

**MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 19th March, 2008 at 2.00 p.m.**

**Present:** Councillor GA Powell Vice-Chairman (in the Chair)

**Councillors:** PA Andrews, WU Attfield, DJ Benjamin, ACR Chappell, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, AT Oliver, SJ Robertson, AP Taylor, AM Toon, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward

**In attendance:** Councillors TW Hunt (ex-officio), PM Morgan and RV Stockton (ex-officio)

**132. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors AJM Blackshaw, SPA Daniels, MD Lloyd-Hayes, RI Matthews and JE Pemberton.

**133. DECLARATIONS OF INTEREST**

The Legal Practice Manager, drawing attention to agenda item 8, advised that he had made brief enquiries into the status of the Hereford Conservative Club and it appeared that the name of the club was historical and it was not politically affiliated. Therefore, Conservative Councillors did not need to declare an interest on this specific issue, unless they had direct links with, or were members of, the club itself.

The following declarations of interest were made:

Councillor	Item	Interest
ACR Chappell, H Davies, AT Oliver and GA Powell	Minute 137, Agenda Item 6 DCCE2007/3860/RM <b>Land Off Bullingham Lane, Hereford, Herefordshire, HR2 7RY</b>	ACR Chappell and GA Powell declared personal interests. H Davies and AT Oliver declared prejudicial interests and left the meeting for the duration of the item.
WU Attfield and AM Toon	Minute 138, Agenda Item 7 DCCW2008/0235/F <b>Land Adjoining 9 and 11 Pixley Walk, Hereford, HR2 7TA</b>	Both Councillors declared personal interests.
DW Greenow	Minute 139, Agenda Item 8 [A] DCCE2008/0112/F and [B] DCCE2008/0114/L <b>Hereford Conservative Club, 102 East Street, Hereford, HR1 2LW</b>	Declared a prejudicial interest and left the meeting for the duration of the item.

**134. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 20th February, 2008 be approved as a correct record and signed by the Chairman.

**135. 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.

**136. DCCW2007/3940/F - MARSHALL BUSINESS CENTRE, WESTFIELDS TRADING ESTATE, HEREFORD, HR4 9NS [AGENDA ITEM 5]**

*Proposed development of two buildings (4 units) for small business B1 and B8 use - light industrial.*

Councillor PA Andrews, a Local Ward Member, made the following comments:

- The value of the site inspection that had been undertaken was noted.
- There were difficulties associated with industrial uses close to residential properties.
- Councillor Andrews felt that Building 1 (in the northwest corner of the site) was acceptable but Building 2 (in the southeast corner of the site) was not, due to the detrimental impact of the development on the privacy and residential amenity of adjoining properties. Therefore, she proposed a split decision on this basis, to approve Building 1 but refuse Building 2.
- Although Building 1 was considered acceptable, she asked for additional conditions to ensure that any hedges damaged during construction were replaced and for suitable treatments at the site to prevent gulls and other birds from using the buildings as roosting sites.

Councillor AM Toon, also a Local Ward Member, supported Councillor Andrews and felt that Building 2 would exacerbate the noise disturbance experienced by occupiers of adjacent properties and the proximity of the building would have a significant impact on residential amenity.

Councillor PJ Edwards acknowledged the concerns of the Local Ward Members, especially the proximity of Building 2 to the boundary with adjoining properties, but was concerned that a split decision might not be sustainable on appeal. He suggested that additional conditions might make the development more acceptable to the immediate neighbours and noted that there were a number of ways to prevent birds from roosting on the buildings.

Councillor DB Wilcox drew attention to the comments of the Environmental Health & Trading Standards Manager and noted the need for the recommended conditions to be adhered to. However, he also felt it imperative that noise limits were established in order to protect the amenity of nearby residents. He questioned whether a split decision could be reached and suggested that consideration of the application be deferred to enable discussions with the applicant, specifically to ascertain whether they would be prepared to amend the application to omit Building 2.

The Development Control Manager responded to a number of issues raised by members as follows:

- The site lay within a designated area safeguarded for B1, B2 and B8

employment purposes with the Herefordshire Unitary Development Plan 2007.

- The proposed uses were considered compatible with residential areas; B1 related to offices or light industry appropriate to a residential area and B8 related to storage or distribution.
- The main source of noise from such development tended to be from the parking and circulation area. As the building was close to the boundary and doorways had been relocated, the building itself would act as a buffer to noise generated from this area.
- He considered that the approval of one unit and the refusal of the other could be difficult to sustain on appeal.
- The conditions could be reviewed to ensure that the noise attenuation measures and bird proofing were sufficient.

Councillor Andrews outlined the impact of the trading estate on local residents and their concerns about this development, particularly in respect of the height of the buildings and potential for noise disturbance.

Councillor PJ Edwards felt that, subject to additional emphasis on noise mitigation measures built into the rear framework of both buildings, the application was acceptable.

Councillor MAF Hubbard commented that the scale of the development surprised him initially but, given the established use of the land for employment purposes and the proposed conditions, he also supported the officer's recommendation.

Councillor Wilcox noted that industrial and residential uses in close proximity did not sit happily with each other but the impact could be mitigated through conditions. The Legal Practice Manager briefly outlined the differences between public and private nuisances. Councillor Wilcox noted the statutory nuisance provisions.

Councillor Toon maintained that the scale of the buildings would have a detrimental impact on adjoining residential properties. Given the difficulties of controlling noise nuisance once businesses were established, she noted the need for robust conditions on any planning permission granted; reference was made to the example of Gelpack.

Councillor AT Oliver felt that the site was cramped and the development should be refused as it would have a detrimental impact on health and safety considerations.

In response to questions, the Senior Planning Officer advised that:

- The building ridge height would be 5.47 metres and the eaves height would be 4 metres.
- There was sufficient room for vehicles to pass each other.
- It might be difficult to establish relevant background noise levels given the levels of noise generated by Sun Valley and by Gelpack.

#### **RESOLVED:**

**That**

- (i) **The Central Area Planning Sub-Committee is minded to approve Building 1 (northwest corner of the site), subject to the conditions detailed in the report and additional conditions in respect of boundary treatments, noise**

attenuation measures and bird proofing (and any further conditions felt to be necessary by the Head of Planning Services);

- (ii) The Central Area Planning Sub-Committee is minded to refuse Building 2 (southeast corner of the site) 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 building in the southeast corner of the site would have an unacceptable impact on the amenity of neighbouring residential properties due to its siting and scale and therefore is contrary to policies DR1 and E8 of the Unitary Development Plan 2007.
- (iii) 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 approve Building 1 and refuse Building 2, subject to such conditions and 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 and the Sub-Committee's view might not be defensible if challenged, he was minded to refer the matter to the Head of Planning Services.]*

**137. DCCE2007/3860/RM - LAND OFF BULLINGHAM LANE, HEREFORD, HEREFORDSHIRE, HR2 7RY [AGENDA ITEM 6]**

*A development of 151 dwellings consisting of 2, 3, 4 & 5 bedroom houses with 1+2 bedroom apartments (Phase 3).*

The Team Leader – Central provided the following updates:

- The concerns of the Traffic Manager had now been addressed with the amended plans and, therefore, the objection had been removed.
- The only outstanding matter was the submission of landscaping details.
- Therefore, the wording of the recommendation was amended to omit reference to the objection of the Traffic Manager and replaced with reference to the submission of landscaping details and any other matters considered necessary by officers.

In response to comments made at the last meeting, the Team Leader – Central:

- Explained how the footpaths and cycleways had been designed to be as permeable as possible throughout the development.
- Advised that this final phase would be designed and constructed to a standard of Eco Homes 'Very Good'.
- Explained how the discount on the low cost market housing would remain in perpetuity.

Councillor ACR Chappell, a Local Ward Member, made a number of comments, including:

- Attention was drawn to the existing and proposed education contributions in the locality and Councillor Chappell proposed that £100,000 of this be allocated to

the LEA pool at Hollybush Walk for repairs and maintenance of the facility.

- He commented on the need for adequate security for footpaths and cycleways, including measures to prevent motorbikes from using them and appropriate lighting.
- He noted that a bus route would serve the development but the report did not provide bus shelter details, he felt that any bus shelters should be designed into the site from the outset.
- He commented on frequent flooding problems caused by rainwater accumulating under the railway bridge on Bullingham Lane; he added that a motorist had been trapped by rising floodwater in the past. Given that the development would significantly increase the number of vehicle movements in the locality, he felt that every effort should be made to resolve the problem.
- He noted that complaints were already being received about parking in the area and asked that appropriate levels of off street parking be provided.

The Team Leader – Central responded as follows:

- The Section 106 Agreement would require contributions towards community infrastructure under various headings, including education. The issue of the LEA pool could be factored into the detail of the agreement.
- The safety and security of the footpaths and cycleways were key considerations; the layout had been designed to maximise passive overlooking, additional lighting may be required in order to reach adoptable standards, and measures to restrict motorbikes could be explored further.
- The Section 106 Agreement required a contribution towards bus stops and the Local Ward Members could be consulted on the specific design once further details became available.
- The approach to the railway bridge on Bullingham Lane would be straightened as part of the plans and would provide a minor highway benefit in this location.
- The parking ratio was two spaces per unit, above that required in the Unitary Development Plan but considered appropriate given the edge of the city location and type of housing proposed.

Councillor WU Attfield, also a Local Ward Member, commented on the need to maximise the community infrastructure benefits for the local community and welcomed the affordable housing element and improved Eco Homes standard. Although she supported the application on balance, given the contributions and conditions proposed, Councillor Attfield felt that the development would exacerbate the existing traffic flow problems on the A49 and increase congestion on Bullingham Lane.

Councillor PJ Edwards supported the views of the Local Ward Members and made the following comments: waste management had to be considered throughout the development, particularly street bins in order to minimise litter and associated costs to the authority; low level street lighting had worked well in other parts of Hereford, such as Luard Walk in Belmont; and officers were asked to ensure that the improved Eco Homes standard and other matters raised by the Sub-Committee were included in any planning permission granted. In response to the latter point, the Team Leader – Central drew attention to recommended condition 3 which would ensure that the 'Very Good' standard was achieved.

Councillor SJ Robertson supported the allocation of funds to the LEA pool, particularly as the facility served 38 local schools and its recent closure had placed

significant pressure on the Leisure Pool, thereby having an impact on public swimming also. She added that a contribution could provide an ideal opportunity to re-open the LEA pool and perhaps involve the local community in the future operation of the facility.

Councillor PA Andrews advised that Councillor AT Oliver, if he had been present for this item, would have supported the allocation of funds to the LEA pool and would have asked for an additional contribution towards the community building.

Councillor DW Greenow noted that the original plan for Bradbury Lines was for 500 residential units but this application would bring the total number to 608 units, representing an increase of over 20%. He felt that this would have a significant impact on the local community, particularly resulting from additional traffic on the approach roads to the development, and on future development considerations.

In response to a question from Councillor AP Taylor, the Team Leader – Central advised that the outline planning permission required the modification of the existing Bullingham Lane junction to a signalised junction. He also added that a roundabout in this location had been considered, in consultation with the Highways Agency, but it transpired that a signalised junction would be more effective in this instance.

Councillor AM Toon made a number of points, including: concerns were expressed about the density of development; attention was drawn to comments of the Head of Children's & Adult Services about school capacities; affordable housing provision should not just consist of small units; the authority needed to ensure that large scale development was controlled properly to ensure that house numbers and densities were not increased through later applications; and clarification was sought about road widths.

The Team Leader – Central advised the Sub-Committee that all roads had been designed in accordance with the highway design guide and incorporated elements of shared surfaces and traffic calming. He also advised that the affordable housing included a diverse mix of property types and sizes and was well distributed around the site.

Councillor DB Wilcox commented on the concerns raised at the last meeting about the management of the low cost discount market housing and felt it essential that there was a robust system to monitor and ensure that the discount was maintained in perpetuity, perhaps with the involvement of the District Valuer. The Team Leader – Central outlined the arrangements which involved allocation through the affordable waiting register and restrictive covenants requiring that each sale in perpetuity must be at 30% below the market value at that time; the market value would be established from the mean of two independent valuations.

#### **RESOLVED:**

- 1) Subject to the submission of satisfactory landscaping details and any other matters considered necessary by officers:**
- 2) The Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional matters and terms that he considers appropriate.**
- 3) Upon the completion of the aforementioned planning obligation the officers named in the Scheme of Delegation to Officers be authorised to**

issue a reserved matters approval subject to the following conditions and any further conditions considered necessary by Officers.

1. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no new hardstanding shall be created between any highway or footpath under frontages of the approved dwellings other than those expressly authorised by this permission.

Reason: In the interests of visual amenity.

2. E09 (No conversion of garage to habitable accommodation).

Reason: To ensure adequate off street parking arrangements remain available at all times.

3. The development hereby permitted shall be designed and constructed to meet The Building Research Establishment Eco Homes rating of 'Very Good'. No development shall commence until authorised certification has been provided confirming compliance with the agreed standard.

Reason: To promote the sustainability of the development hereby approved in accordance with Policies S1 and H13 of the Herefordshire Unitary Development Plan and PPS1 Supplement 'Planning and Climate Change'.

**Informatives:**

1. N02 - Section 106 Obligation.
2. N09 - Approval of Reserved Matters.
3. N15 - Reason(s) for the Grant of PP/LBC/CAC.
4. N19 - Avoidance of doubt.

138. **DCCW2008/0235/F - LAND ADJOINING 9 AND 11 PIXLEY WALK, HEREFORD, HR2 7TA [AGENDA ITEM 7]**

*Erection of 2 no. two bedroom three persons flats and associated parking.*

Councillor H Davies, a Local Ward Member, noted the concerns raised in the letters of objection about the potential impact on local amenity and felt that members would benefit from a site inspection.

Councillor PJ Edwards, also a Local Ward Member, commented that this proposal had come forward in response to concerns about anti-social behaviour arising from people gathering at this site. He felt that many people in the locality would support the erection of two affordable residential units and he supported the officer's report.

A vote on the matter of a site inspection received an equal number of votes and the Chairman used a casting vote in favour of a site inspection.

**RESOLVED:**

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

- **the setting and surroundings are fundamental to the determination or to the conditions being considered.**

**139. [A] DCCE2008/0112/F AND [B] DCCE2008/0114/L - HEREFORD CONSERVATIVE CLUB, 102 EAST STREET, HEREFORD, HR1 2LW [AGENDA ITEM 8]**

*[A] Conversion of parts of building to eight flats, relocation of manager's flat and secretary's office.*

*[B] Conversion of parts of building to eight flats, relocation of manager's flat and secretary's office.*

The Senior Planning Officer provided the following updates:

- The draft Heads of Terms should also include the requirement for the payment to be index linked.
- As the listed building consent had to be referred to the Secretary of State, delegated authority was sought to enable the decision to be issued subject to receipt of no objection from the Secretary of State.

In accordance with the criteria for public speaking, Dr. Channon spoke in support of the application.

Councillor AM Toon asked for further clarification regarding members' personal and prejudicial interests. In response, the Legal Practice Manager advised that, although he had not been able to verify the information provided in good faith, he had made reasonable enquiries which implied that the club was not politically affiliated.

Councillor MAF Hubbard, the Local Ward Member, commented on the intrinsic beauty and historical value of the Grade II\* Listed Building. In response to a question, the Senior Planning Officer advised that the key differences between this proposal and previous schemes (one withdrawn and one rejected) related to the impact on the integrity of the late medieval hall and later plaster ceiling, and the retention of room proportions.

Councillor NL Vaughan noted that a car-free approach was being taken but, as occupiers would probably want access to vehicles, this could have a consequential impact on car parks in the city centre. Nevertheless, subject to all conditions considered necessary, he supported the application.

Councillor DB Wilcox also supported the application but, noting that people with disabilities preferred city centre locations, suggested an additional condition to require a parking area for a powered mobility vehicle. Councillor Wilcox noted that the Traffic Manager had requested a contribution of £11,720 and the Parks and Countryside Manager had requested £5,040, and he questioned why a contribution of only £5,000 was being sought from the developer.

In response to these points, the Senior Planning Officer advised that:

- A parking area would be difficult to achieve given the confines of the site but this could be discussed with the applicant.
- Negotiations on the level of contribution had been ongoing for some time and, as the Supplementary Planning Document on Planning Obligations [SPD] would not be active until 1st April 2008, it was not considered reasonable to require



further contributions at this stage. The Development Control Manager advised that officers considered the contribution to be reasonable given the relative costs involved in undertaking the sensitive conversion of a Grade II\* Listed Building.

Councillor Wilcox felt that further discussions should be held with the applicant on both the mobility parking and contribution issues. Other members expressed similar views.

The Team Leader - Central advised that there were certain exclusions in the SPD in respect of conversions in the central shopping area. Some members questioned the fairness of this aspect of the SPD, particularly if rural areas were treated differently.

Councillor AT Oliver felt that the unique qualities and context of the site had to be considered and felt that the Sub-Committee would benefit from a site inspection. This was supported by a number of members.

**RESOLVED:**

**That consideration of the application be deferred for a site inspection for the following reasons:**

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

**140. [A] DCCE2008/0004/F AND [B] DCCE2008/0011/L - THE CATHEDRAL CLOSE, HEREFORD, HR1 2NG [AGENDA ITEM 9]**

*[A] Redevelopment of The Cathedral Close with new landscape proposals, lighting, seating, paths, fences, railings and gates.*

*[B] Erection of new piers, railings and gates at nos. 1 & 2 Cathedral Close, relocation of Castle Street gate pier. New gate to college cloisters, repair of the Cathedral Barn.*

The Senior Planning Officer provided the following updates:

- The Archaeological Advisor had confirmed that he had received acceptable details relating to the ground works methodology, his comments were summarised and standard conditions were recommended.
- Consequently, the wording of the recommendation was amended to omit reference to outstanding archaeological issues.

In accordance with the criteria for public speaking, the Very Reverend Michael Tavinor, Dean of Hereford, spoke in support of the application.

Councillor MAF Hubbard, the Local Ward Member, commented on a number of matters, including:

- The proposals had taken a long time to formulate but now addressed many of the concerns raised by local people initially.
- Anti-social behaviour had been a problem in the Close and the introduction of railings would help to re-establish the space as a sacred place and change

attitudes towards it.

- He noted that the close was a crucial cycle link in the city and felt that this should be retained. He noted that the realigned paths would improve visibility and help to reduce conflicts between pedestrians and cyclists.
- Whilst he was supportive of the scheme, he felt that it was very sad that the porch areas would be gated and closed at night, particularly given the tradition of cathedrals acting as places of refuge.

Councillor DW Greenow supported the views of the Local Ward Member and felt that the high quality proposals would complement the character of the historic environment.

Councillor ACR Chappell noted the importance of tourism to the area and felt that the proposals were exciting and would result in a major enhancement of the site. He supported the comments of the Local Ward Member about cycling and sympathised with his views on the porch gates but noted the need to keep the areas in good order; he added that there should be access to more appropriate forms of shelter elsewhere. He fully supported the scheme and hoped that it could be progressed as soon as possible.

Councillor PA Andrews supported the proposals but noted that many pedestrians were unhappy about inconsiderate cyclists using the Close and felt that the risks needed to be addressed.

The Legal Practice Manager advised that an agreement between the Cathedral Chapter and Herefordshire Council regarding the future maintenance of the Close had been agreed the previous week.

Councillor NL Vaughan said that inconsiderate cyclists had been a problem for Cathedral School pupils crossing the Close for a long time. He sympathised with the views expressed about the porch gates but noted the problems being experienced with anti-social behaviour and drug abuse.

Councillor PJ Edwards noted that the area was in poor condition and felt that the proposals would significantly enhance the Close and the setting of the Cathedral.

Councillor DB Wilcox welcomed the measures in respect of cycling and felt that the scheme would improve the visual qualities of the space.

In response to a question from Councillor KS Guthrie, the Senior Planning Officer reported that the height of the typical railing was 2.7m, with the main piers at the west front would be 3.4m and would reflect the proportions of the Cathedral.

Councillor WJ Walling commented on the hazard posed by cyclists and felt that they should be prohibited from using the path nearest to the Cathedral. He also commented on the need for measures to protect the Elgar statue from vandalism in its relocated position; he added that the plinth should also be retained.

Councillor GFM Dawe felt that the Close provided a crucial cycle link and that most cyclists used it in a responsible manner. He did not feel that there was any reason for the removal of the mature Lime tree to the north of the masons' yard and noted that this was contrary to Policy LA5 (Protection of trees, woodlands and hedgerows).

Councillor AT Oliver commented on the quality of the proposals, the cohesive design approach and the improvements to the parking arrangements; although he would

have preferred the removal of the parking.

Councillor SJ Robertson said that many local people would welcome the return of railings to the Close.

In response to a question from Councillor MAF Hubbard, the Senior Planning Officer confirmed that automatic retractable bollards would control the Castle Street entrance, thereby preventing non-permit holders from entering the Close.

**RESOLVED:**

***DCCE2008/0004/F***

**That officers named in the Scheme of Delegation to officers be authorised to approved the application subject to the conditions below and any further conditions as 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. **D01 (Site investigation - archaeology).**

**Reason: To ensure the archaeological interest of the site is recorded.**

3. **D02 (Archaeological survey and recording).**

**Reason: A building of archaeological/historic/architectural significance will be affected by the proposed development. To allow for recording of the building during or prior to development. The brief will inform the scope of the recording action.**

4. **D04 (Submission of foundation design).**

**Reason: The development affects a site on which archaeologically significant remains survive. A design solution is sought to minimise archaeological disturbance through a sympathetic foundation design.**

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. **Development shall not commence until amended plans demonstrating revised bollard widths have been submitted to and approved in writing by the local planning authority. Development to be carried out in accordance with the approved details.**

**Reason: To accord with Department for Transport Inclusive Mobility guidance and Policy DR3 of the Herefordshire Unitary Development Plan 2007.**

7. **Notwithstanding the approved plan, prior to installation on site, the final**

detail for of all cast iron railings details throughout the development shall be submitted to and approved in writing by the local planning authority. Submitted detail shall include reference to detailed design, colour, finishes and fixings. Development shall be carried out in accordance with the approved details.

Reason: In order to safeguard the character and visual amenities of the Close and adjacent listed buildings in accordance with Policies HBA4 and HBA6.

8. G04 (Landscaping scheme (general)).

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

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

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

10. B01 (Samples of external materials).

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

11. F32 (Details of floodlighting/external lighting).

Reason: To safeguard local amenities.

12. H27 (Parking for site operatives).

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

13. In this condition a 'retained tree' is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority. All tree works shall be carried out in accordance with BS3998.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the local planning authority.

Reason: To ensure proper care and maintenance of trees.

14. No works or development shall take place or materials, plant or equipment brought on to site until a scheme for the protection of the retained trees (Section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the local planning authority. The scheme shall include:

a) A plan to a scale and level of accuracy appropriate to the proposal that

shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.

b) The details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule.

c) A schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.

d) The details and positions shown on the plan at paragraph (a) above of the Ground Protection Zones (Section 9.3 of BS5837).

e) The details and positions (shown on the plan at paragraph (a) above of the Tree Protection Barriers (Section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected to the satisfaction of the local planning authority prior to each construction phase commencing and remain in place and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned in that phase.

f) The details and positions (shown on the plan at paragraph (a) above of the Construction Exclusion Zones (Section 9 of BS5837).

g) The details and positions (shown on the plan at paragraph (a) above of the underground service runs (Section 11.7 of BS5837).

h) The details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of 'No-Dig' construction.

i) The details of tree protection measures for the hard landscaping phase (Section 13 and 14 of BS5837).

j) The timing of the various phases of the works or development in the context of the tree protection measures.

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

15. Prior to the commencement of development samples of all surfacing materials to be employed throughout the application scheme including the path colour, stone edging, setts and flagstones, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and maintained thereafter as such.

**Reason:** In order to safeguard the character and visual amenities of the Close and adjacent listed building in accordance with Policies HBA4 and HBA6.

16. Prior to the commencement of development the final details for the

artistic commissions integral to the development (for the northern Close, the west end paved space and the Lady Arbour garden shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In order to safeguard the character and visual amenities of the Close and adjacent listed buildings in accordance with Policies HBA4 and HBA6.

17. The timing of the various phases of development shall be submitted to and approved in writing by the local planning authority. Phases shall include the following:
- The introduction of the railings, gates and piers throughout the scheme;
  - The renovation of the Lady Arbour garden;
  - The formation and laying out of the new paths and other hardstandings throughout the Close;
  - The redevelopment of the Mason's Yard;
  - The introduction of furniture, lighting, signage, bins and CCTV;
  - The introduction of the artistic commissions;
  - The renovation of Cathedral Barn

Insofar as is reasonably practical development shall proceed in accordance with the agreed timetable unless otherwise agreed in writing by the local planning authority.

Reason: In order to safeguard the character and visual amenities of the Close and adjacent listed buildings in accordance with Policies HBA4 and HBA6.

18. No development shall take place until a Site Waste Management Plan has been implemented in accordance with details which have first been submitted to and approved in writing by the local planning authority.

Reason: In the interests of pollution prevention and waste minimisation and management, in accordance with the Waste Hierarchy and Herefordshire Unitary Development Plan Policies S10, W11 and DR4.

**Informatives:**

1. ND02 - Area of Archaeological Importance.
2. HN04 - Private apparatus within highway.
3. HN05 - Works within the highway.
4. N15 - Reason(s) for the Grant of PP/LBC/CAC.
5. N19 - Avoidance of doubt.

*DCCE2008/0011/L*

That officers named in the Scheme of Delegation to Officers be authorised to refer the application to the Secretary of State with a recommendation for

approval, subject to the conditions below and any further conditions as considered necessary by officers:

1. C01 (Time limit for commencement (Listed Building Consent)).

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. C02 (Approval of details).

- (a) Sample panel of the proposed wattle and daub infill panels for the Cathedral Barn;
- (b) Roofing materials to be used on the Cathedral Barn;
- (c) Rainwater goods to be used on the Cathedral Barn;
- (d) The detail, colour, finishes and fixings to all iron railings

Reason: To safeguard the character and appearance of the Grade II\* listed building and the setting of all affected listed buildings.

3. Prior to the commencement of work a full schedule of work for the repair and renovation of the Cathedral Barn shall be submitted to and approved in writing by the local planning authority in consultation with English Heritage. Work shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the Grade II\* listed building.

4. A detailed photographic record of the Cathedral Barn prior, during and post restoration shall be submitted to the local planning authority. A nominated representative of the local planning authority shall also be afforded reasonable access to the Cathedral Barn to enable recording as necessary.

Reason: To enable a record to be made of this building of historic and architectural interest.

**Informatives:**

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

2. N19 - Avoidance of doubt.

141. [A] DCCE2008/0220/F AND [B] DCCE2008/0225/C - 84 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1JJ [AGENDA ITEM 10]

*[A] Erection of 6 no. apartments in two storey form together with associated car parking.*

*[B] Demolition of existing dwelling and erection of 6 no. apartments in two storey form together with associated car parking.*

The Team Leader – Central provided the following updates:

- A letter had been received from the applicants advising that they were prepared to contribute towards the cost of investigating and, if the criteria was met, implementing a Traffic Regulation Order to provide double yellow lines along the

widened section of Walney Lane.

- Therefore, delegated authority was requested to either prepare and complete a planning obligation under Section 106 of the Town and Country Planning Act or if deemed appropriate, insert an extra condition requiring the submission of a planning obligation prior to the commencement of the development. This obligation would require the developer to pay Herefordshire Council, upon the commencement of the development, the sum of £6,000 for the investigation and implementation of the Traffic Regulation Order.

Councillor NL Vaughan, a Local Ward Member, noted that the widening of Walney Lane had resulted in indiscriminate parking and he felt that this application would exacerbate the situation and should be refused.

Councillor DB Wilcox, the other Local Ward Member, thanked the officer for his work on this application and for the negotiations with the applicant. Nevertheless, he considered that the proposal would represent an overdevelopment of the site, particularly given that the area was characterised by large detached properties set back from the road. He felt that the proposal would have a detrimental impact on the Conservation Area, on the adjacent listed building and on the character of Walney Lane. If any planning permission was granted, however, he felt that the number of parking spaces should be increased to at least nine; with the use of Grasscrete or similar to minimise visual impact.

Councillor PJ Edwards acknowledged the concerns of the Local Ward Members and the difficulties associated with balancing Conservation Area considerations with modern demands. Drawing attention to the comments of the Conservation Manager and to the recommended conditions, he felt that the application was acceptable on balance. He felt that any approval should include: additional car parking; cycle parking; parking for motorised mobility vehicles; and a scheme of refuse storage.

Councillor PA Andrews said that the Conservation Area should be protected and commented on the impact of the loss of older properties and the erection of flats on other roads in the locality, especially in Folly Lane.

Councillor MAF Hubbard noted that there were other apartment buildings in the area and did not feel that there were any reasons to warrant refusal of this proposal.

In response to comments made by members, the Team Leader – Central advised that:

- The introduction of double yellow lines had been discussed before Walney Lane was widened but, in order to protect the rural nature of the lane, was not pursued at that time. However, indiscriminate parking had become an issue and parking restrictions were now considered necessary.
- It was not considered that the building would be out of proportion with other properties in the locality, particularly as the slab levels would be excavated into the rising ground level. Also, given the position of windows in the existing property, it was not considered that there would be any material increase in overlooking.
- Car parking spaces could be increased from eight to nine, it was noted that the Traffic Manager had recommended that nine be provided.
- Attention was drawn to the comments of the Conservation Manager, particularly that there was no objection to the demolition of the existing building provided that the replacement 'would be in keeping with the character of the area'. Officers considered that the design now proposed would harmonise with the



character and appearance of other properties in the Conservation Area.

- Conditions could be added in respect of cycle parking and refuse storage.

Councillor Vaughan noted that the existing building was in a state of disrepair but he did not consider that this warranted the demolition of the property.

**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 proposed development will adversely affect the character and appearance of the Conservation Area contrary to policies DR1, HBA6 and HBA7 of the 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 and the Sub-Committee's view might not be defensible if challenged, he was minded to refer the matter to the Head of Planning Services.*

*Councillor DB Wilcox asked that the additional conditions suggested by members be reported to the Planning Committee, should the applications be referred to it. Councillor AM Toon noted problems with flooding in the locality and suggested that consideration be given to the impact of the proposed development upon this.]*

**142. DCCW2008/0354/F - 14 WILLOW RISE, SUTTON ST. NICHOLAS, HEREFORD, HEREFORDSHIRE, HR1 3DH [AGENDA ITEM 11]**

*Proposed single storey side/rear extension and new detached garage.*

The Team Leader – Central provided the following update:

- The consultation period had expired and, therefore, the recommendation was amended to omit reference to the consultation period.

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

Councillor KS Guthrie, the Local Ward Member, noted that Sutton Parish Council had raised an objection to the detached garage element of the scheme and she drew attention to the concerns of the occupiers of the neighbouring property, particularly with regard to visual impact, loss of light and noise disturbance.

Councillor AM Toon felt that the proposal would be in keeping with the surroundings

and did not feel that there were any reasons to warrant refusal of planning permission in this instance.

In response to a question from Councillor WJ Walling, the Legal Practice Manager explained the purpose of restrictive covenants but noted that they were not material planning considerations.

**RESOLVED:**

**That 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. B06 (Matching stonework/brickwork).**

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

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

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

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

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

**5. H12 (Parking and turning - single house).**

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

**Informatives:**

**1. N03 - Adjoining property rights.**

**2. N14 - Party Wall Act 1996.**

**3. N19 - Avoidance of doubt.**

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

**143. DCCW2008/0390/F - LAND ADJACENT 2 WINDSOR STREET, HEREFORD, HEREFORDSHIRE, HR4 0HW [AGENDA ITEM 12]**

*Proposed three bedroom detached dwelling with parking for one vehicle.*

The Team Leader – Central provided the following updates:

- An amended parking plan had been received from the applicant's agent.
- The Traffic Manager had confirmed no objection to the amended plan. Therefore, the recommendation was amended to omit reference to the Traffic

Manager's concerns.

- Comments had been received from Hereford City Council (no objections).

Councillor DJ Benjamin, a Local Ward Member, noted the narrowness of the site but, given the outline planning permission and the inclusion of an off street parking space, supported the officer's report.

Councillor JD Woodward, the other Local Ward Member, felt that the loss of on street parking space was unfortunate but supported the proposed development.

In response to a question from Councillor PJ Edwards, the Team Leader – Central explained that the footprint of the development had been amended to enable safe vehicular egress from the site.

In response to a question from Councillor AT Oliver, the Team Leader – Central advised that, as the Supplementary Planning Document on Planning Obligations would not be active until 1st April 2008, it would be unreasonable to require contributions from this development.

#### **RESOLVED:**

**Subject to no further objections raising additional material planning considerations by the end of the consultation period, 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. **E16 (Removal of permitted development rights).**

**Reason: To enable the local planning authority to control any future development within the curtilage of the property in order to safeguard the amenity of neighbouring properties.**

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

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

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

**Reason: To protect the amenity of local residents.**

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. G01 (Details of boundary treatments).**

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

**9. 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.

**Informatives:**

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

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

**144. DCCE2008/0098/F - SHIPLEY, HOLME LACY, HEREFORD, HEREFORDSHIRE, HR2 6LS [AGENDA ITEM 13]**

*Retention of and change of use of hard standing for caravans with associated drainage works. (Retrospective).*

In accordance with the criteria for public speaking, Major Allin spoke in objection to the application.

Councillor GFM Dawe, the Local Ward Member, noted that this retrospective development was quite controversial in the locality and he expressed concerns about traffic impact and the diminution of the Area of Outstanding Natural Beauty [AONB].

Councillor PJ Edwards noted that the use of the land for the siting of up to five touring caravans enjoyed permitted development rights, subject to obtaining an exemption certificate from the Caravanning and Camping Club. However, given the potential impact on the AONB, Councillor Edwards questioned whether a condition could restrict the maximum number of caravans to five.

The Development Control Manager emphasised that the development applied for was the retention of hardstanding and other infrastructure and, as these elements were not pre-requisite to obtaining a five-caravan exemption certificate, refusal of planning permission would not prevent caravans from using the site. However, he advised that this application provided the opportunity to control the development and drew attention to the recommended conditions; including E35 (Caravan Numbers Limitation).

Councillor Edwards asked that a letter be sent to applicant to highlight the Sub-Committee's concerns. Councillor Dawe supported this suggestion.

**RESOLVED:**

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

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

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

2. F39 (Scheme of refuse storage).

Reason: In the interests of amenity.

3. E35 (Caravan Numbers limitation).

Reason: To clarify the terms of the permission and minimise visual intrusion.

4. G04 (Landscaping scheme (general)).

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

5. G05 (Implementation of landscaping scheme (general)).

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

6. H05 (Access gates).

Reason: In the interests of highway safety.

7. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

8. E34 (Removal of touring caravans during winter months).

Reason: To protect the visual amenity of the area during the winter months.

**Informatives:**

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

**145. DATES OF FORTHCOMING MEETINGS**

16th April, 2008

14th May, 2008

The meeting ended at 5.44 p.m.

**CHAIRMAN**