

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 7 November 2012 at 2.00 pm

Present: Councillor PGH Cutter (Chairman)
Councillor BA Durkin (Vice Chairman)

Councillors: PA Andrews, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, RC Hunt, JA Hyde, Brig P Jones CBE, FM Norman, AJW Powers, P Rone, GR Swinford, DC Taylor and PJ Watts

In attendance: Councillors JF Knipe and SJ Robertson

88. APOLOGIES FOR ABSENCE

Apologies were received from Councillors JG Lester, G Lucas and RI Matthews.

89. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors P Rone, JA Hyde and DC Taylor attended the meeting as substitute members for Councillors JG Lester, G Lucas and RI Matthews.

90. DECLARATIONS OF INTEREST

There were no declarations of interest.

91. S121299/O - LAND ADJOINING LANDIMORE, 12 POPLAR ROAD, CLEHONGER, HEREFORD, HR2 9SW

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

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

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor JF Knipe, the local ward member; and Councillor DC Taylor, the neighbouring ward member, commented on a number of issues, including:

- The Committee were thanked for attending the site visit.
- The application affected the Stoney Street more than the Vallets ward that it fell within.
- The neighbouring ward member requested that the road be bought up to an adoptable standard; that the number of dwellings be limited to 5 plus the existing one as well as the provision of street lighting.

Members discussed the application and concurred with the local ward member in respect of the requirement for adequate street lighting. They added that at the site inspection they had been reassured by the case officer that the road would be constructed to an adoptable standard, they requested that this be added to the recommendation as a condition. The

Principal Planning Officer advised that this would be part of the adoption process which would be the subject of local consultation

Members discussed the requirement for the Council to demonstrate a five year housing supply under the remit of the National Planning Policy Framework. The Committee were of the opinion that the situation required clarification and requested that further work be undertaken away from the meeting to address their concerns. It was considered that the Council's Overview and Scrutiny department should research the issue further.

In response to the points raised, the Principal Planning Officer confirmed that the road would be constructed to an adoptable standard and that the issue of lighting would be determined at the reserved matters stage. In response to a further question she confirmed that the telegraph pole was being relocated to address highway safety by ensuring that the visibility splay was not obstructed.

The Committee referred to the importance of retaining a mature oak tree at the entrance to the site and it was confirmed that this was the intention.

Councillors Knipe and Taylor were given the opportunity to close the debate. They reiterated their opening remarks and requested that the application be approved.

RESOLVED

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

- 1. A02 Time limit for submission of reserved matters (1 year permission)**
- 2. A03 Time limit for commencement (2 years - outline permission)**
- 3. A04 Approval of reserved matters**
- 4. A05 Plans and particulars of reserved matters**
- 5. B01 Development in accordance with the approved plans**
- 6. C01 Samples of external materials**
- 7. G11 Landscaping scheme – implementation**
- 8. G04 Protection of trees/hedgerows that are to be retained**
- 9. H18 On site roads - submission of details**
- 10. H27 Parking for site operatives**
- 11. I51 Details of slab levels**
- 12. I55 Site Waste Management**
- 13. I16 Restriction of hours during construction**
- 14. H21 Wheel washing**
- 15. I20 Scheme of surface water drainage**
- 16. L01 Foul/surface water drainage**
- 17. L02 No surface water to connect to public system**

18. **L03 No drainage run-off to public system**
19. **The recommendations set out in the ecologist's reports dated July and August 2012 should be followed in relation to the identified protected species [bats, great crested newts etc], unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a full working method statement based on up-to-date survey information should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.**

Prior to commencement of the development, a full habitat enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved. This shall include provision for bats, nesting birds and planting of native species.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.

To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

Reason for Approval

1. **Non Standard**

The proposal fails to comply, in principle, with policy H7 of the UDP, however weight must be given to the National Planning Policy Framework that clearly identifies that where sites are considered to be sustainably located, and where they comply with other relevant policies, there should be a presumption in favour of sustainable development. The sites development accords with policies in relation to character of the area, highway safety, relationship with neighbouring properties, landscape impact and drainage, namely policies DRI, DR2, DR3, LA2 H13 and H14 of the UDP. In conclusion, whilst the application would be contrary to Saved Policies of the UDP, the absence of a 5-year supply of housing land means that there are grounds to support this application and it is recommended for approval subject to conditions

Informative

1. **N11C - General**
92. **S121401/F - SALOU, BELLE BANK AVENUE, HEREFORD, HR4 9RL**

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with the criteria for public speaking, Mr Neale, a neighbouring resident, spoke in objection to the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor SJ Robertson, the local ward member, commented on a number of issues, including:

- Belle Bank Avenue was a great display of 1950's architecture.
- The previous appeal at another site in Belle Bank Avenue was dismissed.
- The Inspector stated that the area had a spacious characteristic and was worthy of protection.
- An extension to the existing dwelling would be more appropriate.

Members discussed the application and were of the opinion that it would be beneficial for them to undertake a site inspection prior to any decision being made. They proposed a site inspection on the three grounds as set out in the resolution below.

Councillor Robertson was given the opportunity to close the debate. She welcomed a site inspection and chose to make no additional statement.

RESOLVED

THAT the determination of the application be deferred pending a site inspection on the following grounds:

- a the character or appearance of the development itself is a fundamental planning consideration;**
- b a judgement is required on visual impact;**
- c the setting and surroundings are fundamental to the determination or to the conditions being considered, and cannot reasonably be made without visiting the site in question.**

93. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 2.45 pm

CHAIRMAN

PLANNING COMMITTEE (EXTRAORDINARY MEETING)

7 November 2012 - 2:00 pm

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

S121299/O - PROPOSED RESIDENTIAL REDEVELOPMENT FOR FIVE HOUSES AT LAND AJJOINING LANDIMORE, 12 POPLAR ROAD, CLEHONGER, HEREFORD, HR2 9SW

For: Mr C Gardiner & Mrs J Price, per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH

ADDITIONAL REPRESENTATIONS

Additional letters of support have been received from:

Philip Price, PEP Developments, Kingstone
D M Jones, Y-Berllan, 15 Poplar Road
S J Harris, Wellfield, Poplar Road
J H Kinsey, 10 Poplar Road

These letters raise the following issues:

- The removal of the outbuildings will give a better outlook and security.
- Would be more attractive view than redundant buildings and overgrown site
- The village needs some larger houses with good sized gardens to help school numbers and bring new families to the village

These letters do not raise any issues that have not been considered in the report.

A further representation has been received from Mr and Mrs Robertson, owner of 8 Poplar Road that comments as follows:

1. Previous committees have ruled out building on this land having put it outside boundaries for settlement, my understanding is that this is only now being considered because of a recent government changes and the fact that Hereford is still to develop its own plans.
2. Planning for this land has been refused previously for a range of reasons. One of those being road safety issues.
3. If Herefordshire county council continue to fill odd bits of land with four bedroom houses then they will kill the communities within our villages. Instead they should be positively supporting the development of affordable housing by refusing these small development design to sit under the other regulations that are triggered by larger developments and to yield the largest profit with no benefit to the local communities.
4. This piece of land has been shown to be teeming with wildlife, the ecologist's report while not triggering any of the protected statuses, has clearly shown that the loss of this piece of land will

have a detrimental effect on local wildlife. If we want to maintain Herefords unique environment then we must stop this gradual loss of pieces of land such as this.

5. It strikes me that this application sits just under a range of the planning rules which means a planning officer is required to recommend it for approval. Fortunately we have a planning committee who can see the cumulative effect of such a development and see the detrimental effect that this and many other similar developments will have.

OFFICER COMMENTS

Highway Safety and Access

The Traffic Manager has had sight of a fully detailed plan, which details the crossing into the site, allowing for a 2.4m setback across the entire site frontage, providing a 2.5 by 50m visibility splay in either direction. To undertake this, the telegraph pole is to be removed and foliage removed / cut back. The existing access drive would be grubbed out and re-seeded and a fence erected, allowing access to the PROW.

The Traffic Manager has considered these and raises no objection. An additional condition, requiring works to be undertaken in accordance with the approved plan is suggested

Planning History

In response to the concerns raised by local residents in respect of the planning history on the site. An application was submitted in 1990 for outline permission for the development of the site. No details of the numbers of units were included in this, but there is a note from officers suggesting maybe three units. The site would have been accessed via the existing access and there was a dwelling / building in a position immediately fronting the highway in the position of the new proposed access.

This planning permission was refused on five grounds; that is backland development, that it is development outside of the settlement boundary, potential to give rise to future development, unsuitable means of access, and highway safety implications due to restricted visibility. The proposals were considered having regard to the Hereford and Worcester Structure Plan.

This application falls to be considered having regard to The Herefordshire Unitary Development Plan as the adopted local plan, with consideration being given to the National Planning Policy Framework. The access to the site is not in the same position and is now considered to be capable of providing safe access to and from the site onto Poplar Road. The required visibility can be achieved. This would need to be to an adoptable standard.

CHANGE TO RECOMMENDATION

Additional condition:

B01 – Development in accordance with the approved plans

S121401/F- PROPOSED CONSTRUCTION OF DETACHED DORMER BUNGALOW. AT SALOU, BELLE BANK AVENUE, HEREFORD, HR4 9RL

For: Mr & Mrs Mifflin per Mr Roy Pipe, 35 Browning Road, Ledbury, Herefordshire, HR8 2GA

ADDITIONAL REPRESENTATIONS

The applicant, Mr Mifflin has submitted the following comments:

Firstly, I have read your report to support your recommendation of the application for approval and I completely agree with your appraisal and conditions stated.

With regard to the objections received. I believe that they consist of a few concerns fairly raised, and then reiterated by a handful of local residents a number of times in the hope that a larger apparent volume of objections will have a more negative effect on the outcome of the application.

The points which were initially raised I believe were satisfactorily addressed with the revised and resubmitted plans, the first point being the lack of parking , extra volume of traffic and inadequate access through the proposed development entrance.

With reference to volume of traffic and given its proximity to Salou, I find it difficult to absorb the constant references to excess traffic from Bellebank stores to be in any way connected to this application. I believe that the amount of traffic generated by the proposed dwelling would be of virtually no impact after its completion.

The present access is approximately 2.3 metres in width, it appears that one objector has taken the time to measure the maximum that the entrance can be widened by taking care not to obstruct the pathway and this is 1.57 metres, this additional space would allow 3.8 metres in total width, a modern standard fire engine is 2.5 metres wide so obviously access would be no problem for a standard vehicle and as the revised plans show there will be adequate parking for at least two vehicles at each property together with the ability to access and egress in a forward direction. This facility also serves to address the concerns over parking in the cul-de-sac as I believe that Salou is possibly unique in that it can contain its own and its visitors parking requirements within its own grounds, this in fact has been more necessary of latter years as a number of public parking spaces have recently been lost to lowered kerbs.

The objection over the impact of this dwelling on the present Bellebank development I believe would be negligible as it would be virtually out of view to all but the A49 traffic and the residents of Pantiles to the south. The revised plans have allowed for obscured glass to be placed in the only south facing window to ensure the continued privacy of Pantiles garden, the same however cannot be enjoyed by Salou and the proposed dwelling as Pantiles has a northerly facing first floor window enjoying views into the garden of Salou, this has been the case for many years and causes no irritation to anyone.

Another point raised is that the existing bungalow could be extended to allow for carer accommodation. This is not a route which would be sufficient for our requirements as we had hoped to occupy the new dwelling as a family ,(hence the request for a three bedroom property) thus having limited effect on the day to day lives of our children and relative ease in which we could care for both generations, an extension for carer accommodation would not be suitable for our needs, however were this to be the case I would very much doubt that there would be less traffic issues as one objection stated that no.4 Bellebank Avenue has "round the clock carers which create an additional three cars parked on the narrow road".

As far as the objection of "opening the floodgates for further development" is concerned I would hope

that any application would be considered in its own merit, and would be successful if it met all the requirements in the same way as a development in any other area.

The remaining objection of financial gain is surely irrelevant as if the development is approved it will be done so because it is within permitted development criteria and whether or not any individual should benefit from a gain is of no interest to others.

Finally, I note that there have been objections from as far afield as Wordsworth Road and Dilwyn, unless these persons find it difficult to park when visiting the aforementioned shop I would have to doubt the credibility of their intentions.

NO CHANGE TO RECOMMENDATION