

**MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 4 February 2009 at 2.00 p.m.**

**Present:** Councillor JE Pemberton (Chairman)

**Councillors:** PA Andrews, DJ Benjamin, SPA Daniels, H Davies, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, RI Matthews, AT Oliver, SJ Robertson, AP Taylor, NL Vaughan, DB Wilcox and JD Woodward

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

**100. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors WU Atfield, AJM Blackshaw, ACR Chappell, MD Lloyd-Hayes, GA Powell, AM Toon and WJ Walling.

**101. DECLARATIONS OF INTEREST**

104. DCCW2008/1681/F - 9-11 Tower Road, Hereford, Herefordshire, HR4 0LF [Agenda Item 6]

Councillor PA Andrews; Prejudicial; Left the meeting for the duration of item; Reason: Lives nearby.

M Willmont, Central Team Leader; Prejudicial; Left the meeting for the duration of the item.

K Bishop, Principal Planning Officer; Personal; Left the meeting for the duration of the item.

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

Councillor SPA Daniels; Personal; Reason: Husband engaged in work for the police.

Councillor AP Taylor; Personal; Reason: Former BT employee.

Councillor RI Matthews; Personal; Reason: Served with police.

107. DCCW2008/2608/O – Attwood Farm, Attwood Lane, Holmer, Herefordshire, HR1 1LJ [Agenda Item 9]

Councillor SJ Robertson; Prejudicial; Declared the interest at the start of the item, spoke in accordance with the Constitution and then withdrew for the remainder of the item; Reason: Applicant's agent was known to the member through parish council and due to architectural work undertaken on behalf of charity and parents.

**102. MINUTES**

**RESOLVED:**

**That the minutes of the meeting held on 7 January 2009 be approved as a**

correct record.

**103. 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.

**104. DCCW2008/1681/F - 9-11 TOWER ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LF [AGENDA ITEM 6]**

*Conversion of existing retirement residential home and self contained basement flat into eight self contained flats / apartments.*

The Principal Planning Officer provided details of updates / additional representations received following the publication of the agenda as follows:

- An amended plan had been submitted identifying the removal of the rear single storey extension in its entirety, removal of the external steps on the eastern elevation and reduction in the number of units from nine to eight.

The Principal Planning Officer advised that:

- The amended plans largely addressed the issues detailed in the report in that additional space would now be available for access, parking and manoeuvring and one parking space per unit would now be available.
- In view of the late receipt of the amended plans, delegated authority was requested to amend the site layout to reflect the changes to the building and amend the Section 106 Heads of Terms to reflect the reduction in the number of units.

Councillor JD Woodward, a Local Ward Member, commented that the site inspection had revealed the restricted room available for the manoeuvring of vehicles and the limited communal space. She said that her principal concerns related to the standard of accommodation within the basement and the parking arrangements, particularly given the problems with on-street parking in the area and related highway safety issues.

Councillor DJ Benjamin, the other Local Ward Member, noted that the site adjoined Broomy Hill Conservation Area and commented on the parking problems in the locality. He considered that the proposal was over intensive and that seven flats might be more appropriate.

Councillor PJ Edwards drew attention to the reported comments of the Transportation Manager about the parking space standards; that '...although [he] would not wish to see displacement of parking onto the street, these are maximum figures and may not substantiate a refusal on the grounds of lack of parking alone...'. Councillor Edwards said that he had concerns about the practicalities of the one-way system for parking but noted that the removal of the extension should assist vehicle movements. However, he questioned whether the adjustment could compromise floor space in some of the flats.

The Principal Planning Officer advised that the removal of the extension would provide adequate space for the one-way system to operate successfully. He explained that there was no minimum standard for parking spaces and that one parking space per unit was considered acceptable given the sustainable location of the site and accessibility to public transport. He also advised there was no amenity space standard.

Councillor MAF Hubbard suggested that, in view of the concerns about parking and given the number of spaces was below the maximum standard of 1.5 spaces per unit, the developer should be required to enter into a legal agreement worded so as to prevent future occupants of the development from becoming eligible for residents' parking permits. The Principal Planning Officer commented that such a restriction had been incorporated into Section 106 Agreements for other developments.

Councillor DB Wilcox noted the concerns about traffic and parking but, given the comments of the Traffic Manager and the proximity of the site to the city centre and public transport links, questioned whether a refusal reason could be sustained on appeal.

Councillor H Davies felt that it was unrealistic to expect occupants to need access to only one car and said that there would be no spaces for visitors.

Councillor RI Matthews noted that the area was predominantly characterised by detached and semi-detached family housing and said that the proposal could have a detrimental impact upon the character and amenity of the area.

Councillor Woodward acknowledged the parking standard considerations and suggested that, if the Sub-Committee was minded to approve the application, planning obligations be concentrated on alleviating the parking problems in the locality. She felt that the number of units should also be reconsidered.

A number of Members considered that the application should be deferred pending further negotiations regarding the number of units proposed.

**RESOLVED:**

**That consideration of planning application DCCW2008/1681/F be deferred for further negotiations.**

**105. DCCE2008/1533/F - PRICKETTS PLACE, BOLSTONE, HEREFORD, HEREFORDSHIRE, HR2 6LZ [AGENDA ITEM 7]**

*Alterations and two storey extension to existing house.*

The Chairman noted the value of the site inspection that had been held.

The Central Team Leader provided details of updates / additional representations received following the publication of the agenda and are summarised below:

- A response had been received from Ballingham, Bolstone and Hentland Group Parish Council. This stated that although there would be a breach of Policy H18 the application was supported given: the current property was small, there would not be a significant visual impact, the circumstances of the applicant and in the future the property would be suitable for a family.
- A letter had been received from the applicant. This considered that the report was misleading with reference to the views of Holme Lacy Parish Council, points out that there was support from the Parish Councils of Bolstone, Ballingham, Hentland, Hoarwithy and Holme Lacy and other letters of support. It also referred to the processing of this and an earlier application, the negotiations involved and e-mail correspondence between her, her agent and Officers.

The Central Team Leader advised that:

- The Report was clear with regard to the response from Holme Lacy Parish Council (paragraph 5.2). It reported their view on the current scheme and also

reported their view on the scheme as originally submitted.

- There was an error in the Report, at paragraph 6.3, which stated that the floor area as proposed was in the order of 160 sq m. This was not correct, the figure should be 180 sq m.

Councillor PJ Edwards sympathised with the situation of the applicant but, noting the humble origins and idyllic position of the cottage, considered that the proposed extension would dominate the original building and he endorsed the recommendation of refusal by officers.

Councillor AT Oliver noted the purpose of planning policies, the need for fairness and consistency, that the proposal did not comply with UDP Policy H18, and the need to retain smaller dwellings in rural areas for persons of modest means.

The Chairman said that each application had to be considered on its own merits and noted that the cottage was small and did not necessarily meet today's standards for suitable accommodation.

Councillor SJ Robertson said that the site inspection had been worthwhile and, whilst it was a hard decision to reach given the circumstances, the setting and surroundings of the cottage had to be protected.

Councillor DW Greenow commented on: the extensive paperwork circulated by the applicant detailing the discussions and negotiations with officers about the proposal; the personal circumstances of the applicant's family and the need for wide and level access throughout the property; the alterations made to proposed materials to satisfy requirements; the cottage was very small to start off with and the extension would be adequate for the living conditions and for the care of the family concerned; and the level of support in the community. Given these considerations and the exceptional circumstances, Councillor Greenow felt that the application should be approved.

Councillor RI Matthews noted attempts to reach a suitable compromise and that both local parish councils supported the proposal. He felt that, although rather large, an extension could be supported on balance.

Councillor DB Wilcox commented that different solutions had been discussed, involving various architects and officers. He sympathised with the recommendation by officers given the policy constraints and the scale of the proposed extension; he added that an extension of no more than 75% might ensure that the cottage remained the dominant feature. He noted the efforts made by the applicant to adjust the design and said that the visual impact of the proposal would be minimised by the orientation of the extension. Given that no objections had been received from local residents and the personal circumstances identified, Councillor Wilcox considered that the proposal would not offend anybody and would serve a useful purpose.

Councillor MAF Hubbard said that the attractive appearance of the area relied on policies to maintain it and exceptions eroded the character of such sensitive locations. He also commented on the need to retain small cottages in the countryside.

The Legal Practice Manager highlighted the following issues: planning policies provided predictability, commonality and uniformity which gave applicants for planning permission a reasonable idea about the way in which particular proposals would be dealt with; the Council's planning policies were well known; each application had to be considered on its own merits; that the acquisition of property in anticipation of gaining approval for further development, contrary to known policy, might be considered speculative; and it was for the Sub-Committee to determine

whether a particular proposal could be considered to meet exception requirements in planning terms.

Councillors KS Guthrie commented on the need to preserve the integrity of the cottage and ensure that any extension did not dominate the original building.

Councillor NL Vaughan felt that there was a need for compromise between strict interpretation of planning policies and social responsibility.

The Central Team Leader reported that planning policy guidance indicated that personal circumstances should only rarely be taken into account and it was the professional view of officers that an exception could not be made in this case in view of the adopted policies.

A motion to refuse the application received an equal number of votes and the Chairman used the casting vote to defeat that motion.

A motion to approve the application was also defeated.

Councillor Wilcox proposed that, as both motions had failed, the application be deferred for further negotiations. He noted that the principal issue was the size of the proposed extension and suggested that officers provide the applicant with an indication of what scale might be acceptable in order to keep the present cottage as the dominant feature; Councillor Wilcox suggested not more than 75% add on.

Councillor Edwards commented that it was for the applicant and the applicant's advisors to look at the application again, to take due note of the concerns expressed about the proposed size of the extension, and to return with a more realistic submission; he added that the Sub-Committee was not in a position to write proposals for developers.

The Central Team Leader advised that he was happy to negotiate further but commented that there had been many discussions and exchanges of correspondence with the applicant in an attempt to address the policy considerations but, to date, none of the adjustments had resulted in a suitable reduction in size. He added that a reduction, which would meet the policy constraint, might not suit the particular needs of the applicant.

In response to comments and questions about the defeated motions, the Legal Practice Manager clarified that the position was that no substantive motion had yet been passed. He noted that the motion to refuse planning permission had been defeated and that the motion to grant planning permission had also been defeated. It was open to any Member to propose a new substantive motion and that as deferral had now been proposed, a vote should be taken accordingly.

**RESOLVED:**

**That consideration of planning application DCCE2008/1533/F be deferred for further negotiations.**

**106. 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).*

The Principal Planning Officer reported that officers had now discussed the Travel Plan with the Local Ward Members and that an additional condition was

recommended to ensure the proper monitoring and enforcement of the Travel Plan.

Councillor JD Woodward, a Local Ward Member, outlined the concerns of residents about traffic and parking problems, particularly associated with commuters, and the potential effectiveness of a Travel Plan.

Councillor DJ Benjamin, the other Local Ward Member, also commented on the numerous concerns received about traffic and parking problems and he felt unable to support the application without a residents' parking scheme in the area.

Councillor PJ Edwards supported the officer's recommendation of approval but, given the concerns expressed about parking in this area, proposed that a formal letter be sent to the Highways Department on behalf of the Sub-Committee to request an update on progress with parking policy in the St. Nicholas Ward. A number of Members endorsed this suggestion.

In response to a question from Councillor SPA Daniels, the Principal Planning Officer advised that it was not clear whether users of the British Telecom Building added to on street parking problems in the locality but this application provided an opportunity to monitor and enforce a Travel Plan.

Councillor PA Andrews commented that many commuters parked in the vicinity and it would be unreasonable to refuse change of use given the off street car and bicycle parking available and the proposed Travel Plan; although the limitations of Travel Plans were acknowledged.

Councillor DB Wilcox, whilst sympathising with the concerns of the Local Ward Members, noted that fewer people worked in the building than had been the case in the past and there were no planning grounds to warrant refusal of planning permission. He also noted that there was significant demand for parking schemes throughout the county.

**RESOLVED:**

**That planning permission be granted:**

**Informatives:**

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

**107. DCCW2008/2608/O - ATTWOOD FARM, ATTWOOD LANE, HOLMER, HEREFORDSHIRE, HR1 1LJ [AGENDA ITEM 9]**

*Proposed redevelopment to erect four dwellings.*

The Principal Planning Officer provided details of updates / additional representations received following the publication of the agenda as follows:

- The Conservation Manager (Ecology) raised no objections subject to a condition requiring compliance with the recommendations of the Ecologist report. This being covered by condition no. 9 in the recommendation.
- The Children's and Young People's Directorate had reassessed the application having identified the wrong senior school, the correct senior school had capacity at all year groups, accordingly it was recommended that the draft Heads of Terms be amended to reduce the payment from £9003 to £3156.

- Holmer Parish Council fully supported the application, as long as septic tanks were used due to the ongoing problems with sewer and drainage system in the area. The Parish Council requested that no footpath was installed along Attwood Lane as it was felt that it was inappropriate to the area.

The Principal Planning Officer advised that:

- The footpath had been deleted from the recommendation and a grass verge was recommended.
- The draft Heads of Terms would be changed to reduce the Education payment to £3156.
- Paragraph 1 of the draft Heads of Terms, appended to the report, should be amended to refer to 'the parish of Holmer' and not Wellington.

Councillor SJ Robertson, the Local Ward Member, declared a prejudicial interest at the start of the item but, in accordance with the Constitution [Appendix 12, Members Code of Conduct, Part 2, paragraph 12 (2)], wished to exercise the opportunity to speak for up to three minutes before withdrawing from the meeting. Councillor Robertson commented that funding for various infrastructure improvements would be provided as part of a major residential development on land to the north of Roman Road, Holmer [DCCW2006/2619/O refers] and suggested that duplication should be avoided. Councillor Robertson considered that contributions should instead be concentrated towards the introduction of a 30mph speed limit along Attwood Lane, the installation of a pedestrian crossing on the A49, and towards an extension to the community hall; she added that this would benefit both existing and future residents in the locality. She suggested that, if the Sub-Committee was minded to approve the application, officers be authorised to re-negotiate the proposed planning obligations.

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

Councillor PJ Edwards proposed that officers be authorised to approve the application, subject to further consideration of the planning obligation allocations. Councillor Edwards said that, as an outline application, permission was sought for the principle of development only but he suggested that the planning officers and the applicant should take the opportunity to consider the position and orientation of the proposed dwellings in order to minimise the potential impact on existing properties, prior to the submission of a reserved matters application.

Councillor RI Matthews noted that the site was located within the settlement boundary and that the proposal accorded with planning policies. However, he felt that every effort should be made to address local residents' concerns about overlooking.

In response to a question from Councillor NL Vaughan, the Principal Planning Officer advised that recommended condition 9, K4 (Nature Conservation – Implementation), principally related to the protection of bats and that landscaping issues, such as the retention of trees, would be considered as part of any future reserved matters application.

Councillor DB Wilcox supported the recommendation of approval but, noting that only one dwelling would be connected to the mains sewer with the remaining three on septic tank, proposed a further amendment to require connection to the mains drain when available. It was also suggested that a letter be sent to Welsh Water to request them to investigate the capacity issues.

The Central Team Leader explained the procedure for considering proposed

planning obligations and the need for matters to be considered and negotiated at the earliest opportunity.

Councillor Edwards acknowledged the officer comments but said that the local community was concerned about Attwood Lane being used as a 'rat run' and that a speed restriction was needed in the interests of vehicular and pedestrian safety.

The Principal Planning Officer reminded Members of the comments of Holmer Parish Council, that there was no guarantee that proposed residential development elsewhere would proceed, and no previous indication had been given that a contribution towards the community hall extension was needed due to the impact of this particular proposal.

A number of Members commented on the need for further discussions about the planning obligations.

**RESOLVED:**

**That subject to further discussions regarding the Planning Obligation Agreement and the other matters raised by the Sub-Committee, the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers.**

1. **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. **H09 (Driveway gradient).**

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

9. 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.

10. The three plots proposed to be served by septic tank drainage shall be connected to the public sewer when capacity is available unless otherwise agreed in writing with the local planning authority.

**Reason:** To prevent pollution of the water environment and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

**Informatives:**

1. N19 - Avoidance of doubt - Approved Plans.

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

108. DCCW2008/2887/F - 17 MEADOW DRIVE, CREDENHILL, HEREFORD, HEREFORDSHIRE, HR4 7EF [AGENDA ITEM 10]

*Change of use from bakery to chip shop.*

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

Councillor RI Matthews, the Local Ward Member, drew attention to the representations received, including concerns about the potential for anti-social behaviour, and suggested that the Sub-Committee would benefit from a site inspection; on the grounds that the setting and surroundings were fundamental to the determination or to the conditions being considered.

Councillor PA Andrews noted the potential for odour problems arising from hot food takeaways, particularly the impact on residential accommodation above such outlets.

**RESOLVED:**

**That consideration of planning application DCCW2008/2887/F be deferred for a site inspection.**

**109. DCCE2008/3069/O - LAND ON NORTH SIDE OF WITHIES ROAD ADJACENT TO TRACK TO WEST LYDIATT, WITHINGTON, HEREFORD, HEREFORDSHIRE, HR1 3PX [AGENDA ITEM 11]**

*Proposed residential development.*

The Principal Planning Officer provided details of updates / additional representations received following the publication of the agenda as follows:

- A further letter had been received from the applicants (Parish Council) stating that a shared surface water drainage strategy may be developed in conjunction with the development of the open space with runoff restricted to greenfield rates through the use of SUDS surface water drainage systems including rainwater harvesting and porous surfaces. Foul drainage would be via the mains sewer.

The Principal Planning Officer advised that:

- Notwithstanding an objection from the River Lugg Drainage Board, it was considered that this matter could be dealt with by condition if the application was approved.
- As the consultation period did not expire until 9 February 2009, delegated authority was requested to refuse the application following expiry of the consultation period subject to no additional material planning considerations being raised.

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

Councillor DW Greenow, the Local Ward Member, commented on a number of issues, including: the application would provide funds to facilitate the public open space proposals; the need for recreational and sporting facilities in the village; the site proposed for residential development was only a small proportion of the land available for open space; the all weather pitch and other facilities would be of a high standard; the parish council had undertaken an enormous amount of work on the project on behalf of the community; there was plenty of support from residents and no objections had been received; officers had suggested an alternative site in front of the village hall but the parish council did not own this land; the proposed drainage systems would address the concerns identified; residential development would help to facilitate significant community benefits; and there was no need for affordable housing at present. Given these considerations, Councillor Greenow felt that the application could be supported contrary to the officer recommendation of refusal.

The Principal Planning Officer clarified that a housing needs survey was planned during 2009 and, whilst there may be demand for affordable housing, there was not up-to-date evidence of need. He also advised that officers considered the alternative site option, on land around the village hall and within the defined settlement boundary, potentially viable.

Councillor PJ Edwards supported the views of the Local Ward Member and commented that the planning authority could act as an enabler in specific circumstances. He added that the emerging Local Development Framework would provide an opportunity for such residential allocations in the future and he considered that this development could be accepted as an exception.

Councillor MAF Hubbard acknowledged the importance of public open space but he did not consider that the policy objections had been overcome in this instance.

Councillor SJ Robertson said that she supported the parish council's efforts but noted that there were other, if less immediate, ways to fund improvements to local facilities through charity campaigns; support was offered to the Local Ward Member for this purpose.

In response to a question from Councillor AT Oliver, the Principal Planning Officer clarified that the site itself was not thought to be at direct risk of flooding. The main concern related to surface water drainage, as a consequence of the limited porosity of the soil at the site, and the potential for this to cause problems elsewhere in the catchment. He added that drainage could be dealt with by condition if the principle of the development was considered acceptable. In response to a further question about the alternative site, the Principal Planning Officer advised that there might be drainage infrastructure already associated with this land.

Councillor PA Andrews said that the proposal was an innovative idea and she sympathised with the aims of the parish council but, given the position of the site in the countryside, felt that this application could not be supported.

Councillor Greenow re-iterated that this site was the only land available for sale at the present time.

A motion to approve the application was defeated and the resolution below was then agreed.

**RESOLVED:**

**That officers named in the Scheme of Delegation to Officers be authorised to refuse planning permission, following the expiry of the consultation period subject to no additional material planning considerations being raised, for the following reason:**

- 1. The proposed development would result in new residential development outside of a defined settlement and notwithstanding the information provided to support the application, none of the exceptions controlling new housing in the countryside identified in the Herefordshire Unitary Development Plan have been satisfied. As such the development is contrary to Policies H7, DR1 and H13 of the Herefordshire Unitary Development Plan.**

**110. [A] DCCE2008/2898/F AND [B] DCCE2008/2902/C - CHURCH VILLA, CHURCH LANE, HAMPTON BISHOP, HEREFORD, HEREFORDSHIRE, HR1 4JY [AGENDA ITEM 12]**

*Demolition of existing two storey dwelling and ancillary buildings and replacement with new two storey oak framed dwelling.*

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

The Chairman, speaking in her capacity as the Local Ward Member, advised that Hampton Bishop was unique in being the only parish with a flood evacuation plan for the entire area and noted that this had brought the community together. She said that many local people considered the existing building to be an eyesore and that the proposal represented an opportunity to enhance the character and appearance of the village. Given the issues raised, she proposed that the application be deferred for a site inspection; on the grounds that the setting and surroundings were fundamental to the determination or to the conditions being considered.

**RESOLVED:**

**That consideration of planning application DCCW2008/2887/F be deferred for a site inspection.**

**111. DATES OF FUTURE MEETINGS**

4 March 2009

1 April 2009

29 April 2009

The meeting ended at 4.45 p.m.

**CHAIRMAN**