

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 3 December 2008 at 10.00 a.m.

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

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

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

75. APOLOGIES FOR ABSENCE

Apologies for absence were received as follows:

For both the morning and afternoon parts of the meeting: Councillors WU Attfield, DJ Benjamin, SPA Daniels, DW Greenow and AM Toon.

For the morning part of the meeting: Councillors GFM Dawe, PJ Edwards, MAF Hubbard, MD Lloyd-Hayes, NL Vaughan, WJ Walling and DB Wilcox.

For the afternoon part of the meeting: Councillors RI Matthews and SJ Robertson.

76. DECLARATIONS OF INTEREST

5. DCCW2008/1832/N - Upper House Farm, Moreton-on-Lugg, Hereford, Herefordshire, HR4 8AH [Agenda Item 5].

Councillor AJM Blackshaw; Personal and Prejudicial; Left the meeting for the duration of the item.

Councillor PJ Edwards; Personal and Prejudicial; Declared the interest before the meeting and, therefore, did not attend the morning part of the meeting.

Councillor KS Guthrie; Personal.

6. DCCE2008/2266/F - Land to the West of Veldo Farm and East of the A465 at Nunnington, Hereford, Herefordshire, HR1 3QB [Agenda Item 6].

Councillor H Davies; Personal.

Councillor KS Guthrie; Personal.

Councillor MD Lloyd-Hayes; Personal.

Councillor AP Taylor; Personal.

Councillor WJ Walling; Personal.

11. [A] DCCW2008/2616/F and [B] DCCW2008/2617/L - St. Andrews Church, Bridge Sollars, Hereford, Herefordshire, HR4 7JH [Agenda Item 11].

Councillor DB Wilcox; Personal.

77. MINUTES**RESOLVED:**

That the minutes of the meeting held on 5 November 2008 be approved as a correct record and signed by the Chairman.

78. ITEM FOR INFORMATION - APPEALS

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

PART A - 10.00AM**79. DCCW2008/1832/N - UPPER HOUSE FARM, MORETON-ON-LUGG, HEREFORD, HEREFORDSHIRE, HR4 8AH [AGENDA ITEM 5]**

Construction and operation of an open windrow greenwaste composting facility: office / welfare facility, storage building, weighbridge, hardstanding process area, car parking, ancillary infrastructure and landscaping.

At the start of the item, the Head of Planning and Transportation referred to some of the critical factors, as follows:

- ◆ the national, regional and local policy background;
- ◆ the complicated and technical nature of the scheme and the consultee responses;
- ◆ the public speaking time had been increased as this was a major application;
- ◆ the Sub-Committee needed to consider the policy issues and material considerations and give appropriate weight to the various factors;
- ◆ the Council was the responsible authority for waste but this application was by a private company and the site was private land;
- ◆ attention was drawn to paragraphs 4.1 and 6.1 which confirmed that the proposal would require an Environmental Permit from the Environment Agency and this '*could only be granted if the site were capable of complying with the appropriate Regulations*';
- ◆ in response to objectors' concerns about potential pollution and impact on air quality, paragraphs 6.33 to 6.41 detailed the environmental considerations;
- ◆ paragraphs 6.42 to 6.46 outlined issues in respect of other sites and technologies.

The Principal Planning Officer (Minerals and Waste) presented the officer's report and highlighted some of the key issues, including:

- The proposal was for an open windrow composting facility exclusively for treating garden cuttings, no treatment of any other waste types was proposed as part of this application.
- The applicant had investigated 21 other sites but this was the first site that the applicant had deemed suitable and available.
- A full Environmental Statement was not required but the application included full and comprehensive environmental assessments.
- Herefordshire currently generated 7,000 tonnes of green waste per year and this was estimated to grow to around 12,000 tonnes per year by 2027, the application

proposed utilising spare capacity by initially supplementing Herefordshire's garden waste from Worcestershire.

- The access would be from the A49 (T) along a recently constructed track linked to a permitted sand and gravel extraction site on adjoining land at St. Donats Farm, the access also provided the sole access to Upper House Farm and associated poultry units.
- The parish boundary between Burghill and Moreton crossed the site at the point where the proposed access road would enter the development site.
- A revised plan for the sealed wastewater lagoon had increased capacity to account for a 1:1000-year extreme event plus climate change and the Environment Agency welcomed this amendment.
- The hardstanding process area would be raised and kerbed to ensure adequate drainage to the lagoon.
- The stockpiles and windrows would be up to 3 metres high, with landscaped earth bunding providing some screening.
- The size and height of the office/welfare facility would be restricted and would be painted green in order to reduce visual impact.
- Photographs of the site and views into the site from various vantage points were shown.
- It was noted that traffic and environmental considerations remained the key concerns for objectors.
- The daily trip generation was predicted at up to 14 in and 14 out, with fewer off-peak, and a table was given at paragraph 6.21 of the report which demonstrated the road miles saving when compared to delivery to the current facility at Hill & Moor, near Pershore.
- The Highways Agency had been consulted twice about the application and did not raise any objections or recommend any conditions. The Transport Manager had no objections either.
- Attention was drawn to the environmental considerations detailed in the report and the Sub-Committee was reminded that the planning system had a key role in determining suitable locations for development but should not try to duplicate controls properly exercised by other bodies under other legislation.
- In response to objectors' fears about potential health risks, Herefordshire Primary Care Trust had been consulted and no concerns or objections had been raised.
- Officers concluded that, although some elements of the scheme might conflict with local policies, there was a clear case for supporting this proposal.
- It was noted that 26 conditions were recommended and, in particular, attention was drawn to conditions: 8, requiring a scheme for the monitoring and control of dust and litter; 14, restricting the use of the site for agricultural purposes or the composting of green garden cuttings only; 16, limiting the amount of green garden waste to 12,000 tonnes per annum; 17, limiting the height of stockpiles, windrows or other stores of waste to no more than 3.5 metres high; and 22, restricting hours of working and of delivery vehicles.

The Central Team Leader provided details of updates/additional representations, received following the publication of the agenda, and are summarised below:

- A further representation had been received from Mr. A. Spong, Cuckoos Corner Campsite.
- A letter dated 20 August 2008, but not received until 28 November 2008 by e-

mail, had been received from Holmer & Shelwick Parish Council indicating that the Parish Council '*strongly objects to this proposal*', principally on highway safety grounds.

- A letter dated 1 September 2008, but not received until 2 December 2008 by e-mail, had been received from Wellington Parish Council raising concerns about the potential impacts on traffic, spread of odour and spores, risk to wildlife, and issues relating to the consultation process.

The following officer comments were made:

- ~ The distance from the north-westernmost point on the campsite boundary to the extreme south-easternmost point of the application was clarified. It was noted that the distance was well outside the 250 metres 'buffer' set by the Environment Agency.
- ~ It was agreed that the campsite was southeast of the site, not southwest.
- ~ It was reported that the recently received parish council comments reflected those made by other parish councils and objectors, and so had been taken into account in the report.
- ~ The traffic figures given in the application specified that they were calculated on the basis of the peak season in late summer.
- ~ Minor corrections to the report were noted as follows: paragraph 6.12, the cross-reference to paragraph 6.7 should read 6.9; paragraph 6.13, the reference to the caravan and camping site being southwest of the site should read southeast; condition 18, the date of the plans referred to should be Sept 08.
- ~ In response to a question from Councillor PA Andrews about a letter sent to members of the Sub-Committee, the Central Team Leader advised that the updates only included letters addressed to the Planning Services department.

In accordance with the criteria for public speaking, Mrs. Reynolds spoke on behalf of Burghill Parish Council and Mr. Gould spoke on behalf of Moreton-on-Lugg Parish Council. Mr. James, Mrs. Floyd and Mr. Spong spoke in objection to the application.

Councillor SJ Robertson, Local Member for the Burghill, Holmer & Lyde Ward, commented on a number of matters, including:

- She wished her thanks to the planning officers to be recorded for the assistance provided throughout the application process.
- The need to find appropriate solutions for the waste generated within the county was noted but she questioned whether this scheme was the best option.
- The input of the parish councils and the objectors was welcomed but she was disappointed that the applicants had not registered to speak.
- It was noted that alternative sites could occasionally be a material consideration and Councillor Robertson questioned the need to develop this greenfield site and the extent of the search for brownfield alternatives. She suggested that a suitable enclosed facility could be provided through the adaptation of unused chicken sheds.
- The loss of productive arable land was not considered acceptable and there was a responsibility to protect such land use.
- She was surprised at the lack of objections from the Highways Agency given the history of accidents in the locality, the damage caused to rural lanes by heavy and the cumulative impact of pending residential, livestock market, park and ride, and

other developments on the local road network.

- Referring to paragraph 6.25 of the report, Councillor Robertson questioned the application's assessment that views towards the site would be entirely or partially screened.
- It was noted that the County Archaeologist considered that the '*archaeological sensitivity of the area is high*' and '*the impact is likely to be moderately severe*'. Councillor Robertson considered that the site was of significant local importance and should be preserved. She added that the drainage arrangements could damage archaeological deposits.
- In respect of forward planning, Councillor Robertson noted a letter on file which suggested that the application conflicted with emerging policies and smaller sites in the market towns could be an appropriate answer, and could further reduce carbon footprint.
- The view of objectors that open windrow composting was an outdated method was noted and Councillors Robertson suggested that waste treatment could be combined with renewable energy technologies; adding that the authority might be able to attract European funding for such initiatives.
- In view of the concerns outlined above, Councillor Robertson proposed that the application be refused as being contrary to Herefordshire Unitary Development Plan 2007 policies W1 (New Waste Management Facilities), W3 (Waste Transport and Handling), E11 (Employment in the Smaller Settlements and Open Countryside), E12 (Farm Diversification) and E15 (Protection of Greenfield Land).

Councillor KS Guthrie, Local Member for the Sutton Walls Ward, commented on the following matters:

- The help provided by officers to the Local Members was acknowledged.
- The need for sustainable means to deal with waste was recognised.
- Councillor Guthrie commented on the volume and speed of traffic using the A49 (T), difficulties experienced at the access road junction and expressed surprise that there were no objections raised, or conditions recommended, by either the Highways Agency or the Transportation Manager.
- She considered that there were traffic hazard risks to vehicles at this location and noted that there had been several accidents in the vicinity of the access in November 2008 alone. It was noted that the Highways Department and the Highways Agency used different criteria for collating information about personal injury collisions and this gave a distorted picture of accident clusters, especially in rural areas. She considered that the additional traffic generated by this proposal would further compromise highway safety.
- Councillor Guthrie considered that this proposal would represent an industrial process in open countryside and was unacceptable, particularly given the potential impact on local amenity, on the landscape and on tourism. She commented on the need to protect, restore and enhance rural areas and, on this basis, supported refusal of planning permission; making specific reference to policies E15 (Protection of Greenfield Land) and PPS7 (Sustainable Development in Rural Areas).
- Councillor Guthrie, noting the concerns of objectors, commented that the temperature of compost heaps could reach over 80 degrees centigrade and this could represent a substantial fire risk.
- The professional advice relating to bio-aerosols was noted but Councillor Guthrie commented that particles could, nevertheless, travel substantial distances and pose a risk to human health.

Councillor RI Matthews noted the need for appropriate facilities but questioned whether this site was the best that could be identified during a ten-year search. He commented that a large proportion of the waste would come from areas south of the River Wye and suggested that a facility in that area would be better placed to take garden waste deliveries from Worcestershire. He also commented on the history of traffic accidents in the locality and considered that the Highways Agency's assessment was flawed.

In response to questions from Councillor PA Andrews, the Principal Planning Officer (Minerals and Waste) advised that: the planning permission relating to the extraction of sand and gravel at St. Donats Farm [DCCW2001/3140/M] had not yet commenced but was capable of being implemented; the applicant had used their own scoring criteria for the assessment of individual sites; and the list of the 21 alternative sites considered was read out, including the reasons given by the applicant for discounting each site. The Head of Planning and Transportation noted that the list highlighted that there had been an exhaustive search and that sites had been dismissed for a variety of reasons.

In response to questions from Councillor ACR Chappell, the Principal Planning Officer (Minerals and Waste) advised that: a further planning application would be required if the applicant intended to treat other waste types; it was noted that some similar facilities had closed elsewhere in the country but there were others that were well managed and the Environment Agency had advised that open windrow composting was a sustainable, low technology and low input method of dealing with this type of waste; the Highways Agency had been consulted on the access and traffic issues several times, the cumulative impact of quarry and farming traffic had been taken into account, and questions had been asked about the accident record but the Highways Agency still raised no objections to the application; the application indicated that operational activities would only be undertaken during daylight hours and lighting in and around the structures would be controlled through conditions. Councillor Chappell congratulated the officer for the comprehensive report. Given other existing and potential future developments in the area, he did not consider that this proposal would have a significant adverse impact on the area which would warrant refusal of planning permission in this instance. He noted the need for diversification and regeneration in rural areas and considered this proposal to be acceptable; he added that agricultural practices could generate odours and noise in any case. He acknowledged the concerns of the local members but, given the consultation responses, questioned whether refusal of planning permission could be sustained on appeal.

In response to a question from Councillor H Davies, the Principal Planning Officer (Minerals and Waste) advised that the Highways Agency had not recorded any fatal road accidents in the vicinity of the access in the last twelve months. Councillor Davies said that this stretch of the A49 was fast and dangerous and this proposal would exacerbate highway safety problems. She also felt that the proposal should be sited on previously developed land.

Councillor AT Oliver said that home composting of garden waste was a safe and sustainable method of disposal and noted the assurances provided by consultees about this scheme; he also noted that farming was not a clean business. He commented on the significant mileage savings that could be achieved and the consequential reductions in vehicle movements. However, noting that a number of members were absent from this meeting and given that principle of open windrow composting was in question, he suggested that consideration of the application be deferred and a site visit to a similar facility be undertaken.

Councillor GA Powell noted the value of the input from the public speakers and the local members and supported the view that greenfield land should not be lost and planning permission should not be granted for this site.

Councillor SJ Robertson commented on the potential to generate energy from biodegradable waste and felt that this should be explored further.

In response to a question from Councillor JD Woodward about traffic movements, the Central Team Leader advised that the site's capacity would be up to 12,000 tonnes of green waste per year and the trip calculations were based on this figure. Councillor Woodward also questioned the market for the compost produced.

Councillor AP Taylor felt that the wastewater lagoon could be hazardous to people and wildlife, particularly given its proximity to the River Lugg Site of Special Scientific Interest (SSSI).

Councillor Andrews welcomed the suggestion of a site visit in order to view a similar operation functioning. The Principal Planning Officer (Minerals and Waste) said that officers had visited the current facility at Hill & Moor and were not aware of any particular odour or air quality problems. The Head of Planning and Transportation noted that a number of members were opposed to the principle of the development and questioned the benefit of visiting another site at this stage.

A motion to defer consideration of the application for a site visit failed and the resolution below was then agreed.

RESOLVED:

That

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

Contrary to Herefordshire Unitary Development Plan 2007 policies:

- **W1 (New Waste Management Facilities),**
- **W3 (Waste Transport and Handling),**
- **E11 (Employment in the Smaller Settlements and Open Countryside),**
- **E12 (Farm Diversification),**
- **E15 (Protection of Greenfield Land), and**
- **PPS7 (Sustainable Development in Rural Areas)**

- (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 the Sub-Committee's view might not be defensible if challenged, he was minded to refer the matter to the Head of Planning and Transportation.]

PART B - 2.00PM

[Note: To assist the Local Member, Agenda Item 11 (Minute 85) was considered before Item 6 (Minute 80) but the original agenda order is preserved in the minutes for ease of reference.]

80. DCCE2008/2266/F - LAND TO THE WEST OF VELDO FARM AND EAST OF THE A465 AT NUNNINGTON, HEREFORD, HEREFORDSHIRE, HR1 3QB [AGENDA ITEM 6]

Proposed erection of 14 hectares of polytunnels for soft fruit growing. New general purpose storage building. Associated hardstanding and access roadways. Balancing pond.

The Principal Planning Officer provided details of updates/additional representations received following the publication of the agenda and are summarised below:

- Correspondence had been received from Withington Parish Council in response to amended plans, comments included: the development would be more appropriate in an industrial estate; some parts of the site were generally flat but the eastern part increased in height by around 15 metres; the need to achieve a balance between economic benefits and environmental loss was noted; the efforts made to reduce the impact of the development was recognised; the Parish Council withdrew its objection to the polytunnels on the lower part of the site; and the Parish Council welcomed the proposal to reduce the height of some areas of polytunnels and the fencing off of the footpaths.
- The Landscape Officer considered that the amended proposals satisfactorily mitigated the landscape and visual impact of the polytunnels and therefore it was not considered necessary to remove further rows of polytunnels from the eastern end of the site as suggested by Withington Parish Council.

The Principal Planning Officer advised that recommended condition 23 would control the areas where the polytunnel covers would remain and the amended plans identified the areas where the height of the polytunnels would be restricted.

The Chairman thanked the officer for the additional work on this proposal following the deferral of the item at the last meeting.

In accordance with the criteria for public speaking, Mr. Soutar spoke on behalf of Withington Parish Council, Mr. Wray spoke in objection to the application, and Mr. Hawkins spoke in support of the application.

Councillor MAF Hubbard noted that plastic structures in the countryside were unpopular but considered this proposal acceptable subject to a reduction in the number of rows from the eastern part of the site; it was noted that the Parish Council recommended the removal of 20 rows. He added that this would enable the proposed additional planting to mature, so that there would be an established screen if there were any further proposals to reinstate rows in the future.

In response, the Principal Planning Officer explained that the scheme had been adjusted in order to mitigate visual impact and, in particular, to avoid polytunnels breaking the skyline when viewed from various vantage points. This had resulted in a number of rows being removed from the proposal but officers did not consider it necessary to remove 20 rows. He commented that the economic assessment provided by the applicant had not been scrutinised independently but the figures were in line with those provided in a recent planning appeal case for another site.

Councillor PJ Edwards, noting the concerns raised, suggested that officers be authorised to determine the application subject to further consideration being given to the row numbers and heights, in consultation with the Local Member and the Chairman. Councillor ACR Chappell supported this suggestion and noted the importance of soft fruit growing to the local economy.

Councillor GFM Dawe questioned whether an Environmental Impact Assessment was necessary. The Principal Planning Officer responded by advising that the comments of Natural England had been reviewed and addressed by the Council's Ecologist who commented that '*...the proposed operations would not be a huge departure from its agricultural use*' and it was not anticipated that the proposal would have any detrimental impact on the River Lugg or on the integrity of the River Wye Special Area of Conservation.

Councillor AT Oliver commented that table top soft fruit production required less fertiliser and water and less land was needed to produce the same yield. Furthermore, with the introduction of bigger margins and new habitats, the ecological content of the site should be preserved.

In response to questions from Councillor KS Guthrie, the Principal Planning Officer: indicated the location of footpaths and the distances from the site to nearby properties; explained that a holding/balancing pond was proposed at the lowest part of the site to manage surface water runoff from the polytunnels; and advised that the workers' accommodation would form part of a separate application, as the applicant wanted the development to be planned properly.

In response to a question from Councillor WJ Walling, the Principal Planning Officer advised that the raising and lowering of the polytunnels was required to maximise growing conditions. Councillor Walling noted concerns about the visual impact of such developments but also acknowledged the economic benefits of intensive growing methods.

Councillor DB Wilcox drew attention to the detailed comments of the Parish Council and, given that the application was finely balanced and to ensure the delivery of the best scheme possible, felt that the delegation to officers in the terms outlined above was appropriate in this instance.

Councillor MD Lloyd-Hayes commented on the need for agricultural diversity and drew attention to ecological and biodiversity considerations.

RESOLVED:

That officers named in the Scheme of Delegation to Officers be authorised to determine the application subject to further consideration being given to the row numbers and heights, in consultation with the Local Member and the Chairman, and subject to the following conditions and any additional 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. E03 (Site observation - archaeology).**

Reason: To allow the potential archaeological interest of the site to be investigated and recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

3. 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.

4. 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.

5. G14 (Landscape management plan).

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

6. 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

7. H03 (Visibility splays).

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

8. H05 (Access gates).

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

9. 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

10. 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

11. 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

12. 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

13. H30 (Travel plans).

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

14. I14 (Time restriction on music).

Reason: In order to protect the amenity of occupiers of nearby properties and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

15. Surface water generated from the site shall be limited to the equivalent Greenfield run-off rate for the site with storage attenuation provided to cater for the 1% plus climate change (20% peak rainfall event) or greater, in accordance with the 'Surface Water Strategy' dated 2008 including 'run-off calculations'. The surface water run-off shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To prevent the increased risk of flooding and ensure the provision of a satisfactory means of surface water disposal.

16. I33 (External lighting).

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

17. I41 (Scheme of refuse storage (commercial)).

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

18. I55 (Site Waste Management).

Reason: In the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policies S10 and DR4 of Herefordshire Unitary Development Plan.

19. 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.

20. No development shall commence until a scheme for the enhancement and future maintenance of the existing Public Rights of Way Nos. WT9 and WT9A and WT10 adjacent to and within the locality of the application has been submitted to and approved in writing by the local planning authority. A scheme of enhancement shall be completed prior to first use

of the polytunnels hereby permitted.

Reason: To ensure the useability of nearby Public Rights of Way are enhanced in accordance with the requirements of Policy T6 of the Herefordshire Unitary Development Plan.

21. 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

22. In the event of the polytunnels hereby permitted becoming redundant for the growing of soft fruit on the application site, the polytunnels including the supporting structures shall be permanently removed from the application site within a period of 6 months.

Reason: To ensure the polytunnels that are redundant for agricultural purposes do not remain in the landscape unnecessarily.

23. Prior to the commencement of the development, a scaled plan shall be submitted for the approval in writing of the local planning authority identifying the area of polytunnels where the covering will remain permanently in place. The covering shall be removed outside of the growing season in all other areas.

Reason: To minimise the landscape impact of the development during the winter months and to comply with policy LA6 of the Herefordshire Unitary Development Plan.

Informatives:

- 1. HN05 - Works within the highway.**
- 2. HN10 - No drainage to discharge to highway.**
- 3. HN25 - Travel Plans.**
- 4. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 5. N19 - Avoidance of doubt - Approved Plans.**

81. DCCE2008/2385/F - HAUGHLEY COTTAGE, MORDIFORD, HEREFORD, HR1 4LT [AGENDA ITEM 7]

Retention of replacement dwelling, less conservatory, front canopy, side porch and rear lean-to utility, cloakroom and rear entrance.

The Chairman, speaking in her capacity as the Local Member, explained the reasons for the delay in the receipt of Fownhope Parish Council's comments. It was noted that Fownhope Parish Council and Mordiford Parish Council had expressed concerns about certain elements of the development but acknowledged the need for compromise and for pragmatic solutions.

Councillor PJ Edwards asked a number of questions, including: whether, with the removal of the external elements identified, there would be a requirement to reinstate

areas of hardstanding to its original earth/garden state; whether conditions could require the removal of the additional level of habitable area within the garage; and, given the scale of the unauthorised development, whether a suitable planning obligation could be secured. The Central Team Leader responded by advising that: it was reasonable to expect a hard surface outside the backdoor to a dwelling but officers could review the external surface treatments as necessary; as an internal structure, the additional level in the garage could be used as long as it remained ancillary to the main dwelling; and the purpose of planning obligations was to mitigate the direct impact of new development and, therefore, obligations were not usually sought for replacement dwellings with a similar number of bedrooms to the original property. Councillor Edwards felt that the significant increase in dimensions would result in more intensive use and, therefore, considered that a planning obligation to mitigate the impact of the development on local infrastructure would be reasonable in this instance. The Chairman noted that Fownhope Parish Council would support this suggestion.

Councillor GFM Dawe said that the site was in a tremendously sensitive location, being in a prominent position within an Area of Outstanding Natural Beauty and Site of Special Scientific Interest, and considered that the building constructed was not comparable in size and scale with the original cottage, even with the removal of external elements.

Councillor ACR Chappell noted concerns about the retrospective nature of the application, the suggestion by Fownhope Parish Council that a planning obligation should be imposed, and did not consider the application to be acceptable without an appropriate contribution towards local facilities to moderate the impact of the unauthorised development.

Councillor MD Lloyd-Hayes commented on the landscape considerations and said that the authority had to be consistent in its approach to planning obligations.

The Legal Practice Manager explained that the same criteria had to be applied to retrospective applications as for regular applications and no element of punitive action could be considered. He also explained the risks that developers took when building unauthorised structures.

Councillor PA Andrews did not consider that this proposal had addressed the fundamental policy objections given as reasons for refusal in respect of the last application for the retention of the building and should be refused due to the mass, size and design of the property.

Councillor Edwards questioned whether the authority would be able to sustain refusal on appeal and suggested that delegation to officers, in consultation with the Local Member and the parish councils, might secure local benefits through an appropriate planning obligation.

The Central Team Leader explained the approach of officers to this application, including public interest considerations. He also outlined the options available to the applicant.

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

RESOLVED:

That

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

Notwithstanding the proposed removal of the conservatory, front canopy, side porch and rear lean-to, the local planning authority consider that the resultant dwelling is not comparable in size and scale with the original cottage. The development is therefore contrary to Policy H7 of the Herefordshire Unitary Development Plan 2007 and advice contained in Planning Policy Statement 7: Sustainable Development in Rural Areas.

- (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, he was not minded to refer the matter to the Head of Planning and Transportation given the reasons put forward by members.]

82. DCCE2008/2437/F - 5 ST. DAVIDS RISE, LITTLE DEWCHURCH, HEREFORD, HEREFORDSHIRE, HR2 6PL [AGENDA ITEM 8]

Two storey extension to side to form garage on ground floor with bedroom & en suite bathroom above. Single storey rear extension to form utility & kitchen.

The Planning Officer reported that a further letter had been received from the occupant of 4 St. David's Rise, withdrawing an initial objection to the proposal.

Councillor GFM Dawe, the Local Member, did not consider that there were any material planning reasons against the proposal and he supported the officer's recommendation.

Councillor MD Lloyd-Hayes felt that the development would be an improvement and noted that the only objection had now been withdrawn.

Councillor PJ Edwards, referring to the Traffic Manager's comment that 3 car parking spaces were required, commented on the need to ensure that there was satisfactory room to manoeuvre vehicles when parking.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. **A01 (Time limit for commencement (full permission)).**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **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. C03 (Matching external materials (general)).

Reason: To ensure the satisfactory appearance of the development so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

4. 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.

5. H10 (Parking - single house).

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.

Informatives:

- 1. N03 - Adjoining property rights.**
- 2. HN01 - Mud on highway.**
- 3. HN05 - Works within the highway.**
- 4. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 5. N19 - Avoidance of doubt - Approved Plans.**

83. DCCE2008/1758/F - 129 AYLESTONE HILL, HEREFORD, HR1 1JJ [AGENDA ITEM 9]

Construction of three detached dwellings.

The Principal Planning Officer reported that Welsh Water had confirmed that there was capacity for mains drainage connection.

In accordance with the criteria for public speaking, Mr. Clifford, Mrs. Watkins and Mrs. Temperley spoke in objection to the application and Mr. Pearce spoke in support of the application.

In response to a concern raised by an objector, the Principal Planning Officer reported that, whilst it was understood that the applicant had a legal right to connect to an existing private system associated with Burcott House, the applicant now intended to pursue connection to the mains drain.

Councillor NL Vaughan, a Local Member, felt that the existing access was unsafe and noted that, even with the proposed widening, the access would not be up to full adoptable standards. The Principal Planning Officer advised that the site did not need to be served by an adopted road and the proposed minimum width of 4.5m was

not untypical of residential estate roads and was wide enough to enable two vehicles to pass simultaneously.

Councillor DB Wilcox, the other Local Member, said that connection to mains drainage should be the investigated first as a preferred option for new developments. He felt that the impact of the proposal had to be given careful consideration, particularly given the position of the site within the Conservation Area and adjoining Aylestone Park. He proposed that a site inspection be undertaken, particularly as the steepness of the slope towards the site was not apparent from the photographs shown. He also noted local residents' concerns about the access arrangements. In response to a question, the Principal Planning Officer advised that Aylestone Park Association had commented on the application but the points arising were incorporated into the objectors' responses, rather than quoted separately.

RESOLVED:

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

- **the setting and surroundings are fundamental to the determination or to the conditions being considered.**

84. DCCE2008/2568/F - SPEEDY HIRE, HOLME LACY ROAD, HEREFORD, HR2 6EH [AGENDA ITEM 10]

Installation of new palisade fencing to boundary to replace dilapidated wooden fence. Application in retrospect.

The Senior Planning Officer reported that a further letter had been received from the occupants of 7 Redbrook Close in response to amended plans; the amended plans were accepted but it was suggested that larch lap panels be used rather than ply wood sheets. The Planning Officer recommended an additional condition (condition 3 below) in respect of the materials to be used.

Councillor ACR Chappell, a Local Member, acknowledged the need for improved security at the premises and, subject to appropriate materials, supported the recommendation of approval. Councillor AT Oliver, also a Local Member, concurred and noted that Lower Bullingham Parish Council had no objections to the application.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. B03 (Amended plans).

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

2. CO8 (Colour of cladding).

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

3. Details of the materials to be used on the internal fencing shall be submitted to and approved in writing by the local planning authority prior

to its construction.

Reason: To ensure the satisfactory appearance of the development so as to ensure that the development complies with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.

Informatives:

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

85. [A] DCCW2008/2616/F AND [B] DCCW2008/2617/L - ST. ANDREWS CHURCH, BRIDGE SOLLARS, HEREFORD, HEREFORDSHIRE, HR4 7JH [AGENDA ITEM 11]

New disabled access provision to support church re-ordering to include drop off area, new all weather path to extend entrance of building. Installation of trenches to provide ground source heat and Trench Arch foul drainage system.

The Principal Planning Officer provided details of updates/additional representations received following the publication of the agenda and are summarised below:

- Conservation Manager (Landscape), concerns regarding the impact of the lay-by on the landscape and the setting of the church.
- Conservation Manger (Historic Buildings), no objection subject to conditions.
- Conservation Manager (Archaeology), no objection subject to conditions.
- English Heritage, had been involved in this proposal and was supportive of the principle subject to no concerns on archaeology grounds.

The Principal Planning Officer advised that discussions had been held with the agent and local residents regarding the removal of the lay-by from the scheme to overcome the objections. It was noted that the Transportation Manager would raise no objection to the removal of the lay-by from the plans. The Principal Planning Officer confirmed that the applicants were willing to remove this element; the applicant had also emphasised the need for a swift determination to assist with the funding process. Therefore, it was recommended that officers be authorised to determine the application on receipt of amended plans removing the lay-by from the proposal.

In accordance with the criteria for public speaking, Mrs. Redshaw spoke on behalf of Bishopstone and District Parish Council, Mr. Ridout spoke on behalf of local residents and Mr. Macklin spoke on behalf of the applicants.

Councillor AJM Blackshaw, the Local Member, welcomed the comments of the speakers and noted that, especially with the removal of the lay-by element, the principle of the development was supported within the local community. He endorsed the recommendation and, noting that time was short to meet funding requirements, asked that he be kept informed of progress as the Local Member.

A number of members noted that this was an interesting scheme and spoke in support of the application.

RESOLVED:

That officers named in the Scheme of Delegation to Officers be authorised to

determine the applications on receipt of amended plans removing the lay-by from the proposal, subject to the following conditions and any additional conditions considered necessary by officers.

1. In respect of DCCW2008/2616/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. 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.

3. 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.

Informatives:

1. N19 - Avoidance of doubt - Approved Plans.

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

2. In respect of DCCCW2008/2617/L that the Secretary of State be informed that the Local Planning Authority are minded to grant Listed Building Consent subject to the following conditions:

1. D01 (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. D02 (Approval of details).

Reason: To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

Informatives:

1. N19 - Avoidance of doubt - Approved Plans.

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

86. DATES OF FUTURE MEETINGS

7 January 2009
4 February 2009
4 March 2009

The meeting ended at 4.22 p.m.

CHAIRMAN