

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 14 May 2008 at 2.00 p.m.

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

Councillors: PA Andrews, WU Attfield, DJ Benjamin, AJM Blackshaw, ACR Chappell, GFM Dawe, PJ Edwards, KS Guthrie, MAF Hubbard, RI Matthews, AT Oliver, SJ Robertson, AP Taylor, WJ Walling, DB Wilcox and JD Woodward

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

156. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors SPA Daniels, H Davies, DW Greenow, MD Lloyd-Hayes, AM Toon and NL Vaughan.

157. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
PA Andrews	Minute 162, Agenda Item 7 DCCW2008/0292/F St. Nicholas Rectory, 76 Breinton Road, Hereford, Herefordshire, HR4 0JY	Declared a prejudicial interest and left the meeting for the duration of the item.

158. MINUTES

Councillor RI Matthews said that his name should be included in the list of apologies at the last meeting.

RESOLVED: That, subject to the above amendment, the minutes of the meeting held on 16 April 2008 be approved as a correct record and signed by the Chairman.

159. ITEM FOR INFORMATION - APPEALS

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

160. DCCW2008/0421/F - THE BIRCHES STABLES, BURGHILL, HEREFORD, HEREFORDSHIRE, HR4 7RU [AGENDA ITEM 5]

Retrospective application for change of use from agricultural to a two family traveller site including siting of two mobile homes and a touring caravan for Mr. James Smith and Mr. Jimmy Smith and their respective families.

The following update was reported:

- Additional comments had been received from the Environmental Health and Trading Standards Manager confirming the Gypsy status of the applicants and that they had family and work connections in Herefordshire.

In accordance with the criteria for public speaking, Miss Reynolds spoke on behalf of Burghill Parish Council, Mr. Von Anrep spoke in objection to the application and Mr. Baines spoke in support of the application.

Councillor SJ Robertson, the Local Ward Member, made a number of comments on the application, including:

- The need for appropriate small sites was recognised, particularly in view of ODPM Circular 01/2006 – Planning for Gypsy and Traveller Caravan Sites, but the impact on the local community had to be considered also.
- The need for fairness and consistency was noted and attention was drawn to the fact that an application to vary condition no. 2 of planning consent DCCW2006/3153/F to allow sale of the property (if necessary) to another travelling family had been refused in December 2007 [DCCW2007/2057/F refers].
- Local residents had expressed concerns about conditions on previous planning permissions not being complied with, felt that the development was visually obtrusive and that the land should revert to agricultural use.
- Based on the representations received and local knowledge, Councillor Robertson moved that planning permission be refused as it would have a detrimental impact on the amenities, settings and surroundings of the locality, particularly given the close proximity to the Scout Hut. She also considered that it would have a detrimental impact on highway safety, especially if the site was used for mixed residential and business uses which could increase vehicle movements on a stretch of road that already had problems with speeding traffic.

The Principal Planning Officer advised that issues relating to the translocation of the hedge contributed to delays in the moving of the 30mph speed limit and construction of the new access. He also outlined the policy considerations regarding mixed planning use.

Councillor ACR Chappell noted the concerns of residents about retrospective planning applications, felt that the plans and photographs could have been better, and was disappointed by some of the comments in a letter from the Parish Council to Sub-Committee members.

Councillor GFM Dawe commented on the need for objectivity, noted that none of the trees that had been removed were protected, and reminded the Sub-Committee that the applicants were not responsible for any of the issues arising from the previous occupation of the site.

Councillor PJ Edwards noted that the authority had a good record of supporting traveller families throughout the county but he felt unable to support this proposal. He also noted that the site had a complicated planning history and had been acquired days after the refusal of the application to vary a condition to allow the sale of the property to another travelling family.

Councillor RI Matthews said that Burghill Parish Council had supported travellers elsewhere in the parish but felt that this site was too close to the Scout Hut and

residential properties. He also felt that activities on the site could have an impact on the adjoining copse. He concurred with the Local Ward Member that the development would have a detrimental impact on the area and on highway safety.

In response to a question from Councillor AJM Blackshaw, the Principal Planning Officer reported that the Council's Environmental Health and Trading Standards Officer had confirmed that there was a lack of availability of authorised pitches and was a significant material consideration.

Councillor MAF Hubbard commented on the planning history and questioned the relevance of land ownership issues. He recognised the concerns of the Local Ward Member but noted the difficulties faced by Gypsies and Travellers and felt that this development was acceptable having regard to the policy considerations detailed in the report.

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

- It was understood that the Scout Hut was a well-used facility by local community groups.
- A study in 2006 had revealed that 22 pitches were required in Herefordshire and another study in 2007 had provided evidence of demand for additional sites.
- The proposal met the criteria of Policy H12 as an exception site as it was adjacent to an identified main village, was small in scale, was well screened and there were adequate levels of amenity and play space for children within the site.
- Although some trees had been removed, no permission was required and there was still substantial tree coverage.

The Central Team Leader added that planning permission could be granted on a personal basis to the applicants to enable the authority to retain effective control of the site.

In response to further comments about the previously refused application and land ownership issues, the Principal Planning Officer explained the reasons for refusal in relation to planning application DCCW2007/2057/F and re-iterated that this proposal was considered compliant with local and national policies. The Legal Practice Manager commented on typical conveyancing practice and advised that, through searches, the status of the land would have been abundantly clear to a prudent solicitor acting on behalf of the applicants.

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 Services) provided that the Head of Planning Services does not refer the applications to the Planning Committee:**
 1. **Detrimental impact on the amenities, settings and surroundings of the locality.**
 2. **Detrimental impact on highway safety.**
- (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 such reasons for refusal referred to above.

[Note:

Following the vote on this application, the Development Control Manager advised that, as the resolution was contrary to the officers' recommendation, he was minded to refer the matter to the Head of Planning Services; it was considered that there were crucial policy issues at stake and the Sub-Committee's view might not be defensible if challenged.]

161. DCCW2008/0177/F - LAND ADJACENT TO ROSEMULLION, BISHOPSTONE, HEREFORD, HEREFORDSHIRE, HR4 7JE [AGENDA ITEM 6]

Proposed dwelling.

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

The Principal Planning Officer advised that the conditions imposed as part of an outline planning permission [DCCE2007/2069/O refers] limited the habitable floor space to 90 m², in accordance with Policy H6 of the Herefordshire Unitary Development Plan, and this application had been designed accordingly. It was noted that the ridge level of the dwelling would be higher than the surrounding properties but this was considered modest and would add interest to the street scene.

Councillor AJM Blackshaw, the Local Ward Member, drew attention to the comments of Bishopstone Parish Council and the letters of objection from the occupants of the neighbouring dwellings. Councillor Blackshaw did not consider that the development would be in keeping with the character and appearance of adjacent buildings or the area. Therefore, he proposed that the application be refused as it would have an adverse impact on the residential area; he added that a two bedroom bungalow would be a preferable use of the site.

Councillor MAF Hubbard questioned the extent of excavation required to reduce slab levels. However, on balance, he did not consider that the development would have such a detrimental impact on the locality as to warrant refusal of planning permission.

In response to a question from Councillor SJ Robertson, the Chairman suggested that a site visit might not help the Sub-Committee to reach a decision, particularly given the quality of the photographs and site plans in this case.

In response to questions from a number of members, the Principal Planning Officer advised that:

- With the setting down of the slab, the ridge level should not be substantially higher than the neighbouring properties, perhaps in the range of 500mm to 750mm.
- Details were not available of the amount of soil to be excavated.
- A definition of a two storey dwelling was given as a building with two floors.
- There were no bedroom numbers conditioned on the previous application; although the 90 m² figure equated to the criteria laid down in Policy H6 for a

three bed dwelling.

- Condition E01 would secure an archaeological watching brief.
- It would be difficult to require Level 3 of the 'Code for Sustainable Homes: A Step Change in Sustainable Home Building Practice Design' as the authority did not have a specific policy on this.

Councillor PJ Edwards noted that the plot was narrow, that the Conservation Manager (Archaeology) had commented that the 'development impact will probably be moderately severe', and he expressed concern about the potential impact of the excavation of soil on the local environment and on neighbouring properties.

The Central Team Leader advised the Sub-Committee that the proposal was considered to satisfy the policy requirements and it was not felt that the use of the roof area for bedrooms would have a greater impact than a bungalow of similar design and dimensions.

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

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. **C01 (Samples of external materials).**

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

3. **E01 (Site investigation – archaeology).**

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

4. **F08 (No conversion of garage to habitable accommodation).**

Reason: To ensure adequate off street parking arrangements remain available at all times and to comply with Policy H18 of Herefordshire Unitary Development Plan.

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

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

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

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

Plan.

7. F17 (Obscure glazing to windows).

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

8. I16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

9. G09 (Details of Boundary treatments).

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

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

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

11. I51 (Details of slab levels).

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

12. H04 (Visibility over frontage).

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

13. H05 (Access gates).

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

14. H06 (Vehicular access construction).

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

15. H09 (Driveway gradient).

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

16. H12 (Parking and turning - single house).

Reason: In the interests of highway safety, 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. **HN01 - Mud on highway.**
 2. **HN04 - Private apparatus within highway.**
 3. **HN05 - Works within the highway.**
 4. **HN10 - No drainage to discharge to highway.**
 5. **N19 - Avoidance of doubt - Approved Plans.**
 6. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 162. DCCW2008/0292/F - ST. NICHOLAS RECTORY, 76 BREINTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0JY [AGENDA ITEM 7]**

Demolish existing rectory and erect 9 no. residential dwellings.

Councillor JD Woodward, a Local Ward Member, welcomed the fact that the number of units had been reduced to nine; fourteen were proposed under planning application DCCW2007/0364/F which was withdrawn. However, she felt further consideration needed to be given to highway matters, especially parking and safety considerations. She noted that on-street parking was already at capacity and felt that this development would exacerbate the situation.

Councillor DJ Benjamin, the other Local Ward Member, commented on problems with traffic congestion and tight junctions in the vicinity of the site and felt that further work was needed to resolve the issues. He also felt it important that the local community should benefit from new development and that there should be further negotiations about the Section 106 Planning Obligation. He proposed that a site visit be undertaken.

The Legal Practice Manager drew attention to the Constitution, Appendix 13 [Herefordshire Council Code of Conduct for Members and Officers Dealing with Planning Matters] and noted that paragraph 14 stated that 'site visits will not be agreed to lightly'. He advised that the plans and photographs shown at the Sub-Committee had been improved in order to obviate the need for site visits where possible. Therefore, site visits should only be undertaken where site circumstances were clearly fundamental to the decision.

Councillor ACR Chappell was disappointed that this development would require the demolition of the rectory, suggested that the applicant should give further consideration to the level of contributions proposed, and felt that the site circumstances were relevant to the determination.

Councillor PJ Edwards suggested that the Sub-Committee could authorise the officers to issue planning permission subject to the resolution of the outstanding matters, in consultation with the Local Ward Members.

The Central Team Leader commented on the need to avoid unnecessary delays and did not consider that a site visit would assist members in this instance. He emphasised that the Traffic Manager had raised no objections. The Legal Practice Manager suggested that, given comments made by members, the Sub-Committee might wish to consider deferral of the application for further information and

negotiations.

Councillor GFM Dawe commented on the significant bio-diversity value of trees and questioned the comment of the Conservation Manager (Landscape) that 'The opportunity to remove trees of poor quality and enhance the arboricultural resource in the area should be realised'. He felt that a site visit would enable this matter to be explored further.

Given the advice provided by officers and the Chairman, Councillor Benjamin withdrew the site visit motion and proposed that consideration of the application be deferred to address the outstanding issues in consultation with the Local Ward Members; i.e. regarding the local highway network and parking, planning obligation contributions, and landscaping details.

RESOLVED:

That consideration of the application be deferred for further information and negotiations on the matters raised above.

163. DCCW2008/0335/F - WARHAM COURT FARM, BREINTON, HEREFORD, HEREFORDSHIRE, HR4 7PF [AGENDA ITEM 8]

Two new sleep/feed barns for beef cattle, new straw barn and new silage barn.

The following updates were reported:

- The comments of the Environmental Health and Trading Standards Officer had been received and were summarised (no objections).
- Amended plans had been received which deleted the attenuation pond, handed the silage and straw barns and repositioned them back in line with new unit 3. Therefore, the recommendation was changed to omit reference to the need for amended plans.
- The table at paragraph 1.4 of the report should give the height of the silage clamp as 11.76m rather than 1.176m.

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

The Principal Planning Officer drew attention to the comments of the Conservation Manager (Landscape), in particular that 'the proposed development of the site is acceptable and the landscape has the capacity to accommodate these large buildings' subject to substantial landscaping.

Councillor RI Matthews, the Local Ward Member, noted the concerns of Breinton Parish Council and local residents about the scale of the buildings, the landscape impact and impact on residential amenity; particularly on Warham Court Cottages to the north of the site. In response to questions from Councillor Matthews, the Principal Planning Officer advised that:

- The buildings could not be accommodated in an orchard, near to the listed farmhouse, as that the orchard was protected and development there could damage local habitat.
- The authority could not prevent agricultural vehicles from using the access adjacent to Warham Court Cottages but a condition could be added to restrict the use of this access by construction traffic. It was noted that improvements to the

access would also be required.

- A condition would require slab levels to be confirmed.
- The Environmental Health and Trading Standards Officer had not raised any objections to the scheme. It was noted that officers had expressed concerns about the attenuation pond but this had been removed from the application completely.

The Development Control Manager advised that, whilst there would be an impact on the landscape and on residential amenity, officers considered that there was clear agricultural justification for the development and, subject to the measures to mitigate the impact as identified in their report, the application was considered acceptable.

In view of the officers' advice, Councillor Matthews noted that refusal of planning permission might not be defensible if challenged and considered it essential that there was extensive landscaping between the new building and the adjoining dwellings. He proposed that the application be approved but subject to further discussions on the landscaping scheme, in consultation with the Parish Council and himself as the Local Ward Member.

Councillor SJ Robertson commented on the challenges facing the agricultural sector and supported the views of the Local Ward Member.

Councillor PJ Edwards suggested that mature tree specimens should be included as part of the landscaping scheme. Given the scale of the buildings and the removal of the attenuation pond, Councillor Edwards also asked that further consideration be given to opportunities to re-use surface water as part of ensuing discussions with the applicant.

In response to questions from Councillor DB Wilcox, the Principal Planning Officer outlined recent legislation about the stockpiling of dung and explained the practical reasons for the height of the silage clamp. The Principal Planning Officer also confirmed that dark materials would be used for the roof sheeting in order to reduce visual impact.

RESOLVED:

That, subject to further discussions regarding the landscaping scheme in consultation with the Local Ward Member and Parish Council, 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. **G01 (Earthworks).**

Reason: In order to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan).

3. **G12 (Hedgerow planting).**

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

4. G13 (Tree planting).

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

5. The existing access north of the site onto the Class III 1189 road shall be improved, details of which shall be submitted for approval in writing of the local planning authority prior to any works commencing on site. The approved access shall be finished prior to occupation of the buildings.

Reason: To enable the safe and free flow of traffic using the adjoining county highway and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

6. I20 (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 and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

7. I33 (External lighting).

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

8. I16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

Informatives:

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

164. DCCE2008/0552/F - BUILDING AT MILL FARM, FOWNHOPE, HEREFORD, HEREFORDSHIRE, HR1 4NT [AGENDA ITEM 9]

Proposed change of use from agricultural storage to storage of non agricultural products.

The following update was reported:

- A further e-mail had been received from Fownhope Parish Council advising that they were unable to attend the meeting but wished to reiterate their original comments.

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

The Chairman, speaking in her capacity as the Local Ward Member, raised a number of issues, these included:

- Attention was drawn to the comments of Fownhope Parish Council, especially concerns about the lack of information available about the type of items to be

stored and the potential impact on highway safety.

- The original planning permission for the building in 1991 [SH911001SZ refers] had been contentious in the locality and lack of clarity about tenure had made it difficult to resolve issues since.
- There had been problems with noise nuisance and disturbance from the site, particularly from refrigeration units.
- Although information from the agent stated that they 'do not anticipate that the premises will be used for the storage of deleterious materials', the Chairman felt that the proposal was thin on facts and further clarification was required.
- Concerns were expressed about the potential for increased traffic movements resulting from this proposal and that this, in turn, could have an impact on highway safety.

Councillor WJ Walling concurred with the Chairman that more details were required and proposed that the application be deferred for further information. Councillor DB Wilcox supported deferral and said that it would be difficult to control the use through conditions if the nature of the items to be stored was not known.

Councillor PJ Edwards suggested that a temporary planning permission might provide the opportunity to review the use at a later date. A number of members felt that deferral was the best way to ensure that the outstanding concerns were addressed.

Councillor MAF Hubbard noted that the building had been erected for agricultural purposes and questioned whether general storage use could be considered as being for employment purposes. He also questioned whether a general storage building would have been permitted in this location, within a designated Area of Outstanding Natural Beauty.

The Central Team Leader explained the policy considerations and advised that the Traffic Manager had raised no objections to the proposal; conditions were proposed to restrict delivery hours. He also advised that measures to restrict the exact type of items stored might be unreasonable, particularly as a new application would be required each time the type changed.

The Chairman acknowledged the professional advice provided but considered that the interests of the local community would be best served by deferring the application in order to obtain further information.

RESOLVED:

That consideration of the application be deferred for further information on the matters raised above.

165. DATES OF FUTURE MEETINGS

The next scheduled meetings were given as follows: 11 June 2008, 9 July 2008 and 6 August 2008.

The meeting ended at 4.40 p.m.

CHAIRMAN