

**MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 1 October 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, SPA Daniels, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, SJ Robertson, AP Taylor, AM Toon, WJ Walling, DB Wilcox and JD Woodward

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

**54. APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors ACR Chappell, MAF Hubbard, RI Matthews, AT Oliver and NL Vaughan.

**55. DECLARATIONS OF INTEREST**

60. DCCW2008/1721/F - 10 Doncaster Avenue, Hereford, Herefordshire, HR4 9TE [Agenda Item 7]

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

61. DCCW2008/2035/F - British Telecom Building, Barton Road, Hereford, Herefordshire, HR4 0JT [Agenda Item 8]

Councillor GA Powell; Personal and Prejudicial. Left the meeting for the duration of the item.

Councillors SPA Daniels and AP Taylor; Personal.

62. DCCW2008/2004/O - Garden to Rear 93 Highmore Street, Hereford, Herefordshire, HR4 9PG [Agenda Item 9]

Councillor AM Toon; Personal and Prejudicial. Declared during the item and left the meeting for the remainder of the item.

63. DCCE2008/2043/F - M C Freeze, Barrs Court Road, Hereford, Herefordshire, HR1 1EG [Agenda Item 10]

Councillors DJ Benjamin and AJM Blackshaw; Personal.

**56. MINUTES**

**RESOLVED:**

**That the minutes of the meeting held on 3 September 2008 be approved as a correct record.**

**57. 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 a site inspection in advance of the next meeting in respect of planning application DCCE2008/2266/F – Land to the West of Veldo Farm and East of the A465 at Nunnington, Hereford, HR1 3QB. This was agreed.

**58. DCCW2008/1966/F - THREE COUNTIES HOTEL, BELMONT, HEREFORD, HEREFORDSHIRE, HR2 7BP [AGENDA ITEM 5]**

*Proposed additional three storey bedroom wing.*

In accordance with the criteria for public speaking, Mr. Schoffer spoke on behalf of Belmont Rural Parish Council.

Councillor PJ Edwards, a Local Ward Member, welcomed the proposal but, to mitigate the impact of the development on the area, suggested that mature trees be required in the landscaping scheme. Councillors H Davies and GA Powell, the other Local Ward Members, endorsed these comments.

The Senior Planning Officer said that it was envisaged that at least standard or semi-mature trees would be planted.

In response to questions, the Senior Planning Officer advised that construction currently underway at the site related to extensions to the existing function suite and restaurant, previously approved under planning application DCCW2008/0232/F.

Councillor WJ Walling asked for clarification about Hereford City Council's recommendation that the 'application be refused due to poor design'. Councillor PA Andrews advised that the City Council considered that the design was unimaginative given that it was the paramount hotel complex in South Wye.

In response to questions, the Senior Planning Officer noted that the proposed development would alter the outlook of the surrounding residential properties but, given the separation distances and proposed landscaping, it was not considered that it would be so harmful that refusal was warranted in this instance. He added that the transient nature of hotel guests meant that there would not be the same level of overlooking as might be experienced with a residential apartment block.

**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. C02 (Matching external materials (extension)).**

**Reason: To ensure the external materials harmonise with the existing**

building so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

3. 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.

4. 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.

5. 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.

6. G15 (Landscape maintenance arrangements).

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

7. 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.

8. 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.

9. I33 (External lighting).

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

10. I37 (Details of shields to prevent light pollution).

Reason: To minimise light overspill and to protect the amenity of neighbouring properties so as to comply with Policy DR14 of Herefordshire Unitary Development Plan.

11. 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.

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

*[Note: In accordance with the Council's Constitution SO 5.10.2, Councillor PA Andrews wished it to be recorded that she abstained from voting on the resolution above.]*

**59. DCCE2008/2168/F - OAKLANDS NURSING HOME, 43 BODENHAM ROAD, HEREFORD, HEREFORDSHIRE, HR1 2TP [AGENDA ITEM 6]**

*Addition to application DCCE2006/4002/F additional wing to mimic existing agreed wing in length, width, height and construction.*

The following updates were reported:

- A further letter and e-mail had been received from each of the objectors and the comments were summarised.
- Comments had been received from Hereford City Council (no objection).
- Comments had been received from the Traffic Manager (no objection).
- The consultation period had now expired and the recommendation was amended accordingly.

Councillor DB Wilcox, a Local Ward Member, noted that an objector felt that a Sub-Committee site inspection was necessary and he supported this suggestion, particularly given the number of extensions to the main building, the location of the site within a Conservation Area and the potential impact of the development on neighbouring properties. Councillor Wilcox also said that the application was balanced finely and drew attention to the comments of the Conservation Manager.

**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.**

**60. DCCW2008/1721/F - 10 DONCASTER AVENUE, HEREFORD, HEREFORDSHIRE, HR4 9TE [AGENDA ITEM 7]**

*Proposed house adjoining no. 10 with parking.*

In accordance with the criteria for public speaking, Mr. Mills spoke in objection to the application.

Councillor PA Andrews, a Local Ward Member, noted the compactness of the site and the potential impact of the development on neighbouring properties. Given

these considerations, Councillor Andrews felt that the Sub-Committee would benefit from a site inspection. Councillors AM Toon and SPA Daniels, the other Local Ward Members, endorsed this suggestion.

**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.**

**61. DCCW2008/2035/F - BRITISH TELECOM BUILDING, BARTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0JT [AGENDA ITEM 8]**

*Change of use from B1 offices to Police offices (retrospective).*

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

Councillor JD Woodward, a Local Ward Member, said that, in theory, the change of use of the building was not in itself a problem but the consequential impact on parking in the area was not acceptable. Councillor Woodward commented that local residents could not park on-street in the area due to indiscriminate parking by Police personnel and concerns had been expressed about related highway safety considerations. She said that the Police did not consider it safe enough to make use of the car park at Hereford Rugby Football Club and walk to the building, and questioned why local residents should be expected to accept the situation. It was noted that, through a planning condition, a Green Travel Plan would be required but Councillor Woodward felt that proof of the Travel Plan was needed before planning permission could be granted.

Councillor DJ Benjamin, the other Local Ward Member, said that he had witnessed operational vehicles parking in available spaces and this limited the amount of off-street parking available to other personnel. He also said that the parking problems had a detrimental impact on the Conservation Area and concurred with Councillor Woodward that the details of the Travel Plan should be available prior to the determination of this application.

In response to questions from Councillor PJ Edwards, the Principal Planning Officer advised that limited progress had been made with the Travel Plan to date and the Supplementary Planning Document on Planning Obligations did not make allowance for contributions from such developments towards residents' parking schemes. Councillor Edwards felt that the applicant should make a greater effort to resolve parking problems in the locality.

Councillor PA Andrews concurred with other Members that a comprehensive Travel Plan was required and noted that such plans had to be enforced properly.

Councillor DB Wilcox commented on the costs associated with road traffic orders and highway works. He also said that Travel Plans were only effective if the applicants were committed to improving parking problems; reference was made to the Learning Village where action had yet to be taken in respect of non-compliance with a requirement to implement a Travel Plan. Councillor Wilcox proposed that

temporary planning permission be granted for one year to enable the adequacy of the Travel Plan, and actions undertaken in respect of it, to be assessed.

Some Members supported a temporary planning permission but others felt that further details about the Travel Plan were needed to enable the Sub-Committee to reach an informed decision. Members also debated the merits of introducing a residents' parking scheme in the area.

The Central Team Leader advised that the recommended condition would require the completion and adoption of the Travel Plan within two months of the date of approval and, therefore, deferral of the application might not be necessary.

A motion to approve a temporary permission failed and the Sub-Committee then agreed to defer the application. Councillor Edwards commented on the need for activity to be undertaken on the Travel Plan in the intervening period.

**RESOLVED:**

**That consideration of the application be deferred for further discussions with the applicant, in consultation with the Local Ward Members and the Chairman.**

**62. DCCW2008/2004/O - GARDEN TO REAR 93 HIGHMORE STREET, HEREFORD, HEREFORDSHIRE, HR4 9PG [AGENDA ITEM 9]**

*Proposed erection of two semi-detached chalet bungalows and associated works.*

The following updates were reported:

- The comments of Welsh Water had been received stating that there was no objection subject to conditions to ensure the separate discharge of foul and surface water. It was noted that a condition was already included in the recommended conditions for this purpose.
- The recommendation detailed in the report was amended to omit reference to delegation to officers.

Councillor SPA Daniels, a Local Ward Member, supported the recommendation of approval but suggested that the proposed contribution towards open space provision and community sports facilities should be allocated to the skate park. Councillor PA Andrews, also a Local Ward Member, concurred and added that there was a children's play area nearby that required enhancement. Due to reference being made to the skate park, Councillor AM Toon, the other Local Ward Member, declared a prejudicial interest and left the meeting for the remainder of the item.

The Principal Planning Officer advised that the contributions towards sports facilities had been arrived at using the Sport England 'Sports Facilities Calculator' and this considered the impact of development on county facilities as a whole. The Central Team Leader added that it would not be possible to use monies for other important improvements in the locality if the allocation was too narrowly defined, e.g. if an identified facility was completed before planning obligation agreement sums were received.

The Local Ward Members commented that planning obligation contributions from developments should be used for community improvements in the immediate area, rather pooled into general funds. Councillor Wilcox suggested that the planning obligation agreement be worded so that the skate park and children's play area were identified as the principal facilities to receive the contribution but it could be used elsewhere if circumstances made this necessary. A number of Members supported

this suggestion.

**RESOLVED:**

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

1. **A02 (Time limit for submission of reserved matters (outline permission)).**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
2. **A03 (Time limit for commencement (outline permission)).**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
3. **A04 (Approval of reserved matters).**  
**Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy DR1 of the Herefordshire Unitary Development Plan.**
4. **A05 (Plans and particulars of reserved matters).**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
5. **B07 (Section 106 Agreement).**  
**Reason: In order to provide enhanced sustainable transport infrastructure, educational facilities and improved play space in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.**
6. **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.**
7. **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.**
8. **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.**
9. **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.**

**10. 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.

**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.**

*[Note:*

- In accordance with the Council's Constitution SO 5.10.2, Councillor GFM Dawe wished it to be recorded that he voted against the resolution above.*
- At the conclusion of the item, Councillor PJ Edwards requested that the Head of Planning and Transportation be asked to provide Members with an update on the Council's position in respect of contributions secured through the Supplementary Planning Document on Planning Obligations.]*

**63. DCCE2008/2043/F - M C FREEZE, BARRS COURT ROAD, HEREFORD, HEREFORDSHIRE, HR1 1EG [AGENDA ITEM 10]**

*Change of use to permit retail sale of pre-packed pet foods and accessories.*

The following updates were reported:

- A letter had been received from the agent indicating that the applicants had been searching for some time for appropriate premises but, for various reasons, these had not met their needs.
- The agent had also provided a floor plan showing the proposed breakdown of uses within the building.

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

Councillor DB Wilcox, a Local Ward Member, acknowledged the importance of Policy E5 but he did not consider that this application was contrary to the policy in this instance as the majority of the floor area would be used for storage and distribution purposes and more people would be employed through the proposed use than the existing use. The need to identify suitable premises for businesses to be relocated from the Edgar Street Grid (ESG) area was noted and Councillor Wilcox felt that this proposal was acceptable.

The Central Team Leader noted the difficulties of relocating businesses and the particular requirements of the applicant but advised that the proposed primary use of the building was for retail purposes and the storage area was ancillary to that use. Therefore, the proposal would result in the loss of safeguarded employment land and was considered contrary to Policy E5.

Councillor AJM Blackshaw commented that the proposal would increase the number of people employed at the site and the relocation would help to maintain a thriving family business, as well as assist broader economic regeneration objectives in the ESG area. He also noted that the Economic Regeneration Officer fully supported



the application and the Traffic Manager had no objections.

A number of Members spoke in support of the application, with particular emphasis on the need to accommodate the requirements of the established business, the need to enable the relocation of businesses from the ESG area, and the fact that the building had an existing showroom element.

Councillor AM Toon commented that permitting retail use in this location could result in any retailer using the site and she supported the officers' recommendation of refusal.

Councillor PJ Edwards felt that the proposed use would provide amenity benefits, as it would remove industrial operations within a residential area, and he supported the application, subject to the floor space percentages (storage/retail/office) being specified.

In response to comments by Members, the Central Team Leader advised that the referral procedure only required the senior planning officer present to indicate whether they would be minded to refer the matter to the Head of Planning and Transportation; if it was referred in this way, it would then be for the Head of Planning and Transportation to decide whether it was necessary to refer the matter to the main Planning Committee for determination. The Central Team Leader advised that only substantial benefits to residential or other amenity mitigated the loss of safeguarded employment land and officers did not consider that this proposal had overcome the policy objection.

Councillor Toon suggested that, if planning permission was permitted, then a personal condition to the applicant should be required to recognise the fact that it was the particular circumstances of this specific business that made the proposal acceptable in this instance. This suggestion was supported by a number of Members.

**RESOLVED:**

**That (i) The Central Area Planning Sub-Committee is minded to approve the application, subject to the condition listed below (and any further conditions 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:**

**1. Personal condition to the applicant.**

**(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 approve the application subject to such conditions referred to above.**

*[Note: Following the vote on the above resolution, the Central Team Leader commented that the Sub-Committee had carefully considered the policy issues and, therefore, the application would not be referred to the Head of Planning and Transportation.]*

**64. DATES OF FUTURE MEETINGS**

The dates of future meetings were given as 5 November 2008, 3 December 2008 and 7 January 2009.

The meeting ended at 4.06 p.m.

**CHAIRMAN**