

**MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 19 August 2009 at 2.00 pm**

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

Councillors: WU Attfield, DJ Benjamin, AJM Blackshaw, PJ Edwards,  
DW Greenow, MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, AM Toon,  
NL Vaughan and WJ Walling

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

**36. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors PA Andrews, ACR Chappell, SPA Daniels, H Davies, GFM Dawe, KS Guthrie, MAF Hubbard, AP Taylor, DB Wilcox and JD Woodward.

**37. DECLARATIONS OF INTEREST**

None.

**38. MINUTES**

**RESOLVED:**

**That the minutes of the meeting held on 22 July 2009 be approved as a correct record and signed by the Chairman.**

**39. DCCW2008/2946/F - CHURCH HOUSE FARM, WELLINGTON, HEREFORD, HEREFORDSHIRE, HR4 8AZ [AGENDA ITEM 4]**

*Residential development of 20 houses comprising 13 open market houses and 7 affordable houses (amended access).*

The Central Team Leader gave a presentation on the application and the following updates / additional representations received following the publication of the agenda were provided as follows:

- An additional representation had been received from Mr. McKay, requesting further enhancement of the access road to the recreation car parking area together with a pedestrian link from the development site to the recreation area.
- It was reported that the Transportation Manager had assessed the enhanced access details to the recreation parking and play area and was satisfied that a safe access could be achieved with the additional land now proposed.
- An additional condition requiring pedestrian access to the new play area from the development site was recommended.
- It was also reported that, shortly before the meeting, the Environment Agency had confirmed that it had no objections to the scheme.

Councillor AJM Blackshaw, the Local Ward Member, drew attention to a number of points, including:

- Consultation on the proposal had been considerable and adjustments had been made in response to issues raised by stakeholders.
- The proposal complied with the Herefordshire Unitary Development Plan and the Parish Plan.
- The site was in a central and important location in the village and the design approach proposed was sympathetic to the surroundings.
- A concern about potential overloading of the public sewerage system had been overcome through the provision of private treatment works and surface water would be disposed of via soakaways.
- It was noted that, subject to conditions, no objections had been raised by the Traffic Manager, the Conservation Manager (Historic Buildings), the Conservation Manager (Landscape), the Conservation Manager (Archaeology), or by Strategic Housing.
- The concerns of Wellington Parish Council, Wellington Community Association and Wellington Primary School had been largely addressed, with discussions ongoing between the officers and the applicants regarding access to the pavilion and the new play area.
- It was noted that one of the principal objectors no longer lived in the village.
- Highway safety considerations had been addressed, with all dwellings have private parking areas.
- In conclusion, Councillor Blackshaw welcomed the application and concurred with the officer recommendation as amended. He also noted the substantial contributions to local infrastructure improvements that would be secured through the proposed planning obligation agreement.

Councillor RI Matthews commented that the proposal would remove several steel framed farm buildings which would greatly enhance the area. He noted the need for appropriate and sustainable development in villages and supported this proposal. He also noted the value of the correspondence received which had led to further improvements to the scheme.

In response to a question from Councillor NL Vaughan, the Central Team Leader advised that strict adherence with every Unitary Development Plan policy was not always achievable with some developments and a balanced judgement was required, hence a statement in the report that 'the proposal complies with the main thrust of that policy' when referring to policy H4 (Main Villages: Settlement Boundaries).

A number of Members supported the application, some noted that initial concerns had now been addressed.

Councillor PJ Edwards drew attention to the recommended landscaping conditions and, referring the challenges of redeveloping the site, commented on the need for special care to ensure that the landscaping was successful.

Councillor MD Lloyd-Hayes considered this to be a sensitive and appropriate form of development. In response to a question, the Central Team Leader outlined the distribution of social housing through the site. Councillor Lloyd-Hayes, referring to the proposed planning obligation agreement, noted that improving local bus services could be difficult and said that monies should be directed to other initiatives if an improvement could not be secured with the relevant operator. She also suggested that a contribution towards the provision of cycle racks at Wellington Primary School could reduce the number of car trips in the locality.

Councillor Blackshaw said that the proposal would contribute to the viability and vitality of the village.

**RESOLVED:**

1. The Legal Practice Manager be authorised to complete a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional matters and terms that he considers appropriate.

2. Upon completion of the aforementioned Planning Obligation the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by Officers.

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. B03 (Amended plans).

Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

3. 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.

4. D05 (Details of external joinery finishes).

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policies HBA1 and HBA3 of Herefordshire Unitary Development Plan.

5. D10 (Specification of guttering and downpipes).

Reason: To ensure that the rainwater goods are of an appropriate form in the interests of the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policies HBA1 and HBA3 of Herefordshire Unitary Development Plan.

6. E01 (Site investigation – archaeology).

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

7. F02 (Restriction on hours of delivery).

Reason: To safeguard the amenities of the locality and to comply with Policy DR1 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. G09 (Details of boundary treatments).**

**Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.**

**10. G10 (Landscaping scheme).**

**Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.**

**11. G11 (Landscaping scheme – implementation).**

**Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.**

**12. Prior to occupation of the 6th open market dwelling the recreation area to the south as identified in Policy RST5 of the Herefordshire Unitary Development Plan shall be brought forward for development.**

**Reason: In accordance with Policy RST5 of the Herefordshire Unitary Development Plan.**

**13. H05 (Access gates).**

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

**14. 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.**

**15. H09 (Driveway gradient).**

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

**16. 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.**

**17. H17 (Junction improvement/off site works).**

**Reason: To ensure the safe and free flow of traffic on the highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**

**18. 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.**

**19. Notwithstanding the submitted drawings the footpath to the front of the site shall be completed to a minimum width of 2 metres.**

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

**20. 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.**

**21. I17 (Scheme of foul drainage disposal).**

**Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy DR4 of Herefordshire Unitary Development Plan.**

**22. I21 (Scheme of surface water regulation).**

**Reason: To prevent the increased risk of flooding and to comply with Policy DR4 of Herefordshire Unitary Development Plan.**

**23. I42 (Scheme of refuse storage (residential)).**

**Reason: In the interests of amenity and to comply with Policy DR4 of Herefordshire Unitary Development Plan.**

**24. 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.**

**25. Notwithstanding the submitted plans a pedestrian access shall be provided direct from the development site to the new play area details of which shall be submitted for approval prior to any works commencing on site. The pedestrian link shall be completed in accordance with the approved detail.**

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

**Informatives:**

- 1. HN01 - Mud on highway.**
- 2. HN05 - Works within the highway.**
- 3. HN07 - Section 278 Agreement.**
- 4. HN21 - Extraordinary maintenance.**

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

**6. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

**40. DCCE0009/1417/O - PATESHALL, HOLYWELL GUTTER LANE, HEREFORD, HEREFORDSHIRE, HR1 1XA [AGENDA ITEM 5]**

*Proposed erection of four dwellings.*

The Principal Planning Officer gave a presentation on the application and the following updates / additional representations received following the publication of the agenda were provided as follows:

- Two additional e-mails had been received, one from Mrs. Roberts of Corporation Farm withdrawing an objection and a new objection from Mrs. Lawson of 7 Holywell Gutter Lane. It was noted that this repeated objections already covered in the report regarding increased traffic and associated highway and pedestrian safety concerns.
- It was reported that an additional ecological survey was in the process of being carried out and a site had been identified for new orchard planting to compensate for the loss of fruit trees on the site.
- It was also reported that, in terms of the required alterations to Holywell Gutter Lane, further scaled plans had been provided but it was still unclear whether the full extent of highway works were achievable due to land ownership restrictions.
- It was recommended that if the applicant was unable to demonstrate that the alterations to Holywell Gutter Lane were achievable to the satisfaction of the Traffic Manager and were also visually acceptable by 25 August 2009, the application be refused under delegated powers. If this matter could be resolved satisfactorily by 25 August 2009, delegated authority was sought in line with the original recommendation but to include the requirement for the completion of a Section 106 Agreement requiring the planting and management of a new Orchard at Field Farm, Hampton Bishop.

In accordance with the criteria for public speaking, Mr. Morgan spoke in objection to the application and Mr. Goldsworthy spoke in support of the application.

In response to matters raised by the objector, the Principal Planning Officer advised that: indiscriminate parking in the widened section of the access could be prohibited through a Traffic Regulation Order, to provide for double yellow lines and / or appropriate signage; a condition could be added to ensure that no business use could take place from the new dwellings without prior permission; and Welsh Water had no objections subject to conditions.

Councillor MD Lloyd-Hayes, a Local Ward Member, considered the application to be premature. She commented on traffic speeds in the locality and expressed concerns about the safety of the access on Hampton Dene Road. She also questioned the drainage arrangements and sought clarification about the ownership of nearby allotments. The Principal Planning Officer advised that: subject to the applicant demonstrating that the alterations were achievable, the Traffic Manager's objection could be overcome; as there was no objection from Welsh Water, connection to the mains drain should be possible; and there should be no impact on the use of the allotments, as they were accessed from the other side of Holywell Gutter Lane. Councillor Lloyd-Hayes commented on the public value of the lane and considered that more information was required before planning permission could be granted. Therefore, she proposed that the application be refused as the proposal would compromise road safety and have a detrimental impact on residential amenity.

Councillor WJ Walling considered the principle of development to be acceptable and, subject to the widening of the access and suitable parking restrictions, supported the application.

Councillor NL Vaughan commented on traffic problems in the locality and considered the access to be inadequate in its present form.

Councillor AM Toon expressed concerns about the limitations of the drainage and highways infrastructure in the area but considered that delegation to officers to resolve the issues was acceptable, subject to the involvement of the Chairman and the Local Ward Members. Councillor RI Matthews also commented on infrastructure issues in the area and the consequential impact on future developments.

The Central Team Leader advised that connection to the mains drain should be achievable given that system was located a relatively short distance from the site in Hampton Dene Road.

Councillor AT Oliver drew attention to the comments of the Conservation Manager, particularly that 'an area of orchard planting on the site will need to be removed to accommodate plots 4 and 5. Orchards are an important resource for wildlife, they are both a local and a UK BAP Priority habitat'. Councillor Oliver felt that the orchard planting should not be lost and that the proposal should be amended, with fewer dwellings, to ensure that this habitat was retained.

Councillor PJ Edwards sought reassurance that, as part of any delegation to officers, conditions would be included to prevent business use, to require parking restrictions at the access, and to provide an element of orchard replacement.

Councillor DW Greenow felt unable to support the application given the potential impact on highways safety and the loss of the orchard.

The Principal Planning Officer commented that the fruit trees could be removed at any time and, therefore, compensatory planting elsewhere as a consequence of this application could result in a betterment of the situation.

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

**RESOLVED:**

- A) If the applicant is unable to demonstrate that the alterations to Holywell Gutter Lane were achievable to the satisfaction of the Traffic Manager and were also visually acceptable by 25 August 2009, the application be refused under delegated powers.**
- B) If the above matter can be satisfactorily resolved by the 25 August 2009 and subject to:**
- **the Conservation Manager's requirements being satisfied with regard to additional ecological surveys;**
  - **a condition to ensure that no business use could take place from the new dwellings or outbuildings without prior permission;**
  - **a condition to facilitate parking restrictions and/or signage to prevent indiscriminate parking; and**
  - **the completion of a Section 106 Agreement requiring the planting and management of a new orchard at Field Farm, Hampton Bishop;**

the officers named in the Scheme of Delegation to Officers, in consultation with the Chairman and the Local Ward Members, be authorised to issue the planning permission subject to the following conditions and any additional conditions considered necessary by officers:

#### Conditions

1. **A02 (Time limit for submission of reserved matters (outline permission)).**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
2. **A03 (Time limit for commencement (outline permission)).**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
3. **A04 (Approval of reserved matters).**  
**Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with policy DR1 of the Herefordshire Unitary Development Plan.**
4. **A05 (Plans and particulars of reserved matters).**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
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. **F15 (No windows in side elevation of extension).**  
**Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.**
7. **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.**
8. **G04 (Protection of trees/hedgerows that are to be retained).**  
**Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.**
9. **G09 (Details of Boundary treatments).**  
**Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.**



**10. G10 (Landscaping scheme).**

**Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.**

**11. G11 (Landscaping scheme - implementation).**

**Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.**

**12. 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.**

**13. 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.**

**14. H29 (Secure covered cycle parking provision).**

**Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**

**15. I56 (Sustainable Homes Condition).**

**Reason: To promote the sustainability of the development hereby approved in accordance with Policies S1 and H13 of the Herefordshire Unitary Development Plan and PPS1 Supplement 'Planning and Climate Change'.**

**16. 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.**

**17. 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.**

**18. 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.**

**Informatives:**

**1. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

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

**41. DCCE0009/1340/F - ADJACENT TO THE COTTAGE, WEST LYDIATT, HEREFORD, HR1 3PY [AGENDA ITEM 6]**

*Proposed barn for agricultural purposes.*

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mrs. King spoke in objection to the application and Mr. Hall spoke in support of the application.

Councillor DW Greenow, the Local Ward Member, advised that Withington Parish Council had requested that attention be drawn to their comments reproduced at paragraph 5.1 of the report. Councillor Greenow felt that the Sub-Committee would benefit from a site inspection, as he considered that the setting and surroundings were fundamental to the determination or to the conditions being considered.

The Chairman commented that the plans and photographs shown as part of the officer's presentation appeared to provide sufficient information.

Councillor RI Matthews supported a site inspection and noted that agricultural buildings and stables of similar dimensions on relatively small plots of land had been approved in the past.

A motion in support of a site inspection failed.

In response to questions from Councillor Greenow, the Principal Planning Officer provided doorway measurements and confirmed that the proposed plans did not show any access directly from the field to the proposed building.

Councillor AM Toon did not consider that satisfactory agricultural justification had been demonstrated by the applicant, particularly as the building would be disconnected from the land it was to serve, and supported the officer's recommendation of refusal of planning permission. Other Members supported this view.

**RESOLVED:**

**That planning permission be refused for the following reason:**

- 1. The local planning authority is not satisfied that the proposed building located within the open countryside is reasonably necessary for the purposes of agriculture within the unit. In the absence of any satisfactory agricultural justification it is not considered that this is an appropriate form of development and it is therefore contrary to Policies S1, LA2 and E13 of the Herefordshire Unitary Development Plan and PPS7: Sustainable Development in Rural Areas, which aim to safeguard the countryside.**

**42. DATE OF NEXT MEETING**

16 September 2009

The meeting ended at 3.20 pm

**CHAIRMAN**