

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 11 June 2008 at 2.00 p.m.

Present: Councillor JE Pemberton (Chairman)

Councillors: PA Andrews, DJ Benjamin, AJM Blackshaw, SPA Daniels, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, RI Matthews, AT Oliver, SJ Robertson, AP Taylor, AM Toon, WJ Walling and JD Woodward

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

Election of Chairman and Appointment of Vice-Chairman

It was noted that, at the Annual Council meeting on 16 May 2008, Councillor JE Pemberton was re-elected Chairman and Councillor GA Powell was re-appointed Vice-Chairman of the Central Area Planning Sub-Committee.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors WU Attfield, ACR Chappell, MD Lloyd-Hayes, GA Powell, NL Vaughan and DB Wilcox.

2. DECLARATIONS OF INTEREST

The following declarations of interest were made:

5. DCCW2008/0292/F - St. Nicholas Rectory, 76 Breinton Road, Hereford, Herefordshire, HR4 0JY

Councillor PA Andrews; Personal and Prejudicial; lives nearby. Left the meeting for the duration of the item.

6. DCCE2007/1655/O - Holmer Trading Estate, College Road, Hereford, HR1 1JS.

Councillor MAF Hubbard; Personal.

9. DCCW2008/0302/F - Brook Farm, Marden, Hereford, Herefordshire, HR1 3ET.

Councillor AJM Blackshaw; Personal.

3. MINUTES

RESOLVED: That the minutes of the meeting held on 14 May 2008 be approved as a correct record and signed by the Chairman.

4. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report about the Council's position in relation to planning appeals for the central area.

5. DCCW2008/0292/F - ST. NICHOLAS RECTORY, 76 BREINTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0JY [AGENDA ITEM 5]

Demolish existing rectory and erect 9 no. residential dwellings.

The following update was reported:

- The applicant's agent had confirmed that his client was a Registered Charity. It was reported that the Diocesan Board would not consider the matter of increased contributions until 1 July 2008.

Councillor JD Woodward, a Local Ward Member, was disappointed that no further progress had been made in respect of the proposed level of contributions, following the deferral of this application for further discussions at the last meeting, particularly given the need to improve community infrastructure and education facilities in the locality. Consequently, it was proposed that consideration of the application be deferred.

Councillor PJ Edwards noted the significant amount of work already undertaken in respect of this proposal and suggested that delegated authority could be given to officers to resolve the outstanding issues, in consultation with the Local Ward Members. However, this motion failed and consideration of the application was then deferred.

RESOLVED: That consideration of the application be deferred for further information and negotiations.

6. DCCE2007/1655/O - HOLMER TRADING ESTATE, COLLEGE ROAD, HEREFORD, HR1 1JS [AGENDA ITEM 6]

Mixed use development comprising residential (115 units), employment (office, industrial and warehousing), retail and supporting infrastructure including new access off College Road, roads, footpaths, open spaces, landscaping, parking and re-opening of part of canal.

The following updates were reported:

- A further letter had been received from the Canal Trust requesting that the Section 106 Heads of Terms include the de-silting of the existing canal tunnel before transfer to the Trust and a requirement for all properties and businesses on site to pay towards the cost of restoring, maintaining and managing the canal in line with other similar agreements across the country. It was reported that the applicants had agreed to the Canal Trust requests and it was recommended that these be included within the Section 106. The requirement for the affordable housing element to contribute towards the restoration of the canal would be subject to the agreement of the Registered Social Landlord and the Council's Strategic Housing Team.
- A further comment had been received from the applicant requesting that the total number of residential units be retained at 125 in order to fully re-examine the capacity in light of late changes to the proposal. However, officers considered that, based on the masterplan, the capacity of the site was maximised. Therefore, it was not considered there was scope to accommodate the ten residential units elsewhere in the site that had been lost as a result of the late change to increase the amount of employment floorspace.

In accordance with the criteria for public speaking, Mr. Stannard and Ms. Fincham spoke in objection to the application and Mr. Preston spoke in support of the

application; as a major application and in accordance with Constitution SO 5.11.2, the public speaking time limit had been extended to six minutes in total per side.

The Chairman advised the Sub-Committee that Councillor DB Wilcox, a Local Ward Member, had sent his apologies for absence as he was representing the authority at a conference. Comments were made about the quality of the officer's report and presentation but the Chairman considered that members would benefit from a site inspection given the scale, complexity and implications of the proposal. A number of members spoke in support of a site inspection.

RESOLVED:

That consideration of the application be deferred for a site inspection for the following reasons:

- **the character or appearance of the development itself is a fundamental planning consideration;**
- **a judgement is required on visual impact;**
- **the setting and surroundings are fundamental to the determination or to the conditions being considered.**

7. DCCE2008/1026/N - THE OLD MUSHROOM FARM, HAYWOOD LANE, CALLOW, HEREFORD, HEREFORDSHIRE, HR2 8BX [AGENDA ITEM 7]

Formation of earth bunds (8000 CU M of imported soil) as screening etc.

The Principal Planning Officer (Minerals and Waste) outlined issues relating to the materials to be imported and the Environmental Permitting regime. It was reported that the applicant had confirmed that there would be a maximum of 4-5 trips in any one day and the Traffic Manager had not raised any objections, subject to a limit on the number of vehicles to access the site.

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

Councillor GFM Dawe, the Local Ward Member, drew attention to the objections summarised in the representations section of the report and noted that, whilst a number of issues could be addressed through the recommended conditions, there remained substantial concerns about the impact of the proposal on the local highway network and about the future use of the site.

The Principal Planning Officer (Minerals and Waste) advised that the recommended conditions sought to control the development robustly and included: an eighteen-month time limit; the maintenance of a Site Diary for all deliveries of material to the site; a routing scheme; and a restriction on the number of vehicle movements. Members were advised that this application had to be considered on its own merits and the Sub-Committee could not speculate on the future use of the site.

Some members supported the application, comments included:

- there was a need to identify sustainable means of disposing of inert construction waste locally and to reduce landfilling
- the screening and monitoring requirements would ensure that no unsuitable materials were imported
- the earth bunds would not detract from the landscape and could provide good

security for landowners and habitat potential for local wildlife

- the recommended conditions were considered thorough and reasonable

Councillor PJ Edwards, a member for the adjoining Belmont Ward, noted that the proposal would involve importing some 16,000 tonnes of material and he considered that the HGV movements associated with this activity would have an unacceptable impact on highway and pedestrian safety. He commented on the narrowness of the carriageway and speed of traffic using Haywood Lane and the potential for congestion and accidents arising from the proposal. If planning permission was granted, he suggested that a contribution towards highway improvements should be sought from the developer and further consideration given to routing, in consultation with the local and adjoining ward members.

The Principal Planning Officer (Minerals and Waste) advised that the temporary nature of the application meant that it would be unreasonable to require a contribution towards highway improvements. However, the Highways Section could inspect Haywood Lane prior to the start date and the costs of any subsequent repair work required, as a result of damage directly attributable to the development, could be recovered from the developer.

A number of members expressed concerns about the application, including:

- the purpose of the bunds as 'screening' was questioned, especially as the site was not directly overlooked and given the adjoining land uses
- concerns were expressed about speeding traffic, despite the recent introduction of a 40mph speed limit
- questions were asked about the extent of the landscaping scheme
- comments were made about the need to protect rural lanes from heavy traffic

Councillor Dawe challenged assertions about the environmental benefits and limited impact of the proposal. He commented that there should be more rigorous waste management plans for new developments in order to reduce the need to dispose of construction related materials. Given that the applicant had indicated that no further waste material would be brought to the site once completed, Councillor Dawe asked whether a condition could be imposed to restrict the future use of the site.

In response, the Central Team Leader advised that any further activities at the site would require another planning application and any such application would need to be considered on its own merits at that time. He noted that large developments regularly re-used inert materials as sub-soil or back-fill for other construction projects but even small-scale domestic developments resulted in waste materials and, therefore, alternatives to landfilling needed to be identified. He also reminded the Sub-Committee that the Traffic Manager had not raised any objections, subject to conditions.

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

RESOLVED: That

- (i) **The Central Area Planning Sub-Committee is minded to refuse the application subject to the reason 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 applications to the Planning Committee:**

The local planning authority consider that there is insufficient justification for the development in this location and consequently the increased use of the local road network by heavy goods vehicles would not be in the interests of highway safety

- (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 Development Control Manager advised that, as the resolution was contrary to the officers' recommendation and the Sub-Committee's view might not be defensible if challenged, he was minded to refer the matter to the Head of Planning and Transportation.

Councillor PJ Edwards asked that the local and adjoining ward members be consulted on the routing of vehicles in the intervening period, should the application be referred to the Planning Committee.]

8. DCCE2008/0959/F - FIELD AT COMMON HILL LANE (OPPOSITE THE LITTLE HOUSE), FOWNHOPE, HEREFORD, HR1 4QA [AGENDA ITEM 8]

Proposed field shelter.

In accordance with the criteria for public speaking, Mr. Hardwick spoke on behalf of Fownhope Parish Council.

The Chairman, speaking in her capacity as the Local Ward Member, commented on her knowledge of the site and outlined its planning history. Attention was drawn to the comments of Fownhope Parish Council, particularly that 'the existing stable block is sufficient for the size of paddock'. Concern was also expressed about the statement in the report that the shelter 'would also occasionally be used for the storage of machinery'.

In response to a question, the Central Team Leader advised that recommended condition FO9 would ensure that the field shelter was for private use only and not for any equestrian enterprise. It was reported that the purpose of the application was to provide a safe and practical access for horses. It was also reported that officers did not consider that the proposal would cause unacceptable harm to the character and appearance of the area.

A number of members considered that the application should be refused, some of the principal points included:

- the existing stable block was considered adequate and could be adapted further to improve access for horses
- the paddock could only support a small number of horses
- there was insufficient justification for another structure in the Area of Outstanding Natural Beauty
- the proposal would represent an overdevelopment of the land and the visual impact would be unacceptable

- the need to store machinery was questioned
- the formation of an approach to the field shelter could damage the paddock and result in further visual impact

Other members acknowledged that the Conservation Manager had not raised any objections and noted the comments in the report that the building was 'typical of an agricultural field shelter' and was 'modest in size'.

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:**

There is considered to be adequate provision for stabling on this site and the construction of an additional building for such use in this open field would be to the detriment of its open and rural character in the Wye Valley AONB. The proposed development is therefore contrary to Policy LA1 of HUDP.

- (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 Development Control Manager 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 given the reasons for refusal identified by the Sub-Committee.]

9. DCCW2008/0302/F - BROOK FARM, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3ET [AGENDA ITEM 9]

Retention of polytunnels.

The applicant withdrew this planning application prior to the meeting.

In response to a question, the Development Control Manager explained that the applicant was developing a master plan for the business which would inform future planning applications.

10. DCCW2008/1134/F - 58 CLEEVE ORCHARD, HEREFORD, HR1 1LF [AGENDA ITEM 10]

Proposed single storey extension to rear, and new porch to front.

Councillor SJ Robertson, the Local Ward Member, noted that no objections had been raised by Holmer Parish Council or by local residents.

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. **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

3. **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.

Informative(s):

1. **N19 - Avoidance of doubt - Approved Plans.**

2. **N15 - Reason(s) for the Grant of Planning Permission.**

11. DATES OF FUTURE MEETINGS

The next scheduled meetings were given as follows: 9 July, 6 August and 3 September 2008.

The meeting ended at 4.00 p.m.

CHAIRMAN