

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 30th June, 2004 at 2.00 p.m.

Present: D.J. Fleet (Chairman)
R. Preece (Vice Chairman)

Councillors: Mrs. W.U. Attfield, Mrs. E.M. Bew, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell, Mrs. S.J. Robertson, Miss F. Short, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox and R.M. Wilson

In attendance: Councillors P.E. Harling and T.W. Hunt

9. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. P.A. Andrews, A.C.R. Chappell, G.V. Hyde and A.L. Williams.

10. DECLARATIONS OF INTEREST

The following declarations of interest were made during the meeting.

<u>Councillor</u>	<u>Item</u>	<u>Interest</u>
Ms. A.M. Toon and D.J. Fleet	Agenda Item No. 6 – DCCW2004/1308/RM A new secondary school (1 single and two 2-storey teaching blocks) with associated sports fields, hard courts, car parking and associated landscaping at: VACANT FIELD, ADJACENT TO THREE ELMS ROAD, NORTH OF BONINGTON DRIVE, WHITECROSS, HEREFORD	Declared personal interests.
Mrs. S.J. Robertson	Agenda Item No. 8 - DCCE2004/1340/F Conversion of detached house into 4 no. self contained luxury apartments with garaging and parking at: CRESCENT HOUSE, 15 JUDGES CLOSE, HEREFORD, HR1 2TW	Declared a prejudicial interest and left the meeting for the duration of this item.
Ms. A.M. Toon	Agenda Item No. 9 - DCCW2004/0950/F Proposed redevelopment to incorporate 7 retail units and 14 residential units at: BOWLING GREEN CAR PARK, BEWELL STREET, HEREFORD	Declared a prejudicial interest and left the meeting for the duration of this item.

11. MINUTES**RESOLVED:**

That the Minutes of the meeting held on 2nd June, 2004 be approved as a correct record and signed by the Chairman.

The Chairman advised the Sub-Committee that Mr. P.N. Evans was to leave his position as the Central Divisional Planning Officer for a position in Highways and Transportation. The Chairman noted the staffing shortages in Planning and the need to remedy the situation.

12. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report about planning appeals for the central area.

RESOLVED:

That the report be noted.

13. DCCW2004/1290/F - LAND ADJACENT TO 21 GUILDFORD STREET, HEREFORD, HR4 0DS (AGENDA ITEM NO. 5)

Proposed house.

In response to questions about parking issues, the Central Divisional Planning Officer reported that guidance suggested a maximum of 1.5 parking spaces per unit with no minimum standard but in this instance the provision of two off-street parking spaces was recommended. It was anticipated that this would help with access and egress and would provide a break between the built forms.

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. A09 (Amended plans).**

Reason: To ensure the development is carried out in accordance with the amended plans.

- 3. B01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings.

- 4. F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.

- 5. E18 (No new windows in specified elevation) (north and west elevations).**

Reason: In order to protect the residential amenity of adjacent properties.

6. H01 (Single access - not footway).

Reason: In the interests of highway safety.

7. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

8. H10 (Parking - single house).

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

9. H27 (Parking for site operatives).

Reason: To prevent indiscriminate parking in the interests of highway safety.

10. E16 (Removal of permitted development rights).

Reason: To enable the local planning authority to maintain control over extensions and alterations in the interests of residential amenity.

11. G01 (Details of boundary treatments).

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

Informatives:

1. HN01 - Mud on highway.
2. HN04 - Private apparatus within highway.
3. HN05 - Works within the highway.
4. N15 - Reason(s) for the Grant of Planning Permission.

14. DCCW2004/1308/RM - VACANT FIELD, ADJACENT TO THREE ELMS ROAD, NORTH OF BONINGTON DRIVE, WHITECROSS, HEREFORD (AGENDA ITEM NO. 6)

A new secondary school (1 single and two 2-storey teaching blocks) with associated sports fields, hard courts, car parking and associated landscaping.

The Principal Planning Officer updated the Sub-Committee on transportation and access issues associated with the scheme.

The Local Ward Members noted the need for the new secondary school and the significant consultation process that had been undertaken. Comments were made about the need to ensure that safe pedestrian access was provided on Three Elms Road.

In response to a question, the Principal Planning Officer advised that pedestrian and vehicular circulation within the site was being examined; including issues relating to public access to the relocated cricket facilities as part of planning application DCCW2004/0938/F (Land at Pentland Gardens, Kings Acre, Hereford) that was approved at the last meeting.

In response to some Members' concerns, the Principal Planning Officer advised that the single point of access to the site was acceptable given the overriding security and safety issues associated with the school use. He added that boundary treatments would need to be secure enough to prevent any potential short-cuts being used.

In response to questions, the Principal Planning Officer explained that the scheme had been designed to accommodate bus/coach drop-off facilities.

A number of Members commented on the need to promote sustainable and safe modes of transport.

The Chairman suggested that recommendation include continued consultation with the Local Ward Members.

The Sub-Committee felt that the parties involved should be congratulated for their hard work on this application.

RESOLVED:

Subject to the receipt of further information and any required additional amended plans, Officers named in the Scheme of Delegation to Officers, in consultation with the Local Ward Members, be authorised to approve this reserved matters application following any necessary reconsultation with conditions as considered necessary by Officers.

15. DCCW2004/0933/F - LAND ADJACENT TO DORGAR, SHELWICK, HEREFORD, HR1 3AL (AGENDA ITEM NO.7)

Proposed two storey detached dwelling with integral garage.

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

The Local Ward Member felt that the application should be supported as in her view there had been other infill developments elsewhere in the village, additional traffic would be minimal, the size of the proposed development could not be reduced further and given the personal circumstances of the applicants. Some other Members also spoke in support of the application and felt that the neighbours concerns should be addressed if any planning permission was granted.

The Principal Planning Officer advised the Sub-Committee that, whilst in theory representing an infill location, the proposed dwelling represented an unacceptable form of development which would appear cramped, out of scale and unsympathetic in this attractive rural area. He added that, whilst Officers sympathised with the applicants' situation, it had not been clearly demonstrated that there was a local need for the development.

A number of Members felt that the development would cause harm to the attractive character and appearance of the immediate locality.

A motion to approve the application failed and the Sub-Committee agreed the resolution detailed below.

RESOLVED:

That planning permission be refused for the following reason:

The proposed dwelling represents a revised scheme to a previous refusal of planning permission under reference CW2003/0421/F. Notwithstanding the design alterations which reduce the overall size and height of the proposed unit, in accordance with adopted Policies SH10 and GD1 of the South Herefordshire District Local Plan, the proposed development is not acceptable. By virtue of its siting, design and scale the dwelling would have a cramped and overbearing appearance which would result in an over development of the application site. Furthermore, having regard to the site's location close to the edge of the settlement of Shelwick the proposal would cause harm to the attractive rural character and appearance of the area.

16. DCCE2004/1340/F - CRESCENT HOUSE, 15 JUDGES CLOSE, HEREFORD, HR1 2TW (AGENDA ITEM NO. 8)

Conversion of detached house into 4 no. self contained luxury apartments with garaging and parking.

The Central Divisional Planning Officer reported the receipt of correspondence from Mr. J. Walling expressing concerns about elements of the application. He also reported the receipt of a letter from the applicant's agent outlining waste disposal arrangements.

The Local Ward Member, whilst noting that property was not Listed nor lay within a Conservation Area, felt that the character of the building and the surrounding area should be preserved. To limit disturbance to neighbouring properties, it was suggested that any planning permission should be conditioned appropriately to ensure that vehicles and materials were contained within the perimeter of the site during the works and to ensure that hours of working were restricted.

In response to comments by Members, the Central Divisional Planning Officer suggested that the applicant's attention could be drawn, through an informative note, to the fact that any further sub-division or intensification of use of the property would require additional planning consents.

Some Members commented on the need to retain such classical Victorian properties.

In response to Members' concerns, an additional condition to retain and protect trees during works was proposed. It was noted that the external appearance of the building and the materials used would be controlled through a condition.

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 A07 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 Prior to the commencement of development and notwithstanding the detail shown on the approved plan, a plan showing the allocation of car parking spaces for residents and visitors shall be submitted to and approved in writing by the local planning authority. These spaces shall be demarcated in a method to be submitted to and agreed in writing by the local planning authority. These spaces shall be retained thereafter and kept available for those uses at all times.

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.

4 The development hereby permitted shall not commence until a plan showing an area within the application site for the storage of refuse has been submitted to and approved in writing by the local planning authority. The approved area for the storage of refuse shall then be used and retained thereafter free of any impediment to such use.

Reason: To ensure adequate provision for the storage of refuse from the dwelling in the interests of amenities of nearby residents.

5 Foul water and surface water discharges must 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.

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 No land drainage run off will be permitted, either directly or indirectly, to discharge into the public sewerage system.

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

8 H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety.

9. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents.

10. No development shall be commenced on the site or machinery or materials brought onto the site for the purpose of development until adequate measures have been taken to prevent damage to those trees which are to be retained. Measures to protect those trees shown must include:
- (a) Fencing, of a type and form agreed in writing with the local planning authority, must be erected around each tree or group of trees. This fencing must be at least 1.25 metres high and at a radius from the trunk defined by the canopy spread.
 - (b) No excavations, site works, trenches, channels, pipes, services, temporary buildings used in connection with the development or areas for the deposit of soil or waste or for the storage of construction materials, equipment or fuel or other deleterious liquids shall be sited within the crown spread of any tree without the prior written consent of the local planning authority.
 - (c) No burning of any materials shall take place within 6 metres of the furthest extent of the canopy of any tree or tree groups to be retained.
 - (d) There shall be no alteration of soil levels under the crown spread of any tree or group of trees to be retained.

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

Informatives:

- 1 If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.
- 2. Any further subdivision of the building will require a planning application.
- 3. The decision to grant planning permission has been taken having regard to the policies and proposals in the Herefordshire Unitary Development Plan and the Hereford Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Planning Policy Guidance:

PPG1 - General policy and principles

PPG3 - Housing

PPG13 - Transportation

Hereford Local Plan

H12 - Established residential areas - character and amenity

H17 - Conversion of houses into apartments

Herefordshire Unitary Development Plan (Revised Deposit Draft)

H17 - Subdivision of existing housing

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the

application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

17. DCCW2004/0950/F - BOWLING GREEN CAR PARK, BEWELL STREET, HEREFORD (AGENDA ITEM NO. 9)

Proposed redevelopment to incorporate 7 retail units and 14 residential units.

The Principal Planning Officer reported the receipt of a letter from the solicitors acting on behalf of the applicant which confirmed that the Hereford Bowling Club no longer had any rights to access the bowling green from the current car park. The Principal Lawyer (Planning, Environment and Transport) stressed that the access issue did not constitute planning grounds to refuse.

In accordance with the criteria for public speaking, Mr. Stringer spoke against the application.

The Principal Planning Officer noted that the access to the bowling green was a sensitive issue but was not an issue which the Council could consider in determining this application; it was noted that Officers would give every possible assistance to the Bowling Club to identify alternative potential access arrangements. He explained that the proposal complied with the Development Plan policy and outlined how the scheme could offer significant townscape enhancement and benefit to the Conservation Area.

Some Members expressed concerns about the architectural merit of the design and felt that this site was not an appropriate location for this design approach given the nature of the historic environment.

In response to questions on parking issues, the Principal Planning Officer advised that a car free development was considered acceptable having regard to all the services and amenities which were available associated with city centre living. Whilst noting national planning policy, some Members maintained the view that car free developments were impracticable in Herefordshire given the lack of public transport infrastructure in the County.

Some Members felt it highly regrettable that existing access to the bowling green would be removed and concerns were expressed about the future viability of the Bowling Club.

In order to promote alternative modes of transport, it was suggested that any planning permission granted should include the provision of one cycle per residential unit.

In response to concerns about the design approach, the Principal Planning Officer advised that detailed discussions had taken place with the Council's former Chief Conservation Officer and English Heritage in terms of the modern form and detail of the proposed building and it was considered that the proposal addressed the sensitive townscape issues well in terms of form, scale and detail. He reminded the Sub-Committee that the site was currently in use for car parking and detracted from the street scene.

In response to the view expressed by some Members that the materials should more in keeping with the area, the Principal Planning Officer advised the issue of materials had been considered carefully and it was felt that the high quality finish proposed would help to add visual interest to the street scene.

The Chairman, speaking in his capacity as the Local Ward Member, expressed his sympathy for the Bowling Club's predicament but noted that it was not an issue that the planning process could resolve on behalf of the Club. He noted concerns regarding parking provision but reminded the Sub-Committee of national planning policy on this issue. He also commented that there were other contemporary developments in the City where the contrast with the historic environment had worked well.

In order to promote alternative modes of transport, it was suggested that any planning permission granted should include the provision of one cycle per residential unit.

A motion to approve the application failed. The Chief Development Control Officer advised that, in view of local and national guidance and the advice of Officers, refusal reasons relating to private access arrangements and on-site parking provision were unlikely to be defensible on appeal. A debate about reasons for refusal followed and, after a short intermission, the Sub-Committee agreed the resolution detailed below.

RESOLVED:

That

- (i) **The Central Area Planning Sub-Committee is minded to refuse the application as it is considered that the development would not preserve or enhance the character of the area by virtue of the scale, design and inappropriate materials proposed and over-intensive for the site (and any further reasons for refusal felt to be necessary by the Head of Planning Services), provided that the Head of Planning Services does not refer the application to the Planning Committee; and**
- (ii) **If the Head of Planning Services 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: The Chief Development Control Officer said that he would refer the application to the Head of Planning Services given the serious risk of costs against the Local Planning Authority.)

18. DCCW2004/1053/F - NELSON TECHNICAL CENTRE, H.P. BULMER, WHITECROSS ROAD, HEREFORD, HR4 0LE (AGENDA ITEM NO. 10)

Change of use from laboratory facility to studios/classroom for educational purpose.

The Principal Planning Officer reported the receipt of a memorandum from the Council's Economic Development unit in support of the application. He also reported the receipt of details from the applicant's agent about sustainable transport initiatives and in respect of a proposed contribution towards a residents' parking scheme for Whitecross. He added that, if Members were minded to support the application, a Section 106 agreement would be required to secure the delivery of such measures.

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

The Local Ward Members indicated their support for improvements in provision of

educational facilities at the College of Art and Design but expressed concerns about insufficient on-site parking and the possible impact of overflow parking on the surrounding area. Given that information had only recently been received about sustainable transport initiatives, it was suggested that consideration of the application be deferred.

A number of Members also expressed concerns about existing parking problems and congestion in this part of the city. Some Members suggested that consideration should be given to a temporary planning permission subject to initiatives to mitigate the reduced parking provision. The Principal Planning Officer re-iterated the main transport considerations.

RESOLVED:

That consideration of planning application DCCW2004/1053/F be deferred.

19. DATE OF NEXT MEETING

It was noted that the date of the next meeting was Wednesday 28th July, 2004.

The meeting ended at 4.35 p.m.

CHAIRMAN