

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 17th October, 2007 at 2.00 p.m.

Present: Councillor JW Hope MBE (Chairman)
Councillor PM Morgan (Vice Chairman)

Councillors: WLS Bowen, RBA Burke, ME Cooper, JP French,
JHR Goodwin, B Hunt, TW Hunt, TM James, P Jones CBE, A Seldon,
J Stone, JK Swinburne and PJ Watts

In attendance: Councillors JE Pemberton

95. APOLOGIES FOR ABSENCE

Apologies were received from Councillors KG Grumbley, R Mills and RV Stockton.

96. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Mrs JP French	Agenda item 8, Minute 102 DCNW2007/2869/F - Proposed 4 new houses on land adjacent to 44 Vicarage Street, Leominster	Declared a prejudicial interest and left the meeting for the duration of the item
Brig P Jones CBE	Agenda item 8, Minute 102 DCNW2007/2869/F - Proposed 4 new houses on land adjacent to 44 Vicarage Street, Leominster	Declared a personal interest.

97. MINUTES

RESOLVED: That the Minutes of the meeting held on 19th September, 2007 be approved as a correct record and signed by the Chairman.

98. ITEM FOR INFORMATION - APPEALS

The Sub-Committee noted the Council's current position in respect of planning appeals for the northern area of Herefordshire.

99. 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.

100. DCNE2007/2216/F - PROPOSED LIVESTOCK SHED AT LAUREL COTTAGE, STORRIDGE, MALVERN, WORCESTERSHIRE, WR13 5HA

The Northern Team Leader presented the following updates:

Additional Representations

A further letter had been received from Mr Humphries of Laburnum Cottage commenting on the amended plans as follows:

- The sealed lagoon is positioned directly above my property so it is vital that it never overflows. If it did my private water supply would be contaminated very quickly.
- The run off area from the yard is 126m². The proposed sealed lagoon has a capacity of 2500 litres. Therefore it would take only 20mm of rainfall before the lagoon overflowed and contaminated my private water supply. We had 1075mm of rainfall in the UK in 2006, therefore the lagoon would have been emptied 54 times in 2006 to prevent it overflowing. The capacity of the lagoon is too small. Alternative solutions would be to move the lagoon to a position where the overflow would not cause a problem or not allow stock to the areas exposed to rainfall (so the lagoon only collects from foul water from the new barn).

Officer Comments

Contaminated run off will only be routed to the lagoon when cattle are in the yard. At all other times clean rainwater will be diverted into the French drain draining to the sump at the lowest point of the field. Mr Humphries has assumed that all rainwater falling on the yard, contaminated or not, will be draining to the lagoon hence his incorrect conclusion that the proposed lagoon would be too small. The size of the lagoon has been discussed and agreed with the Environment Agency. The lagoon has to be emptied and the contents disposed of in a way that does not cause pollution. This is likely to involve the lagoon being pumped out and the contaminated water taken away and disposed of off site.

RESOLVED

That subject to the Environment Agency confirming that the amended drainage proposals are satisfactory, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission 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 - **B03 (Matching external materials (general)).**

Reason: To ensure the satisfactory appearance of the development.

- 3 - **G04 (Landscaping scheme (general)).**

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

- 4 - G05 (Implementation of landscaping scheme (general)).

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

- 5 - The livestock shed hereby permitted shall not be brought into use for the housing of livestock until the drainage scheme has been completed in accordance with the amended plan received by the local planning authority on 3 October 2007.

Reason: In order to ensure satisfactory drainage arrangements are provided in accordance with Policy DR4 of the Herefordshire Unitary Development Plan 2007.

Informatives:

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

101. DCNE2007/2621/F - DEMOLITION OF EXISTING DWELLING AND ERECTION OF 5 NO. DWELLINGS AND ASSOCIATED PARKING AT FOUR GABLES, WALWYN ROAD, COLWALL, MALVERN, WORCESTERSHIRE.

The Sub-Committee was agreeable to the suggestion of the Northern Team Leader that the following conditions be added:

F48 prior agreement on slab levels;
Reason: to define permission and ensure appropriate scale and height; and

H29 secure cycle parking provision
Reason: adequate provision for secure cycle parking.

RESOLVED

That planning permission be granted, subject to the aforementioned conditions and 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 - Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:

- Written details and samples of all external materials to be used in the construction of the houses;
- Written details and samples of all surfacing materials in relation to the vehicular means of access, turning/manoeuvring areas and car parking;
- The finished ground floor slab levels (above ordnance datum) of each dwelling.

The development hereby permitted shall not commence until the Local

Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved details and thereafter maintained as such.

Reason: To ensure a satisfactory appearance to the development.

- 3 - Prior to commencement of the development hereby permitted full written details of the proposed boundary treatments shall be submitted to the Local Planning Authority for their written approval. The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The approved boundary treatments shall be fully implemented prior to the first occupation of any of the dwellings hereby permitted and thereafter maintained as such.

Reason: To ensure a satisfactory appearance to the development.

- 4 - No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping using indigenous species. The submitted scheme of landscaping must detail the location of all planting, the species, their size and the density of planting.

Reason: To ensure that the development is satisfactorily integrated into the locality.

- 5 - All planting, seeding and turfing in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the dwellings hereby permitted or completion of the development (whichever is the sooner). Any trees or plants which within a period of five years from the completion of the development 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 development is satisfactorily integrated into the locality.

- 6 - Prior to the first occupation of any of the dwellings hereby permitted the vehicular means of access, car parking, turning/manoeuvring areas for vehicles shown upon the approved plans shall be implemented. Thereafter these areas and facilities shall be kept available for such use.

Reason: In the interests of highway safety.

- 7 - Prior to commencement of the development hereby permitted details of surface water drainage arrangements shall be submitted to the Local Planning Authority for their written approval. The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. None of the dwellings hereby permitted shall be occupied until the approved surface water drainage arrangements have been implemented. Thereafter the implemented surface water drainage arrangements shall be maintained.

Reason: To ensure satisfactory surface water drainage arrangements.

- 8 - Prior to commencement of the development hereby permitted the trees upon the site that are the subject of a tree preservation order shall be

protected by fencing of at least 1.2 metres in height in accordance with section 9.2 of BS5837:2005 comprising vertical and horizontal framework of scaffolding (well braced to withstand impacts) supporting either chestnut cleft fencing or chain link fencing in accordance with figure 2 of BS5837:2005. Once these protective measures have been erected but prior to the commencement of the development a suitably qualified arboricultural consultant shall inspect the site and write to confirm that the protective measures are in situ. Upon confirmation of receipt of that letter by the Local Planning Authority the development may commence but the tree protection measures must remain in situ until completion of the development.

Reason: To safeguard the trees upon the site that are of amenity value.

- 9 - None of the houses hereby permitted shall be occupied until a visibility splay of 2.4 metres x 30 metres kept free of obstruction from a height of 90 centimetres above existing ground level has been provided in a southerly direction. Thereafter this visibility splay shall be maintained and kept free of obstruction from a height of 90 centimetres above existing ground level.

Reason: In the interests of highway safety.

Informatives:

- 1 - The details required to be submitted pursuant to condition 2 should include a high quality plain or multi red stock brick and a clay plain tile.
- 2 - The details required to be submitted pursuant to condition 4 should show the retention of the existing frontage hedge and the hedgerow along the rear (western) boundary.
- 3 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 4 - For the avoidance of any doubt the plans to which this decision relates are:-
 - Location Plan (Scale 1:500) Drawing No. 30118 02 received 30th July 2007;
 - Proposed Site Layout (Scale 1:200) Drawing No. 30118 01 received 30th July 2007;
 - Plots 1 & 2 Floor Plans and Elevations (Scale 1:100) Drawing No. 30118 03 received 30th July 2007;
 - Plots 3, 4 & 5 Floor Plans and Elevations (Scale 1:100) Drawing No. 30118 04 received 30th July 2007;
 - Street Scenes (Scale 1:200) Drawing No. 30118 05 received 31st July 2007.

102. DCNC2007/2869/F - PROPOSED 4 NEW HOUSES ON LAND ADJACENT TO 44 VICARAGE STREET, LEOMINSTER, HEREFORDSHIRE

The Principal Planning Officer presented the following updates:

Additional Representations

Three further letters of objection have been received from local residents, but no new issues are raised to those highlighted in the Officer's report.

Comments have been received from the Ramblers Association who comment about the public footpath and request that it is not affected either during building works or upon completion.

Additional Condition

An additional condition is proposed in respect of surface water drainage and reads as follows:

The development hereby approved shall not be commenced until a scheme for the provision and implementation of a surface water regulation system including the use of Sustainable Urban Drainages Systems has been submitted to and approved in writing by the local planning authority. Surface water generated from the site shall be limited to the equivalent Greenfield runoff rate for the site. The scheme 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 by ensuring the provision of a satisfactory means of surface water disposal.

In accordance with the criteria for public speaking, Mr Westwood of Leominster Town Council and Mr Hewitt an objector, spoke against the application.

Councillor Brig P Jones CBE, one of the Local Ward Members, shared the concerns of the objectors about the potential flooding issues, notwithstanding the views of the Environment Agency that the site had a 1 in 1000-year probability of flooding. He was also concerned at the impact of the proposal on a valuable area of open space and wildlife and that there would be an overall adverse effect on the environment and setting. Councillor J Stone felt that the Environment Agency flood zones needed to be revised in the light of the summer floods and climate change. Councillor WLS Bowen had reservations about building taking place on alluvial land and was also concerned at the safety of pedestrians on a well-used thoroughfare because the scheme did not include a separate footpath in the access road.

The Principal Planning Officer explained that the concerns could be met by appropriate conditions and informatives, and that the application was in accordance with the Council's Planning Policies.

Notwithstanding the view of the Officers, the Sub-Committee decided 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. The proposal represented unacceptable over-development of the site.

(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 Head of Planning Services advised that he would refer the application to the Planning Committee.]

103. DCNW2007/2652/F - PROPOSED FIRST FLOOR EXTENSION AT GREENFIELDS, ALMELEY, HEREFORDSHIRE, HR3 6LH

In accordance with the criteria for public speaking, Mr Brindley, an objector, spoke against the application and Mr Walters, the applicant's agent, spoke in favour.

The Sub-Committee discussed the merits of the application and the impact raising the roof of the dwelling would have on adjoining properties. The majority of buildings in the vicinity were bungalows and some members shared the concerns of the local parish council about the impact on the character of the village if further similar applications were received. The Principal Planning Officer said that the proposal constituted a fairly modest increase in the roof height which would give the appearance of the dwelling becoming a dormer-bungalow rather than a house. It was noted that the adjoining properties were at various levels on a slope and decided that a site inspection should be held so that the impact of the proposal could be determined more readily.

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.**

104. DCNW2007/2737/F - PROPOSED EXTENSION TO ROOF HEIGHT TO PROVIDE ADDITIONAL LIVING ACCOMMODATION AT THE WHITE HOUSE, BIRCHER COMMON, LEOMINSTER, HEREFORDSHIRE, HR6 0BU

In accordance with the criteria for public speaking, Mr Taylor, the applicant's agent spoke in favour of the application.

Councillor WLS Bowen, the Local Ward Member, noted the reasons for refusal put forward by the officers but felt that the application was acceptable because there were a wide range of house types around the common and it would therefore not be out of keeping. He also felt that the new roof arrangement would considerably improve the appearance and balance of the dwelling which currently had a very unattractive flat-roofed extension. He was also of the opinion that the proposed window pediment should be deleted from the scheme because it would detract from the final appearance. The Sub-committee supported his views.

RESOLVED:

That (i) The Northern Area Planning Sub-Committee is minded to approve the application subject the following condition and any further 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.

1. Revised plans deleting the window pediment from the roof being first submitted for approval in writing by the officers.

(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 approve the application, subject to such conditions referred to above.

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

105. DCNW2007/2653/F - PROPOSED ERECTION OF 6 DWELLING UNITS AND ANCILLARY GARAGES AND FORMATION OF NEW VEHICULAR ACCESS AT LAND ADJACENT TO METHODIST CHAPEL, HEREFORD ROAD, WEOBLEY, HEREFORDSHIRE

The Senior Planning Officer presented the following updates:

A copy of a letter sent via email to all of the Northern Area Councillors from the applicants in support of their application has been received and its comments noted.

This letter raises no further issues to comment upon other than as covered in the Officer's report.

A letter has also been received from the applicants commenting on the Officer's report. The letter comments about the overall density in that the density is higher than as stated in the report to Committee, as part of the site cannot be used for development. Comment is made that they are unable to provide affordable housing on site, unless they revert to the original scheme refused planning permission. Comment is also made about overall layout design, mass, scale and external construction materials in that they are

specifically in accordance with Officer's recommendations and previous schemes submitted to the Council for the site. Notwithstanding this, the letter states that the applicants are prepared to make appropriate revisions to overall layout and elevations design.

Notwithstanding the above, the density is only 15 per hectare and fails to provide the Council's requirement for affordable housing.

In accordance with the criteria for public speaking, Mrs Parsons of Weobley Parish Council and Mrs Tilbury, a supporter, spoke in favour of the application.

Councillor JHR Goodwin the Local Ward Member was in favour of the application. He felt that although the proposal did not meet the requirements for affordable housing, there were a number of key factors that needed to be taken into consideration which could meet the requirements of planning policies DR1, H5 and HBA6. Following the rejection of the original application because its access was through Chapel Orchard, the applicants had gone to considerable lengths to prepare a scheme in keeping with the area and its setting opposite an ancient monument. The design incorporated a welcome amount of open space and the houses and garages were of a style in keeping with an historic village. The proposed access road was directly off the highway and thereby overcame the problem of a route through Chapel Orchard. The proposed dwellings would be comprised of one two-bed; one three-bed and four four-bed properties and reflected the character, appearance, mix and range of properties elsewhere in the village. He said that the village already had a good provision of affordable housing on other sites and questioned the need for more at this location.

The Northern Team Leader reiterated why the proposal did not fulfil the Council's planning policies and said that the scheme needed to be comprised of twelve dwellings which included four affordable ones. Having considered all the facts about the application however, the Sub-Committee was in support of the views of the Local Ward Councillor that the application should be approved.

RESOLVED:

- That (i) The Northern Area Planning Sub-Committee is minded to approve the application subject to the conditions felt to be necessary by the Development Control Manager in consultation with the Local Ward Member, provided that the Head of Planning Services does not refer the application to the Planning Committee.**
- (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 approve the application, subject to such conditions referred to above.**

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

The meeting ended at 3.25 p.m.

CHAIRMAN