

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 30 July 2008 at 2.00 p.m.

Present: Councillor JW Hope MBE (Chairman)
Councillor PJ Watts (Vice Chairman)

Councillors: LO Barnett, WLS Bowen, ME Cooper, JHR Goodwin, KG Grumbley, RC Hunt, TW Hunt, TM James, P Jones CBE, R Mills, PM Morgan, RJ Phillips, A Seldon, RV Stockton, J Stone and JK Swinburne

27. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RBA Burke, JP French and B Hunt.

28. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
JW Hope MBE	Minute 33, Agenda Item 7 DCNW2008/1344/F Orchard Close Eardisley, Hereford. HR3 6NP	Declared a personal interest and remained in the meeting during consideration of this item.
RJ Phillips	Minute 33, Agenda Item 7 DCNW2008/1344/F Orchard Close Eardisley, Hereford. HR3 6NP	Declared a prejudicial interest and left the meeting for the duration of this item.

29. MINUTES

RESOLVED: that the Minutes of the meeting held on 2 July 2008 be approved as a correct record and signed by the chairman.

30. ITEM FOR INFORMATION - APPEALS

The sub-committee noted the Council's current position in respect of appeals for the northern area of Herefordshire

31. DCNC2008/0978/F & DCNC2008/0979/C - MARSH MILL, BRIDGE STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DZ (AGENDA ITEM 5)

Proposed demolition of workshops and redevelop site for seven dwellings and car parking.

The Principal Planning Officer informed the Sub-Committee that applicant had confirmed in writing his acceptance of the financial contributions set out in the revised draft Heads of Terms, as shown in the report. He advised that the Heads of Terms did not include a paragraph in relation to the requirement for the payment of a 2% surcharge. This needed to be added and would amount to £370. He also said that the Council's Ecologist had advised that a condition requiring appropriate habitat mitigation should have been included in the conditions regarding an approval.

The Local Ward Member, Councillor P Jones CBE said that he remained unconvinced of the merits in saving the existing buildings as they were not in keeping with this predominantly residential area. He added that he fully supported the Town Council's desire for the development and proposed that the application should be approved.

Councillor WLS Bowen drew attention to the historic mill building and felt that some of the original timbers and stone should be saved because of their historic value. Other Members were of the view that in its current condition the building served no useful purpose and did nothing to enhance the locality. It was felt that there was little remaining of the original mill structure which could be easily preserved. Councillor Bowen asked if a condition could be imposed requiring preservation of the remaining structure or for the original materials to be recycled rather than completely lost. The Southern Team Leader advised that such a condition would not be enforceable but that the applicants could be asked to look at the matter through the inclusion of an informative in the Decision Notice.

RESOLVED THAT

In respect of DCNC2008/0978/F:

The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to secure a contribution for additional improvements to the highways network and any additional matters and terms as he considers appropriate.

Upon completion of the aforementioned planning obligation that the 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 - D02 (Approval of details):

- a) Specification of all external materials**
- b) Brick detailing**
- c) Eaves, gable and chimney details**
- d) Detail of finishes including colour of external walls**

Reason: To ensure the satisfactory appearance of the development so as to ensure that the development lies in harmony with the Conservation Area and to comply with Policy HBA6 of the Herefordshire Unitary Development Plan.

3 - D05 (Details of external joinery finishes)

Reason: To ensure the satisfactory appearance of the development so as to

ensure that the development lies in harmony with the Conservation Area and to comply with Policy HBA6 of the Herefordshire Unitary Development Plan.

- 4 Finished floor levels shall not be set lower than 71.99 m AOD as detailed within the flood risk assessment dated March 2008.

Reason: To prevent flood risk for the lifetime of the development.

- 5 - 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.

- 6 - No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

a) A 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways and receptors, a conceptual model and a risk assessment in accordance with current best practice.

b) If the risk assessment in a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent of contamination, incorporating a conceptual model of all potential pollutant linkages and an assessment of risk to identified receptors.

c) If the risk assessment in b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from the contaminants/ or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate scheme submitted to the local planning authority for written approval.

- 7 - The Remediation Scheme, as approved pursuant to condition (6) above, shall be fully implemented before the development is first occupied. On completion of the Remediation Scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the local planning authority in advance of works being undertaken.

- 8 - H08 (Access closure)

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

- 9 - 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

10 - H19 (On site roads - phasing)

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

11 - 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

12 - G10 (Landscaping scheme)

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

13 - G20 (Open plan to front of dwellings)

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

14 - 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.

15 - 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.

16 - 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.

17 - I43 (No burning of material/substances)

Reason: To safeguard residential amenity and prevent pollution and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

18 - No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works and water recovery system has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of the development hereby approved.

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

19 - Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system and to comply with Policy DR4 of the Herefordshire Unitary Development Plan 2007.

- 20 - No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with Policy DR4 of the Herefordshire Unitary Development Plan 2007.

- 21 - Land drainage run-off shall not be permitted to discharge either directly or indirectly into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment and to comply with Policy DR4 of the Herefordshire Unitary Development Plan 2007.

22. K5 (habitat enhancement)

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 - HN28 - Highways Design Guide and Specification
- 6 - Whilst it has been demonstrated that the risk of flooding is minimal in the 1% flood event with climate change event we would advise that the applicant/development be signed up the Environment Agency Flood Warning System.
- 7 - The applicant may also wish to consider the incorporation of flood proofing techniques. These include removable barriers on air bricks and providing electrical services in to the building at a high level so that plugs are located above possible flood levels. Additional guidance, including information on kite marked flood protection products can be found on the Environment Agency web site www.environment-agency.gov.uk under the 'Managing Flood Risk' heading in the 'Flood' section.
- 8 - N15 - Reason(s) for the Grant of Planning Permission.
- 9 - N19 - For the avoidance of any doubt the plans for the development hereby approved are as follows:-

Drawing numbers 298 WD 21, 298 WD 22, 298 WD 23 - date stamped 31st March 2008.
- 10 - Informatives 11 A and 11 B

In respect of application ref no DCNC2008/0979/C that Conservation Area Consent be given subject to the following:

- 1 - D01 - Time limit for commencement (Listed Building Consent).

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 - No demolition works shall take place until a contract for the redevelopment has been let.

Reason: To ensure that this site does not become derelict in this conservation area.

- 3 - E02 - Archaeological survey and recording.

Reason: To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan. The brief will inform the scope of the recording action.

Informatives:

- 1 - N15 – Reason(s) for the Grant of Conservation Area Consent.

- 2 - N19 - For the avoidance of any doubt the plans for the development hereby approved are as follows:-

298 WD20, 298 WD21, 298 WD22, 298 WD23, 298 WD24, 298 WD25 – date stamped 31 March 2008

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

Proposed siting of three lodge units for holiday use together with access drive, car parking and sewage treatment plant.

The Principal Planning Officer updated the Sub-Committee with a response received from, the Council's Tourism Officer who had made the following comments:

Due to the large number of planning applications for the change of use, conversion and build of self-catering accommodation, it was deemed appropriate to conduct an assessment of trends of self-catering establishments in 2006 and run an annual occupancy survey. It was found that the occupancies for self-catering had fallen by 4%, with new starts fairing worst. With this year occupancy running at 52%, 9% down on 2005 figures. At the end of 2007 occupancy was running at 51%

I believe we have reached a tipping point for the "standard" self-catering establishments, however there is still scope in the consideration of planning applications. The development would need to be fully compliant with wheelchair access to comply higher than level 1 or level 2 of the National Accessibility Scheme.

The Local Ward Member, Councillor RJ Phillips, expressed his support for the application. He considered that there was sufficient need for the development in the local area especially with regards to the need for accommodation generated by Shobdon Airport and tourism in the area. He said that large groups often took flying lessons and needed somewhere to stay and with the recent closure of three local bed and breakfast establishments he was aware of sufficient demand. He felt that the proposed scheme was relatively modest, would not be detrimental to the local landscape, and there would not be a significant increase in traffic movements. He was of the view that the development should remain for tourist use only and that it should not be allowed to become residential use in the future. He suggested that this could be determined by an occupancy condition. He expressed the need for an ecological survey of the site to be carried out prior to development taking place and the planting of a hedge to screen the site and mitigate the negative appearance of the existing workshop buildings.

Others Members were in agreement with the Local Member, but the Southern Team Leader said that a full ecological survey might take some time to complete. He was of the view that if the Sub-Committee was mindful to grant permission, there was a need to include a condition that the units should have full access for wheelchair users and the Local Ward Member was agreeable to this. He suggested that the matter should be deferred to enable all the outstanding issues to be addressed. After some discussion the Committee concurred with the view of the Local Ward Member that the application should be granted subject to the conditions which had been identified and that the application should be referred back to the Sub-Committee if they could not be met by the applicants to the satisfaction of the officers.

RESOLVED:

That (i) The Northern Area Planning Sub-Committee is minded to delegate the officers to approve the application in consultation with the Local Ward Member, subject to the following conditions and any other conditions felt to be necessary by the Head of Planning and Transportation, provided that the Head of Planning and Transportation does not refer the application to the Planning Committee:

- 1. A full ecological survey.**
- 2. Landscaping**
- 3. All the units having provision for wheelchair accessibility.**
- 4. Vehicular access.**
- 5. Appropriate restriction on occupation**

(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 the conditions and consultation referred to above.

33. DCNW2008/1344/F - ORCHARD CLOSE, EARDISLEY, HEREFORD, HR3 6NP

Proposed erection of three dwellings with associated access and parking.

The Principal Planning Officer presented the following updates:

Firstly, an amended plan has been received detailing three off road parking spaces, and turning area for dwelling 1 as requested.

Secondly, the Councils Highway Engineer, in their consultation response, queried whether the applicants had a legal right of access to the site as Forest Road (leading to Larchlap / Forest Fencing) is not an adopted highway. Orchard Close, which runs off Forest road has been adopted and the public footpath along Forest Road (North side) up to no. 3 Orchard Close is also adopted.

This matter was queried with the applicants agent who has sent the Local Planning Authority a copy of a letter from Herefordshire Councils Legal and Democratic Services at the time that they purchased the site from the Council. This letter states:

Although there is no definitive evidence as to the existence of highway rights over the road the Council believed that at least the first length, to the entrance of Orchard Close, must be considered highway, otherwise access to the close would be over private road. The Councils view is that the entire road is likely to be public highway having satisfied the conditions of Section 31 of the Highway Act 1980 i.e it is deemed to have been dedicated as highway if enjoyed by the public for twenty years or more, as of right and without interruption.

On this basis, I am satisfied that this matter has been explored and that the provision of off road parking spaces provided to each dwelling is sufficient to meet the policies of the Herefordshire Unitary Development Plan (2007). The onus will be on the applicant to ensure that legal rights of access are formally obtained and this is not a matter that can be controlled through this permission.

The Local Ward Member, Councillor JW Hope MBE said that he would like any monies paid under a section 106 agreement to be used for projects within Eardisley and proposed that the application be approved.

The Principal Planning Officer said that an the requirement for the payment of a 2% surcharge would also need to be included in the draft heads of terms agreement to help towards meeting the costs of a Section 106 Monitoring Officer.

In response to a question from a Member on the likelihood of flooding, the Principal Planning Officer informed the Sub-Committee that the Environment Agency was satisfied that the development would not be prone to flooding.

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 B07 (Section 106 Agreement)

Reason: In order to provide [enhanced sustainable transport

infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

4 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.

5 D04 (Details of window sections, eaves, verges and barge boards)

Reason: To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the Conservation Area and to comply with the requirements of Policies DR1 and HBA6 of Herefordshire Unitary Development Plan.

6 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.

7 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.

8 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.

9 G10 (Landscaping scheme)

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

10 G11 (Landscaping scheme - implementation)

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

11 H10 (Parking - single house)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

12 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.

- 13 Finished floor levels of all dwellings shall be set no lower than 73.58m AOD (600mm above the 1% plus climate change (20%) flood level of 72.98m AOD), unless otherwise agreed in writing by the LPA.

Reason: To protect the properties from flood risk for the lifetime of the development.

Informative(s):

- 1 N15 - Reason(s) for the Grant of Planning Permission
2 N19 - Avoidance of doubt

34. **DCNC2008/1363/F - CANTILEVER LODGE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LG**

Erection of new house and ancillary garage.

The Local Ward Member Councillor KG Grumbley spoke in support of the application. He emphasised that any money raised from a section 106 agreement should be used to widen and strengthen the road outside the parish hall, as suggested by the Parish Council. He requested that paragraph one of the draft heads of terms agreement should be amended to allocate the money to the project mentioned previously.

Members agreed that any monies raised under a section 106 agreement should be deployed in the application area wherever possible. The Principal Planning Officer informed the Sub-Committee about the procedure involved regarding contributions obtained under Section 106 agreements and the purposes they could be used for. He advised that in this instance contribution had been voluntarily by the applicant. The Sub-Committee therefore agreed that the request made by the parish council and the Local Member should be granted and that part of the contribution money could go towards meeting the costs of the requested work.

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 **B03 (Amended plans)**
Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan
- 3 **B07 (Section 106 Agreement)**
Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.
- 4 **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

5 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.

6 G10 (Landscaping scheme)

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

7 G11 (Landscaping scheme - implementation)

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

8 H01 (Single access - no footway)

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

9 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.

10 H05 (Access gates)

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

11 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

12 H09 (Driveway gradient)

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

13 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.

14 I21 (Scheme of surface water regulation)

Reason: To prevent the increased risk of flooding and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

15 Prior to the commencement of development details of the improvement,

re-grading and re-surfacing of the public footpath shall be submitted to and approved in writing by the local planning authority. The improvement works shall be carried out in accordance with the approved details and shall be completed before the dwelling hereby approved is first occupied.

Reason: To ensure that the route of the public footpath is protected and to conform with Policy T6 of the Herefordshire Unitary Development Plan.

Informatives:

- 1 **HN01 - Mud on highway**
- 2 **HN02 - Public rights of way affected**
- 3 **HN04 - Private apparatus within highway**
- 4 **HN05 - Works within the highway**
- 5 **HN10 - No drainage to discharge to highway**
- 6 **HN28 - Highways Design Guide and Specification**
- 7 **N15 - Reason(s) for the Grant of Planning Permission**
- 8 **N19 - Avoidance of doubt**

35. DATE OF NEXT MEETING

27 August 2008

The meeting ended at 3.10 p.m.

CHAIRMAN