

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 9 December 2009 at 2.00 pm

Present: Councillor JE Pemberton (Chairman)

Councillors: PA Andrews, DJ Benjamin, H Davies, PJ Edwards, DW Greenow, KS Guthrie, MD Lloyd-Hayes, AT Oliver, SJ Robertson, AM Toon, WJ Walling and JD Woodward

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

77. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors WU Atfield, AJM Blackshaw, ACR Chappell, SPA Daniels, GFM Dawe, MAF Hubbard, RI Matthews, GA Powell, AP Taylor, NL Vaughan and DB Wilcox.

78. DECLARATIONS OF INTEREST

84. DCCE0009/1813/F - 10 Chilton Square, Tupsley, Hereford, Herefordshire, HR1 1PS [Agenda Item 8].

Councillor AM Toon; Personal; Chairman of the Board of Herefordshire Housing Ltd.

79. MINUTES

RESOLVED:

That the minutes of the meeting held on 11 November be approved as a correct record and signed by the Chairman.

80. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report.

81. DMCE/092105/O - WAINFRIES, WITHINGTON, HEREFORD, HEREFORDSHIRE, HR1 3RY [AGENDA ITEM 5]

Outline planning application for two storey dwelling.

The Senior Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided. Comments on amended plans included:

- Highways Officer: 'The proposed layout and walls to prevent access other than to Springfield Road is acceptable. I would suggest that the wall is limited in height to allow visibility of any vehicles or pedestrians using the track'.
- Withington Group Parish Council: 'WPC notes the amendments; however the plans are marked as 'illustrative purposes only'. The WPC would request that any permission is conditioned such that only a dormer bungalow will be permitted. There is also concern that the omission of an integral garage restricts the plot such that siting is either close to

Wainfries (as on the original plans) or close to the dwelling to the south (as on the amendment). An integral garage would allow the dwelling to be centrally located. The WPC would also request that no construction traffic is permitted to access the lane direct from the A4103. As there is a doubt as to ownership of the lane and of maintenance liability, the WPC would request that any damage caused by construction traffic is repaired.'

- Two further letters of objection had been received from neighbouring properties. The concerns raised mainly related to the increase in traffic and the access lane being very narrow.

Officer comments were also provided as follows:

- 'In relation to the comments from the WPC, condition 6 restricts the height of the building to 6.5 metres which will ensure that only a dormer bungalow can be constructed. In relation to the comments made about an integral garage, this application is for outline consent only, with the scale and appearance of the property being left for further consideration, therefore this will be given further consideration in the reserved matters application.'

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

The Senior Planning Officer advised that: the application was for outline planning permission, to include the siting as well as means of access with other matters reserved for future consideration; a condition was recommended to restrict the height of the building to mitigate the concern about loss of light; the existing boundary hedgerow already caused some loss of light and it was not considered that the proposed dwelling would have an unacceptable impact; and the recommended conditions included measures in respect of parking for site operatives and restriction of hours during construction.

Councillor DW Greenow, the Local Ward Member, commented on the difficulties of siting the proposal without having some impact on neighbouring properties but noted that concerns had been addressed as far as possible. He said that there was a need to ensure that construction traffic accessed the site from the north and not directly from the A4103. He also said that the design of the dwelling would need to be carefully considered at the reserved matters stage. He felt that, although the impact on the neighbouring properties was unfortunate, the proposal was acceptable on balance subject to the identified conditions.

Councillor PJ Edwards supported the application but questioned whether conditions could be added in respect of the access route and in respect of slab levels, to ensure that the building was set into the ground at an appropriate level.

In response to a question from Councillor AM Toon, the Senior Planning Officer advised that this outline application sought approval of the siting and access but further consideration could be given to the siting at the reserved matters stage if it was considered necessary. The Senior Planning Officer also advised that it would be difficult to enforce a condition to require vehicular access from the north only but the access had been designed to discourage access or egress from the south.

The Central Team Leader provided further details about the access design and drew attention to recommended condition 12 which required the access to be constructed prior to work commencing on the construction of the dwelling. He added that a condition could be included to restrict construction traffic from accessing the site from the north.

RESOLVED:

Subject to no further objections raising additional material planning considerations by the end of the consultation period, the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers.

- 1 A02 Time limit for submission of reserved matters (outline permission) (six months)**
- 2 A03 Time limit for commencement (outline permission) (one year)**
- 3 A04 Approval of reserved matters (delete layout and access)**
- 4 A05 Plans and particulars of reserved matters (delete layout and access)**
- 5 C01 Samples of external materials**
- 6 F11 Restriction on height of building**
- 7 F15 No windows in side elevation of extension (north and south elevations at first floor)**
- 8 G09 Details of boundary treatments**
- 9 G04 Protection of trees/hedgerows that are to be retained**
- 10 The proposed access as detailed on drawing no. 1434.01A shall be constructed in accordance with a specification to be submitted and approved in writing by the local planning authority prior to work commencing on the construction of the dwelling hereby permitted and the access shall not be altered in any way including the proposed brick walls without the prior written agreement of the local planning authority. No new vehicular access shall be created to the property off the access track**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan
- 11 H27 Parking for site operatives**
- 12 I16 Restriction of hours during construction**
- 13 L01 Foul/surface water drainage**
- 14 L02 No surface water to connect to public system**
- 15 L03 No drainage run-off to public system**
- 16 All construction traffic shall enter and exit the site from the north from Springfield Road.**
- 17 I51 Details of slab levels**

Informatives:

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

82. DCCE/092424/F - WOODCROFT, HAYWOOD, CALLOW, HEREFORD, HR2 8BX [AGENDA ITEM 6]

Construction of rear extension, replace wooden porch with block and render porch ~~and extend domestic curtilage~~ - retrospective.

The Senior Planning Officer reported that, in response to comments received from the Landscape Officer, the applicant had changed the description of the application to remove reference to the extension to the domestic curtilage. Consequently, delegated authority was sought to issue planning permission once a suitably amended site location plan had been received. The Senior Planning Officer then gave a presentation on the application.

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

Councillor PA Andrews felt that it was unfortunate the Local Ward Member could not attend the meeting and considered the application to be acceptable.

Councillor MD Lloyd-Hayes drew attention to the comments of Callow and Haywood Group Parish Council about the retrospective nature of the application and related enforcement issues.

Councillor PJ Edwards said that he was disappointed that the application was retrospective, particularly given the increase in cubic floor area. The Chairman noted that each application, whether retrospective or not, had to be considered on its own merits.

Councillor AT Oliver expressed concerns about the retrospective aspects of the application and considered the alterations to the building to be unacceptable in terms of appearance, size and massing.

In response to a question from Councillor AM Toon, the Senior Planning Officer confirmed that the extension was sited essentially on the footprint of a previous flat roofed extension. Councillor Toon said that developers should not ignore the planning process but considered this particular application to be acceptable.

The Central Team Leader reminded the Sub-Committee that the retrospective nature of the application should have no bearing on the determination of the proposal. He noted that the policy considerations were finely balanced but officers were of the opinion that the proposal was acceptable and could be supported. He also outlined potential issues for enforcement in respect of the extension of domestic curtilage.

RESOLVED:

That officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the receipt of a suitably amended site location plan and subject to conditions considered necessary by officers.

83. DCCE/092491/F - LAND TO THE WEST OF VELDO FARM AND EAST OF THE A465 AT NUNNINGTON, HEREFORD, HR1 3NW [AGENDA ITEM 7]

Change of use of land used for agriculture for the accommodation of seasonal workers in mobile homes.

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

- Withington Group Parish Council: 'notes the additional landscaping and details of the 'pods'. There is still concern over the 'quality' of the accommodation with up to 6 persons sharing one toilet/shower room and a small kitchen/eating area. This appears to be family holiday accommodation not suitable for several months' occupation. The footpath routes are noted but there is still concern that workers will use the A465 to walk along to the local public house. There is still no detail of the general purpose store.'

Officer comments were also provided as follows:

- 'Although the site will have the capacity for 84 workers, the applicants have stated that the normal number of workers likely to be accommodated ranges between 10 and 50, with the peak being during harvesting season in August, September and October. The number of caravans proposed in relation to the number of workers will ensure that the standard of accommodation is not cramped and each individual caravan will contain all the facilities normally associated with independent residential occupation. The general purpose store was approved as part of the previous application and therefore does not form part of this application.'

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

Councillor DW Greenow, the Local Ward Member, noted that planning permission had been granted for permanent polytunnels on land surrounding the application site [DCCE2008/2266/F refers] and included additional planting along the boundaries which should screen the site effectively. Councillor Greenow made a number of comments on the current application, including: the applicant was commended for the standard of accommodation and communal facilities proposed; footpath links to village facilities had been identified via existing public rights of way; the importance of soft fruit production in the county was noted; and a temporary permission would allow any impacts on the locality to be fully assessed.

Councillor PJ Edwards asked for clarification regarding: the potential number of workers and how this related to the number of mobile homes proposed; whether the expiry date for the temporary permission could be aligned to coincide with that for the polytunnels; and whether signage to direct workers to safe footpath links could be a requirement of any planning permission granted. The Chairman said that recommended condition 9 perhaps addressed the signage issue.

Councillor AM Toon welcomed the accommodation proposed and suggested that, rather than maintain full occupancy levels in a small number of caravans, workers should be encouraged to use other caravans outside peak periods. She did not consider that the proposal would have a significant impact on highway safety and also felt that some of the views expressed by objectors were unfounded.

Councillor AT Oliver said that he did not have any objection to the proposal in general terms but, highlighting the dimensions of the accommodation, questioned whether the amount of space available to occupiers would be sufficient and suggested that there should be a maximum of three per unit.

Councillor MD Lloyd-Hayes noted that it was likely that workers would operate shift patterns during peak periods and, therefore, occupants would not be present at the same time in a particular mobile home. In response to a question, the Central Team Leader advised that the polytunnels had temporary planning permission and reference to 'permanent polytunnels' in the report was to indicate that the polytunnels could remain on the site throughout the year. Councillor Lloyd-Hayes commented on: the importance of agriculture to the local economy; the efforts undertaken by the applicant to ensure a good standard of accommodation for the workers; the high cost of accommodation in Hereford; the benefits of table top soft fruit production compared to other methods,

particularly in terms of limiting soil erosion; the need for parking if workers had access to a vehicle; and the comments of the Conservation Manager - Landscape and the Local Ward Member were noted.

In response to questions raised by Members, the Senior Planning Officer advised that:

- Each caravan would have capacity for six people which, with a total of 14 units, created a potential total number of workers of 84. However, this figure was only likely to be reached when the site was operating at full capacity.
- Condition 4 would ensure that the use of the land for the stationing of the mobiles homes and associated infrastructure would cease in the event of the polytunnels becoming redundant.
- Condition 9 dealt with signage for pedestrians.
- Condition 11 would prevent the caravans being occupied between the months of December and January, to ensure that the accommodation remained for seasonal use.
- The Traffic Manager had no objections to the application subject to a pedestrian route via footpaths being provided to local facilities.
- Parking was available on the site, to the south of the general purpose building.

The Central Team Leader advised that additional conditions regarding the occupation of the caravans might not be reasonable or enforceable. It was noted that limiting occupancy could result in more caravans being required. He added that the accommodation would not be overly cramped, particularly given the amenity facilities being provided for the workers.

Councillor Greenow said that it was his understanding that the applicant intended to ensure suitable occupancy levels outside of peak periods to ensure that the accommodation was maintained to a good standard.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1 F21 Temporary permission (mobile home/caravan)**
- 2 The occupation of the caravans shall be limited to persons employed on the site of the polytunnels as identified on the location plan drawing no 326.401.C40 and as approved under planning permission DCCE2008/2266/F**
Reason: The accommodation and associated development proposed under this application is only considered acceptable on the basis of the functional need associated with the growing of soft fruit on the land surrounding the application site and to comply with Policy H8 of the Herefordshire Unitary Development Plan
- 3 The development hereby permitted shall be for the accommodation of up to 84 seasonal workers at any one time**
Reason: To ensure that appropriate standard of accommodation is provided and maintained and to comply with the requirements of Policies S1 and S2 of the Herefordshire Unitary Development Plan
- 4 In the event of the polytunnels permitted under planning permission reference DCCE2008/2266/F becoming redundant for the growing of soft fruit, the use of land for the stationing of 14 caravans hereby permitted shall permanently cease and the caravans and associated infrastructure**

including all the paths and roads shall be permanently removed and the land restored to its former agricultural condition in accordance with details to be submitted to and approved in writing by the local planning authority within 6 months of the date of the cessation of the land for growing of soft fruit

Reason: The accommodation and associated development proposed under this application is only considered acceptable on the basis of the functional need associated with the growing of soft fruit on the land surrounding the application site and to comply with Policy H8 of the Herefordshire Unitary Development Plan

- 5 Prior to the commencement of development the colour including the BS reference for all exterior surfaces of the caravans hereby permitted shall be submitted for approval in writing of the local planning authority. The caravans shall be coloured in accordance with the approved details prior to the first occupation of the caravans hereby permitted

Reason: To protect the visual amenities of the area and to ensure the development conforms with Policy DR1 of the Herefordshire Unitary Development Plan

- 6 The amenity and recreational building shall be used for the purposes identified in drawing number 326.401-C41-1 only unless otherwise agreed in writing by the local planning authority

Reason: To safeguard the amenity of the area and to ensure the development conforms with Policy DR2 of the Herefordshire Unitary Development Plan

- 7 G11 Landscaping scheme - implementation

- 8 Prior to the commencement of development an Environmental Management Plan identifying measures to minimise the extent of noise and disturbance arising from the application site to include details of operation and management shall be submitted for the approval in writing of the local planning authority. The development and use hereby permitted shall thereafter be operated and managed in accordance with the approved Management Plan

Reason: In the interest of amenity of nearby residents and to ensure compliance with Policy DR2 of the Herefordshire Unitary Development Plan

- 9 Prior to commencement of development details shall be provided of a sign and accompanying map identifying local facilities and amenities and the means of pedestrian access via existing public rights of way to those facilities and amenities from the application site. The details and map shall be clearly displayed in the amenity building prior to the occupation of any caravans hereby permitted

Reason: To ensure the occupants are aware of safe pedestrian and cycle access to local facilities and amenities and to ensure compliance with Policies DR2 and DR3 of the Herefordshire Unitary Development Plan

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that order with or without modification, no other caravans shall at any time be placed on the land identified in blue outline on drawing number 326.401.C40

Reason: In order that the local planning authority can control the visual impact of the addition of any further temporary seasonal workers accommodation in the interest of the visual amenity of the area and to conform with Policies LA2 and DR1 of the Herefordshire Unitary Development Plan

11 F31 Caravan occupancy restriction (December and January)

Informatives:

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

2 N19 Avoidance of doubt - Approved Plans

84. DCCE0009/1813/F - 10 CHILTON SQUARE, TUPSLEY, HEREFORD, HEREFORDSHIRE, HR1 1PS [AGENDA ITEM 8]

Erection of a single storey rear extension and subdivision of existing dwelling into 3 dwellings.

The Planning Officer gave a presentation on the application.

Councillor MD Lloyd-Hayes, a Local Ward Member, commented that the proposal represented an overintensive form of development and did not consider the access and parking arrangements to be adequate. She also commented on existing problems in the locality and noted that Hereford City Council objected to the application.

Councillor WJ Walling, also a Local Ward Member, felt that the application would be an overdevelopment of the site.

Councillor PJ Edwards expressed concerns about the proposal and considered that it would conflict with Unitary Development Plan policies S2, DR1, DR3, H1, H15, H16 and T11.

A number of Members supported refusal of planning permission.

Councillor PA Andrews noted that the property had been constructed as a single family residence and, therefore, the sound proofing might not be sufficient for the proposed use.

In response to a question from Councillor AM Toon, the Planning Officer clarified that a single storey rear extension was permitted and this application would enlarge that extension. Councillor Toon felt that the proposal would be out of keeping with the character of the area, would have a detrimental impact on residential amenity and expressed concerns about the access and lack of amenity space; particularly as no Section 106 contribution could be sought towards off site play areas.

The Locum Lawyer drew attention to policy H17 (Sub-division of existing homes) and reminded the Sub-Committee of the need to identify cogent reasons for refusal.

Councillor Edwards maintained that the application conflicted with the policies that he had identified earlier in the meeting.

The Sub-Committee discussed the potential for problems with the access via the car park to the rear of the property and congestion difficulties in the area.

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:
1. The existing property provides family accommodation within an established residential area. The local planning authority considered that the proposed extension together with the sub-division of the main dwelling would represent an over-intensive development that would be out of keeping with the general character of the area. In addition, the creation of a new access to the rear of the site would be detrimental to the amenity of the neighbouring properties and the general convenience of road users by reason of the loss of the existing parking spaces in the open car park. The proposal is therefore contrary to the Policies S2, DR1, H1, H15, H16 and T11 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 Central Team Leader advised that, although the resolution was contrary to the officers' recommendation, in view of the debate and reasons put forward by Members he was not minded to refer the matter to the Head of Planning and Transportation.]

85. DMCW/092179/F - LEVANTE, BELLE BANK AVENUE, HOLMER, HEREFORDSHIRE, HR4 9RL [AGENDA ITEM 9]

Construction of new detached two storey house with additional single storey ground floor accommodation, provision of new private vehicle access drive.

The Senior Planning Officer gave a presentation on the application.

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

Councillor SJ Robertson, the Local Ward Member, advised that Holmer Parish Council could not send a representative to the meeting but wished to re-iterate the views expressed in its representation. Attention was also drawn to the letters of objection, particularly the comment that the development would be out of keeping with surrounding houses. Councillor Robertson explained the history and design of the Belle Bank Avenue development and considered that the heritage and character of the streetscape should be protected. She considered that the proposal would be overintensive and would have a detrimental impact on the character and setting of the area. Councillor Robertson also expressed concerns about highway issues in the locality

Councillor PJ Edwards noted that the application was situated in a designated settlement boundary but, on balance, considered that the unique character of the street should be preserved.

Councillor RV Stockton, speaking in his capacity as the Vice-Chairman of the Planning Committee, noted that Belle Bank Avenue had been constructed with purpose and design and commented on the potential for setting a precedent.

Councillor MD Lloyd-Hayes commented on the need to retain green space in residential residential areas.

The Central Team Leader advised that the size of the plot was more than adequate to accommodate the development proposed and the Traffic Manager raised no objections.

RESOLVED:

That

(ii) 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:

- 1. The proposal represents an overintensive form of development;**
- 2. would have a detrimental impact on the character and settings of the area; and**
- 3. would exacerbate highway issues in the locality.**

(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 Central Team Leader advised that, as the resolution was contrary to the officers' recommendation and as the Sub-Committee's view might not be defensible if challenged, the matter would be referred to the Head of Planning and Transportation.]

The Final Meeting of the Central Area Planning Sub-Committee

The Chairman advised that, following changes to the Council's Constitution, this was the final meeting of the Central Area Planning Sub-Committee. The Chairman paid tribute to the former Chairmen of the Sub-Committee, PA Andrews and DJ Fleet, and invited them to join her in thanking the Councillors and officers, current and former, that had been involved in the work of the Sub-Committee for their dedication, professionalism and support.

The meeting ended at 4.00 pm

CHAIRMAN