

**MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 3 September 2008 at 2.00 p.m.**

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

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

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

**40. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors ACR Chappell, SPA Daniels, MAF Hubbard, MD Lloyd-Hayes and RI Matthews.

**41. DECLARATIONS OF INTEREST**

44. DCCE2007/1655/O - Holmer Trading Estate, College Road, Hereford, HR1 1JS.

The following members declared personal interests: PA Andrews, WU Attfield, PJ Edwards, AT Oliver, GA Powell, AP Taylor, NL Vaughan, WJ Walling, DB Wilcox, JD Woodward.

Councillor AM Toon; Personal and Prejudicial. Left the meeting for the duration of the item.

46. DCCW2008/0292/F - St. Nicholas Rectory, 76 Breinton Road, Hereford, Herefordshire, HR4 0JY.

Councillor JD Woodward; Personal.

Councillor PA Andrews; Personal and Prejudicial. Left the meeting for the duration of the item.

47. DCCW2008/0610/O - 3 Villa Street, Hereford, Herefordshire, HR2 7AY.

Councillor SJ Robertson; Personal and Prejudicial. Left the meeting for the duration of the item.

50. DCCE2008/1613/F - Unit 14B, Thorn Business Park, Rotherwas, Hereford, Herefordshire, HR2 6JT.

Councillor AT Oliver; Personal and Prejudicial. Left the meeting for the duration of the item.

Councillor PJ Edwards; Personal.

**42. MINUTES**

**RESOLVED:**

**That the minutes of the meeting held on 6 August 2008 be approved as a correct record.**

**43. ITEM FOR INFORMATION - APPEALS**

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

**SITE INSPECTION**

The Central Team Leader recommended, and Members agreed, a site inspection in advance of the next meeting, in respect of planning application DCCW2008/1966/F (Proposed additional three-storey bedroom wing) at Three Counties Hotel, Belmont, Hereford, Herefordshire, HR2 7BP.

**44. 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 following update was reported:

- The recommendation was amended to authorise officers, upon completion of the planning obligation, to issue planning permission subject to conditions.

The Principal Planning Officer highlighted the key factors of the application and advised that officers, on balance, recommended approval of the application.

The Head of Planning and Transportation noted that a lot of time had been spent by officers on the application and made the following points:

- It was reported that officers stood by the recommendation of approval but it was acknowledged that the issues were finely balanced, between the technical conflict with policy E5 of the Herefordshire Unitary Development Plan 2007 (UDP) and the benefits of the scheme.
- The site was a safeguarded employment site and the Sub-Committee had to determine whether the loss of employment land to non-employment uses was acceptable given the other potential gains, such as the benefits in restoring the adjoining section of the canal.
- It was noted that the application had been deferred a number of times and officers did not feel that there were any further facts that could be established about the proposal.

Councillor NL Vaughan, a Local Ward Member, commented that it was abundantly clear that the application was contrary to policy E5 and the site contributed to meeting demand for employment land in Hereford north of the River Wye. In response to questions from Councillor Vaughan, the Principal Planning Officer advised that:

- It was not known whether representatives of Advantage West Midlands (AWM) had visited the site. He added that AWM would have considered the strategic level issues, informed by the regional economic and spatial strategies; and

- Whilst no factual evidence had been provided, the applicant had shown correspondence to officers to demonstrate that insurers had concerns about the ability to insure the site given the condition and security of the existing buildings.

Councillor DB Wilcox, the other Local Ward Member, asked for clarification about the economic development issues. In response, the Economic Regeneration Manager reported that:

- The authority maintained a property register and this indicated the availability of c. 56,000 sq ft of office accommodation and c. 170,000 sq ft of industrial premises in Hereford north of the river. However, this did not take into account rental costs or the quality of the units.
- The applicant had suggested that c. 24,000 sq ft of space would be required for the relocation of businesses from the trading estate but Economic Regeneration estimated the figure to be nearer c. 38,000 sq ft; the discrepancy due to the applicant not including external space requirements in the calculation, such as car parking, turning areas etc. Nevertheless, it was apparent that there was sufficient space elsewhere, if only in quantitative terms. However, it was also apparent that it would be difficult for some specific businesses to relocate, e.g. car sales.

Councillor Wilcox felt that there were three major features of the application: the need to ensure that there was adequate employment land to ensure that businesses were relocated and to ensure that there were opportunities for economic growth in the future; the need to determine whether a suitable balance could be achieved between the commercial/industrial interests and the residential elements of the scheme; and whether the benefits of the application outweighed the disadvantages. He made a number of related points, including:

- Councillor Wilcox said that he had met the Chief Executive of Edgar Street Grid Herefordshire Limited (ESG) and it was indicated that ESG would be prepared to withdraw their objection to the application subject to the Section 106 Agreement providing ESG the first right of refusal for the remaining c. 4,000 sq m of employment units, to enable the relocation of businesses displaced by the Edgar Street regeneration, and subject to fixed rental levels for five years for those businesses. It was noted that this would be at variance with the proposal to fix rental levels for three years for existing Holmer Trading Estate businesses but it was hoped that this could be addressed through further negotiations.
- It was noted that mixed commercial/industrial and residential uses could be incongruous but Councillor Wilcox considered that this scheme was acceptable on balance given the layout and the mitigation measures proposed.
- The principal benefits of the scheme were noted, including the restoration of the canal (particularly as the canal basin formed an integral part of the ESG proposals), the affordable housing provision in a sustainable location, the improvements to the local highway network, and the financial contributions to enhance general community infrastructure.
- Councillor Wilcox commented that the trading estate was run down and semi-derelict but noted that, although a number of tenants had been offered heads of terms for new units, a number of existing businesses maintained strong concerns about the proposal. He felt it imperative that the authority, in conjunction with the Local Ward Members, sustained efforts to address the employment issues identified.
- Councillor Wilcox noted that the proposal was balanced finely but felt that the application could be supported given the opportunities that it provided to

redevelop the trading estate into a modern facility and improve local infrastructure.

Councillor Vaughan felt that a statement made in the report by the Economic Regeneration Manager was an important consideration, namely that *'the site is currently a viable business location for those businesses on the estate, and contributes to meeting the demand in the north of the city for lower quality employment units'*. He noted that the scheme would displace existing successful businesses and the future was uncertain for many of them, particularly as they did not consider that there were any suitable alternative sites in the locality that suited their specific requirements.

Councillor PJ Edwards said that, to stimulate economic regeneration of the city, Hereford needed areas for start up businesses and hoped that this would be factored into future planning policies. In response to a question, the Principal Planning Officer confirmed that any planning permission granted, through conditions or the related legal agreement, would require the phasing of the development to ensure that the majority of the employment floorspace was developed out in the earlier phases; he added that contributions would also be phased.

Councillor SJ Robertson noted the need to improve the estate but commented on the importance of employment land to local families and felt that the impact of the proposal on the local highway network, combined with other approved developments, had been underestimated as roads in the area were already at capacity.

Referring to examples in the Three Elms Ward such as Bulmers and Sun Valley, Councillor PA Andrews commented on the problems associated with industrial and commercial uses being located in close proximity to residential properties. She also commented on the conflicting policy issues and the difficulty of relocating existing businesses.

Councillor GFM Dawe noted that the protection of employment land through policy E5 and the continued existence of local businesses were significant considerations.

In response to questions from Councillor AJM Blackshaw, the Economic Regeneration Manager confirmed that the alternative sites referred to included the Three Mills Trading Estate and that, whilst there would be a reduction in the amount of land allocated to employment uses, floorspace would be 'like for like' through more efficient use of the remaining space. Councillor Blackshaw felt that the scheme provided an important opportunity to modernise the estate and clean up the adjoining canal.

Councillor H Davies commented on the requirements of policy E5 and did not feel that the identified benefits outweighed the fundamental policy considerations. She also expressed concerns about the mixed-use approach of the scheme and the potential for problems arising from incompatible uses.

Councillor WJ Walling drew attention to the officer's comment in the report that *'A number of the existing buildings on site whilst remaining structurally sound, are in relatively poor condition and are coming to the end of their useful commercial life'* and felt that this was a significant point.

A motion to approve the application failed. A motion to refuse the application, for the reason given in the resolution below, was then agreed.

In response to comments by members, the Head of Planning and Transportation advised that a refusal reason based on highway grounds would be impractical given the professional view of the Traffic Manager and the identified benefits of the scheme.

**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 and Transportation) provided that the Head of Planning and Transportation does not refer the application to the Planning Committee:**

**The proposed development will result in the loss of safeguarded employment land to non employment uses and there are no substantial benefits to residential or other amenity in allowing the alternative forms of development nor is the site considered to be unsuitable for employment uses. As such, the development is contrary to Policy E5 of the Herefordshire Unitary Development Plan 2007.**

- (ii) **If the Head of Planning and Transportation does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.**

[Note:

*Following the vote on this application, the Head of Planning and Transportation advised that, although the resolution was contrary to the officers' recommendation, he was not minded to refer the matter to the Planning Committee given the reasons put forward by members.]*

**45. DCCE2008/1851/F - 20 VINE TREE CLOSE, WITHINGTON, HEREFORD, HEREFORDSHIRE, HR1 3QW [AGENDA ITEM 11]**

*Extension and alterations with detached double garage.*

[Note: This item was considered earlier than indicated on the agenda to accommodate the public speakers and the Local Ward Member.]

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

Councillor DW Greenow, the Local Ward Member, said that he understood the concerns of the objector and those of Withington Group Parish Council but he felt that there were no sustainable grounds for refusal given that the proposed development was considered to accord with the relevant planning policies. He noted that the applicant had made efforts to address the concerns arising from a previous planning application, withdrawn in June 2008 [DCCE2008/1117/F refers], notably in terms of design and scale.

In response to a suggestion by Councillor PJ Edwards, the Central Team Leader

advised that a landscaping condition might not be appropriate given the domestic garden context of the site. Councillor Edwards felt that officers should give further consideration to opportunities for landscaping, as mature planting could mitigate the impact of the development on neighbouring properties.

**RESOLVED:**

**That, subject to further consideration by officers named in the Scheme of Delegation to Officers regarding a possible landscaping condition, 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. **C03 (Matching external materials (general)).**

**Reason: To ensure the satisfactory appearance of the development so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.**

3. **F07 (Domestic use only of garage).**

**Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policy H18 of Herefordshire Unitary Development Plan.**

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

46. **DCCW2008/0292/F - ST. NICHOLAS RECTORY, 76 BREINTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0JY [AGENDA ITEM 6]**

*Demolish existing rectory and erect 9 no. residential dwellings.*

The following updates were reported:

- A meeting had been held involving the Local Ward Members, officers and the applicant's agent. The agent had subsequently confirmed that an increase in the 'Children and Young Persons' contribution was appropriate, with the figure to be confirmed.
- The recommendation was amended to delegation to officers, in consultation with the Chairman and the Local Ward Members, to enable the contribution

issue to be resolved satisfactorily.

Councillors JD Woodward and DJ Benjamin, the Local Ward Members, welcomed the change of position by the applicant and supported the amended recommendation.

**RESOLVED:**

**That 1) 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 the report and any additional matters and terms that he considers appropriate.**

**2) Upon completion of the aforementioned planning obligation Officers named in the Scheme of Delegation to Officers, in consultation with the Chairman and Local Ward Members, 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. 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. G02 (Retention of trees and hedgerows).**

**Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.**

**5. G04 (Protection of trees/hedgerows that are to be retained).**

**Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.**

**6. G06 (Remedial works to trees).**

**Reason: The trees form an integral part of the visual environment and this condition is imposed to preserve the character and amenities of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.**

**7. G09 (Details of Boundary treatments).**

**Reason:** In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 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.

**10. H03 (Visibility splays) (2.4 metres x 33 metres).**

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

**11. H05 (Access gates) (5 metres).**

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

**12. H06 (Vehicular access construction).**

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

**13. H08 (Access closure).**

**Reason:** To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

**14. H09 (Driveway gradient).**

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

**15. 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.

**16. 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.



17. 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

18. 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.

19. I22 (No surface water to public sewer).

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding so as to comply with Policy DR4 of Herefordshire Unitary Development Plan.

20. I51 (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 so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

21. I56 (Sustainable Homes Condition).

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'

22. K4 (Nature Conservation – Implementation).

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, & c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan.

23. L01 (Foul/surface water drainage).

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

24. L02 (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 so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

**Informatives:**

1. N19 - Avoidance of doubt - Approved Plans.

**2. N15 - Reason(s) for the Grant of PP/LBC/CAC.****47. DCCW2008/0610/O - 3 VILLA STREET, HEREFORD, HEREFORDSHIRE, HR2 7AY [AGENDA ITEM 7]**

*Proposed erection of 4 no. bungalows and 2 no. houses.*

The following update was reported:

- Two further letters of objection had been received, one of which attached photographs of Villa Street showing cars parked on the road. It was reported that the letters did not raise any new issues.

Councillor PJ Edwards, a Local Ward Member, proposed that the application be refused. He considered that the access arrangements were unacceptable given that Villa Street formed part of a strategic cycleway, was the only suitable route for the residents of some 1700 properties to cycle safely into the city, and was a recommended Safe Route to School for Hunderton School. He felt that a 'built out' access junction, coupled with a similar proposal nearby (approved but not yet implemented), would be a hazard to pedestrians, cyclists and other road users. He also considered that the design and siting of the proposed dwellings would have a detrimental impact on neighbouring properties and on the character of the area.

Councillor H Davies, also a Local Ward Member, expressed concerns about the density of the proposal and about highway safety, particularly as the road was narrow and the potential for accidents involving children given the proximity of a popular play area.

Councillor GA Powell, the other Local Ward Member, also expressed concerns about access and egress and felt that Villa Street was already over congested. She added that there was no pavement and questioned whether the proposed access arrangements met good practice guidelines. She said that there were drainage problems in the area and suggested that this development could exacerbate the situation. Councillor Powell also drew attention to the objections of Hereford City Council, the Conservation Area Panel and local residents. She considered that the development was over intensive, would have a detrimental impact on the settings and surroundings, would have an unacceptable visual impact and would compromise highway safety.

Councillor AT Oliver supported the views of the Local Ward Members and, in particular, felt that the indicative layout would not be compatible with the area.

The Principal Planning Officer responded to a number of matters raised during the discussion, including:

- It was reported that the Council's Highway Engineers had thoroughly assessed the application and were satisfied that the safe access could be achieved.
- The density of the proposal was considered suitable for the urban context of the site; it was noted that such sites needed to be developed at higher densities in order to avoid development on greenfield sites.
- The direct impact on this application on the strategic cycleway would be negligible, particularly when compared to the supermarket developments that had been allowed to cross Great Western Way.

Councillor Davies re-iterated concerns about the density of the proposal, especially

given the likely proximity of the units to existing residential properties, and about highway safety.

Councillor Edwards commented that the Conservation Area was more sensitive than the heavily urbanised setting of the supermarkets on Great Western Way and felt that the impact of this development on the character of the area would be unacceptable. He also felt that the development would be over intensive and the additional traffic generated by the use would compromise the safety of the access.

The Central Team Leader reminded the Sub-Committee that the application was in outline form with only the principle of development and the means of access for consideration. Nevertheless, officers considered that the indicative layout would not result in significant detriment to adjoining residents. He also reminded the Sub-Committee that Villa Street was a shared route and the Traffic Manager had no objections subject to conditions.

**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 and Transportation) provided that the Head of Planning and Transportation does not refer the applications to the Planning Committee:**

- 1. The proposed removal of one bungalow and replacement with six dwellings would be out of character with the area, have an impact detrimental to the amenity of adjoining neighbours and be overdevelopment of the site contrary to Policies DR1, H1, H13, H14 and H15 of the Herefordshire Unitary Development Plan.**
- 2. In addition the proposal for use of a 'built out' junction to access the site would be detrimental to highway safety and safety of pedestrians and cyclists that use the adjoining strategic cycle route. Accordingly the proposal is contrary to Policies DR3, T6, T7 and H13 of the Herefordshire Unitary Development Plan.**

**(ii) If the Head of Planning and Transportation does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.**

[*Note:*

*Following the vote on this application, the Head of Planning and Transportation advised that, although the resolution was contrary to the officers' recommendation, he was not minded to refer the matter to the Planning Committee given the reasons put forward by Members.]*

**48. DCCW2008/1271/F - LAND AT GREEN GABLES, SUTTON ST. NICHOLAS, HEREFORD, HEREFORDSHIRE, HR1 3AZ [AGENDA ITEM 8]**

*Erection of single dwelling, with access from current development adjoining new*

*primary school including minor amendments to DCCW2008/0012/F.*

Councillor KS Guthrie, the Local Ward Member, commented on the value of the site inspection that had been held. She noted that Sutton Parish Council supported the application but the occupants of neighbouring properties maintained strong objections to the proposal.

Councillor PJ Edwards commented on the importance of the condition relating to the retention of trees and hedgerows, as the existing landscaped buffer along the boundary would minimise the impact of the proposed development on the immediate neighbours.

Councillor AM Toon noted that the proposed planning obligation agreement included a requirement for a contribution towards enhanced educational infrastructure and asked for flexibility in the allocation of these funds; in particular, to enable a contribution towards the community centre if possible. The Head of Planning and Transportation confirmed that a degree of flexibility could be factored into the agreement.

**RESOLVED:**

**The Legal Practice Manager be authorised to complete a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) covering the matters detailed in the Heads of Terms appended to the report and any additional matters that he considers necessary and appropriate.**

**Upon completion of the aforementioned planning obligation that the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission 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. **B04 (Amendment to existing permission) (DCCW2008/0012/F) (26th February 2008).**

**Reason: For the avoidance of doubt 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. **F14 (Removal of permitted development rights).**

**Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.**

5. **F16 (No new windows in specified elevation).**

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

- 6. G02 (Retention of trees and hedgerows).**

**Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.**

- 7. G03 (Retention of existing trees/hedgerows).**

**Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 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.**

- 10. 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.**

- 11. 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.**

- 12. L01 (Foul/surface water drainage).**

**Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.**

- 13. L02 (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 so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.**

**Informatives:**

- 1. N01 - Access for all.**
- 2. N02 - Section 106 Obligation**
- 3. N11C – General.**

4. N19 - Avoidance of doubt - Approved Plans.
  5. N15 - Reason(s) for the Grant of PP/LBC/CAC.
49. DCCW2008/2008/F - BRAMBLEFIELD BARN, MUNSTONE, HEREFORD, HEREFORDSHIRE, HR1 3AH [AGENDA ITEM 9]

*Single storey extension.*

The following updates were reported:

- The comments of Holmer Parish Council had been received and were summarised as follows: [the parish council] *'Believe that the proposed extension would adversely affect the character and appearance of the building, contrary to the UDP, HBA12 re-use of rural buildings, clause 2 and therefore objects to this application.'*
- A letter of objection had been received from Stone House, Munstone and was summarised.

Councillor SJ Robertson, the Local Ward Member, noted the comments of the parish council and asked for clarification about the policy considerations. In response, the Central Team Leader advised that policy HBA12 did not preclude extensions but did refer to rural buildings needing to be capable of *'accommodating the new use without the need for substantial alteration or extension... which would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting'*. It was reported that a previous planning application had been withdrawn in June 2008 following concerns expressed by officers that an extension of 27 sq m would have been too substantial [DCCW2008/1180/F refers]. However, this amended scheme was for an extension of 15 sq m and it was not considered that an extension of this size would materially alter the character and appearance of the building or its surroundings. It was noted that features introduced to the barn since conversion, such as the porch and outbuildings, had compromised the character and appearance of the original building to some degree. It was also noted that each application had to be considered on its own merits and it was the view of officers that, on balance, this scheme was acceptable.

Councillor PJ Edwards noted the importance of the established hedge and suggested that the Local Ward Member be consulted regarding the landscaping scheme. The Central Team Leader noted that it would not be certain whether all existing planting could be retained until the extension was being constructed but he said that the Local Ward Member would be consulted on the landscaping scheme once received.

Councillor Robertson thanked the Central Team Leader for the guidance and help that he had provided on this application.

**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. 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. 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. N01 - Access for all.**
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 3. N19 - Avoidance of doubt - Approved Plans.**

**50. DCCE2008/1613/F - UNIT 14B, THORN BUSINESS PARK, ROTHERWAS, HEREFORD, HEREFORDSHIRE, HR2 6JT [AGENDA ITEM 10]**

*Proposed construction of steel framed industrial unit and accompanying outside surfacing for joinery workshop, builders stores and office.*

The following updates were reported:

- Agreement had now been reached with the applicant that, through a Section 106 Agreement, would:
  - 1) Grant the Council free and unobstructed pedestrian and cycle rights of way over the said land will be provided along with permission to carry out any works necessary to bring the cycle link up to an adoptable standard; and*
  - 2) Rights to undertake any alteration or improvements to the flood defence embankment adjacent the railway line considered necessary by the Council and/or Environment Agency to maintain this feature as a functional flood defence for the benefit of the area.'*
- Consequently, the recommendation was amended from refusal (due to the absence of a planning obligation) to that detailed in the resolution below.

The Principal Planning Officer explained that, in order to mitigate the direct impact of the development on the highway network, two options had been put to the applicant. Firstly, a financial contribution towards sustainable transport infrastructure. Secondly, the transfer of two strips of land forming part of the desired Sustrans Connect 2 route from Bartonsham to Rotherwas; these strips also formed an essential part of the flood protection for this area of Rotherwas. It was reported that the applicant had expressed concerns about any form of planning obligation initially

but now recognised the benefits of enhancing cycle and pedestrian links and had agreed to the second on the two options.

The Head of Planning and Transportation said that he was pleased that the applicant had reconsidered his position, particularly as the rights of way over the land in question would be a major and significant gain. It was noted that this had demonstrated the value and flexibility of the Supplementary Planning Document on Planning Obligations.

Councillor GFM Dawe, the Local Ward Member, welcomed the planning obligation, especially as it would help to bring forward the cycle link from Bartonsham through to Rotherwas and beyond to Holme Lacy. In response to a question, the Principal Planning Officer advised that a Section 106 Agreement would secure the agreed rights; he added that freehold transfer could be not achieved as the land was subject to a lease, with approximately 970 years remaining.

Councillor PJ Edwards said that this was a good example of a regulatory body acting as an enabler, commented on the value of the planning obligation in terms of enhancing links and managing flood risk, and supported the use of heat recovery measures in the proposed development.

Councillor DB Wilcox commented that the 'in kind' contribution would provide better value for money than a financial contribution in this instance.

**RESOLVED:**

- That:**
- 1) 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 above terms and any additional matters and terms as he considers appropriate.**
  - 2) Upon completion of the said planning obligation, officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the conditions considered necessary by officers.**

**51. DCCW2008/1777/F - 30 CHATSWORTH ROAD, HEREFORD, HEREFORDSHIRE, HR4 9HZ [AGENDA ITEM 12]**

*Separation of existing three bedroomed house to form two one bedroomed self contained houses.*

Councillor PA Andrews, a Local Ward Member, noted that this proposal had addressed the concerns relating to a previous scheme that was refused in October 2007 [DCCW2007/2489/F refers].

**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. F14 (Removal of permitted development rights).

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

3. Prior to the first occupation of the dwellings hereby approved an area shall be laid out within the curtilage of the property for one space per dwelling and in respect of the front parking space shall include details of a low buffer wall which shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles. In respect of the proposed parking space immediately in front of the proposed dwellings the details shall include a low buffer wall.

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 and in the interests of amenity of the occupiers of the dwellings hereby permitted.

4. 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.

5. Foul water and surface water discharges shall be drained separately from the site.

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

6. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the local planning authority.

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.

7. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

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

**Informatives:**

1. N03 - Adjoining property rights.
2. N04 - Rights of way.
3. NC01 - Alterations to submitted/approved plans.

4. N19 - Avoidance of doubt - Approved Plans.
  5. N15 - Reason(s) for the Grant of PP/LBC/CAC.
52. [A] DCCW2008/1667/F AND [B] DCCW2008/1669/C - TALBOTS FARM, SUTTON ST. NICHOLAS, HEREFORDSHIRE, HR1 3BB [AGENDA ITEM 13]

*Demolish existing barns and erect 2 no. new barn style dwellings.*

The following updates were reported:

- A letter had been received from the applicant's solicitor agreeing to the draft heads of terms.
- An additional condition, relating to details of slab levels, was recommended in respect of DCCW2008/1667/F.

Councillor KS Guthrie, the Local Ward Member, noted that Sutton Parish Council supported the applications. Councillor Guthrie commented that the barns were in a poor state of repair and that both the site and the Conservation Area would benefit from the scheme. As with minute 48 above, a request was made for flexibility in the allocation of funds; in particular, to enable a contribution towards the community centre if possible.

**RESOLVED:**

- That:**
- 1) **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 the report and any additional matters and terms that he considers appropriate.**
  - 2) **Upon completion of the aforementioned planning obligation, officers named in the Scheme of Delegation to Officers be authorised to issue planning permission and conservation area consent subject to the following conditions and any further conditions considered necessary by officers:**

**In respect of DCCW2008/1667/F:**

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. **C06 (Stonework laid on natural bed).**

**Reason: In the interests of conserving the character of the building so as to ensure that the development complies with the requirements of Policy**

**DR1 of Herefordshire Unitary Development Plan**

4. **D04 (Details of window sections, eaves, verges and barge boards).**

**Reason: To ensure that the work is carried out in accordance with details that are appropriate to the character of the Conservation Area within which the site is located and to comply with the requirements of Policy HBA6 of Herefordshire Unitary Development Plan**

5. **C10 (Details of external finishes and cladding (industrial buildings)).**

**Reason: To secure properly planned development and to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan**

6. **F14 (Removal of permitted development rights).**

**Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.**

7. **F16 (No new windows in all elevations).**

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

8. **G09 (Details of Boundary treatments).**

**Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.**

9. **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.**

10. **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.**

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

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

12. **H09 (Driveway gradient).**

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

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

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

14. The recommendations set out in the ecologist's report dated May 2008 shall be followed unless otherwise agreed in writing with the local planning authority. Prior to the commencement of the development, a full working method statement and habitat enhancement scheme for bats and birds shall be submitted to the local planning authority and implemented as approved.

An appropriately qualified and experienced ecologist shall be appointed to oversee the ecological mitigation work.

**Reasons:** To ensure all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 within the Herefordshire Unitary Development Plan.

To ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981 (and amendments) and Policies NC1, NC5, NC6 and NC7 within the Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

15. I51 (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 so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

**Informative(s):**

1. N03 - Adjoining property rights.
2. N11A - Wildlife and Countryside Act 1981 (as amended) – Birds.
3. N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 – Bats.
4. N13 - Control of demolition - Building Act 1984.
5. N14 - Party Wall Act 1996.
6. N18 - European Protected Species Licence.
7. NC01 - Alterations to submitted/approved plans.
8. N19 - Avoidance of doubt - Approved Plans.
9. N15 - Reason(s) for the Grant of Planning Permission.

**53. DATES OF FUTURE MEETINGS**

1 October 2008  
5 November 2008  
3 December 2008

At the conclusion of the meeting, the Chairman thanked Mr. Robinson, Assistant Solicitor, for the professional advice and assistance that he had provided during the meeting.

The meeting ended at 4.45 p.m.

**CHAIRMAN**