

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 7 August 2013 at 10.00 am**

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

Councillors: PJ Edwards, DW Greenow, J Hardwick, JW Hope MBE, MAF Hubbard, RC Hunt, Brig P Jones CBE, JF Knipe, RI Matthews, FM Norman, AJW Powers, GR Swinford, PJ Watts and DB Wilcox

**38. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors PA Andrews, AM Atkinson, AN Bridges, KS Guthrie and JG Lester.

**39. NAMED SUBSTITUTES**

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor JF Knipe attended the meeting as a substitute member for Councillor AN Bridges and Councillor DB Wilcox substituted for Councillor JG Lester.

**40. DECLARATIONS OF INTEREST**

Mr K Bishop, Development Manager, declared a non-pecuniary interest in agenda item 7: land at Merton Meadow, Edgar Street, Hereford, as a holder of a small number of shares in Hereford United Football Club.

**41. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 17 July 2013 be approved as a correct record and signed by the Chairman.

**42. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman paid tribute to the late former Councillor Josie Pemberton. The Committee stood in silence in her memory.

The Chairman informed the Committee that Mr Ricky Clarke, Democratic Services Officer, had been successful in obtaining a new post. The Chairman expressed his appreciation for Mr Clarke's excellent support to him as Chairman and to the Committee and, on behalf of the Committee, wished him every success in the future.

The Chairman informed the Committee of the opportunity to sponsor members of the Planning Team who were undertaking a sponsored walk for charity.

**43. APPEALS**

The Planning Committee noted the report.

#### 44. 130888F - LAND AT MERTON MEADOW, EDGAR STREET, HEREFORD, HR4 9JU

The Strategic Applications Officer gave a presentation on the application. He clarified that condition 36 listed in the recommendation should refer to a maximum of 192 units, not 191.

In accordance with the criteria for public speaking, Mr O'Brien, the applicant's agent, spoke in support of the application.

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

- The application was for outline planning permission. In principle he accepted the development of a brownfield site within walking distance of the city centre and to its economic benefit, although a site further to the south would have been preferable.
- He urged great caution over the risk to the site of flooding, which he considered inevitable, and emphasised the need for the Committee to satisfy itself, when considering the detailed application, that the proposed mitigation measures would be effective. There were a number of examples across the Country of new developments that had suffered flooding.
- The Environment Agency had identified the need to provide flood free access to the northern part of the site.
- Several plots of land required for the scheme were not in control of the Council. He asked how it was proposed to ensure that the scheme was deliverable.
- He expressed regret at the closure or relocation of a number of local businesses.
- With reference to the Transportation Manager's comments in the report at paragraph 4.5, he questioned whether it was legally possible, as proposed, to make the progress of the scheme conditional upon the development of the link road. When the planning application for the retail quarter had been considered it had been suggested that such a condition could not be imposed
- Access to the extra care facility for elderly pedestrians and mobility impaired people needed to be addressed.
- The report should have stated that the ratio of parking spaces to properties would be 1.3 and not rounded up the figure to 1.5. This was a significant difference.
- Planning permission needed to be conditional on a travel plan, either at the outline or detailed stage.
- It was essential that the development provided for high quality cycle parking.
- Further consideration needed to be given to the provision of adequate public open space. The suggestion in the report by the Parks and Countryside Manager that enhanced facilities should be provided at the King George V playing fields was not acceptable. He expressed concern that this aspect had not been discussed with him as ward member.

In response to the points raised the Strategic Applications Officer commented:

- There had been a detailed flood risk assessment. The Environment Agency and the Council's drainage engineer were content that the scheme could proceed.
- Condition 33 required safe access in the event of flooding to be provided across the whole site including the northern section.
- Regarding land ownership the majority of the site was either owned by the Council or would be secured through the link road Compulsory Purchase Order. There were two additional properties to be acquired. This should have been clarified by the time the detailed application was submitted and the scheme would need to be modified to reflect the land ownership situation at that time.
- It was appropriate to make the scheme partly conditional upon the development of the link road, given the confidence that the scheme would proceed now that

planning permission for it had been granted and that the associated Compulsory Purchase Order was shortly to be made. This was also the recommendation of the Transportation Manager in this instance.

- Safe vehicular and pedestrian access to the extra care facility would be provided.
- He acknowledged the need to ensure that sufficient detail of cycle parking provision was provided when the detailed planning application was sought.

The debate opened and the following principal points were made:

- Several Members spoke in support of the Ward Member's concerns.
- It was essential that alternative car parking was provided and clearly signposted. The loss of low cost commuter parking needed to be addressed.
- Cycling parking needed to be provided to a good standard and the development made user friendly for cyclists.
- The detailed planning application needed to have a joined up approach to landscaping.
- Concern was expressed at the absence of a policy prescribing sustainability standards prevented a condition being imposed requiring higher construction standards than were being proposed.
- Measures to mitigate flooding, including flash flooding which was thought likely to become more frequent, were essential. Concern was expressed that the present proposals were not sufficient to protect the site and that they would also lead to problems elsewhere. The Yazor brook was at capacity since the recent flood alleviation scheme had been put in place. It might be difficult for householders to obtain insurance.
- Appropriate public open space needed to be provided on site. It was to be regretted that the ward member had not been consulted on this aspect.
- A Member questioned whether the application should be deferred pending the production of an Annual Monitoring Report providing the evidence for housing need.
- It was understood that Hereford United Football Club intended to develop the stand at the northern end of the ground and, if made larger, this would affect the light and amenity of properties proposed to be built in that part of the development.
- It was to be regretted that the extra care housing was included in the affordable housing provision and it was questioned what evidence of affordable housing need there was.
- The scheme should be of a higher standard. It did not have the desirable features of an urban village such as community facilities.
- There would be a risk of noise from the link road.
- Where would coaches for football matches park?
- The scheme should be designed so that cycling and walking should be the first choice.
- The aim should be to maintain and enhance the landscape.
- Displaced businesses should be supported in seeking to find alternative sites and given certainty over the timing of the redevelopment.

In response to the points raised the Strategic Applications Officer commented:

- The masterplan reflected the proposed re-development of the Merton stand and the Football Club was content with the scheme. Discussions were taking place about the scale of any new stand and a land swap was being proposed to facilitate this.
- Additional car parking would be available on the Stanhope site before any development of the Merton Meadow site. A further site for car parking was the subject of the next application on the agenda.
- A business relocation strategy was in place.
- The planning service would work with the applicant to seek to achieve a higher sustainability standard. Policies in the approved draft Core Strategy would assist in this regard.

- The 2013 Annual Monitoring Report was being prepared. However, an interim assessment of housing land supply had shown a deficit of over 600 homes as at 2012.
- Account would be taken of the observations made by the Committee in working on the detailed planning application.

Councillor Hubbard was given the opportunity to close the debate. He commented that he had assured himself that the phasing of development should mean parking provision was adequate. Commuter parking needed to be secured. He was, however, concerned that a strategy to deliver the necessary behavioural change was not yet in place. He expressed criticism of the link road design and noted that it was to be expected that the road would be heavily used. Consideration therefore needed to be given to measures to ensure that the environment for the people living on the development was appropriate. He did not oppose the scheme but would expect the detailed design to address the issues that had been identified during the debate.

### **RESOLVED:**

**That officers named in the scheme of delegation be authorised to issue planning permission subject to the conditions set out in this report and any varied or additional conditions considered necessary by officers:**

1. **The details to be submitted with the first reserved matters application under the terms of condition 4 shall include a construction phasing plan. The submission of details required by the conditions accompanying this decision and the construction shall thereafter follow the agreed phasing plan unless otherwise agreed in writing by the local planning authority.**

**Reason: To ensure the construction is phased with the delivery of the essential infrastructure and to comply with policy DR1 of the HUDP.**

2. **A02 Time limit for submission of reserved matters (outline permission)**
3. **A03 Time limit for commencement (outline permission)**
4. **A04 Approval of reserved matters**
5. **A05 Plans and particulars of reserved matters**
6. **B01 Development in accordance with the approved plans**
7. **C01 Samples of external materials**
8. **E01 Site investigation - archaeology**
9. **F08 No conversion of garage to habitable accommodation**
10. **G04 Protection of trees/hedgerows that are to be retained**
11. **G09 Details of Boundary treatments**
12. **G10 Landscaping scheme (To include electric vehicle charging points)**

13. **G11 Landscaping scheme - implementation**
14. **G14 Landscape management plan**
15. **G19 Details of play equipment**
16. **H11 Parking - estate development (more than one house)**
17. **H29 Secure covered cycle parking provision**
18. **M07 Evacuation management plan**
19. **H30 Travel plans**
20. **L02 No surface water to connect to public system**
21. **L03 No drainage run-off to public system**
22. **L04 Comprehensive & Integrated draining of site**
23. **I56 Sustainable Homes Condition**
24. **I16 Restriction of hours during construction**
25. **I42 Scheme of refuse storage (residential)**
26. **I51 Details of slab levels**
27. **M09 Development on land affected by contamination**
28. **M10 Unsuspected contamination**
29. **I26 Interception of surface water run off**
30. **No development shall commence (including any works of demolition) within each geographical phase of development until a construction environmental method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:**
  - **Means of access for construction including vehicle routes to and from the site**
  - **Parking for site operatives and visitors**
  - **Loading and unloading of plant and materials**
  - **A scheme for recycling and disposing of waste arising from demolition and construction works**
  - **Wheel washing facilities**
  - **Site compound area(s) and area(s) for the storage of plant and materials used in constructing the development**
  - **The erection and maintenance of security hoarding including the external finish and colour.**
  - **Measures to control the emission of noise, dust and dirt during construction**
  - **Containment of silt/soil contaminated runoff**
  - **Habitat and species protection measures**

**Reason: To safeguard water quality, the amenity of the area and the biodiversity interest of the site and to comply with HUDP policies DR2, DR3, DR4 and NC1.**

- 31. Other than works associated with the construction of the of the extra care accommodation and unless otherwise agreed in writing with the local planning authority, no other dwellings shall be occupied until the development known as the link road approved under planning permission ref CE092576/F (as amended) has been completed in accordance with the details of that permission and any subsequent amendments.**

**Reason: To ensure the remainder of the development is served by appropriate vehicular, pedestrian and cycle access and drainage arrangements and to comply with HUDP policies DR4, CF2, T6, T7 and T8.**

- 32. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment, dated 27/03/2013, produced by Capita Symonds.**

**Reason: To prevent the increased risk of flooding and to comply with policy DR7 of the Herefordshire Unitary Development Plan and the NPPF**

- 33. Details of the means of achieving a safe, dry, pedestrian access and egress route, not adversely affecting the flood regime, on land outside the 1 in 100 year plus climate change event should be submitted to and approved in writing by the local planning authority prior to the commencement of the development within each phase. The agreed details shall be implemented as approved prior to the occupation of any dwellings within the phase of the development to which the proposals relate.**

**Reason: To provide safe access and egress during flood events to each part of the development and to comply with policy DR7 of the Herefordshire Unitary Development Plan and the NPPF**

- 34. No development shall commence within each phase until a scheme for protecting the proposed dwellings from road traffic and football club noise including detailed construction methods for noise mitigation has been submitted to and approved by the local planning authority. All works which form part of the scheme shall be completed before any of the permitted dwellings within that phase are occupied.**

**Reason: To protect the residential amenities of the future occupiers of the properties and to comply with Policy DR13 of Herefordshire Unitary Development Plan.**

- 35. B07 – Section 106 Agreement**

- 36. The development hereby permitted is for the construction of a maximum of 192 open market and affordable residential units.**

**Reason: To define the terms of the permission and comply with policy**

**DR1 and H13 of the Herefordshire Unitary Development Plan.**

37. **Unless otherwise agreed in writing with the local planning authority, a minimum of 200 public parking spaces shall be retained within the site and be accessible for public usage until the new car park proposed under planning application ref S131240/CD has been completed and is available for public usage.**

**Reason: To ensure adequate supply of public parking remains available within the city and to comply with policy DR3 of the Herefordshire Unitary Development Plan.**

**INFORMATIVES**

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

2. **N02 Section 106 Obligation**

3. **HN08 Section 38 Agreement and Drainage Details**

*(The meeting adjourned between 11.55 am and 12:10 pm)*

**45. 131240F - LAND AT FORMER ROCKFIELD DIY SUPERSTORE, STATION APPROACH, HEREFORD, HR1 1BB**

The Strategic Applications Officer gave a presentation on the application. An additional representation received following the publication of the agenda was provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr Ledlie, representing Rail for Herefordshire, spoke in objection to the application.

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

- There remained a complete lack of an integrated transport system in Hereford. Until this was addressed and connections between the City and the rest of the County were improved the County's economy would not grow as it might.
- In principle he supported the proposal as a transitional measure given that the link road had planning permission and there was a loss of car parking associated with development in the City. However, a better vision for an improved future transport strategy was required.

The debate opened and the following principal points were made:

- There was a clear need for the car park. However, the Link Road was expected to be completed by 2015. It was therefore proposed that the temporary permission should be for three years rather than five as was being recommended.

- The proposal for a transport hub remained part of the plan for the development of the Edgar Street Grid and it was important that this was progressed.
- Landscaping was discussed. It was acknowledged that little could be done given the temporary planning permission. However, it would be important for businesses in Commercial Road that landscaping was restored to its original condition once the temporary permission ceased.

Councillor Hubbard was given the opportunity to close the debate. He supported the application, whilst highlighting the need for an improved strategy and the development of a transport hub.

**RESOLVED:**

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

1. **F18 Temporary permission (3 years)**
2. **B01 Development in accordance with the approved plans**
3. **G10 Landscaping scheme**
4. **G11 Landscaping scheme - implementation**
5. **H29 Secure covered cycle parking provision**
6. **Prior to the commencement of development, scaled plans identifying the provision of a bus lay-by and supporting bus infrastructure including a bus shelter and signage shall be submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved plans prior to first use of the car park hereby permitted.**

**Reason: To improve the public transport facilities in the locality and support the creation of a transport interchange in accordance with policies T1 and DR3 of the Herefordshire Unitary Development Plan.**

**INFORMATIVES:**

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. .**

**46. 131071F - LAND AT LEYS FARM, TARRINGTON, HEREFORD, HR1 4EX**

The Development Manager gave a presentation on the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor J Hardwick, the local ward member, commented on the application. He reported that, whilst the Parish Council and others had objected to the application, there were no objections to the business as such. Several objections related to the proximity of pens

for rearing game birds in fields adjacent to the site to residential properties. The applicant had offered not to erect pens within 50 metres of another property. This offer was not enforceable but had been well received and should be recorded.

The debate opened and the following principal points were made:

- It was proposed that the applicant's offer not to erect pens within 50 metres of another property should be included as an informative with the Committee's resolution.
- Intensive farming should not be supported.
- There would be smell associated with the activity.
- Landscaping of the site was discussed. The Development Manager commented that the site itself was relatively well screened. A number of Members referred to the comments of the Conservation Officer in the report that there was an opportunity to provide landscape enhancement. The Development Manager advised that most of the issues raised by the Conservation Officer related to matters outside the application site and a condition to give effect to the Conservation Officer's comments could not be proposed.

**RESOLVED:**

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

1. **No cleaning of equipment or housing involving the use of a pressure washer(s) shall take place outside of the hours of 0800 hours to 1800 hours, Monday - Saturday and not at all on Sundays or Bank Holidays.**

**Reason:** In order to protect the amenity of nearby residents to ensure continued compliance with policies DR2, DR13, HBA12 and E13 of the Herefordshire Unitary Development Plan.

2. **Within 3 months of the date of this permission, the silos shall have been painted in accordance with details to be submitted to and approved in writing by the local planning authority.**

**Reason:** In the interests of visual amenity to comply with policy DR1 of the Herefordshire Unitary Development Plan.

**INFORMATIVE:**

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

- 2 **Note. A voluntary and informal undertaking has been provided by the applicant to the effect that pens rearing game birds, shall not be erected within 50 metres of any residential building/area adjacent to the site.**

**47. 131090F - ROUNDABOUT AT BURLEY GATE, JUNCTION OF A465 AND A417, BURLEY GATE, HEREFORDSHIRE**

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr Hoskins, Chairman of Much Cowarne Parish Council, spoke in support of the application.

A Member congratulated the Parish Council on its initiative.

**RESOLVED:**

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

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**

**INFORMATIVES:**

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **HN05 Works within the highway**

**48. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES**

The meeting ended at 12.15 pm

**CHAIRMAN**

# PLANNING COMMITTEE

7 August 2013

## 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.

**131240/CD - REDEVELOPMENT OF SITE TO PROVIDE A PUBLIC CAR PARK WITH ASSOCIATED LIGHTING, SIGNAGE AND PARKING METERS AT LAND AT FORMER ROCKFIELD DIY SUPERSTORE, STATION APPROACH, HEREFORD, HR1 1BB**

**For: The Owner and/or Occupier per Mr Robert Scott, Plough Lane Offices, Hereford, Herefordshire, HR4 0LE**

### ADDITIONAL REPRESENTATIONS

An amended plan has been received identifying the provision of a bus lay-by along the western site frontage and a resultant reduction in the parking numbers from 175 to 157 spaces.

### OFFICER COMMENTS

This provision of a bus lay-by addresses the Transportation Officer's comments and is welcomed.

### NO CHANGE TO RECOMMENDATION

