

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 11th October, 2006 at 2.00 p.m.

Present: Councillor J.W. Hope MBE (Chairman)
Councillor K.G. Grumbley (Vice Chairman)

Councillors: B.F. Ashton, W.L.S. Bowen, R.B.A. Burke, P.J. Dauncey, Mrs. J.P. French, J.H.R. Goodwin, P.E. Harling, B. Hunt, T.W. Hunt, T.M. James, Brig. P. Jones CBE, R.M. Manning, R. Mills, R.J. Phillips, J. Stone, J.P. Thomas and J.B. Williams

79. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs LO Barnett and RV Stockton.

80. DECLARATIONS OF INTEREST

The following declaration of interest was made:-

Councillor	Item	Interest
J Stone	Agenda item 11, Minute 89 DCNC2006/2690/F – proposed new dwelling with detached garage at, Marcle, Brimfield, Herefordshire, SY8 4NE	Declared a prejudicial interest and left the meeting for the duration of this item.

81. MINUTES

RESOLVED: That the Minutes of the meeting held on 13th September, 2006 be approved as a correct record and signed by the Chairman.

82. DCNW2006/2019/F - NIEUPORT HOUSE, ALMELEY, HEREFORDSHIRE, HR3 6LL

On the suggestion of the Chairman it was agreed that a site inspection should be held in advance of the planning application being submitted to the Sub-Committee.

RESOLVED:

That a site inspection be held for the following reasons:

- i. The character or appearance of the development itself is a fundamental planning consideration;
- ii. A judgement is required on visual impact; and
- iii. The setting and surroundings are fundamental to the determination or

to the conditions being considered.

83. APPLICATIONS RECEIVED

The Sub-Committee considered the following planning applications received for the Northern Area of Herefordshire and authorised the Head of Planning Services to impose any additional or varied conditions and reasons which he considered to be necessary.

84. DCNW2006/1466/F - TO DEMOLISH EXISTING DWELLING AND ERECT FIVE NEW DWELLINGS AT YEW TREE, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9ND

It was reported that Welsh water Authority had no objections to the application subject to acceptable foul and surface water drainage being provided.

In accordance with the criteria for public speaking, Mr Goldsworthy the agent acting on behalf of the applicant spoke in favour of the application.

Councillor RJ Phillips, the local Ward Member, said that although the principle of development was accepted and vehicular access would be improved, he still had a number of concerns about the design of the proposed development and highway safety issues. He referred to the comments made by Shobdon Parish Council about the scale of the dwellings and possible problems of overlooking the existing properties adjoining the site. He shared their concerns that the site was on a busy main road at one of its narrowest points opposite to the school which was very busy when children were entering and leaving when this section of the road was full of vehicles. He pointed out that some 4000 vehicles used the road each day and was concerned that this had not been fully taken into account in arriving at the recommendation. He proposed that the application should be refused on the grounds of Policies A1, A70, and A77 of the Leominster District Plan and DR1 of the Herefordshire Unitary Development Plan.

Members discussed details of the application with many sharing the concerns of Councillor Phillips about the highway safety issues. Councillor JP Thomas suggested there was merit in holding further negotiations with the applicants about improved highway safety issues and ideally, the imposition of a lower speed limit in the vicinity of the application site. Councillor Phillips said that he was happy for further negotiations provided that the application came back to the Sub Committee.

RESOLVED

That consideration of the application be deferred for further negotiations with the applicants about improved highway safety issues.

85. DCNE2006/2156/F - CHANGE OF USE OF ORCHARD TO PRIVATE WINTER CARAVAN STORAGE (TEMPORARY), ANCILLARY TO SIDDINGTON FARM AT SIDDINGTON FARM, LEDDINGTON, LEDBURY, HEREFORDSHIRE, HR8 2LN

In accordance with the criteria for public speaking, Mr Davies spoke against the application.

Councillor BF Ashton, one of the Local Ward Members, had grave reservations about the application because the activity had been going on for a number of years with blatant disregard to the correct procedures that should have been met by the applicants. He enquired what was defined as temporary because he felt that the situation could become permanent and lead to the need for enforcement. He asked what steps could be taken to ensure that the matter was carefully monitored and regulated. The Principal Planning Officer said that Government advice was that retrospective applications should be considered on merit and that the expediency of enforcement should be looked at. He said that it was preferable to have a situation like this one controlled within the planning regulations to enable action to be taken if they were breached. Landscaping would be required to mitigate the view of the caravans from the A417 and planning consent expiry would be monitored by the computerised system used by Planning Services. Councillor Mrs JP French asked if the caravans could be painted green as on some other sites and the Principal Planning Officer said that conditions could be imposed for them to be painted within a certain time limit in a colour to be first agreed by the officers.

RESOLVED

That planning permission be granted subject to the Caravans being painted in a colour to be first agreed by the officers and the following conditions:-

- 1 - The use hereby permitted shall cease and the caravans removed from the land prior to 1st March 2012.**

Reason: In order that the agricultural need for the caravans upon the site can be reviewed.

- 2 - Prior to 22nd December 2006 the applicant or any other person(s) carrying out the development hereby permitted shall submit and obtain the written approval of the Local Planning Authority in respect of a scheme of landscaping using indigenous species. This landscaping scheme shall include indications of all existing trees and hedgerows on the land, and details of any to be retained. The submitted scheme of landscaping must include details as to the location of all planting, the species, their size and the density of planting.**

Reason: To ensure that the visual impact of the development upon the wider landscape is satisfactorily mitigated.

- 3 - All planting comprised in the approved details of landscaping shall be carried out prior to 1st March 2007. Any trees or plants which within the period until 1st March 2012 die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.**

Reason: To ensure that the visual impact of the development upon the wider landscape is satisfactorily mitigated.

- 4 - There shall be no more than 69 caravans upon the site at any one time.**

Reason: To safeguard the character and appearance of the countryside.

- 5 - No external lighting shall be installed upon the site without the prior written consent of the Local Planning Authority.**

Reason: To safeguard the character and appearance of the countryside.

INFORMATIVES:

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

- 2 - In respect of the landscaping scheme required to be submitted pursuant to condition 2 the applicant is advised to engage the services of a suitably qualified landscape architect. The person appointed to prepare the landscaping scheme is advised to view the site from both short distances and long distances (including the A417 to the east and south-east). They are also advised to liaise closely with the Council's Landscape Officer (Juliet Wheatley - 01432-260157 - jwheatley@herefordshire.gov.uk).**

- 3 - For the avoidance of any doubt the plans to which this decision relate are:-**

Application Site Plan Drwg No 4787/1 received 21 June 2006;

Drawing No 9146/1 received 21 June 2006;

Drawing No 91456/2 received 21 June 2006.

- 4 - With regard any details submitted at a later date pursuant to condition 5 above the Local Planning Authority would advise the applicant to engage the services of a suitably qualified engineer (Institute of Lighting Engineers) and they would require the following details:**

- Details as to the location of each luminaire supporting structure together with the number of lights upon each structure;**
- Details of lighting columns or supporting structures (e.g. height, material, colour);**
- Details of each luminaire (i.e. lamp wattage, 'flat-glass design', forward throw projector);**
- The mounting height of each luminaire;**
- The tilt angle of each luminaire (n.b. the Local Planning Authority would recommend 0 degrees - i.e. parallel to the ground);**
- The rotational angle of each luminaire;**
- An appropriately scaled metric block plan detailing the resultant lux levels on the ground.**

86. DCNE2005/3784/RM - ERECTION OF ONE DWELLING ON SITE OF ROSE & COOME COTTAGES, FLOYDS LANE, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1LR

The receipt of three further letters of objection and a letter from Wellington Heath Parish Council questioning the capacity of the proposed drainage scheme was reported. The Building Control Officer had said that the scheme had a capacity to cope with 22 minutes of sustained rainfall (1"). The Met Office website had revealed that the average rainfall between 1971 and 2000 was 33 ¼ per annum and ¼" per day during peak times in December and January.

In accordance with the criteria for public speaking, Mr Smith spoke against the application on behalf of himself and adjoining neighbours and Mr Tufnell the agent acting for the applicant spoke in favour.

Councillor R Mills, one of the Local Ward Members, referred to the concerns raised by the objectors. The Principal Planning Officer said that this was a reserved matters application with amended plans and that the application met the necessary criteria which he explained. Councillor Mills had concerns about the proposed ridge height and slab level of the dwelling and proposed that it be repositioned slightly clock-wise which he described. The Principal Planning Officer said that the concerns raised could be discussed with the applicant. The Sub committee discussed the details of the application and agreed with the views of Councillor Mills.

RESOLVED

That consideration of the application be deferred for further negotiations with the applicants about repositioning the line of the proposed dwelling.

87. DCNC2006/2367/A - FASCIA SIGNAGE AND POLE SIGN AT MCCOLLS, 2 HATTON PARK, BROMYARD, HEREFORDSHIRE, HR7 4EY

Councillor B Hunt one of the Local Ward Councillors said that Bromyard Town Council was concerned at the name "Booze Buster" which it did not feel to be appropriate near to the High School. Other Members were concerned that the application was a retrospective application and it was agreed that the Officers write a strongly worded letter to the applicants about this. Members also felt that the sign on the pole would impair visibility for motorists and Councillor B Hunt moved that the application should be refused because the sign was too close to the carriageway. The Northern Team Leader said that there were two issues involved with the application, visual amenity and highway safety. He felt that although the wording could not be controlled, the pole-mounted sign element of the application could be refused and the Sub-Committee was agreeable to this suggestion.

RESOLVED

That the pole mounted sign be refused on the grounds that it impairs highway safety and Consent to Display Advertisements be granted in respect of the remaining signage subject to the following conditions:

1 - I01 (Time limit on consent)

Reason: In the interests of the visual amenity of the area.

2 - H24 (Illumination of signs and canopies and floodlighting)

Reason: In the interests of highway safety.

- 3 - The illumination of advertising shall comply with Technical Report No 5 issued by the Institute of Lighting Engineers unless otherwise first agreed in writing by the Local Planning Authority.**

Reason: In the interests of highway safety.

INFORMATIVES:

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

88. DCNC2006/2440/F - PROPOSED VARIATION TO PLANNING APPROVAL REF. DCNC2004/0778/RM TO AMEND DESIGN TO PLOT 2 AT PLOT 2, LAND ADJACENT VILLAGE HALL, STOKE PRIOR, LEOMINSTER

In accordance with the criteria for public speaking, Mr Lefroy-Owen of Stoke Prior Parish Council spoke against the application.

Councillor KG Grumbley the Local Ward Member shared local concerns that the small estate was carefully planned with long negotiations and that no piecemeal alteration to footprint of the property should be permitted. He noted that Stoke prior Parish Council was opposed to any increase in size of the footprint or other dimensions of the property to be built on Plot 2 and that Stoke Prior Village Hall Committee objected to a potential risk if fire occurred at the village hall which relied on the footpath between both Plots 1 and 2 as an evacuation route. He felt that the main issues raised related to the plot being fairly small and that an increase in dwelling size could pose overdevelopment of the site. He felt that the changes to the house would be quite minor but sought assurances that the footprint of the dwelling would not be increased. Several Members voiced their concerns about the application and felt that the amendments should be refused.

The Principal Planning Officer provided details about the dwelling and garage and suggested that the concerns of Members could be partially met if appropriate condition were imposed to restrict the use of the garage to the housing of domestic vehicles only, and to remove Permitted Development Rights. The Development Control Manager took the view that this was a preferable approach to give some control rather than a refusal which risked a successful appeal. Notwithstanding this however, the Sub-Committee had significant reservations and felt that the application should be refused.

RESOLVED:

That (i) The Northern 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 Services) provided that the Head of Planning Services does not refer the application to the Planning Committee:

- 1. change in design to a previously agreed permission;**
- 2. potential overdevelopment of the plot.**

(ii) If the Head of Planning Services 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 the reason for refusal referred to above.

[Note: Following the vote on this application, the Development Control Manager advised that he would not refer the application to the Head of Planning Services.]

89. DCNC2006/2690/F - PROPOSED NEW DWELLING WITH DETACHED GARAGE AT MARCLE, BRIMFIELD, LUDLOW, SHROPSHIRE, SY8 4NE

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 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

3 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

4 - F20 (Scheme of surface water drainage)

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

5 - F48 (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.

6 - G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

7 - G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

8 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

Informatives:

**1 - N19 - Avoidance of doubt
Drawing no. 556/1**

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

90. DCNC2006/2926/F - ERECTION OF TIMBER GARDEN FENCE AT LAND ADJOINING GREYSTONES, WYSON, BRIMFIELD, LUDLOW, HEREFORDSHIRE, SY8 4NL

It was reported that an objection had been received from Brimfield and Little Hereford Parish Council objecting to the application because they considered that the fence posed a highway safety issue, particularly for bus users, because it obscured visibility. The Principal Planning Officer said that although visibility was not ideal, it was acceptable on highway grounds and that the Transportation Manager felt that it would in fact help to reduce vehicle speeds.

Councillor J Stone the Local Ward Member drew attention to the planning history of the site and concerns expressed about visibility in 2004. Although the fence had been moved slightly following discussions with officers he felt that it still posed a safety threat to motorists, pedestrians, horse riders and cyclists. There were no traffic calming measures in the area and he felt that particular difficulties would arise at peak times such as the start and end of the school day. Although there did not appear to be significant material planning grounds for refusal, he felt that Policy H13 may be appropriate. Members discussed the application and felt that it should be refused on the grounds of highway safety. The Principal Planning Officer reiterated that the Transportation Manager was satisfied with the highway safety issues and that it would be difficult to defend an appeal.

RESOLVED:

That (i) The Northern 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 Services) provided that the Head of Planning Services does not refer the application to the Planning Committee:

1. highway safety

(iii) If the Head of Planning Services 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 the reason for refusal referred to above.

[Note: Following the vote on this application, the Development Control Manager advised that he would refer the application to the Head of Planning Services.]

91. DCNE2006/2623/F - ERECTION OF A LOG CABIN FOR USE AS HOLIDAY ACCOMMODATION AT LITTLE VERZONS GARDEN CENTRE, HEREFORD ROAD, LEDBURY, HEREFORDSHIRE, HR8 2PZ

In accordance with the criteria for public speaking, Mr Owers the agent acting on behalf of the applicant spoke in favour of the application.

Councillor RM Manning drew attention to the planning history of the site and the Council's planning policies regarding self-catering holiday accommodation within rural areas. He said that log cabin holiday units were popular with tourists wanting to enjoy the open countryside in fairly remote areas. The applicant already had one log cabin that achieved high occupancy rates and provided for the needs of disabled persons and he felt that the proposal would attract income into the local economy.

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Unfortunately the applicant did not have any redundant agricultural buildings for conversion and the applicant's clients wanted something more substantial than a caravan. He felt that there was sufficient flexibility within the Councils Planning Policies for an exception to be made to permit this modest application.

The Sub-Committee discussed the merits of the application and whilst having some sympathy for the applicants felt that the application did constitute development in the open countryside. The Principal Planning Officer pointed out that the application did not comply with the new policies within the Herefordshire Unitary Development Plan which should now be taken notice of in advance of its adoption. He also stated that the Tourism Section of the Council had advised him that there was evidence of an oversupply of self-catering tourist units in the County. Councillor Mrs JP French had some concerns about the tourism aspect. She requested that the Cultural Services Manager be asked to prepare a report for the relevant Committee addressing the issues about the adequacy of supply of accommodation for tourists, with specific reference to self-catering units in the open countryside. She also wished the report to address whether there were any shortfalls of supply in terms of specific niche markets such as accommodation for the elderly or disabled.

RESOLVED

That planning permission refused for the following reason:

- 1. The proposal represents new built development outside of any settlement boundary in an unsustainable location. As such the proposal is contrary to the Central Government advice contained within Planning Policy Statement 7, Planning Policy Guidance Note 13, 'Good Practice Guide on Planning for Tourism and policies S1 and RST12 of the Herefordshire Unitary Development Plan Revised Deposit Draft (May 2004).**

Informatives

- 1. For the avoidance of any doubt the plans to which this decision relate are:-**

Application Site Plan (Scale 1:2500) received 21 September 2006;

- Plan showing fence re-alignment (Scale 1:200) received 21st September 2006;**
- Proposed Floor Plan (Scale 1:100) received 7th September 2006;**
- Proposed Rear and Left Elevation (Scale 1:100) received 21st September 2006;**
- Proposed Front and Right Elevation (Scale 1:100) received 7th September 2006;**
- Cross-Section - Drawing number BS/109567-50-02 Rev.A received 10th August 2006.**

92. DCNE2006/2724/F - TEMPORARY CHANGE OF USE FROM RESIDENTIAL TO B1 USE (MAKING OF HAND SEWN CURTAINS AND BLINDS) AT FLAT-1, 37 NEW STREET, LEDBURY, HEREFORDSHIRE, HR8 2EA

Councillor BF Ashton, one of the Local Ward Members, had some reservations about the impact of the application on a Grade II Listed Building in a Conservation Area and the implications for residential accommodation and affordable housing. The Principal Planning Officer said that the appearance and character of the building was protected by listed building legislation and that a Conservation Area related to the character of that area. There was a mix of residential and commercial use of properties and in this instance no policies were applicable regarding the retention of local housing stock. The Sub-Committee noted that the application was for temporary use and that there would be no alterations to the interior or exterior of the building.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1 - The use hereby permitted shall cease on or before 1st November 2009.**

Reason: To enable the full impact of the use to be assessed.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 2 - For the avoidance of any doubt the plan to which this decision relates is:
- Application Site Plan received 18th August 2006.**
- 3 - The applicant is advised to contact Mr Chris Massey (01432-260061) of the Council's Building Control Section to establish whether Building Regulations approval will be required. If any physical works were required as a result of the requirement of the building regulations an application for Listed Building Consent may be required.**

93. DCNW2006/2919/F - PROPOSED NEW BUILD OF COLLAPSED BARN INTO TWO HOLIDAY LETS AT CROONES HOUSE, BROXWOOD, LEOMINSTER, HEREFORDSHIRE, HR6 9JR

It was reported that Weobley Parish Council had no comments to make about the application.

Councillor RJ Phillips the Local Ward Member drew attention to the planning history of the site and an approval in July 2004 for conversion into two holiday lets. Part of the building had collapsed during work and the applicant had been advised to make a new application. He felt that the application constituted a re-instatement rather than new build and was similar to the original approval. He felt that approval could be granted with the appropriate conditions. Having discussed the merits of the application the Sub-Committee agreed with the views of the Local Member. The Development Control Manager felt that approval was an allowable exception to Planning Policies given the unique set of circumstances.

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RESOLVED:

- That (i) **The Northern Area Planning Sub-Committee is minded to approve the application subject to any conditions felt to be necessary by the Development Control Manager, provided that the Head of Planning Services does not refer the application to the Planning Committee.**
- (iv) **If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application subject to such conditions referred to above.**

[Note: Following the vote on this application, the Development Control Manager advised that he would not refer the application to the Head of Planning Services.]

The meeting ended at 4.56 p.m.

CHAIRMAN