

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 9 July 2008 at 2.00 p.m.

Present: Councillor JE Pemberton (Chairman)

Councillors: PA Andrews, DJ Benjamin, ACR Chappell, H Davies, GFM Dawe, PJ Edwards, KS Guthrie, MAF Hubbard, MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, AM Toon, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward

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

12. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors WU Atfield, AJM Blackshaw, SPA Daniels, DW Greenow and AP Taylor.

13. DECLARATIONS OF INTEREST

5. DCCE2007/1655/O - Holmer Trading Estate, College Road, Hereford, HR1 1JS [Agenda Item 5].

Councillor MAF Hubbard; Personal

7. DCCE2008/1019/F - 57 Portfield Street, Hereford, Herefordshire, HR1 2SE [Agenda Item 7].

Councillor RI Matthews; Personal.

Councillor SJ Robertson; Personal.

9. DCCE2008/0626/F - Hereford Sixth Form College, Folly Lane, Hereford, Herefordshire, HR1 1LU [Agenda Item 9].

Councillor AM Toon; Personal and Prejudicial; A family member attended the College. Left the meeting for the duration of the item.

Councillor DB Wilcox; Personal

12. DCCE2008/1413/F - 56 Frederick Avenue, Hereford, Herefordshire, HR1 1HL [Agenda Item 12].

Councillor AM Toon; Personal

14. MINUTES

RESOLVED: That the minutes of the meeting held on 11 June 2008 be approved as a correct record and signed by the Chairman.

15. ITEM FOR INFORMATION - APPEALS

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

16. DCCE2007/1655/O - HOLMER TRADING ESTATE, COLLEGE ROAD, HEREFORD, HR1 1JS [AGENDA ITEM 5]

Mixed use development comprising residential (115 units), employment (office, industrial and warehousing), retail and supporting infrastructure including new access off College Road, roads, footpaths, open spaces, landscaping, parking and re-opening of part of canal.

The Chairman advised that a number of members had expressed concerns regarding issues of clarity in connection with the application, particularly the extent by which tenants currently at the application site were going to be properly relocated. Therefore, to enable the officers to fully explore and verify the relocation proposals presented as part of the application, the Chairman proposed that consideration of the application be deferred. It was noted that the Chairman had arrived at this view on the basis of advice from the Head of Planning and Transportation and the Legal Practice Manager.

RESOLVED:

That consideration of the application be deferred for further information.

17. DCCE2008/0552/F - BUILDING AT MILL FARM, FOWNHOPE, HEREFORD, HEREFORDSHIRE, HR1 4NT [AGENDA ITEM 6]

Proposed change of use from agricultural storage to storage of non agricultural products.

The Chairman, speaking in her capacity as the Local Ward Member, advised that deferral of this application (at the 14 May 2008 meeting) had provided the opportunity for discussions with the applicant's agent and the Parish Council. It was noted that a number of matters had been resolved as a result of these discussions. It was also noted that noise nuisance or disturbance, should any be identified in the future, could be controlled under the Environmental Protection Act. However, the Chairman suggested that the type of cooling units used on the building should be reviewed in order to minimise the potential for noise complaints.

The Planning Officer reported that the Environmental Health & Trading Standards Manager had advised that he was not aware of any noise problems originating from activities inside the building.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

- 2. F02 (Restriction on hours of delivery).**

Reason: To safeguard the amenities of the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

3. F05 (Restriction on hours of use (industrial)).

Reason: In order to protect the amenity of occupiers of nearby properties and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

4. F06 (Restriction on use).

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

5. No goods, plant, material or machinery shall be deposited or stored outside the application building edged in red on the plan date stamped 3 March 2008.

Reason: To protect the appearance of the locality and the amenity of the neighbouring properties.

6. I33 (External lighting).

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

7. I35 (Time limit on floodlighting/external lighting).

Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings so as to comply with Policy DR14 of Herefordshire Unitary Development Plan.

8. G10 (Landscaping scheme).

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

9. G11 (Landscaping scheme – implementation).

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

Informatives:

1. N19 - Avoidance of doubt - Approved Plans.

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

18. DCCE2008/1019/F - 57 PORTFIELD STREET, HEREFORD, HEREFORDSHIRE, HR1 2SE [AGENDA ITEM 7]

Proposed two storey extension and refurbishment of existing property.

The following update was reported:

- Welsh Water had confirmed that the public sewer did not cross the site. Consequently, it was recommended that paragraph 4.1 of the report be disregarded and some informative notes be disregarded.

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

Councillor MD Lloyd-Hayes, a Local Ward Member, welcomed the changes made to the original submission in order to mitigate the impact on the neighbouring property and supported the proposal; although the difficulties with parking in the area were noted. In response to a question about the covered passageway element, the Senior Planning Officer advised that issues relating to adjoining structures were dealt with under the Party Wall Act, rather than through planning legislation.

Councillor WJ Walling, also a Local Ward Member, noted the environmental credentials and imaginative design of the proposal but also acknowledged the concerns of the nearest neighbours and felt unable to vote on this application.

Issues raised during the discussion included:

- The Senior Planning Officer advised that it would be difficult to estimate figures in relation to the carbon efficiency but 'passive design techniques' were integral to the proposal, including insulation and maximising solar gain.
- The Head of Planning and Transportation commented on the challenges of reducing the carbon footprint of older properties.
- A number of members welcomed the energy conservation measures proposed.
- It was suggested that a landscaping scheme be required in order to minimise the impact of the proposal.
- It was suggested that the relocation of a tree, or at least pruning, might improve the provision of natural light to the neighbouring property.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. **B03 (Amended plans).**

Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3. **C01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

4. **I16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

5. F15 (No windows in side elevation of extension).

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

Informatives:

1. N19 - Avoidance of doubt - Approved Plans.

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

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

19. DCCE2008/1360/F - 255 ROSS ROAD, HEREFORD, HEREFORDSHIRE, HR2 7QJ [AGENDA ITEM 8]

Side and rear extensions.

The following update was reported:

- A further letter of representation had been received from the occupier of No. 257 Ross Road and the contents were summarised.

In accordance with the criteria for public speaking, Mrs. Turner spoke in support of the application.

Councillor ACR Chappell, a Local Ward Member, noted the constraints of the property and that a number houses in the locality had extensions of similar proportions to this proposed development. He considered that the revised proposal addressed the concerns about the potential impact on neighbouring dwellings as far as could be reasonably expected.

Councillor AT Oliver, also a Local Ward Member, noted that there was already substantial infill development in this area and that there were no material planning reasons to warrant refusal of planning permission in this instance.

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. C01 (Samples of external materials).

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

3. I16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

4. F16 (No new windows in specified elevation) (south).

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

5. H10 (Parking - single house).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

Informatives:

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

20. **DCCE2008/0626/F - HEREFORD SIXTH FORM COLLEGE, FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1 1LU [AGENDA ITEM 9]**

Proposed new 3 storey detached classroom block adjacent to sports field towards east of campus (rear).

In accordance with the criteria for public speaking, Mrs. Edney spoke in objection to the application.

The Senior Planning Officer made the following points: it was Sixth Form College policy to prohibit on site parking for students and the existing and proposed parking was for staff only; Sport England had no objection to this application; the development would improve the standards of classroom provision at the college, identified as an area for improvement in a recent Ofsted report.

Councillor NL Vaughan, a Local Ward Member, commented on the severe traffic problems in the area and felt that a travel plan had to be agreed before development commenced. The Senior Planning Officer advised that a combined travel plan had been required as part of the original 'learning village' application but this had not been signed off; consideration was being given to the expediency of enforcement action relating to the breach of the condition. Therefore, a separate and distinct travel plan was recommended in relation to this application. The Senior Planning Officer outlined the measures taken by the college to discourage students and staff from using private motorcars. Councillor Vaughan commented that alternative transport initiatives had been largely ineffective and emphasised the need for a co-ordinated approach to resolve the traffic problems in the locality.

Councillor DB Wilcox, the other Local Ward Member, noted that parking restrictions had been introduced in Folly Lane and Venns Lane and local residents were being

consulted about potential restrictions in other nearby roads. Nevertheless, indiscriminate student parking remained a problem and Councillor Wilcox considered that this development could exacerbate the situation. It was noted that attempts had been made to bring the combined travel plan to fruition but the colleges were no longer working closely together and a separate travel plan for this development was required. Councillor Wilcox supported the principle of replacing the poor temporary accommodation but felt that attention needed to be focussed on the travel plan. The Central Team Leader explained the full wording of the travel plan condition but Councillor Wilcox considered that the travel plan not only needed to be agreed in writing but also implemented prior to the development of the new classroom block.

Councillor MAF Hubbard noted that it had been intended, as part of the learning village application, that decked car parking be provided to allow for multi-storey parking if required in the future but, as with the combined travel plan, this had not been progressed. He also commented on the limitations of travel plans, particularly if they were not informed by the needs of users and the concerns of local residents. He suggested that consideration of the application be deferred until the travel plan had been implemented and clarification had been sought about the parking arrangements. Some members supported this suggestion.

Councillor WJ Walling, a member for the adjoining Tupsley Ward, noted that the development would replace existing mobile units and it was not linked to any increase in student numbers. Therefore, whilst the concerns of local residents were noted, the relevance of the relationship between this particular application and general parking problems in the locality was questioned. It was also noted that the Council's ecologist had confirmed that the threat to the habitat of Great Crested Newts was negligible.

The Head of Planning and Transportation emphasised that the purpose of the application was to improve the standard of classroom provision and, whilst acknowledging concerns about traffic problems in the area and the need to ensure the integrity of travel plans, suggested that members should concentrate on the specific issues relating to the application under consideration.

Councillor MD Lloyd-Hayes, also a member for the adjoining Tupsley Ward, commented that: the Tupsley Youth Centre was no longer a youth facility; local residents felt that this development would cause additional parking problems; the staff car park was not always full and this might provide an opportunity to provide some student car share parking, perhaps with a contribution towards other environmental initiatives; additional bus services had been largely disregarded by students; and concerns were expressed about non-compliance with conditions imposed under previous planning permissions.

In response to a question from Councillor PA Andrews about the effectiveness of travel plans, the Legal Practice Manager explained that an applicant needed to adhere to a travel plan condition, or be in breach of that condition. However, it was noted that the contents of the travel plan could be changed in later years and this could potentially undermine the original intentions behind the imposition of the travel plan.

The Head of Planning and Transportation provided further guidance on the full wording of the travel plan condition.

In response to a question from Councillor AT Oliver about measures to minimise the environmental impact of the proposed building, the Senior Planning Officer commented that conditions had to be reasonable and explained the potential

difficulties of enforcing compliance with emerging standards; he added that Building Regulations covered some environmental performance considerations. Councillor Oliver felt that the college had an obligation to construct the building to the highest standards, with particular emphasis on measures to reduce energy and water consumption. Councillor GFM Dawe supported this view and he also said that the travel plan should aim to reduce the number of car parking spaces rather than increase them.

In response to comments, the Senior Planning Officer re-iterated the purpose of the proposal and commented that many of the issues raised about parking in the locality were beyond the scope of this application.

Councillor Wilcox noted that parking would remain a significant material consideration with every planning application relating to the college campuses unless efforts were made to address the problems. It was suggested that the recommendation be supported but subject to the approval and implementation of a travel plan prior to the commencement of the development, in consultation with the Chairman and the Local Ward Members; an undertaking was also given to keep the Tupsley Ward Members informed about progress.

A motion to defer consideration of the item was lost and a motion to approve the application, subject to the implementation of the travel plan, was then agreed.

RESOLVED:

That, subject to the approval and implementation of a travel plan prior to the commencement of the development, in consultation with the Chairman and the Local Ward Members, planning permission be granted subject to the following conditions and any other 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. **C01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

3. **G10 (Landscaping scheme).**

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

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

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

5. **H27 (Parking for site operatives).**

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of

Herefordshire Unitary Development Plan

6. H29 (Secure covered cycle parking provision).

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

7. H30 (Travel plans).

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

Informatives:

1. N19 - Avoidance of doubt - Approved Plans.

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

21. DCCE2008/1321/F - 7 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1HR [AGENDA ITEM 10]

Change of use under current planning consent approval (ref: DCCE2007/1763/F) of landlord's office/store into a studio apartment (apartment 7).

Councillor NL Vaughan, a Local Ward Member, noted that the apartment would provide limited habitable space and asked for clarification about the parking arrangements. The Senior Planning Officer advised that the unit satisfied floor space requirements and, in addition to a contribution towards sustainable transport initiatives, the Section 106 Agreement would prevent future occupants from becoming eligible for residents' parking permits.

Councillor DB Wilcox, the other Local Ward Member, noted that there were no material planning reasons to warrant refusal but, given the identified space constraints, suggested that a 'single occupancy only' condition be imposed. A number of members supported this view.

In response to members' comments, the Head of Planning and Transportation said that he understood the logic but considered that it would be unreasonable to impose a single occupancy condition on a future occupant. It was noted that it would be difficult to monitor and enforce such a condition in any case.

There was a brief discussion about the potential market for this unit.

In response to a question about the layout, the Senior Planning Officer reported that the Private Sector Housing Manager and Building Control Manager had no objection to the application and, in fact, the unit was better ventilated and lit than some of the other units already approved.

In response to questions about cycle parking and waste bin storage, the Senior Planning Officer advised that there was space for the storage facilities as part of the wider scheme; recommended condition 3 specifically dealt with cycle parking and an

additional condition could be included to ensure that there was adequate provision for waste bin storage.

Responding to concerns expressed about potential over-intensive use of the site, the Head of Planning and Transportation reminded the Sub-Committee that the unit already had permission to be used as a landlord's office/store and questioned whether the change of use would have any additional harmful impact, especially as six self-contained apartments had been approved previously.

A number of members commented on the demand for all types of accommodation, especially for units at the less expensive end of the market.

There was further discussion about the merits of a single occupancy condition and the Senior Planning Officer re-iterated that officers considered such a condition to be unreasonable in planning terms, having regard to the nature of the proposal and other controls available through separate legislation.

A motion to refuse planning permission was lost and the recommendation to approve the application, subject to the inclusion of a condition relating to waste bin storage, was then agreed.

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. **B07 (Section 106 Agreement) (£1,465 towards sustainable transport initiatives).**

Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

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

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

4. **I42 (Scheme of refuse storage (residential)).**

Reason: In the interests of amenity and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

Informatives:

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

22. DCCW2008/0925/F - ROSEBANK, MUNSTONE, HEREFORD, HEREFORDSHIRE, HR1 3AD [AGENDA ITEM 11]

Change of use of storage building to form 3 no. holiday letting units.

Councillor SJ Robertson, the Local Ward Member, drew attention to concerns about additional traffic but noted that the recommended conditions would ensure that the visibility splay was improved. In response to a question, the Principal Planning Officer advised that a previous application had been refused [DCCW2007/2560/F refers] due to the lack information required to progress an ecological report. He added that the conditions suggested by the Conservation Manager in relation to this application would be incorporated into the planning permission if granted.

In response to questions, the Principal Planning Officer confirmed that the conditions would restrict separate sale from Rosebank. He added that it was not considered reasonable to impose a limit on the number of weeks that the units could be let out for and such a restriction would be difficult to enforce in any case. Attention was drawn to recommended condition 3 which would ensure that the units remained as holiday accommodation.

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. F13 (Restriction on separate sale) (Rosebank).

Reason: It would be contrary to the policy of the local planning authority to grant permission for a separate dwelling in this location having regard to Policy H7 of Herefordshire Unitary Development Plan.

3. F30 (Use as holiday accommodation).

Reason: Having regard to Policy H7 Herefordshire Unitary Development Plan the local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation due to the relationship and close proximity of the building to the property known as Rosebank in this rural location.

4. H03 (Visibility splays) (2 x 4 x 30).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

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

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

6. I16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

Informatives:

1. **HN5 (Works within the highway).**
 2. **N19 - Avoidance of doubt - Approved Plans.**
 3. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 23. DCCE2008/1413/F - 56 FREDERICK AVENUE, HEREFORD, HEREFORDSHIRE, HR1 1HL [AGENDA ITEM 12]**

Convert residential house into two flats, with separate access.

Councillor DB Wilcox, a Local Ward Member, noted that two off-street parking spaces would be provided as part of the development and no external changes were proposed. Therefore, he supported the application. Councillor NL Vaughan, the other Local Ward Member, endorsed this view.

In response to a question, the Central Team Leader advised that no Section 106 contributions were required as it was not considered that the proposal would result in the intensification in the use of the site over and above the existing situation.

There was a brief discussion about the continuing social need for larger properties and some concerns were expressed about the fragmentation of such properties into smaller units.

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

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

3. **I42 (Scheme of refuse storage (residential)).**

Reason: In the interests of amenity and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

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

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

of Policy T11 of Herefordshire Unitary Development Plan.

5. H09 (Driveway gradient).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

Informatives:

- 1. HN05 - Works within the highway.**
- 2. N19 - Avoidance of doubt - Approved Plans.**
- 3. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

24. DATES OF FUTURE MEETINGS

The next scheduled meetings were given as follows: 6 August, 3 September and 1 October 2008.

The meeting ended at 4.25 p.m.

CHAIRMAN