

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 29 April 2009 at 2.00 pm

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

Councillors: PA Andrews, WU Attfield, DJ Benjamin, AJM Blackshaw, SPA Daniels, H Davies, PJ Edwards, KS Guthrie, MAF Hubbard, MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, AP Taylor, AM Toon, NL Vaughan, WJ Walling and JD Woodward

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

136. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors ACR Chappell, GFM Dawe, DW Greenow and DB Wilcox.

137. DECLARATIONS OF INTEREST

141. [A] DCCW2009/0077/F and [B] DCCW2009/0085/C - Barton Sidings, Hereford, Herefordshire, HR4 0AY [Agenda Item 6]

Councillor JD Woodward; Personal.

142. DCCW2009/0119/F - 304 Kings Acre Road, Hereford, Herefordshire, HR4 0SD [Agenda Item 7]

Councillor DJ Benjamin; Personal.

Councillor MAF Hubbard; Personal.

Councillor RI Matthews; Personal.

K Bishop, Principal Planning Officer; Personal.

138. MINUTES

RESOLVED:

That minutes of the meeting held on 1 April 2009 be approved.

139. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report.

140. ITEM FOR INFORMATION - SECTION 106 AGREEMENTS DETERMINED UNDER DELEGATED POWERS

The Sub-Committee received an information report.

In response to a question from Councillor MD Lloyd-Hayes about the enforcement of conditions relating to the redevelopment of the Folly Lane colleges, the Central Team Leader said that he would ask the case officer to contact the Member directly.

141. [A] DCCW2009/0077/F AND [B] DCCW2009/0085/C - BARTON SIDINGS, HEREFORD, HEREFORDSHIRE, HR4 0AY [AGENDA ITEM 6]

Demolition of redundant commercial premises and erection of 13 residential dwellings.

Councillor JD Woodward, a Local Ward Member, asked a number of questions and the responses of the Principal Planning Officer are summarised below:

1. The height of the proposed dwellings would be approximately the same as adjacent properties.
2. The recommendation included conditions requiring a study to assess the possibility of contamination and a remediation scheme to remove or contain any contamination if found.
3. Noise exposure categories were outlined and it was reported that the Environmental Health Manager had confirmed that subject to appropriate conditions the proposal was acceptable. Consequently, the recommendation included conditions to mitigate noise impact.
4. The site had been vacant since 2006 and, although a marketing exercise had been undertaken, no formal offers had been received. Therefore, an alternative use could be considered. It was noted that the lack of demand might be due to the type of buildings and the location of the site.
5. Boundary treatments were not identified in the application but the recommendation included a condition requiring these details.
6. A breakdown of contributions towards educational infrastructure was provided.
7. Residents' parking could be included in the list of items under sustainable transport infrastructure contributions.

Councillor Woodward drew attention to the objections of the Economic Regeneration Manager and Hereford City Council and commented on the need to safeguard employment land, particularly given the shortages north of the river and the potential impact of Edgar Street Grid. She also commented on parking problems in the area and, given the shortage of facilities, requested that contributions towards enhanced recreational or public open space be designated to the St. Nicholas Ward.

Councillor DJ Benjamin, the other Local Ward Member, said that the site was run down but he had concerns about the layout of the proposed dwellings and felt that no development should commence until the area was covered by a residents' parking scheme.

Councillor PJ Edwards noted that noise levels were high in the area and suggested that noise attenuation fencing be considered. Concerns were expressed about the limited amenity space, non-opening windows and access arrangements, particularly for refuse collection.

In response to comments by Members, the Principal Planning Officer advised that the habitable rooms were focussed to the front of the dwellings and the fixed windows on the rear elevation provided light to areas such as stairwells.

Councillor PA Andrews felt that the layout of the proposal would result in an over intensive form of development, with limited amenity space and potentially reduced standard of living accommodation. Other Members supported these views.

Councillor RI Matthews reminded officers of the need to discuss local infrastructure requirements with Local Ward Members at the earliest opportunity.

Councillor MD Lloyd-Hayes noted that, as a brownfield site, some form of redevelopment might be appropriate but felt that this proposal was over intensive. Comments were also made about residents' parking and library facilities.

Councillor NL Vaughan did not feel that the loss of employment land was acceptable, particularly given the limited number of employment sites. He also felt that it was for potential purchasers to decide whether the accommodation suited their needs.

In response to a question from Councillor SPA Daniels, the Principal Planning Officer confirmed that the proposal was for open market housing with no affordable housing element. Councillor Daniels expressed concerns about traffic congestion in the locality.

Councillor MAF Hubbard noted that the dwellings were likely to be occupied by families and he considered the limited outdoor space to be unacceptable.

In response to a question from Councillor Edwards, the Principal Planning Officer advised that noise attenuation fencing was not proposed in the application but the scheme incorporated a number of measures to mitigate noise impact. The Central Team Leader reminded the Sub-Committee that the Environmental Health Manager (Noise) had no objections to the application 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 application to the Planning Committee:**
- 1. Overintensification of the site.**
 - 2. Inadequate amenity space.**
 - 3. Loss of employment land.**
- (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 Central Team Leader advised that, although the resolution was contrary to the officers' recommendation, he was not minded to refer the matter to the Head of Planning and Transportation.]

142. DCCW2009/0119/F - 304 KINGS ACRE ROAD, HEREFORD, HEREFORDSHIRE, HR4 0SD [AGENDA ITEM 7]

Replacement dwelling and garage building with some minor landscaping, including alterations to existing entrance to improve site access.

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

Councillor PA Andrews, a Local Ward Member, said that the existing cottage was an attractive vernacular building of local architectural and historical interest and was worthy of preservation. Councillor Andrews also had concerns about the design of the proposed replacement. Therefore, she felt that the proposal should be refused as being contrary to Herefordshire Unitary Development Plan Policy HBA8 (Locally Important Buildings). Councillor SPA Daniels, also a Local Ward Member, supported this and commented on the need for consistency.

The Central Team Leader reminded the Sub-Committee that each application had to be considered on its own merits and a judgement needed to be made on the circumstances relevant to this application.

Councillor AM Toon, the other Local Ward Member, commented on planning obligation requirements, said that she was ambivalent about the design of the replacement, and questioned the relationship between the applicant's agent and Hereford Civic Society.

The Chairman noted that Hereford City Council had no objection to the application.

Councillor MD Lloyd-Hayes spoke in support of the application and noted that: a number of issues would be addressed through conditions; Breinton Parish Council had no objection; the cottage was not unattractive but was not in a Conservation Area; the building had a number of structural defects; and the replacement dwelling complied with the relevant policies.

Councillor NL Vaughan commented on drainage problems in the locality and the damage caused by water ingress.

Councillor PJ Edwards welcomed the environmental credentials of the replacement as outlined by the speaker but questioned the reasons for refusal relating to previous applications at the site. The Senior Planning Officer advised that previous applications had sought an additional dwelling in the grounds and, therefore, were not directly relevant to this application for a replacement dwelling.

Councillor RI Matthews drew attention to the findings of a structural engineer's report and noted that officers considered the siting and scale of the replacement to be acceptable.

Councillor AJM Blackshaw commented that the historical nature of the cottage had been debased over the years and the fabric of the building was in a poor condition. He said that he supported the proposed replacement, particularly it had sustainable features and would promote local businesses.

Councillor MAF Hubbard said that, unlike some other recent applications for replacement dwellings, this proposal was reasonable in terms of scale. Councillor Hubbard also said that Hereford Civic Society operated similar protocols to the Council on declarations of interest and separation of roles and, therefore, there was no reason to question the integrity of the comments provided.

Councillor AT Oliver said that the demolition of cottages was regrettable but, in this case, it was apparent that the structure of the building was beyond reasonable economic repair. He said that he did not oppose the application but did have reservations about the design of the replacement building.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. **Before any development commences, a complete photographic record of the building must be submitted to the local planning authority for written approval and the approved record shall be deposited with the Herefordshire Sites and Monuments Record.**

Reason: To ensure that the building is preserved by record, where it will be lost as a result of the development hereby approved.

3. **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.

4. **B01 (Development in accordance with the approved plans).**

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

5. **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.

6. **F08 (No conversion of garage to habitable accommodation).**

Reason: In order to define the permission and ensure that the resultant development remains of an appropriate scale to comply with Policy H7 of Herefordshire Unitary Development Plan.

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

Reason: In order to define the permission and ensure that the resultant development remains of an appropriate scale to comply with Policy H7 of Herefordshire Unitary Development Plan.

8. **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.

9. **H05 (Access gates).**

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

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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. N11C - General.
3. N19 - Avoidance of doubt - Approved Plans.
4. N15 - Reason(s) for the Grant of PP/LBC/CAC.

143. DATES OF FUTURE MEETINGS

27 May 2009
24 June 2009
22 July 2009

The meeting ended at 3.12 pm

CHAIRMAN