

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 2 July 2008 at 2.00 p.m.

Present: Councillor JW Hope MBE (Chairman)

Councillors: LO Barnett, WLS Bowen, ME Cooper, JP French, JHR Goodwin, KG Grumbley, B Hunt, TW Hunt, R Mills, A Seldon, J Stone and JK Swinburne

In attendance: Councillor JE Pemberton

12. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RBA Burke, RC Hunt, TM James, P Jones CBE, PM Morgan, RJ Philips, RV Stockton and PJ Watts.

13. DECLARATIONS OF INTEREST

There were no declarations of interest made.

14. MINUTES

RESOLVED: that the minutes of the meeting held on 04 June 2008 be approved as a correct record and signed by the chairman.

15. ITEM FOR INFORMATION - APPEALS

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

16. DCNC2008/1350/F - CHAPEL COTTAGE, WYSON, BRIMFIELD, LUDLOW, HEREFORDSHIRE, SY8 4NL

The Local Ward Member, Councillor J Stone commented that an earlier application proposing an extension to the house at the site had been withdrawn because officers had advised that it was too large. This application was, in his view, more appropriately sized. He added that the concerns raised by local residents regarding flooding, parking arrangements and the issue of being overlooked had all been addressed by the officer's report. He concluded by pointing out that an impressively wide variety of consultation had taken place and that, on balance, the application had his support.

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 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.

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 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 N19 - Avoidance of doubt - Approved Plans

2 N15 - Reason(s) for the Grant of Planning Permission

17. DCNC2008/0978/F & DCNC2008/0979/C - MARSH MILL, BRIDGE STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DZ

[Note: Due to the Local Ward Member, Councillor JP French, having another engagement later in the afternoon, the Chairman agreed to change the order of business and consider these applications earlier on. The remainder of the business was conducted in the order as indicated on the agenda]

The Northern Team Leader updated the committee that an email had been received from the applicant to confirm acceptance of the draft Heads of Terms for planning obligations. The Assistant Solicitor (Corporate) made some minor alterations to the report in relation to the correct title of an officer, and to refer correctly to the proposed the Heads of Terms.

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

The Local Ward Member, Councillor JP French felt there was little merit in saving the old building within the site. She added that she felt it was important to secure funding under a Section 106 agreement, for leisure and educational facilities for the surrounding area. She felt a site visit would be beneficial, because the full visual impact on the local area could not be appreciated from the plans submitted.

RESOLVED:

THAT determination of the application be deferred pending a site inspection on the following ground:

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

18. DCNW2008/0927/F - BELLWOOD, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9NJ

The Principal Planning Officer provided the following update:

The Conservation Manager had made the following comments:

(Landscape)

Thank you for consulting us on the above application, in response I would like to make the following comments:

- The application recognises the proximity of Shobdon Wood and the Mortimer Trail and whilst this is undoubtedly some justification for locating holiday accommodation, it also serves to highlight both the sensitivity and value of the surrounding landscape. The site is located in the '*Principal Wooded Hills*' landscape type as identified in the Herefordshire Landscape Character assessment. This is a landscape, in part, defined by the dispersed settlement pattern and lack of buildings and structures. The landscape is heavily influenced by the proximity to the extensive woodland cover on the ridge of hills running from Ludlow to Kington, generally referred to as the Mortimer Forest.
- The condition of the landscape is generally good with few incongruous introductions visible, with the exception of a nearby poultry unit, and many historic features retained. However, the pressures of intensive agriculture are marked and the general change in the landscape is likely to be negative; loss of field boundary trees, reduction in hedgerow condition and coniferisation of woodland. To this end the landscape has a degree of sensitivity to change.
- The few buildings that are visible in this landscape tend to be of traditional scale and construction or associated with agriculture. From the site only two other buildings/groups of buildings are inter-visible; the storage unit at the Forestry Commission site and a small farm unit to the north-east. Medium distance views of the site, although partially screened by existing vegetation will be gained from both the road and the lower edges of Shobdon Wood with more extensive views across central Herefordshire in the distance. Close views will be gained from an adjacent public right of way. Furthermore, the introduction of additional car parking and a stoned/gravel drive would result in a domestication of the informal landscaped area to the east of the main house.

- As the proposed units are neither traditional in size nor scale and would be visible within a sensitive landscape and from a number of vantage points, I consider the application to have failed the criteria laid out in policy LA2 of the UDP (amongst others).

(Ecology)

As discussed earlier, I visited the site today, and thought that there was potential for great crested newts to be present. The new access track may affect GCN terrestrial habitat, and I recommend that further information is provided as to whether they are present. If found to be present, a mitigation strategy will also be required.

Reason:

To comply with UDP Policies NC1 and NC5 with regard to the impact of development upon protected species.

The Principal Planning Officer said that a further reason for refusal would be added to the report, on the grounds given by the Conservation Manager.

Councillor LO Barnett said that the objections raised by the Transportation Manager carried less significance in this area, because many of the roads could be described as "substandard". She added that officers would not have raised objections had the application been for agricultural use. She felt a site visit would be advantageous for the committee.

RESOLVED:

THAT the determination of the application be deferred pending a site inspection on the following grounds:

- **The Character or appearance of the development itself is a fundamental planning consideration;**
- **A judgement is required on visual impact; and**
- **The setting and surroundings are fundamental to the determination or to the conditions being considered.**

19. DCNW2008/1391/F - KEEPER'S COTTAGE, WINFORTON, HEREFORD, HEREFORDSHIRE, HR3 6EB

The Principal Planning Officer updated the Sub-Committee with an email received from The Lloyd Family, Wood Farm, Winforton noting their support for the application, that they would like to see the improvements, and that they were impressed with the plans.

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

The Local Ward Member, Councillor JW Hope said that he had requested the Sub-Committee's consideration of the application because he felt that the proposed extension would improve the aesthetics of this unique building, and it would enhance the surrounding area.

Members were in general agreement that the development would make cosmetic sense for the building and that the application was not such a significant change to the existing dwelling that it merited refusal.

RESOLVED:

- That**
- (i) The Northern Area Planning Sub-Committee is minded to approve the application, subject to any conditions and agreements considered necessary by officers, provided that the Head of Planning Services does not refer the applications 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 applications, subject to such conditions and agreements referred to above.**

[Note: Following the vote on this application, the Development Control Manager advised that he was minded to refer the matter to the Head of Planning Services because there were crucial policy issues at stake.]

20. DCNW2008/1371/F - SCHOOL HOUSE CRAFTS, HIGH STREET, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LQ

The Senior Planning Officer provided the following update:

- A Letter had been received from the applicants confirming they will pay the financial contribution as requested by the Children's and Young People's Directorate, in accordance with the Council's SPG on Planning Obligations, and they now agree to the principle of the Draft Heads of Terms for the Section 106 agreement.

In the light of the above update, the Senior Planning Officer stated the following:

- In consideration of the applicants' agreement to the Draft Heads of Terms with regards to Planning Obligations and with no objections received to the application, the development is considered acceptable and the recommendation is now changed from one of refusal to approval.

Local Ward Member, Councillor LO Barnett said that the Leintwardine Parish Council had been concerned about the parking arrangements in the village, although she noted that this application would have no bearing on parking. She felt that the Section 106 agreement would impose an unreasonably large contribution on the applicant. She added that, although she was in favour of the principle of Section 106 agreements, the amounts asked for should be fair and just. Other members of the committee agreed with these sentiments and suggested that the amounts asked for should be practical, and that a clear ceiling should be established. The Development Control Manager advised the Sub-Committee that a review of the Section 106 policy was underway, and he aimed to address this issue.

RESOLVED:

That the application be delegated to the Head of Planning Services for approval subject to conditions as considered appropriate including a condition with regards to the applicants signing a Section 106 agreement under the Town and Country Planning Act 1990 to secure contributions in accordance with the Draft Heads of Terms prior to development on site, and any additional matters and terms as he considers appropriate.

21. DCNW2008/1368/F - LOWER WOOTTON GRANGE, WOOTTON, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6PX

The Northern Team Leader provided the following update:

- A response had been received from Almeley Parish Council stating overall view is that application should be supported subject to clarification on dwelling size, the Council considers a dwelling of 120 square metres habitable space to be an acceptable size, but no larger. Also states that the Planning Authority must be satisfied that the agricultural side of the business is profitable, viable and sustainable.

The Northern Area Team Leader said that the Local Parish Council's comments had been noted. The dwelling as indicated on the proposed plans was considered acceptable in size. However, the business was not considered financially viable with insufficient essential need proven.

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

The Local Ward Member, Councillor JW Hope, said that he had no objection to the application because he felt there was a legitimate need for the development.

Councillor WLS Bowen raised the point that half of the farm's declared income came from a shepherding service to other farms – some as far away as New Zealand – and therefore the case to house another agricultural worker on the site had not been made. He added that the application was contrary to established development plans and that the Sub-Committee should be mindful of this when reaching a decision.

Other members of the committee said that a consistent approach was needed in this instance, to avoid setting a precedent. They referred to instances when some larger farms, which had been the subject of similar applications elsewhere in Herefordshire, had been denied planning permission for very similar reasons.

Members acknowledged that the need for a dwelling had been established, especially because there had previously been a temporary permission for a caravan on the site, for an agricultural worker. They also felt that there was merit in supporting a local rural business.

Having considered all the information surrounding the application, members agreed that planning permission be granted because they felt that the business case, and the need for such a development, had been clearly established.

RESOLVED:

- That**
- (i) The Northern Area Planning Sub-Committee is minded to approve the application, subject to any conditions and agreements considered necessary by officers, provided that the Head of Planning Services does not refer the applications 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 applications, subject to such conditions and agreements referred to above.**

[Note: The Development Control Manager advised that he was minded to refer the matter to the Head of Planning Services because there were crucial policy issues at stake.]

22. DCNW2008/1206/F - WITHYSTONE COURT, HOPLEYS GREEN, ALMELEY, HEREFORDSHIRE, HR3 6QX

The Northern Team Leader provided the following updates:

- The applicant had written to advise that the building is primarily for storage of garden equipment, trailer, bicycles ladders, wood etc.
- Mr and Mrs Harris had written following a meeting to discuss planning procedures. They consider that an inappropriate use of delegated powers in relation to the previous permission for holiday lets have had a direct bearing on the consideration of this application. They consider that there are omissions in plans relating to conditions and that it was inappropriate for advice to be given to submit this current retrospective application. They consider that in light of this the application should be deferred to resolve those issues first.

The Northern Team Leader reported the following officers' response to the update:

- The previous application to permit 2 holiday units, identified in the report, included a condition to require the agricultural building including the concrete base it stood on to be removed in the interests of visual amenity. The building has been removed. The concrete base currently remains. Part of it is included in the current application proposal. Part of the base is to be retained to provide parking spaces in accordance with condition 8 of the holiday let permission. It is proposed to surface in either tarmac or decorative stone. The remaining area of concrete base is to be covered with raised garden areas.

It was considered that these were acceptable alternatives to the complete removal of the base in visual amenity terms.

Whilst Mr/Mrs Harris consider that these decisions have been prejudicial to the consideration of the current application I do not consider this to be the case. Regardless of the concrete base matter this application on its own merits is considered acceptable.

Advice to the applicant that a retrospective application was necessary for the building and use of land as garden was the correct advice.

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

RESOLVED

That planning permission be granted subject to the following conditions:

1. 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.

2. The building hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwelling house known as Withystone Court and not for the carrying out of any trade or business.

Reason: To ensure that the building is used only for the purpose ancillary to the dwelling and to comply with policy H18 of Herefordshire Unitary Development Plan.

INFORMATIVES

1. N15 - Reason(s) for the Grant of Planning Permission

2. N19 - Avoidance of doubt - Approved Plans

23. DCNC2008/1292/F - LOWER BUCKLAND, DOCKLOW, LEOMINSTER, HEREFORDSHIRE, HR6 0RU

The Northern Team Leader provided an updated site location plan, because the original on the agenda was incorrect.

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 - B02 (Development in accordance with approved plans and materials)

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

- 3 - 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.

INFORMATIVES

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

- 2 - N19 - Avoidance of doubt - Approved Plans

**24. DCNC2008/1311/F - LOWER BUCKLAND FARM AT LOWER BUCKLAND,
DOCKLOW, LEOMINSTER, HEREFORDSHIRE, HR6 0RU**

The Northern Team Leader updated the Sub-Committee, that the Parish Council had responded and had raised no objections to the application, and that highway notes had been omitted from the application, and would be added to the recommendation.

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 - 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 - 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 - H05 (Access gates)

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

6 - 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

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

2 - N19 - Avoidance of doubt - Approved Plans

3 – Highway notes HN01,HN04, HN05, HN10 and HN28

25. DCNC2008/1320/F - GREEN HOUSE, PANNIERS LANE, FLAGGONERS GREEN, BROMYARD, HEREFORDSHIRE, HR7 4QR

The Northern Team Leader informed the Sub-Committee that the Parish Council had now responded in support of the application.

Local ward members Councillors A Seldon and B Hunt said that they supported the application, as the Town Council had raised no objections.

RESOLVED

THAT officers named in the Scheme of Delegation be authorised to issue planning permission 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 - 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.

3 - 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.

Informatives:

1 - N15 - Reason(s) for the Grant of Planning Permission

2 - N19 - Avoidance of doubt - Approved Plans; and

That the Legal Practice Manager be authorised to complete a planning obligation agreement under section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional or amended matters which he considers to be necessary or appropriate.

26. DATE OF NEXT MEETING

30 July 2008.

The Chairman informed the Committee that Peter Yates, Development Control Manager, was attending the Northern Area Sub-Committee for the last time in his current role. He had recently been seconded to the post of Forward Planning Manager for the Authority. The Sub-Committee thanked him for his dedication and support, and wished him every success in his new role.

The meeting ended at 3.25 p.m.

CHAIRMAN