas and road layouts but, overall, the amended scheme was considered acceptable.
- The recommendation had been altered in that:
 - a. The requirement to demolish number 62 Venns Lane could be dealt with by condition rather than included within the Section 106 Agreement.
 - b. The additional highway contribution was to be ring fenced for improvement to the Venns Lane/College Road/Old School Lane junction.
 - c. The consultation period had not yet expired on the amended plans, therefore the recommendation remained that of delegated authority to determine the application subject to no further objections raising additional material planning considerations by the end of the consultation period and any layout and design changes considered necessary by officers being accommodated.

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

Councillor DB Wilcox, a Local Ward Member, commented on the level of public

interest in this application and reported that a number of meetings had been held involving the developer and local residents. Councillor Wilcox noted that a Traffic Assessment had been undertaken in January 2006 as part of the outline stage and it did not take into account the development of 300 houses at Holmer and other extant planning permissions and recent development proposals. The Area Engineer Development Control (Central) clarified the Traffic Assessment considerations. In response to a question about outstanding highway layout and parking provision issues, the Principal Planning Officer drew attention to the updated comments of the Traffic Manager.

Councillor Wilcox emphasised his support for the Royal National College for the Blind and the importance of the College to the city and the county, particularly given its potential involvement with 2012 Paralympic Games. It was noted that the Sub-Committee had, contrary to officer recommendation, approved the outline application for the development of 70 residential units in order to support the redevelopment of College facilities; this included a reduction in the affordable housing requirement from 35% to 17.5%. It was also noted this application would increase the number of residential units to 81, representing a 16% increase on the approved proposal. Councillor Wilcox questioned the need for this increase and noted the comment in the officer's report that it was '...not considered that the financial benefits to the College from the uplift in the number of dwellings should be given significant weight in the determination of these applications'.

Councillor Wilcox commented that local residents were, in particular, concerned about the potential loss of residential amenity, especially given the potential impact on the 'green buffer zone' of grassland and trees between the existing dwellings and the new development. He drew attention to area adjacent to numbers 2 and 3 Helensdale Close and noted that the original indicative layout showed a five bedroom dwelling in this position but the new proposal would result in a terrace of four units. He felt that this would result in an unacceptable loss of amenity and privacy for the occupants of the Helensdale Close properties. He also drew attention to Plot 16 and felt that this unit would create a pinch point in the buffer zone and would have harmful impact on residents of Loder Drive. He noted that the proposed slab levels of the new dwellings had been reduced but felt that the proposals would have a detrimental impact on residential amenity. Whilst he felt unable to support this application, he felt that there was merit in further negotiations in order to reduce the number of proposed dwellings in order to maintain the character of the area and protect the amenities and privacy of the occupants of adjacent properties.

In response to a number of issues raised, the Principal Planning Officer commented as follows:

- A judgement on the principle of developing this site had been made when the Sub-Committee approved the outline planning application.
- The Traffic Assessment had been undertaken on the basis of 80 dwellings and was deemed acceptable.
- The financial benefits of the application for the Royal National College for the Blind should not sway the determination of this application; nevertheless the applicant's agent had advised that the additional money was critical to the planning strategy for the remainder of development at the College.
- The 'developed area' of the site as proposed accorded with the principles of the Master Plan and the green buffer zone had not been reduced in area to accommodate the additional 11 dwellings.
- The impact on the amenity of residents within Helensdale Close and Loder Drive was not considered so harmful as to warrant refusal of the application

and, furthermore, in some case the distances between the existing and proposed buildings had increased and the slab levels lowered.

- The Conservation Manager – Ecology was supportive of the orchard management plan and proposals.
- It was noted that Section 106 contributions were to be proportionately increased in line with that agreed at the outline stage.

The Sub-Committee debated the merits the application, some of the principal points included:

- i. Councillor RI Matthews commented that, at the outline stage, Members emphasised the need for every effort to be made to address the concerns of local residents and mitigate the impact of the development. He supported the objectives of the College but felt that this could not be at any cost. He believed that a satisfactory solution could be found if the number of dwellings and over-intensive nature of the proposed development was reduced. In response to a question, the Principal Planning Officer confirmed that the provision of CCTV had not been included as part of the recommendation.
- ii. Councillor SJ Robertson, an adjacent Ward Member, commented on traffic congestion issues in the locality and sympathised with the concerns of local residents, particularly given the potential loss of outlook.
- iii. In response to a number of questions from Councillor AM Toon about the type and mix of affordable housing units, the Principal Planning Officer advised that the provision of two bedroom flats had been agreed by the Sub-Committee previously and, as they would be for persons on the Homepoint waiting list with sight loss, partial sight loss or a disability, the units would be constructed to a bespoke design and would be some 40% larger than standard flats.
- iv. Councillor PJ Edwards welcomed the recommended condition to prevent the conversion of garages into habitable accommodation but asked for further clarification about the Traffic Assessment. In response, the Principal Planning Officer advised that the Traffic Assessment had not taken the proposed development at Holmer into account, as this did not form part of the Unitary Development Plan at the outline stage. However, the development at Holmer did take into account the impact of dwellings at this site. He added that any future applications would need to take the developments at this site and at Holmer into consideration.
- v. In response to questions from Councillor WJ Walling, the Principal Planning Officer advised that measures to mitigate the impact of plot 16 included the lowering of slab levels and the retention of an existing leylandii to act as a natural screen and the impact of plot 21 would be lessened through a reduction in the size of the garden area. The Principal Planning Officer added that the building-to-building relationships and degree of overlooking was considered acceptable having regard to the layout, distances, retained trees and conditions proposed and in view of recent Planning Inspector decisions. In response to a question about the potential to delete a building or buildings from the scheme, the Central Team Leader advised that the Sub-Committee could consider this but it was the view of officers that the proposals were satisfactory subject to the recommended conditions and agreements.
- vi. Councillor GFM Dawe noted the Council's policies and commitments in respect of carbon management and sustainability and felt that this site would be suitable as a car free development. The Development Control Manager commented on

how sustainability issues were informing the Unitary Development Plan and how officers were seeking to improve the carbon footprint of new developments. However, the needs of potential occupants also had to be considered and, given that this site was on the edge of the city, it was considered that the parking provision of 1.8 spaces per dwelling was acceptable in this instance.

- vii. Councillor AT Oliver drew attention to Condition 10 of Part 2 of the outline planning permission which stated that the reason for a total of 70 units was 'To define the terms of this permission and to maintain the landscape and ecological character of the site and surroundings'. He felt that this should be maintained and the current application refused.
- viii. Councillors PA Andrews acknowledged the potential impact on local residents but felt that, having regard to the outline planning permission, the layout and the recommended conditions, the application was acceptable. Councillor MAF Hubbard supported these views and commented that the traffic issues in the area were not directly linked to this site. He also commented on the importance of the College and its future involvement with the Paralympic Games and other sporting events.
- ix. Councillor DW Greenow felt that the development of this site had reached an acceptable limit and that any further units would represent an over-intensive development of the site.

Councillor Wilcox questioned why the Traffic Assessment had been undertaken on the basis of 80 units when the outline planning application only sought 70 units, he felt that the necessary contributions towards highway infrastructure improvements had been underestimated and felt that further work was required in respect of the pinch points at plots 16 and 21. Without layout improvements, he felt unable to support the application and proposed that it be refused.

A motion to approve the application, as per the recommendation, was lost and the resolution below was then agreed.

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:**

The proposal, which would result in an increase in the number of dwellings to 81 from the approved 70 dwellings would represent an over-intensive form of development that would be out of keeping with the character and appearance of the locality and would also be detrimental to the residential amenity of existing properties in Helensdale Close and Loder Drive. The proposal would therefore be contrary to Policies S1, DR1, DR2 and H13 of the Herefordshire Unitary Development Plan 2007.

- (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 Development Control Manager advised that, as the resolution was contrary to the officers' recommendation, he was minded to refer the matter to the Head of Planning Services. Councillor Wilcox asked that a note be added to highlight the areas where there could be opportunities for further negotiations to address the concerns of the Sub-Committee.]

80. DCCE2007/2594/F - LAND TO REAR OF PROSPECT PLACE, ST. MARTINS AVENUE, HEREFORD, HEREFORDSHIRE, HR2 7RQ [AGENDA ITEM 6]

Erection of six no. two bed maisonettes and four no. two bed flats with associated parking for fourteen cars.

The Principal Planning Officer reported that:

- A further letter of objection had been received from Paul Smith and the comments were outlined.
- Comments had been received from the project leader responsible for the flood defences confirming that, providing there was no significant reduction or raising of ground levels within the site, the development would have no impact on the design of the flood wall adjacent the site.
- Comments had been received from the Council's Archaeologist in response to the archaeological evaluation and were summarised.
- Comments had been received from the Council's Ecologist and were summarised.
- Further comments had been received from the Traffic Manger advising that, without the existing consent to use the site as a car park, the application could not be supported due to the substandard access. Based upon further information provided, the current use of the parking area was very low and therefore the proposed use would be a more intensive use of the site. In light of the further information, the Traffic Manager's recommendation was that of refusal.
- A draft Section 106 Agreement had been received covering the Heads of Terms detailed in the report.

The Principal Planning Officer commented that:

- The plan in the agenda excluded a strip of land along the northern boundary of the site and this was clarified during the presentation.
- In response to the Traffic Manager's recommendation of refusal, it was acknowledged that the access was substandard but the existing permission was unrestricted and, therefore, the site could be used more intensively attracting a comparable flow of traffic and pedestrian activity to the proposed development. Therefore, notwithstanding the Traffic Manager recommendation, in light of the lawful use of the site, the traffic impact was considered acceptable.
- Comments were still awaited from the Environment Agency.
- Additional conditions were recommended in order to prevent any development from commencing until the flood defences had been completed and certified as operational. Further conditions were also recommended to address the

ecological requirements.

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

Councillor WU Attfield, a Local Ward Member, commented on the poor visibility and narrowness of the access, the high level of vehicle and pedestrian movements in the vicinity of the site, and difficulties with traffic and congestion on adjoining roads. Given these considerations, she felt unable to support the application.

Councillor ACR Chappell, also a Local Ward Member, expressed concerns about the potential for overlooking of existing properties and impact on the privacy of the occupants. He commented on the vehicle, cycle and pedestrian movements associated with the Leisure Pool, Bishop's Meadows and other nearby facilities. In light of this, he felt that the intensification of the use of this substandard access would compromise highway safety and proposed that the application be refused.

Councillor AT Oliver, the other Local Ward Member, felt that, whilst the design had merit, the recommendation from the Traffic Manager was a crucial issue in this instance. He also commented on Unitary Development Plan Policy DR7 (Flood Risk) and expressed concerns that the site was in a high risk area, the development could not be considered essential, that no certainty could be given in respect of the frequency of flooding and the success of the flood defences, that there was a need for a buffer between the flood defences and existing properties, and there was still the potential for ground water problems. He also felt that the narrowness of the access would restrict the efficient operation of the emergency services.

The Principal Planning Officer re-iterated that officers concurred about the substandard nature of the access but a judgement had to be made on the acceptability of the proposal given the existing lawful use of the site as a car park with no restrictions.

RESOLVED:

That

- (i) The Central Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the applications to the Planning Committee:**
 - 1. Highways safety**
 - 2. Flooding (subject to the receipt of outstanding comments from the Environment Agency in relation to the submitted Flood Risk Assessment)**
- (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 Development Control Manager advised that, although the resolution was contrary to the officers' recommendation, he was

not minded to refer the matter to the Head of Planning Services in this instance given the objection outstanding from the Traffic Manager.]

81. DCCE2007/2817/F - 62 OLD EIGN HILL, HEREFORD, HEREFORDSHIRE, HR1 1UA [AGENDA ITEM 7]

Proposed erection of nine dwellings.

Councillor WJ Walling, a Local Ward Member, noted the improvements made to the proposals following the withdrawal of two previous applications and felt that the objections had been largely overcome. Therefore, he supported the application.

In response to a question from Councillor AP Taylor, also a Local Ward Member, the Senior Planning Officer advised that the position of the bus stop would be moved up Old Eign Hill towards the junction with Quarry Road. Councillor Taylor expressed concern that there could be potential traffic conflicts associated with the new position of the bus stop.

In response to a question from Councillor AT Oliver, the Development Control Manager advised that officers were attempting to introduce carbon efficiency requirements for larger schemes but these were more difficult to negotiate on smaller developments; it was noted that proposed changes to Building Regulations should address the issue in the future. He said that officers would discuss the issue with the applicant but it would not be a defensible reason for refusal at this time.

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. C04 (Details of window sections, eaves, verges and barge boards).

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

4. E16 (Removal of permitted development rights).

Reason: [Special Reason].

5. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

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. 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.

- 10. H03 (Visibility splays).**

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

- 12. 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.

- 13. H17 (Junction improvement/off site works).**

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

- 14. H27 (Parking for site operatives).**

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

- 15. G01 (Details of boundary treatments).**

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

- 16. G04 (Landscaping scheme (general)).**

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

- 17. G05 (Implementation of landscaping scheme (general)).**

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

- 18. A habitat enhancement scheme based upon the recommendations of the ecologist's report should be specified in a method statement for submission to Herefordshire Council and followed in order to enhance the habitat on site for bird and other wildlife.**

Reason: To comply with the Unitary Development Plan Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9: Biodiversity and Geological Conservation.

Informatives:

1. N15 - Reason(s) for the Grant of PP/LBC/CAC
 2. N19 - Avoidance of doubt.
82. DCCE2007/2554/F - 5 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TQ [AGENDA ITEM 8]

Replacement dwelling.

The Senior Planning Officer reported that:

- A revised Ecological Survey in respect of the presence of the badger sett had been submitted and was currently the subject of further consultation; it was recommended that an artificial sett be constructed elsewhere on the site to mitigate the impact on the existing feature.

In accordance with the criteria for public speaking, Miss Jones spoke in support of the application.

Councillor AP Taylor, a Local Ward Member, commented that there would be minimal impact on surrounding properties and supported the recommendation.

RESOLVED:

That subject to no objection from the Councils Ecologist to the revised ecological survey, 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. 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. B01 (Samples of external materials).

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

4. C04 (Details of window sections, eaves, verges and barge boards).

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

5. C05 (Details of external joinery finishes).

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

6. C11 (Specification of guttering and downpipes).
Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.
7. E16 (Removal of permitted development rights).
Reason: [Special Reason].
8. F16 (Restriction of hours during construction).
Reason: To protect the amenity of local residents.
9. F18 (Scheme of foul drainage disposal).
Reason: In order to ensure that satisfactory drainage arrangements are provided.
10. 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.
11. G01 (Details of boundary treatments).
Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
12. G04 (Landscaping scheme (general)).
Reason: In order to protect the visual amenities of the area.
13. G05 (Implementation of landscaping scheme (general)).
Reason: In order to protect the visual amenities of the area.
14. H05 (Access gates).
Reason: In the interests of highway safety.
15. H06 (Vehicular access construction).
Reason: In the interests of highway safety.
16. H09 (Driveway gradient).
Reason: In the interests of highway safety.
17. 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.
18. H27 (Parking for site operatives).
Reason: To prevent indiscriminate parking in the interests of highway safety.

Informatives:

1. **HN01 - Mud on highway.**
 2. **HN05 - Works within the highway.**
 3. **HN10 - No drainage to discharge to highway.**
 4. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
 5. **N19 - Avoidance of doubt.**
83. **DCCW2007/2684/F - 131 WHITECROSS ROAD, HEREFORD, HR4 0LS [AGENDA ITEM 9]**

Change of use to house of multiple occupancy.

In accordance with the criteria for public speaking, Ms. Watkins spoke in support of the application.

Councillor DJ Benjamin, a Local Ward Member, questioned the comment in the report that the 'neighbouring properties were in multiple occupation' and felt that there would be a detrimental impact on the amenity and character of the area. He also felt that the proposal represented an over-intensive form of development and felt that the application should be refused.

Councillor JD Woodward, the other Local Ward Member, expressed concerns about the proposed internal layout and felt that it would not be unreasonable to expect a kitchen and bathroom on each floor. She also felt that the conversion of the basement to habitable accommodation should be reconsidered. The need and demand for this type of accommodation in this area was also questioned.

Councillor AT Oliver drew attention the objections of Hereford City Council and the requirements of Unitary Development Plan Policy H17 (Subdivision of existing houses). He felt that the proposal was over-intensive and the cumulative impact of the proliferation of HMOs in this area was detrimental to the character of the locality.

Councillor RI Matthews supported the views of the Local Ward Members.

Councillor DB Wilcox noted that there was demand for accommodation for single person households but felt that this should be in the form of self-contained flats rather than bed-sit type accommodation and felt unable to support this proposal.

In response to a question from Councillor SJ Robertson, the Principal Planning Officer advised that the means of fire escape was covered by separate legislation. In respect of the standard of accommodation, the Sub-Committee's attention was drawn to the fact that the Head of Strategic Housing Services had not raised any objections and that the necessary requirements had been included in the scheme.

In response to a question from Councillor DW Greenow, the Development Control Manager advised that refusal of the application could be difficult to sustain given the other similar uses in the locality and noted that there might be merit in deferral for further negotiations to address the concerns raised by Members.

In response to a question from Councillor MAF Hubbard, the Development Control Manager advised that there were various regulations under the Housing Act that

applied to HMOs but this was separate legislation and the Sub-Committee could only deal with the issue of the sub-division of the property.

Councillor AM Toon supported the deferral of the application and also asked that parking issues in the locality be explored further.

Councillor PJ Edwards suggested that, although separate to this application, further investigations should be undertaken into the lawful use of adjacent properties given the concerns raised by Members.

RESOLVED:

That consideration of the application be deferred pending further negotiations with the applicant.

84. DCCW2007/2664/F - LAND ADJACENT PARSONAGE FARM, AUBERROW ROAD, WELLINGTON, HEREFORD, HR4 8AU [AGENDA ITEM 10]

Proposed residential development of twelve houses.

The Principal Planning Officer reported that:

- The Conservation Manager (Landscape) had raised no objections to the revised plans.
- Education had confirmed the need for improvements at Wellington and Aylestone schools.
- A letter had been received from EB Smith raising no objection in principle but seeking confirmation that, if approved, conditions were attached controlling drainage matters.
- An e-mail had been received from Mr. and Mrs. Davies confirming acceptance of the amended plans for plot 12 but commenting that they would wish to see the site level dropped similar to that of their property.
- A change to the recommendation was suggested to enable negotiations with the applicants over revisions to plot 12

In accordance with the criteria for public speaking, Mr. Ballham spoke on behalf of Wellington Parish Council, Mr. Cook spoke in objection to the application and Mrs. Langford spoke in support of the application.

Councillor AJM Blackshaw, the Local Ward Member, commented that Wellington was a vibrant and active rural community with a good demographic mix but there was an urgent need for accommodation for young families. He acknowledged the concerns of Mr. Cook and other local residents and hoped that some of the issues could be addressed through negotiations with the applicant. He felt that the re-development of the dairy unit was logical and would improve residential amenities. Therefore, he supported the application.

Councillor RI Matthews supported the views of the Local Ward Member and anticipated that the £18,000 contribution towards off-site highway safety works (including signage) might address some of local residents' concerns. A number of other Members also spoke in support of the application.

In response to a question from Councillor AT Oliver, the Chairman drew attention to

paragraph 7 of the draft Heads of Terms which required energy efficiency measures to reduce the carbon footprint of the development.

Councillor PJ Edwards commented on the need to prevent the over urbanisation of villages, particularly inappropriate street lighting.

RESOLVED:

- 1) **That Officers secure appropriate revisions to the siting, orientation and setting out of Plot 12 as deemed necessary.**
- 2) **The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and incorporating any additional matters he considers appropriate.**
- 3) **Upon completion of the aforementioned planning obligation that 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. **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. **B01 (Samples of external materials).**
Reason: To ensure that the materials harmonise with the surroundings.
 4. **F16 (Restriction of hours during construction).**
Reason: To protect the amenity of local residents.
 5. **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.
 6. **F22 (No surface water to public sewer).**
Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.
 7. **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.
 8. **G03 (Landscaping scheme (housing development) – implementation).**
Reason: To ensure a satisfactory and well planned development and to

preserve and enhance the quality of the environment.

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. 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.

13. H17 (Junction improvement/off site works).

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

14. H18 (On site roads - submission of details).

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

15. H19 (On site roads – phasing).

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

16. H20 (Road completion in 2 years or 75% of development).

Reason: In the interests of highway safety and convenience and a well co-ordinated development.

17. H21 (Wheel washing).

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

18. H27 (Parking for site operatives).

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

19. 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.

Informatives:

1. **HN01 - Mud on highway.**
 2. **HN04 - Private apparatus within highway.**
 3. **HN05 - Works within the highway.**
 4. **HN08 - Section 38 Agreement details.**
 5. **HN22 - Works adjoining highway.**
 6. **N19 - Avoidance of doubt.**
 7. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
85. **DCCW2007/2834/F - LAND TO THE REAR OF MULBERRY CLOSE, BELMONT, HEREFORD [AGENDA ITEM 11]**

Proposed erection of 69 dwellings and delivery of Haywood Country Park.

The Principal Planning Officer provided a detailed update, an outline is given below:

- The Highways Agency had issued a holding response pending further information; in particular, further clarification was required regarding the impact on the capacity of the junction with the A465 and a Residential Travel Plan was being sought.
- The Traffic Manager recommended standard conditions. He confirmed that Mulberry Close was constructed to an acceptable standard as a means of access to the development, that the internal road layout allowed for appropriate access for refuse and emergency vehicles, that the parking levels were acceptable, that good cycle and pedestrian links were included, and that the proposed traffic calming in Haywood Lane would facilitate safe pedestrian access to the woodland.
- The Conservation Manager (Landscape) considered that the general layout of the Country Park was acceptable subject to conditions and considered the housing layout to be well considered. It was felt that improvements could be made to the bridge from Mulberry Close. The comments of the Hereford and Worcester Gardens Trust had been assessed and he considered that the scheme represented the right approach to the provision of the Country Park subject to on going management.
- The Parks and Countryside Manager had confirmed that the public rights of way would not be detrimentally affected by the proposal.
- The Forward Plans Manager had confirmed that the site did not meet the criteria for car-free development. Furthermore, if appropriate provision for parking was not made, it was likely that problems with on street parking/obstruction would arise.
- The Strategic Housing Officer had expressed concern that the tenure split of the affordable housing was 60% rented / 40% shared equity and not 75% / 25% as advised previously. There were ongoing discussions with regard to the location of the affordable units and improvements to the frontages.
- The Police Crime Risk Manager had emphasised the need for measures to create a safe and sustainable environment, clarification was sought on boundary

treatments, and it was considered that the play area would not benefit from natural surveillance as it was situated away from the residential area.

- The Hereford and Worcester Gardens Trust welcomed the proposal but raised concerns regarding the layout of the Country Park and the method of analysis from which the project commenced.
- Comments had been received from Belmont Rural Parish Council and objections included: the additional housing proposed would extend the developed area towards the pools, create additional traffic and reduce land available for Country Park use; Mulberry Close was considered unsuitable as a main access and would be detrimental to the peaceful rural environment enjoyed by the residents of this area; it was not considered that there was 'spare capacity' with regard to road use and it was suggested that the current speed restrictions along the Trunk Road be extended beyond Belmont Abbey; the applicant's consultation process was not as described; there was no provision for parking for visitors to the Country Park and this would result in visitors parking in the neighbouring streets.

In response to the additional presentations, the Principal Planning Officer commented:

- It was noted that none of the statutory consultees had raised 'in principle' objections. It was felt that further clarification and appropriate conditions should address the concerns raised by the Highways Agency and the Traffic Manager. The concerns of the Strategic Housing Manager would require further negotiations in order to strike a balance between the tenure split and the delivery of the Country Park. The comments of the Police Crime Risk Manager were noted and would be resolved with further clarification.
- The concerns raised by the Parish Council were acknowledged, However, the residential development measured 2 hectares, as referred to in Unitary Development Plan, and the remaining 7.8 hectares remained available for recreational use associated with the Country Park. The remaining concerns related to increased traffic, particularly the impact of the development on Mulberry Close, but no objection had been raised by the Traffic Manager and it was not considered that this issue would warrant refusal of planning permission.
- The delivery of parking for visitors to the Country Park was the subject of ongoing negotiations. The recommendation referred to a contribution towards the construction of Country Park parking and a visitor centre which would assist in the plans to deliver this in a location near Waterfield Road / Treago Grove.
- Comments had not yet been received from the Environment Agency but it was considered unlikely that an 'in principle' objection would be forthcoming given their previous involvement through the allocation of the site in the Herefordshire Unitary Development Plan 2007 (UDP).
- The recommended conditions erroneously omitted reference to the need to achieve level three of the Code for Sustainable Homes: A Step Change in Sustainable Home Building Practice Design dated December 2006.
- In the light of concerns about parking it was considered expedient to remove permitted development rights for the conversion of garages to habitable accommodation.
- It was reported that the recommendation would need to refer specifically to the outstanding comments of the Highways Agency and Environment Agency as

well as the additional conditions referred to above and any others considered appropriate, in consultation with the Chairman and Local Ward Members.

In accordance with the criteria for public speaking, Ms. Crooks and Ms. Kemp spoke in objection to the application and Mr. Brockbank spoke in support of the application.

The Principal Planning Officer reported the receipt of an e-mail from Councillor GA Powell, a Local Ward Member who was unable to attend the meeting, and summarised the comments. These included concerns about: the number of questions outstanding; insufficient consideration regarding access / egress to the development and related highway safety issues; the loss of trees and wildlife habitat; the increased numbers of properties from that anticipated in the UDP and loss of land designated for the Country Park; safety considerations in respect of the play area; insufficient consideration regarding access / egress to the Country Park from Haywood Lane and related highway safety issues; the problems with traffic speeds in the locality; and the lack of parking provision for the Country Park.

Councillor PJ Edwards, a Local Ward Member, made a number of points and some of the issues raised are summarised below:

- He outlined the history of the site and how the Country Park had been a key element in the development brief for Belmont but had not been delivered for various reasons. He felt it essential that the balance between residential development and public recreation space was restored.
- He felt it essential that the impact of the development on the residents of Mulberry Close was mitigated through appropriate Traffic Orders and related measures.
- There had been some flooding associated with the nearby brook and pools and the drainage issues would need to be addressed.
- Referring to the comments of the Parks and Countryside Section, he stressed the importance of the development of an Interpretation Centre and parking facilities for the Country Park to ensure that visitors did not park in nearby roads and have an unacceptable impact on the locality. He also emphasised the need for a suitable and safe access to Newton Coppice, he suggested that should be consideration given to the introduction of 20mph speed restrictions on Haywood Lane.
- He welcomed the proposed removal of permitted development in order to prevent the conversion of garages in order to maintain off street parking levels.
- He felt that, given the uplift in the number of dwellings allocated in the UDP, further contributions should be sought from the developer.
- He proposed an amendment to paragraph 11 of the draft Heads of Terms to the effect that if the Council did not for any reason use the contribution sums that, rather than being repaid to the developer, they be used towards the future construction of the Interpretation Centre.

The Principal Planning Officer commented that only a finite amount of funding could be drawn from the development, particularly as the developer would not only be providing 69 dwellings but would also be required to undertake the layout and transfer of the Country Park. Nevertheless, officers would convey Members' concerns and suggestions to the applicant as part of ongoing negotiations. He also advised that the means of access had been evaluated as part of the UDP process.

With regard to comments about the draft Heads of Terms, the Development Control Manager advised that, although the precise sums and issues were still being negotiated, it was established practice for contributions to be repaid to the developer if the sums were not used within 10 years but this could be reviewed as part of ongoing negotiations.

Councillor PA Andrews, speaking on behalf of Councillor H Davies who was unable to attend the meeting, commented on concerns about the use of Mulberry Close as the only access for the development and felt that it would be unsafe to rely on a single access / egress point. Therefore, she proposed that the application be deferred to enable further consideration to be given to this matter and the other outstanding issues.

Councillor GFM Dawe felt that further consideration should be given to the potential for car-free development, particularly given the concerns about parking and traffic congestion, and commented on the footpath, cycle and bus links to the City. In response, the Development Control Manager advised that the site did not meet the criteria for a car-free development given its location and the family sized dwellings proposed.

Councillor Edwards asked that, if the application was deferred, that further consideration be given to measures to bring forward parking provision for the Country Park, the potential for Traffic Orders to mitigate the impact of the development on the local road network, and to the issues raised in respect of the draft Heads of Terms.

RESOLVED:

That consideration of the application be deferred pending further investigations, negotiations with the applicant and further information and clarification from statutory consultees and to enable the potential for all or part access from Kingfisher Road to be discussed.

86. DATE OF NEXT MEETING

21st November, 2007

The meeting ended at 5.40 p.m.

CHAIRMAN