

AGENDA

Central Area Planning Sub-Committee

Date: **Wednesday 19 August 2009**

Time: **2.00 pm**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

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Agenda for the Meeting of the Central Area Planning Sub-Committee

Membership

Chairman Councillor JE Pemberton
Vice-Chairman Councillor GA Powell

Councillor PA Andrews
Councillor WU Attfield
Councillor DJ Benjamin
Councillor AJM Blackshaw
Councillor ACR Chappell
Councillor SPA Daniels
Councillor H Davies
Councillor GFM Dawe
Councillor PJ Edwards
Councillor DW Greenow
Councillor KS Guthrie
Councillor MAF Hubbard
Councillor MD Lloyd-Hayes
Councillor RI Matthews
Councillor AT Oliver
Councillor SJ Robertson
Councillor AP Taylor
Councillor AM Toon
Councillor NL Vaughan
Councillor WJ Walling
Councillor DB Wilcox
Councillor JD Woodward

Non Voting Councillor TW Hunt Chairman of Planning Committee
Councillor RV Stockton Vice-Chairman of Planning Committee

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

	Pages
<p>1. APOLOGIES FOR ABSENCE To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members.</p>	
<p>3. MINUTES To approve and sign the minutes of the last meeting.</p>	1 - 14
<p>Planning Applications</p> <p>To consider and take any appropriate action in respect of the planning applications received for the central area and to authorise the Head of Planning and Transportation to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.</p>	
<p>4. DCCW2008/2946/F - CHURCH HOUSE FARM, WELLINGTON, HEREFORD, HEREFORDSHIRE, HR4 8AZ Residential development of 20 houses comprising 13 open market houses and 7 affordable houses (amended access).</p>	15 - 28
<p>5. DCCE0009/1417/O - PATESHALL, HOLYWELL GUTTER LANE, HEREFORD, HEREFORDSHIRE, HR1 1XA Proposed erection of four dwellings.</p>	29 - 36
<p>6. DCCE0009/1340/F - ADJACENT TO THE COTTAGE, WEST LYDIATT, HEREFORD, HR1 3PY Proposed barn for agricultural purposes.</p>	37 - 42
<p>7. DATE OF NEXT MEETING 16 September 2009</p>	

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- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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HEREFORDSHIRE COUNCIL

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 22 July 2009 at 2.00 pm

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

Councillors: PA Andrews, DJ Benjamin, ACR Chappell, GFM Dawe, PJ Edwards, KS Guthrie, MAF Hubbard, MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, AP Taylor, AM Toon, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward

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

26. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors WU Attfield, AJM Blackshaw, SPA Daniels, H Davies and DW Greenow.

27. DECLARATIONS OF INTEREST

- 31. DCCE0009/0950/F - Land off Bullingham Lane, Hereford, Herefordshire, HR2 7RY
Councillor ACR Chappell; Prejudicial; Reason: Chair of Governors at St. Martin's Primary School.
Councillor AT Oliver; Prejudicial; Reason: Lives nearby.
- 34. DCCW2008/2946/F - Church House Farm, Wellington, Hereford, Herefordshire, HR4 8AZ.
Councillor KS Guthrie; Prejudicial; Reason: The applicant is an acquaintance.

28. MINUTES

Referring to Minute 20 [DCCW2009/0384/F - Upper Hill Farm, Breinton, Hereford, Herefordshire, HR4 7PH], Councillor DB Wilcox drew attention to comments he was reported to have made about the need for future maintenance of the access lane and considered that this matter should have been included in the list of conditions. The Democratic Services Officer highlighted that the resolution included reference to the need for clarification regarding the outstanding matters identified by the Sub-Committee and that planning permission would be subject to further conditions considered necessary by Officers. Councillor RI Matthews, the Local Ward Member for the application site, advised that discussions were ongoing and the issue of maintenance would be raised.

RESOLVED:

That the minutes of the meeting held on 24 June 2009 be approved as a correct record and signed by the Chairman.

29. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report.

30. [A] DCCE2009/0555/F AND [B] DCCE2009/0556/L - TARRINGTON COURT, TARRINGTON, HEREFORDSHIRE, HR1 4EX

Retention of arch and rebuilding of wall. Conversion of existing hay loft to flat in Coach House. Build stable block.

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

- A further e-mail had been received from the applicants stating that, based upon information on Tarrington within the 'Royal Commission of Historic Houses of England 1932', the nearby arch at The Vine was in place in the late 18th Century and the moat around Tarrington Court was much larger than first thought which may have prevented the main access being to the north.
- The Officer comments noted that there remained no definitive historical information to identify the original access arrangements.

The Chairman, speaking in her capacity as the Local Ward Member, drew attention to a number of points:

- Although consideration of the applications had been deferred at the last meeting for further negotiations with the applicants and the Sub-Committee had emphasised a need to ensure that the Local Ward Member was involved, she had not been involved in any discussions or meetings that had taken place. It was noted that the report stated that the applicants '*wish the applications to be determined in their present form*'.
- The Chairman expressed concerns about the retrospective nature of the works carried out and commented on discrepancies in the timing of the works. She also expressed concerns about inconsistencies and supposition in the comments of the Senior Conservation Officer.
- The Chairman did not feel that an e-mail and letter received from the applicants added any additional relevant information material to the determination and disputed a suggestion that an area adjacent to the wall was historically a village pound. It was acknowledged that planning policies did not specify that public views of a listed building must be maintained but the Chairman considered the design of the arch to be poor and, along with increase in the height of the wall, did not complement the setting of Tarrington Court.
- It was noted that the Sub-Committee could not make 'split decisions' on elements of planning applications and, therefore, the Chairman proposed that the applications be refused.

Councillor PA Andrews noted that the proposals had resulted in differences of opinion in the locality but she felt that it was the mixture of features that made villages interesting and considered these applications to be acceptable.

Councillor PJ Edwards felt that the arch was incongruous and noted that the applicants had not chosen to amend the proposals in response to the concerns expressed at the last meeting. He considered that the applications should be refused as being contrary to policies S7 (Natural and historic heritage) and HBA4 (Setting of listed buildings). He added that the arch was a poor substitute for the traditional Herefordshire gate that it replaced.

In response to questions and comments, the Principal Planning Officer advised that:

- The works in respect of the rebuilding of the wall had stopped following the enforcement investigation.

- There was evidence of a moat on the inside of the wall but details, such as the size and depth, were unclear.
- The applicants had assumed that letters/emails of support in respect of a previous application had been carried over to this application. Therefore, once the position had been identified, additional correspondence had been received following the site inspection which largely duplicated that received in 2008.
- The proposals had to be considered on their own merits, particularly given the lack of definitive evidence regarding the design and position of the original entrance. Attention was drawn to the comments of the Conservation Manager.

In response to a question from Councillor WJ Walling, the Northern Team Leader commented on the risk to developers of enforcement action being taken to remedy authorised works if retrospective planning permission was refused.

Councillor RI Matthews noted that there was some confusion about the planning history and order of events but Members had to consider the proposals before them and he felt that the arch represented an improvement and complemented the area.

Councillor MAF Hubbard drew attention to images of the entrance before and after the recent works and he considered that the arch did have a detrimental impact on the setting of the listed building.

Councillor KS Guthrie, referring to the comments of the Conservation Manager, questioned how the wall could be reinstated to its presumed original height without documentary evidence and supported the views of the Local Ward Member.

The Chairman commented on research undertaken by local residents in respect of the original entrance.

Councillor AP Taylor noted that the gateway was likely to have been in situ when the building was listed.

Councillor ACR Chappell felt it unlikely that there would have been a single approach to the house in the past and, although noting the retrospective nature, considered the applications to be acceptable.

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:**

The recently constructed stone wall and associated arch along with the proposed raising in height of the remaining wall with particular regard to their scale, massing, location and design will adversely affect the setting of Tarrington Court. As such the development is contrary to Policies S7 and HBA4 of the Herefordshire Unitary Development Plan 2007.

- (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 Northern Team Leader 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 put forward by Members.]

31. DCCE0009/0950/F - LAND OFF BULLINGHAM LANE, HEREFORD, HEREFORDSHIRE, HR2 7RY

Proposed amendment of 39 previously approved residential dwellings and their associated parking to 51 residential dwellings to plots 99-137 & 505-517 creating an additional 12 dwellings and their associated parking.

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:

- Amended plans had now been received which addressed the previous concerns in the report.
- The Highways Agency had indicated, shortly before the meeting, that it did not have any objections to the application, although written confirmation of this position was awaited.
- It was recommended that, once all other matters were resolved, the requirement for the supplemental Section 106 Agreement be dealt with by condition.

Councillor ACR Chappell and ATO Oliver, Local Ward Members, had declared prejudicial interests but, in accordance with the Constitution [Appendix 12, Members Code of Conduct, Part 2, paragraph 12 (2)], wished to exercise the opportunity to speak for up to three minutes before withdrawing from the meeting. Councillor Chappell commented on the need to ensure that contributions towards enhanced educational infrastructure were received. Councillor Oliver commented on the limited sustainability measures and amenity space, felt that the density of over 50 dwellings per hectare was unacceptable, and noted existing problems with parking and traffic movement which could be exacerbated by this development.

Councillor MD Lloyd-Hayes expressed concerns about the narrowness of the road network and potential highway safety implications, the high density of development proposed, and the quality of the design approach. Therefore, Councillor Lloyd-Hayes proposed that planning permission be refused.

Councillor PJ Edwards commented on the planning history of the site and the significant increases in unit numbers and density since the masterplan for the redevelopment of Bradbury Lines was first presented. He also commented on the consequential impact on parking and traffic routes through the estate and on the quality of life for local residents. He said that a further increase in density was not acceptable and that the proposal was contrary to policy H15 (Density).

In response to questions and comments, the Principal Planning Officer advised that

- The whole of Phase 3 was required to meet the Eco Homes standard of Very Good and, although this standard had been replaced by the Code for Sustainable Homes, the developers sought to maintain this or a similar standard with the new dwellings; a condition for this purpose had been recommended accordingly.
- There had been several Section 106 Agreements across various applications and these had, in essence, been complied with and contributions paid; it was noted that

a payment was required upon occupation of the 501st dwelling and this was expected in the next few months.

- The Unitary Development Plan gave the estimated capacity of the estate as 600 dwellings.
- The narrowness of the road network was intentional as it incorporated 'Home Zone' elements, aimed at reducing traffic speeds. Furthermore, the parking ratio for phase 3 was above that required by the Unitary Development Plan
- The amount of public open space, approved as part of the original outline planning permission, exceeded policy requirements.
- It was acknowledged that the density of the site was above the upper limits of that recommended by policy H15 but it was not considered that the higher density would be visibly higher than that on the other parcels of land.
- The design approach and layout followed that established by Phase 3 and was supported on that basis.

Councillor SJ Robertson commented that the total number of dwellings on the estate equated to a small village and did not consider that further dwellings could be accommodated without further detrimental impact on residential amenity.

Councillor AM Toon felt that the density should not increase further than that established through Phase 3 and that the upper limits of policy H15 might be considered acceptable in town centre locations but this site was located on the southern edge of the city.

Councillor Lloyd-Hayes re-iterated concerns about density, highways, layout and amenity considerations.

Councillor DB Wilcox noted that the density had increased over various phases of development and the layout was largely determined, however he did not consider it appropriate for the density level to increase beyond that already established.

Councillor RI Matthews noted the pressure being placed on local authorities to increase housing numbers but also noted the need for caution against potential over development and detrimental impacts on existing residents.

The Principal Planning Officer advised that the adjustment to the housing mix resulted from current market conditions which had reduced demand for larger four and five bedroomed units. Given that the final layout and appearance would be similar to nearby dwellings, the proposal was considered consistent with the character of the wider development.

Councillor GA Powell commented on the planning history of the site and the impact of various planning permissions on density, highways and play areas.

Councillor Toon commented on possible occupancy levels at the care home and the allocation of land for this purpose did not justify an increase in density elsewhere.

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:**

The proposal by virtue of the increased density would result in an unacceptable residential environment with particular regard to residential amenity and parking provision and is therefore contrary to policy H15 of the Herefordshire Unitary Development Plan 2007.

- (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 Northern Team Leader advised that, as the resolution was contrary to the officers' recommendation and had the potential for an award of costs at appeal, he was minded to refer the matter to the Head of Planning and Transportation as the Sub-Committee's view might not be defensible if challenged.]

32. [A] DCCE0009/0936/F AND [B] DCCE0009/0937/C - GRIMWORTH COTTAGE, HAMPTON BISHOP, HEREFORD, HEREFORDSHIRE, HR1 4JN

Demolition of existing house and construction of two new houses.

The Principal Planning Officer gave a presentation on the applications.

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

The Chairman commented that the application site was in the Tupsley Ward, although it was close to the boundary with the Backbury Ward.

Councillor MD Lloyd-Hayes, a Local Ward Member, supported the applications and welcomed the retention of mature trees and hedgerows, although noted that some had to be removed to facilitate the access, and the high standard of sustainable measures proposed. Councillors WJ Walling and AP Taylor, the other Local Ward Members, also supported the applications.

The Chairman drew attention to the comments of Hampton Bishop Parish Council, including that '*there is a policy of no new builds in Hampton Bishop due to frequent flooding*'. However, the Chairman said that she was not aware that this particular site had a history of flooding problems.

In response to questions, the Principal Planning Officer advised that:

- The possible route of an outer relief road had been identified to the east of the application site but this route was not protected in the Herefordshire Unitary Development Plan.
- A condition could be included to require the buildings to be constructed to achieve Code Level 3 of the Code for Sustainable Homes, to ensure that the measures proposed by the applicant were achieved.

The Northern Team Leader noted that Policy DR1 enabled the authority to require measures for the conservation of energy and water. Councillor Walling commented that the applicant's proposals appeared to be ahead of the field in this area in any case.

RESOLVED:

In respect of DCCE0009/0936/F:

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. **B01 (Development in accordance with the approved plans).**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

3. **F14 (Removal of permitted development rights).**

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H18 of Herefordshire Unitary Development Plan.

4. **F16 (No new windows in specified elevation).**

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

5. **F17 (Obscure glazing to windows).**

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

6. **D09 (Details of rooflights).**

Reason: To ensure that the rooflights are of an appropriate form and minimise the potential disruption to the appearance and continuity of the roofs 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.

7. **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.

8. **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.

9. **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.

10. 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.

11. H03 (Visibility splays).

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

12. H05 (Access gates).

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

13. 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.

14. H08 (Access closure).

Reason: To ensure the safe and free flow of traffic using the adjoining County highway 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. 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.

18. 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.

19. The recommendations set out in the ecologist's report dated July 2009 should be followed in relation to the identified protected species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural

Habitats, & c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of the Herefordshire Councils Unitary Development Plan.

20. Prior to the new dwellings being occupied, an ecological and wildlife enhancement strategy shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless agreed in writing with the Local Planning Authority.

Reason: To comply with Herefordshire Council's Unitary Development Plan Policies NC6, NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geographical Conservation and the NERC Act 2006.

21. 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'.

Informatives:

1. N19 - Avoidance of doubt - Approved Plans.
2. N15 - Reason(s) for the Grant of PP/LBC/CAC.

In respect of DCCE0009/0937/C:

That Conservation Area Consent be granted, subject to the following conditions:

1. DO1 (Time limit for commencement (Listed Building Consent)).

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. D13 (Signing of contract before demolition).

Reason: Pursuant to the provisions of section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to comply with the requirements of Policy HBA2 of Herefordshire Unitary Development Plan.

3. D17 (Notification of Commencement).

Reason: In order to ensure compliance with Section 7 and 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to comply with the requirements of Policy HA1, HBA2 of Herefordshire Unitary Development Plan.

Informatives:

1. N19 - Avoidance of doubt - Approved Plans.
2. N15 - Reason(s) for the Grant of PP/LBC/CAC.

33. DCCE0009/0993/F - PLOUGH INN, LITTLE DEWCHURCH, HEREFORD, HEREFORDSHIRE, HR2 6PW

Erection of 7 no. dwellings comprising 5 no. open market houses, 2 no. affordable houses and a new vehicular access.

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

- An ecological survey was carried out in 2007/2008 but was not submitted with the application. This had now been provided and it did not reveal the presence of any protected or other species of note. The Conservation Manager (Ecology) therefore raised no objections subject to conditions requiring a strategy for ecological and wildlife enhancement and the ecological recommendations to be implemented.
- An amended plan had been provided identifying the required visibility splay but the Traffic Manager requested that this be illustrated on a survey plan to identify any constraints to achieving the visibility.
- The landscape officer was satisfied with the revised landscape proposals subject to minor changes to some of the proposed species and location of planting.
- A condition was recommended requiring the general market dwellings be designed and constructed to achieve Code Level 3 of the Code for Sustainable Homes along with conditions covering the ecological requirements.
- It was suggested that the delegated recommendation be changed to also include the issuing of planning permission subject to the additional information and minor changes requested by the Traffic Manager and Conservation Manager (Landscape) being provided.

In accordance with the criteria for public speaking, Mr. Spreckley had registered to speak in support of the application but decided not to speak on this occasion.

Councillor GFM Dawe, the Local Ward Member, expressed a concern that contributions towards highway and sustainable transport initiatives might be diverted outside the parish and questioned whether clause 5 of the draft Heads of Terms could refer specifically to initiatives within Little Dewchurch. In response, the Northern Team Leader commented that such a specific reference might limit the types of initiatives that could be supported and the Legal Practice Manager suggested that the wording be changed to 'within the vicinity of Little Dewchurch' instead. Councillor Dawe said that application was contentious in the locality, particularly given the density and potential urbanisation of the area, but also noted that elements in support of the proposal included sustainability measures, affordable housing, and the fact that the application site was allocated for development within the Unitary Development Plan.

Councillor AT Oliver questioned whether there was sufficient room for vehicles to pass at the access without conflict, commented on the need to restrict traffic speeds through the village, suggested that reference to North Hereford Park and Ride be amended, and suggested that rainwater harvesting be incorporated into the development.

Councillor PJ Edwards said that he supported environmental initiatives but questioned the appropriateness of pressing a small development to include advanced rainwater harvesting measures. He suggested that residential amenity and reduced carbon footprint could be enhanced through additional landscaping between the houses. Councillor PA Andrews agreed that rainwater harvesting could place a substantial burden on a small development and she supported the application, adding that suitable development was needed in villages in order to provide accommodation for local families.

Councillor MAF Hubbard welcomed the comment of the Housing Development Officer that *'it would be proposed in the first instance that they [the tenure of the affordable housing] would be for rented'*.

In response to questions and comments, the Principal Planning Officer advised that

- The access would be to an adoptable standard, with room for vehicles to pass simultaneously and with a pavement either side.
- The Code for Sustainable Homes was based on a points system, therefore the lack of full rainwater harvesting provision could be mitigated through other sustainable initiatives (including water collection butts); he added that the sustainability of some rainwater harvesting solutions was debateable given the additional carbon footprint associated with the operation of pumping systems.

Councillor AM Toon drew attention to the draft Heads of Terms and suggested that reference to North Hereford Park and Ride be amended to South Hereford Park and Ride, and that reference to The Hereford Academy be deleted given the status of that school and reported capacity. She commented on the need for evening bus services in rural areas, particularly to provide access for young people into and from Hereford City.

Councillor DB Wilcox commented that Section 106 Agreements could not be too parochial as transportation matters, such as bus services or interconnectivity between settlements, inevitably involved wider areas and there was a risk that funding might be lost if obligations were too specific. The Legal Practice Manager noted that the draft Heads of Terms only gave an outline of the proposed planning obligation agreement.

In response to a question from Councillor MD Lloyd-Hayes, the Principal Planning Officer explained that the Traffic Manager had sought further clarification regarding the access visibility splay. Councillor Lloyd-Hayes welcomed some design elements, such as bay windows, and said that it was essential that monies towards educational infrastructure/facilities at Little Dewchurch CE Primary School were secured.

In response to a question from Councillor Dawe about timings, the Principal Planning Officer drew attention to paragraph 9 of the draft Heads of Terms which indicated that *'All the affordable housing units shall be completed and made available for occupation prior to the occupation of more than 50% of the other residential units on the development'*.

The Legal Practice Manager summarised the actions to be taken in respect of the Heads of Terms as: reference being made to off site highway works and improved sustainable transport infrastructure being 'in the vicinity of Little Dewchurch'; the amendment from North, to South Hereford Park and Ride; and the deletion of the reference to The Hereford Academy. Furthermore, additional conditions would be included in respect of the Code for Sustainable Homes and ecological requirements.

RESOLVED:

- 1. The Legal Practice Manager be authorised to complete a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 covering the matters detailed in the Heads of Terms, as amended by the Sub-Committee above, and any additional matters that he considers necessary and appropriate.**
- 2. Upon completion of the aforementioned planning obligation that the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and subject to the**

additional information and minor changes requested by the Traffic Manager and Conservation Manager (Landscape) being provided:

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. 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. F14 (Removal of permitted development rights).**

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H18 of Herefordshire Unitary Development Plan.

- 5. 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.

- 6. 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.

- 7. 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.

- 8. H03 (Visibility splays).**

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

- 9. H05 (Access gates).**

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

- 10. 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.

11. H09 (Driveway gradient).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 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. H21 (Wheel washing).

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

14. 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.

15. 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.

16. 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.

17. I22 (No surface water to public sewer).

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding so as to comply with Policy DR4 of Herefordshire Unitary Development Plan.

18. 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.

19. 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'.

20. K4 (Nature Conservation - Implementation).

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan.

21. K5 (Habitat Enhancement Scheme).

Reason: In order to ensure that diversity is conserved and enhanced in accordance with the requirements of PPS9, the NERC Act 2006 and Policies NC6, NC7, NC8 and NC9 of Herefordshire Unitary Development Plan.

Informatives:

- 1. N19 - Avoidance of doubt - Approved Plans.**
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

34. DCCW2008/2946/F - CHURCH HOUSE FARM, WELLINGTON, HEREFORD, HEREFORDSHIRE, HR4 8AZ

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

The Chairman noted that this was a significant development in a small parish, that the Case Officer and the Local Ward Member were unable to attend this meeting, and considered that the Sub-Committee would benefit from a site inspection; on the grounds that the setting and surroundings were fundamental to the determination or to the conditions being considered. Other Members supported this.

RESOLVED:

That consideration of the application be deferred for a site inspection.

35. DATES OF FUTURE MEETINGS

19 August 2009
16 September 2009
14 October 2009

The meeting ended at 4.30 pm

CHAIRMAN

4 DCCW2008/2946/F - RESIDENTIAL DEVELOPMENT OF 20 HOUSES COMPRISING 13 OPEN MARKET HOUSES AND 7 AFFORDABLE HOUSES (AMENDED ACCESS) AT CHURCH HOUSE FARM, WELLINGTON, HEREFORD, HEREFORDSHIRE, HR4 8AZ

For: Executors of the late D.T. Williams Esq per Mr. J. Spreckley, Brinsop House, Brinsop, Hereford, HR4 7AS

Date Received: 3 December 2008

Ward: Wormsley Ridge

Grid Ref: 49823, 48115

Expiry Date: 4 March 2009

Local Member: Councillor AJM Blackshaw

Introduction

This application was deferred at the Central Area Planning Sub-Committee on 22 July 2009 for a site visit which took place on Tuesday 4 August 2009. Amended plans have been received which provide for an enhanced access to the Community Recreation Parking Area.

1. Site Description and Proposal

- 1.1 Church House Farm is located on both sides of the C1108 road that runs east from the A49 Hereford to Leominster road through the village of Wellington.
- 1.2 This proposal seeks to redevelop land and buildings on the southern side of the road with the complete clearance of the site and construction of twenty dwellings. The site is positioned at the entrance to the village immediately east of Wellington Primary School. The site is located within the Conservation Area and opposite listed buildings.
- 1.3 The proposal provides for a new access located towards the east of the frontage opposite Causeway House and Mandolin, both recently constructed dwellings.
- 1.4 The layout provides for dwellings fronting the village road. The house types provide for 2 x 3 bed and 11 x 4 bed open market housing with 3 x 2 bed and 4 x 3 bed social housing.
- 1.5 In addition to the new housing eight additional car parking spaces are provided for the school adjacent to its existing car park and access road to the village sports facilities. Foul drainage is proposed by means of private treatment works due to no capacity in the local sewage system. All properties have a minimum of two car parking spaces.
- 1.6 Finally, the site is allocated for residential development in the Herefordshire Unitary Development Plan.

2. Policies

2.1 National:

PPS1 - Delivering Sustainable Development

PPS3	-	Housing
PPS7	-	Sustainable Development in Rural Areas
PPG15	-	Planning and the Historic Environment
PPG25	-	Planning and Flood Risk

2.2 Herefordshire Unitary Development Plan 2007:

DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR5	-	Planning Obligations
DR7	-	Flood Risk
H4	-	Main Villages: Settlement Boundaries
H9	-	Affordable Housing
H15	-	Density
H16	-	Car Parking
H19	-	Open Space Requirements
T11	-	Parking Provision
HBA4	-	Setting of Listed Buildings
HBA6	-	New Development Within Conservation Areas
HBA7	-	Demolition of Unlisted Buildings Within Conservation Areas
CF5	-	New Community Facilities
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA6	-	Landscaping Schemes

2.3 SPD - Planning Obligations

3. Planning History

- 3.1 DCCW2008/1246/F Residential development of 20 houses comprising 13 open market houses and 7 affordable houses. Withdrawn 30/06/2008.

Adjoining Land:

- 3.2 CW2002/0209/F Change of use of agricultural land to provide playing field extension. Approved 21/03/2002.
- 3.3 DCCW2003/3019/F Change of use of agricultural land to provide a playing field extension. Approved 01/12/2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: Object due to overloading of the public sewerage system. (Since this objection the agent has amended the application to provide for a private treatment works). A trunk water main runs along the northern roadside boundary.
- 4.2 English Heritage: The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

- 4.3 River Lugg Internal Drainage Board: Regarding the disposal of surface waters - it is noted that these are to be disposed of via soakaways and in this instance will not directly affect the Board's operational interests and we therefore offer no land drainage objection to the proposals.

I would therefore advise consultation with the following at the appropriate time regarding the results of the Site Percolation Test, should the planning application be approved with conditions.

- 1) The Environment Agency Regulations Officer.
- 2) The Building Control Officer in PCC's Building Regulations Department.

- 4.4 Environment Agency: Observations awaited.

Internal Council Advice

- 4.5 Traffic Manager: I confirm that the revised proposals address my concerns. I would suggest that the footway along the road frontage be widened to 2 metres from the access road to the school, and this land be dedicated as highway as part of the Section 38 works.

- 4.6 Conservation Manager (Historic Buildings): The site is presently occupied by several modern steel framed farm buildings. It occupies a prominent location on the eastern approach to Wellington and sits within the conservation area. There are several listed buildings nearby including the Grade I Church of St. Margaret, Grade II* Bridge Farmhouse, Grade II Church Farmhouse and barns and Grade II Cave House.

Wellington is a predominantly linear village with some lanes leading off the main street at right angles. The village has suffered in recent years from inappropriate suburban style development which has introduced alien elements such as cul de sacs to the streetscape. The orientation of buildings to the street varies, with some facing the street and others with gables towards it.

In principle the replacement of the existing buildings on the site with residential development is acceptable provided that the development is designed to take into account the position of the site on the principal approach to the village, within the conservation area and adjacent to several listed buildings.

On balance the approach of orientating the corner buildings to the main road rather than turning the corner is an appropriate form of development echoing earlier elements elsewhere in the village.

The frontage to the main road is acceptable; the orientation of the houses towards the road and the strong boundary treatments will provide a sense of enclosure appropriate to this point in the village. The internal layout will provide a reasonable sense of enclosure.

The design of the houses is broadly acceptable. However I would suggest that the small windows to the left of the porches on house type D be removed as they give a somewhat cluttered appearance to the elevation. I would suggest a mock Flemish Bond to the brickwork in order to enable the development to sit successfully with the surrounding buildings. Details of design and finish of external joinery and samples of all external materials including rainwater goods will be required. Meter boxes should be internal where possible and elsewhere should be flush with external walls and painted to match.

No objection subject to amendments outlined above but request details of boundary treatment for plot 10, details of boundary wall, usual conditions on materials and finishes.

- 4.7 Conservation Manager (Landscape): In principle, this addresses some of my earlier concerns and gives a reasonable indication of basic structure planting. Opportunities for further landscape details could possibly be sought at a later date. Specific details of landscaping (turfing, seeding, paving and fencing materials etc) and implementation of landscaping proposals would still need to be the subject of a condition of planning permission.
- 4.8 Conservation Manager (Archaeology): The archaeological sensitivity of the proposed development site is great. Church House Farm is located within the medieval layout of Wellington, close to the church, in a position where below ground archaeological deposits may be present. Given the nature and scale of the extensive ground disturbance under the proposal, the development impact will probably be severe. There are likely to be significant archaeological issues in this case.

However, it is also my view that it should be possible to acceptably mitigate any damaging effects of the development by means of an archaeological investigation prior to / during development works on site. Accordingly I have no objection to the above proposal, subject to the attachment of a suitable archaeological condition to any permission granted.

- 4.9 Strategic Housing: Strategic Housing fully supports the application to provide 20 houses of which 7 are to be affordable dwellings equating to 35% of the overall development. These dwellings are to build to Housing Corporation Design & Quality Standards, Joseph Rowntree Lifetime Homes and are to achieve a minimum of code level 3 for sustainable homes.
- 4.10 CYPD (Open Space/Recreation and Community Services): All identify an impact and therefore request contributions in accordance with the Supplementary Planning Document Planning Obligations.

5. Representations

- 5.1 Wellington Parish Council: The Parish Council support the amended access and wish to add the following points from the UDP
1. (page 65 5.4.52, Church Farm, Wellington) The housing scheme will be expected to contribute to the provision of recreation facilities including the provision of a children's play area properly equipped and fenced on adjoining land which is allocated within policy RST5. Future housing schemes which are developed within the village will also need to give consideration to contributing to this facility.
 2. (page 83 – Policy H19) Schemes of 10 – 30 family dwellings: to be provided with small children's / infants' play area, properly equipped and fenced.
 3. (page 190 the re access to playing fields) Development proposals that would result in the loss of public or private open spaces with recreational value, or facilities that help meet the recreational needs of the community.
 4. (pages 193 – 4) sites have been identified on the proposals map at the location listed below to provide new public recreational, amenity and open space uses and facilities - Wellington (is listed).

- 5.2. Wellington Community Association: We continue to be concerned about the issue of right of way access at the eastern side of the car park and on to the driveway going to the playing fields. On this current application the access is still very limited and the access is too narrow for coaches. We again state that the Wellington Community Association maintains the need for this right of way to be widened to allow access to a proposed new parking area. This would enable the coaches of visiting teams to park nearer to the sports facilities. At present football supporters are obliged to park in the present car park, thus creating difficulties for the users of the Community Room for which this car park is also intended.

While we have some verbal assurances from members of the Williams family that this access will not be a problem and will be widened we insist that unless this access is drawn on to the plans, there will be no legal need for the developers to adhere to this verbal statement.

The Wellington Playing Fields and Sports Clubs are a vital part of our rural community and we therefore want to ensure that every attempt to improve their standing is made. We are obliged to improve parking facilities within the playing fields area; therefore access needs to be suitable for the entry of all types of vehicles. To that end, we would like to refer you to the Planning for Real Concept presented by James Spreckley in 2003, where the Church Farm developer put forward plans that clearly state "The development of this site affords the opportunity to improve vehicular parking and access to the Community Playing Fields, including the Football Club, the Cricket Club, the Bowls Club and other facilities."

We still feel that the current plans do not adhere to this plan adequately as we have also stated to you in our letter of December 19 2008. We are disappointed that comments previously made regarding this access have not been taken on board in this present amended plan.

- 5.3 Governors of Wellington Primary School: The Governing Body of Wellington Primary School met to discuss the above application and would like to submit the following comments.

1. It is heartening to see that the resubmitted plans have taken into account our comments made in respect of the original planning application.
2. The Governing Body would like to advise you most strongly that the views expressed by Mr. P. McKay regarding this application are his individual views and are in no way a reflection of the views of the Governing Body, or any other Parish organisation (as far as we are aware).
3. The Governing Body would like to support this application, especially the affordable housing element, as any new building within the Parish can only have a beneficial effect on the school roll.

The Governing Body would wish to see the retention of the boundary hedges.

- 5.4 Eleven letters of objection have been received from:

Mr. P. McKay (7 letters), 30 Vicarage Street, Leominster, Herefordshire.
Mrs. C. Fletcher, 4 Derside Close, Wellington.
Mr. B. Cobbett, Meadow View Cottage, Bridge Lane, Wellington.
Mr. J. Roberts (e-mail).
Mr. D. Williams, Causeway House, Wellington.

The main points raised taken from submission on the amended scheme are:-

1. The density is too great.
2. The proposal fails to comply with UDP Policy RST5 which clearly states that "development proposals that would prevent or prejudice the future use of areas proposed or currently used for recreational, amenity and open space purposes will not be permitted."
3. The plans do not allow for improved access to proposed car park for the recreation area.
4. The development does not bring forward the additional recreation area as identified by RST5.
5. Pleased that entrance has been moved away from the school but no improvements are shown to the school entrance and Community Association car park.
6. Additional car parking for school will be dangerous.

The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 This proposal seeks to bring forward an identified residential development site allocated within the Herefordshire Unitary Development Plan on the eastern side of the village of Wellington.
- 6.2 The main issues in the consideration of the planning application are:
 1. Principle of Development
 2. Landscape Impact and Setting of Listed Buildings and Conservation Area
 3. Highway Safety
 4. Recreation Land
 5. Planning Obligations
 6. Conclusion

Principle of Development

- 6.3 The site is allocated within the Herefordshire Unitary Development Plan under Policy H4 for the development of approximately 20 dwellings. Therefore the proposal complies with the main thrust of that policy and is compliant in terms of density. The design and layout have been heavily influenced during negotiations. Dwellings front onto the main road to continue this distinctive character along the village road. The house designs have been drawn from the character assessment of the village and provide for gabled porches and dormers together with chimneys.

Landscape Impact and Setting of Listed Buildings and Conservation Area

- 6.4 Policy H4 requires that due to the location of the site as a gateway to the village a comprehensive landscaping scheme is required which will also protect the long distance views to the village from the A49 trunk road. In this respect a number of the dwellings have been moved to provide views in and through the site to the church behind. In addition, the south eastern boundary, which now has a mature hedge helps form a soft landscaped edge to the development which will be further enhanced with additional tree planting. Members

will note that the Conservation Manager is now satisfied that the scheme addresses previous concerns and provides the basic structure planting.

- 6.5 The site's position opposite listed buildings and within the Conservation Area has been fully assessed by the Conservation Manager and again Members will note that the amended scheme is considered acceptable subject to a minor modification to house type D. It should also be noted that the proposal will remove several steel framed farm buildings which will therefore enhance this part of the Conservation Area.
- 6.6 The proposal in landscape, Conservation Area and listed building terms is considered to be acceptable.

Highway Safety

- 6.7 The access to the development has been moved to the eastern end of the site which affords good visibility in both directions. A substantial grass verge will be created to the west to provide for the visibility and a footpath will be created on the line of this visibility splay. All dwellings have their own private parking areas with the dwellings fronting the main village road having parking to the rear. The concerns of local residents and Community Association are noted regarding improvements to the access and have been taken up with the agent, however it should be noted that the proposal does not prevent access to the car parking areas and therefore does not conflict with Policy RST5. Finally, additional parking for the school is a requirement of the UDP and has been included which is also supported by the school and not considered a danger.

Recreation Land

- 6.8 The allocation of this site for housing also identifies that it will be expected to contribute to the provision of recreation facilities including the RST5 land. It is also a requirement that other developments will contribute to the new recreation land. Accordingly this proposal is not inhibiting the RST5 land but will assist in bring forward this land with contributions in line with the SPD Planning Obligations. In addition a condition will be attached requiring the provision of RST5 land prior to occupation of ten number of units. This is possible as the land is within the ownership of the applicants.
- 6.9 Policy H19 requires that development of 10-30 family dwellings will provide a small children's and infants play area properly equipped and fenced. However the Council does not support these small play areas as they offer little in play value and are costly to maintain. In this particular case there is adjoining recreation land and an identified play area under RST5. Accordingly an enhanced off-site contribution has been negotiated and reflected in the Heads of Terms.

Planning Obligations

- 6.10 In accordance with the Council's Supplementary Planning Document the impact of the development has been assessed and contributions have been agreed for Recreation, Highways, Community Services and Children's Services. The Draft Heads of Terms are appended to this report.

Conclusion

- 6.11 This is an allocated site within the Herefordshire Unitary Development Plan and provides for 13 open market dwellings together with 7 affordable dwellings helping to meet the identified need for Wellington.
- 6.12 The layout, design and form of the dwellings complements the character of the area and enhances the setting of the Conservation Area together with adjacent listed buildings. The development will bring forward the RST5 recreation area with the enhanced access which has now been submitted. Finally, additional parking for the school is provided. It is therefore considered that the proposal meets the aspirations and requirements of the Herefordshire Unitary Development Plan.

RECOMMENDATION

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.

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.**

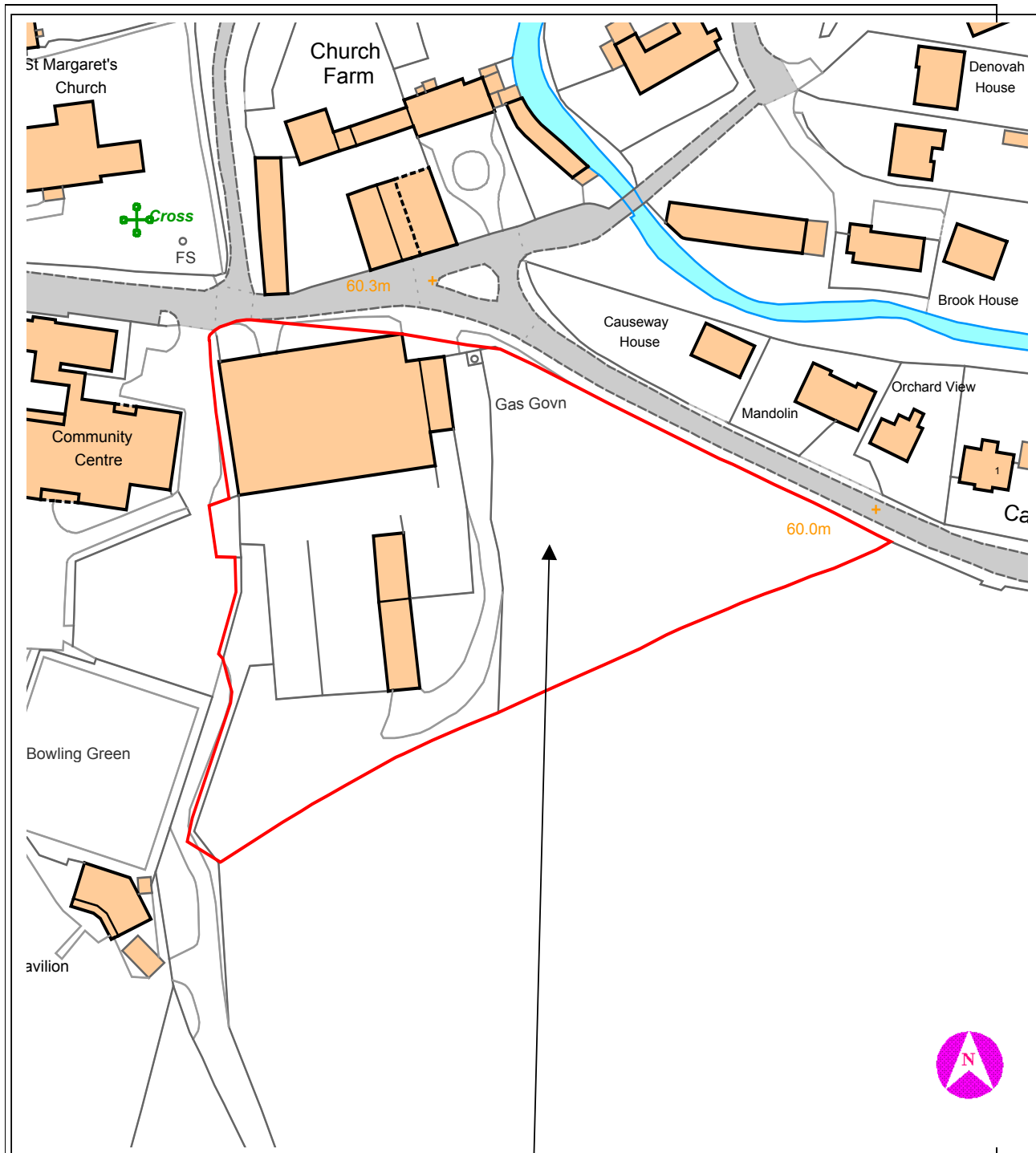
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/2946/F

SCALE : 1 : 1250

SITE ADDRESS : Church House Farm, Wellington, Hereford, Herefordshire, HR4 8AZ

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This document has been prepared against the criteria set out in the Supplementary Planning Document on 'Planning Obligations' which was adopted in April 2008.

HEADS OF TERMS

Proposed Planning Obligation Agreement

Section 106 Town and Country Planning Act 1990

Planning Application: DCCW2008/2946/F

Proposal: Residential development of 20 houses comprising 13 open market houses and 7 affordable houses.

Site: Land at Church House Farm, Wellington, Hereford. HR4 8AZ

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £22,366 to provide enhanced educational infrastructure. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £43,000 to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

- Traffic calming and improved signage
 - Localised highway improvements
 - Hereford Park and Ride
 - Contribution to improved bus service
 - Contribution to Safe Routes for Schools
 - Improved bus shelters/stops in the locality of the application site
 - Initiatives to promote sustainable transport
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £45,755 to provide enhanced formal or informal recreational or public open space. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
 4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £3,133 towards the provision of enhanced Library facilities. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
 5. In the event that Herefordshire Council does not for any reason use the sums referred to in paragraphs above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

6. The sums referred to in paragraphs 1, 2, 3 and 4 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
7. The developer shall provide 7 affordable housing units, which meets the criteria set out in Section 5.5 of the Unitary Development Plan for Herefordshire and related policy H9 or any statutory replacement of those criteria and that policy. The affordable units shall be made available for rent to people with a local connection to Wellington in the first instance and then cascading out to adjoining parishes. None of the Affordable Housing shall be occupied unless the Herefordshire Council has given its written agreement to the means of securing the status and use of these units as Affordable Housing. All the affordable housing units shall be completed and made available for occupation prior to the occupation of more than 50% of the other residential units on the development.
8. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
9. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
10. The developer shall complete the Agreement by (a date to be agreed) otherwise, the application will be registered as deemed refused.

Kevin Bishop
10 July 2009

5 DCCE0009/1417/O - PROPOSED ERECTION OF FOUR DWELLINGS. PATESHALL, HOLYWELL GUTTER LANE, HEREFORD, HEREFORDSHIRE, HR1 1XA

For: Mr. N. Nauth, Colin Goldsworthy MCIAT MaPS, 85 St Owens Street, Hereford, HR1 2JW

Date Received: 30 June 2009

Ward: Tupsley

Grid Ref: 53401, 39888

Expiry Date: 25 August 2009

Local Members: Councillors MD Lloyd-Hayes, AP Taylor and WJ Walling

1. Site Description and Proposal

- 1.1 The site is located on the eastern edge of Hereford City and lies immediately west of Holywell Gutter Lane which is designated a footpath HER47 and a bridle way. Bordering the south east boundary is public footpath HER62. Access is gained along Holywell Gutter Lane off Hampton Dene Road to the north. Immediately north west of the site is a detached property (1 Holywell Gutter Lane), east and beyond Holywell Gutter Lane is agricultural pasture land while south and south west of the site are school playing fields. Levels within the site are generally flat and the majority of the boundaries are enclosed by a mixture of mature trees and vegetation with several other orchard trees within the site. Located in the northern quarter of the site is the existing detached dwelling, Pateshall, which is two storey in height constructed from brick under a pitched hipped tiled roof.
- 1.2 Outline planning permission is sought for the construction of four detached dwellings, each with a detached double garage within the curtilage of Pateshall. The existing access is proposed to be used with a new adoptable turning head located within the site leading on to a private drive serving four properties beyond. The properties are orientated to front Holywell Gutter Lane with private gardens to the rear. The application is in outline form with layout and means of access to be considered under this application but the scale, appearance and landscaping of the site is to be considered at a future stage.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR5	-	Planning obligations
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H2	-	Hereford and the market towns: housing and land allocation
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density

H16	-	Car parking
T6	-	Walking
NC1	-	Biodiversity and development
RST7	-	Promoted recreational routes
LA5	-	Protection of trees, woodlands and hedgerows

2.2 Planning Policy Statement 3 - Housing

2.3 Supplementary Planning Document - Planning obligations

3. Planning History

3.1 CE0009/1163/F - Two storey extension to dwelling. New garage and removal of outbuildings. Approved 16 July 2009.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water:

No objections subject to conditions on foul and surface water drainage.

4.2 Ramblers Association:

The development does not appear to have any impact upon the adjacent public right of way HER47.

4.3 Open Spaces Society:

It is unlawful to drive a motorised vehicle over any public footpath or bridleway unless the consent of the landowner(s) is obtained. The applicants should be satisfied that such consent exists. We further note that old hedging alongside the bridleway has already been removed and would question whether the intention is to achieve access from the site along the bridleway further to the south. The footpath along the southern boundary should also be retained.

Internal Council Advice

4.4 Traffic Manager:

As the proposals would represent a doubling of the number of properties served by the lane, a shared surface road 4.5m wide is required to accommodate the eight properties that would ultimately be served by Holywell Gutter Lane together with the bridleway users. The initial length of 10m needs to be wider to allow vehicles to turn in and clear Hampton Dene Road if a vehicle or bridleway user is waiting to exit.

The plan provided indicates that the widths required are only marginally achievable and would mean that the road would immediately abut boundary walls on the south side and trees on the north side, which will mean that the full width of 4.5m will not be usable.

I do not consider that the information and level of detail that has been provided confirms that an adequate access can be obtained within the available land to serve the development and that further work is required in this respect before I could recommend approval. It may well be that the means of access will require land acquisition from the property to the north to achieve a corridor of sufficient width to achieve a satisfactory access.

The access at present will be inadequate for the construction of the dwellings to be undertaken and therefore any widening would need to be undertaken before construction of the dwellings commenced. A condition would also be required to make up the lane upon completion of the construction of the dwellings, and for submission of proposals for accommodating users of the bridleway during construction.

If the access issue is overcome, the remainder of the proposals are acceptable and my recommendation would be for approval with conditions. Until such time as that issue is resolved, my recommendation would be for refusal on the grounds of inadequate access.

4.5 Public Rights of Way Manager:

Holywell Gutter Lane has bridleway status, is maintained to that standard and has a legal width of 5.5 metres. This should be taken into account when detailed plans are submitted. A site inspection as revealed that some hedgerow on the west side of the lane has already been removed and it is important there is no encroachment on to the right of way. No new vehicular access on to the bridleway will be supported other than what already exists. All drainage should also fall away from the bridleway.

4.6 Conservation Manager:

I visited the site on the 6 July 2009 and I have received the report by Clarke Webb Ecology Ltd dated May 2009. I note that in section 16 of the application form the applicant has identified trees as being a potential issue with regards to the development. A full tree survey does not appear to have been carried out.

I also note 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 UK BAP Priority habitat.

I am not satisfied that an adequate assessment of the site was undertaken regarding the proposed development, particularly with regards to the presence of reptiles on site and that further surveys at an appropriate time of year are required. There is also a lack of appropriate wildlife mitigation and enhancement identified in the proposal.

I am therefore unable to support this application at present. However if the application is to be pursued, potentially with houses at a lower density to avoid the loss of BAP Habitat these issues will need to be addressed.

5. Representations

5.1 Hereford City Council: No objection.

5.2 Hampton Bishop Parish Council: Comments awaited.

5.3 Five letters and e-mails of objection have been received. The main points raised are:

1. The development could give rise to another 16 cars on Holywell Gutter Lane which is a single track unadopted lane and bridleway.
2. Access onto Hampton Dene Road is at best difficult with school children and many parked cars in the locality and the development would exacerbate the situation.
3. The site is green belt and of environmental significance and the dwellings would effect the natural balance of the local environment.
4. The lane is heavily used by pedestrians, cyclists, dog walkers, school children and horse riders and any increased use of the lane would be hazardous.

5. The development will encroach on to Tupsley Ridge.
 6. Hampton Dene Road has previously been highlighted by the Council as a dangerous Road.
- 5.4 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The site falls within the settlement boundary for Hereford City where the principle of new residential development is acceptable. The site falling within the curtilage of the existing dwelling is also classified as brownfield land. Both the Unitary Development Plan policies and Government Guidance within Planning Policy Statement 3 support the principle of residential development within identified settlements particularly on brownfield land. As such, the principle of new residential development on the site is acceptable.
- 6.2 The site is level and relatively well screened from all directions by existing trees and vegetation. As such the increased development will have minimal visual impact within the wider area particularly with the retention of some of the existing trees as identified on the layout plan. The density of the development is very low by modern development standards but given the context of the site on the edge of the city and the general character of the immediate area, the density is considered appropriate for the site.
- 6.3 The Design and Access Statement indicates the dwellings to be four bedroom in size and two storey in height which will be compatible with the surrounding built development and the existing dwelling, which is to be retained on site. Each property would have adequate parking, garage and a generous garden. The layout with the properties primarily fronting Holywell Gutter Lane is also considered acceptable and will continue the general pattern of development in the area whilst also providing natural surveillance on Holywell Gutter Lane thereby increasing the safety and usability of the lane as a footpath and bridleway.
- 6.4 The objectors concerns are primarily centred around the increased vehicular traffic on Holywell Gutter Lane and the safety of the access on Hampton Dene Road. The applicants have provided a provisional plan identifying the widening of the access off Holywell Gutter Lane on to Hampton Dene Road to 5.5 metres for the first 10 metres. This will allow vehicles to enter and leave the site simultaneously. Holywell Gutter Lane is then proposed to be widened to between 4 and 4.5 metres up to the application site with a new adoptable turning head created within the existing entrance to the site. The Traffic Manager currently objects to the application but subject to the provision of a fully scaled plan demonstrating that these alterations can be achieved, this objection will be overcome.
- 6.5 The development will inevitably increase traffic on the section of Holywell Gutter Lane between Hampton Dene Road and the application site. However, it is considered the character and context of this section of Holywell Gutter Lane has already been changed by virtue of other development in the area, which now utilises the lane for vehicular access. Therefore, subject to the proposed changes detailed above being achievable, the increased usage of the access and Lane would not result in highway, pedestrian or equestrian safety being unacceptably compromised.
- 6.6 An ecological survey of the site has been carried out which did not reveal the presence of any protected species. However, the Conservation Manager has requested reptile surveys to be carried out which the applicant is currently facilitating. Part of the curtilage is also set out to informal orchard, which would be lost with the development. Orchards are a protected habitat under the Herefordshire and UK Biodiversity Action Plans and therefore the loss of

any orchard trees is unfortunate. The orchard could however be removed at any time and given its modest scale and location within private garden, it is not considered the loss of the fruit trees warrants refusal of the application. Notwithstanding this, the applicants are exploring opportunities for compensatory planting on land within the applicant's ownership.

- 6.7 The applicants have confirmed they propose to secure Reserved Matters planning permission and implement development within 12 months and therefore in line with the current relaxation of Section 106 policy, no Section 106 Agreement is required.
- 6.8 The principle of development along with the density and layout are considered acceptable and the proposed increased vehicular traffic will not pose an unacceptable danger to highway, pedestrian or equestrian safety subject to the improvements being achievable. Delegated authority is therefore sought to enable the Traffic Manager and Conservation Managers concerns to be addressed.

RECOMMENDATION

1. **Subject to the submission of a scaled plan demonstrating that the required alterations to the access and Holywell Gutter Lane can be achieved;**
2. **Subject to the Conservation Manager's requirements being satisfied with regard to additional ecological surveys,**

The officers named in the Scheme of Delegation to Officers 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.

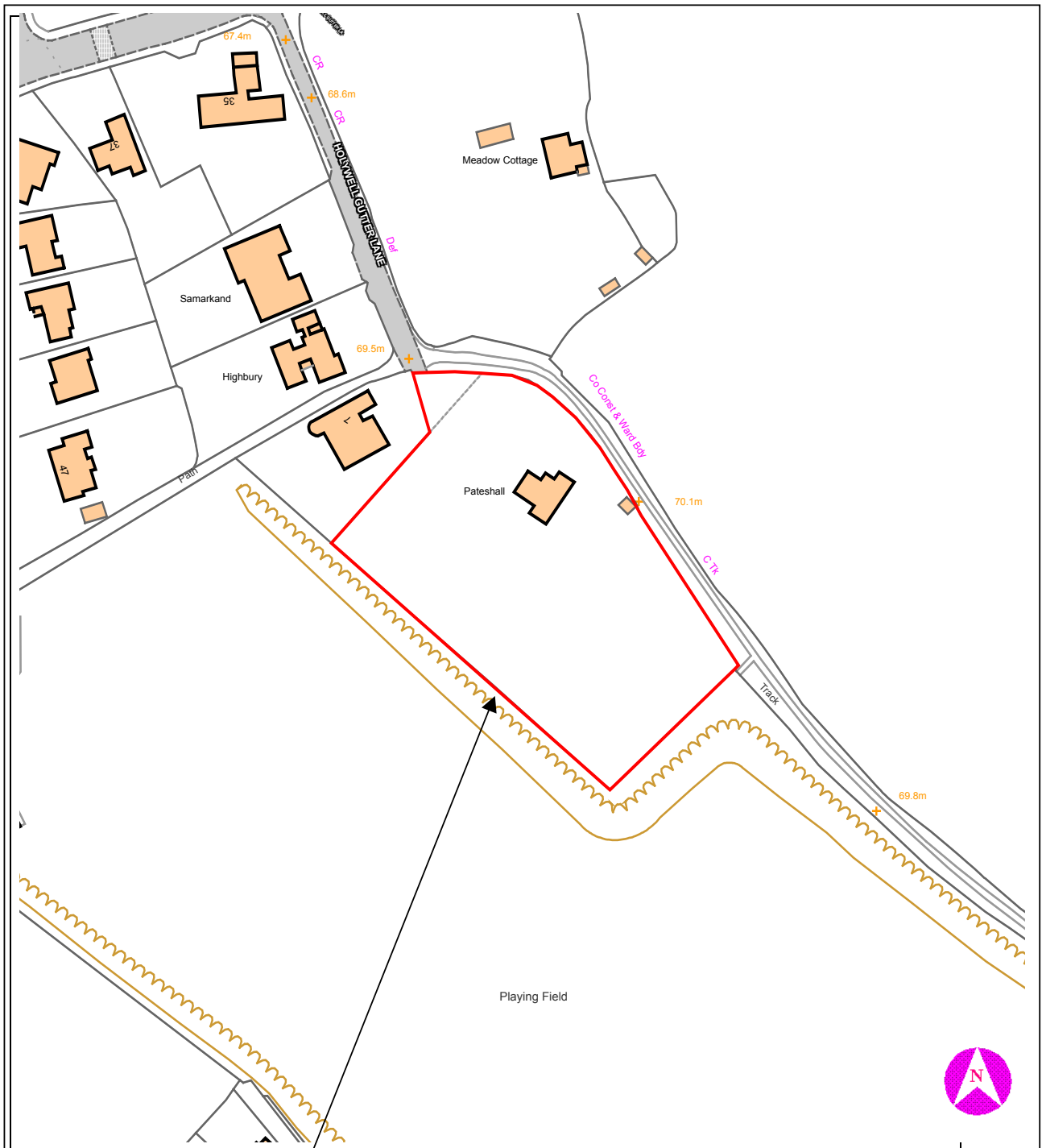
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE0009/1417/O

SCALE : 1 : 1250

SITE ADDRESS : Pateshall, Holywell Gutter Lane, Hereford, Herefordshire, HR1 1XA

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Further information on the subject of this report is available from Mr. R. Pryce on 01432 261957

6 DCCE0009/1340/F - PROPOSED BARN FOR AGRICULTURAL PURPOSES, ADJACENT TO THE COTTAGE, WEST LYDIATT, HEREFORD, HR1 3PY

For: Mr. I. Baldwin per Mr. J.I. Hall, Principle, New Bungalow, Nunnington, Hereford, HR1 3NJ

Date Received: 19 June 2009

Ward: Hagley

Grid Ref: 55847, 43010

Expiry Date: 14 August 2009

Local Member: Councillor DW Greenow

1. Site Description and Proposal

- 1.1 The site for the proposed development is situated in the north east corner of the field immediately south of The Cottage in West Lydiatt, home of the applicant. The applicant has a smallholding of 5.10 hectares. The application proposes a steel framed building to be used for agricultural purposes. The building will be accessed directly off West Lydiatt Lane, which is an unadopted unmade access track serving eight residential properties.
- 1.2 The proposed building measures 18.3 by 9.5 metres with a height of 5.4 metres and fronts on to West Lydiatt Lane. It is proposed to construct the building from a steel frame with profile box sheets. According to the plans the building will be used for 'purposes of agriculture storage of hay and straw bales with the possibility of sheep during lambing together with agricultural machinery'.
- 1.3 A post and rail fence screened with trees and a hedge is proposed on the south and west boundaries. To the immediate north of the application site the boundary consists of a mature dense hedgerow with a coppice of trees. A new access from West Lydiatt Lane is to be created just south of the existing, with the existing to be closed. It has been noted from site visits that the applicant has already removed the hedgerow to make room for the proposed new access.
- 1.4 There is a public footpath immediately south of the proposed access which runs south down to the A4103 Worcester Road. The application site is surrounded by open countryside, although the small cluster of houses which forms West Lydiatt is immediately to the north and the village of Withington close by to the east.

2. Policies

2.1 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
E13	-	Agricultural and Forestry Development
E15	-	Protection of Greenfield Land

LA2	-	Landscape Character and Areas Least Resilient to Change
NC1	-	Biodiversity and Development

2.2 Planning Policy Document

Planning Policy Statement 7: Sustainable Development in Rural Areas

3. Planning History

- | | | | | |
|-----|-----------------|---|---|------------------|
| 3.1 | DCCE2007/3906/F | Additional bay to existing barn for agricultural purposes | - | Refused 13.02.08 |
| | DCCE0009/0481/S | Erection of an agricultural barn (for the purposes of agriculture, storage of cattle and sheep and hay) | - | Refused 14.04.09 |
| | DCCE0009/1123/S | Barn for agricultural purposes | - | Refused 15.06.09 |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Highways Manager has no objection to the grant of permission.
- 4.3 The Public Rights of Way Warden: 'The proposed barn for agricultural purposes would not appear to affect the use and enjoyment of public footpath WT12 which passes in front of the site on the east side and the PROW Manager has no objections to this application. However it has been noted that fencing and mature hedging has been removed adjacent to the stile on the application site and also at the other end of the path where it meets the A4103 making them unstable. The old grass pasture which is mentioned in the design and access statement as having being ploughed up for re-seeding has a public right of way running over it, which at the time of inspection on the 17th July 2009 had not been re-instated to a suitable standard for walkers. A letter has been written to the applicant reminding him of his duties in this respect, and asking that the path be re-instated within fourteen days'.

5. Representations

- 5.1 Withington Parish Council: 'The Withington Group Parish Council objects to the proposal as there is no apparent justification for a building of this size (18.3 x 9.27m) to serve a holding of just 5 hectares. There is also no access from the field to the barn without using the West Lydiatt Lane. This Lane (private road) is narrow and unsuitable for large agricultural vehicles transporting sheep or hay. The potential visual impact on the nearest cottage is also unacceptable as the existing tree screen will be largely devoid during the late autumn to late spring period. If a barn is justifiable then it should be located in front of the existing garage/storage unit'.

5.2 4 letters of objection have been received from:

Mr. and Mrs. C.R. Mullis, Ivy Cottage, West Lydiatt
Mr. and Mrs. E. Jones, No.1. West Lydiatt, Withington
Richard and Diana Perks, West Lydiatt Farm, Withington
Jim and Carol Bendle, New Drive, West Lydiatt, Withington

The letters can be summarised as follows:

- No consideration to the siting of the building.
- Unsympathetic position and size.
- Applicant has other buildings in his ownership.
- No business plan new or existing.
- Concerned noise and odours if building is to be used for livestock.
- West Lydiatt Lane not suitable for the additional traffic.
- No agricultural justification.
- Building will be used as a workshop/garage as the existing buildings in the applicants ownership are.
- Agricultural business not yet established as land has only recently been acquired by the applicant following refusal of previous applications.

The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 The application has been referred to Committee at the request of the local ward Councillor. The key issues with regards to this application are:

- Impact on the surrounding landscape
- Justification for a new agricultural building

Impact on the surrounding area

6.2 The application site is located to the northwest of the village of Withington and does not occupy a prominent location on or close to the skyline. The landscape pattern means that mature hedgerows break up distant views from the northeast and the south. This is of some benefit as this provides a degree of natural screening. However the site will be visible from distant viewpoints from the southwest and the east. Although the design of the building now reflects the character of the countryside, the proposed building is of some significance in terms of its size, and is considered to have a more localised impact on the landscape and visual amenity of the area by virtue of its isolated siting and scale.

Justification for a new agricultural building

6.3 The application proposes a steel framed building with a floor area of approximately 167 square metres. The design of the building has changed from that previously proposed and is now constructed with Yorkshire boarding and doors either end. The design and access statements submitted in support of the application states that the building will be used for the storage of hay produced on the holding and the machinery needed to produce the hay. Although the design of the building is now considered more suitable for the storage of hay and agricultural machinery, the agricultural need for the building on the site must to be justified.

- 6.4 The applicant has a smallholding of 5.10 hectares, which consists of the field in which the proposed building is located. It is understood that this land has been in the applicant's ownership since the summer of 2008, therefore the use of the land as an agricultural holding is relatively new and not fully established. The land, which was pasture, has recently been ploughed up and according to the design and access statement will be reseeded in the autumn. In the 2-4 years after the hay has been established it would be possible for the applicant to get two cuts of hay per year, with up to 1000 bales from each cut.
- 6.5 In 2007 when the applicant first applied for an extension to an existing agricultural barn the application stated that the building would be used for the storage of agricultural machinery only. The existing building was being used as a garage/workshop. In March 2009 an application for prior approval was made for the erection of a new agricultural barn to be used for the storage of cattle and sheep and general agricultural storage. The design of this proposal was identical to that refused previously and was not considered to be suitable for agriculture activities especially not for the keeping of livestock or for the storage of machinery. A further prior approval application was submitted in May 2009, however the design had been changed following discussions with the planning officer and the use was now for agricultural storage of hay and straw bales with the possibility of sheep during lambing. This application was refused as the Local Planning Authority was not convinced there was a genuine need for the building on site. In conclusion there has been an inconsistency with the intended use of the building and the requirements in relation to the design.
- 6.6 The proposed plans under consideration in this application do not show any access directly from the field to the proposed building, therefore access to the building would be obtained using the West Lydiatt Lane. Direct access from the field to the building would be more convenient for the applicant and would also reduce the use of West Lydiatt Lane.

Conclusion

- 6.7 Having considered all the information submitted in support of the application, the Local Planning Authority is not satisfied that a genuine need for the proposed building has been demonstrated or established on the site. The viability/need for the proposed agricultural building is a material planning consideration and therefore the application is considered to be contrary to policy S1 of the Herefordshire Unitary Development Plan which promotes sustainable development and the Government's objectives contained within Planning Policy Statement 7, which aims to safeguard the countryside for its own sake from unnecessary development.

RECOMMENDATION

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.**

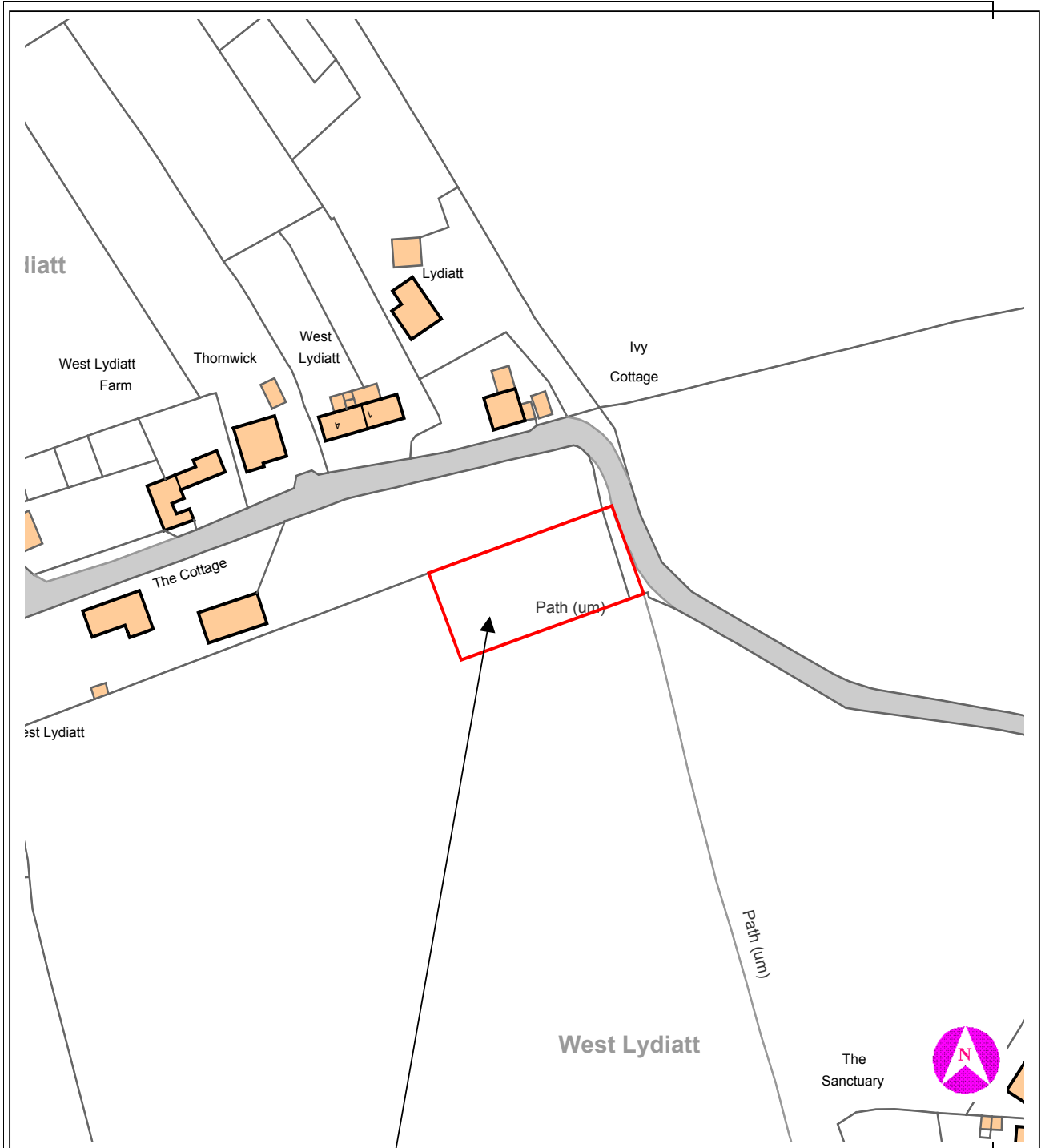
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE0009/1340/F

SCALE : 1 : 1250

SITE ADDRESS : Adjacent to the cottage, West Lydiatt, Hereford, Herefordshire, HR1 3PY

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