

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 24 September 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, B Hunt, RC Hunt, TW Hunt, TM James, P Jones CBE, R Mills, PM Morgan, A Seldon, RV Stockton and J Stone

48. APOLOGIES FOR ABSENCE

Apologies were received from Councillors JP French, RJ Phillips and JK Swinburne.

49. DECLARATIONS OF INTEREST

9. DCNW2008/1971/F - THE OLD POST OFFICE, MONKLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9DB.
Councillor RC Hunt; Personal and Prejudicial.

10. DCNW2008/1741/F AND DCNW2008/1742/L - OLD WESLEYAN CHAPEL, HARPYARD, HIGH STREET, KINGTON, HEREFORDSHIRE, HR5 3BJ.
Ricky Clarke; Personal and Prejudicial.

50. MINUTES

RESOLVED: that subject to removing Councillor A Seldon from the list of attendees, the minutes of the meeting held on 27 August 2008 be approved as a correct record and signed by the Chairman.

51. ITEM FOR INFORMATION - APPEALS

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

52. DCNC2008/1950/F AND DCNC2008/1951/C - LAND TO THE REAR OF BARGATES AND OFF WESTFIELD WALK, LEOMINSTER, HEREFORDSHIRE. (AGENDA ITEM 5)

Proposed demolition of garage blocks and erection of 10 houses, parking and improvements to access.

In accordance with the criteria for public speaking, Mr Bland spoke in objection to the application and Mr Wolton, the applicant's agent, spoke in support.

Councillor RC Hunt, the Local Ward Member, said that he supported the demolition of the garage blocks, but expressed some concern over the proposed housing development. He said that the current lack of parking capacity in Westfield Walk would only be exacerbated by the proposed development.

Councillor TM James asked for clarification on Council policy regarding density of developments within or close to town centres. He asked whether Members were aware of an amendment to the Unitary Development Plan that restricted density to fifty dwellings per hectare. The proposal before the sub-committee was for a density of fifty-eight units.

In response to Councillor James' question, The Northern Area Team Leader said it was up to planning officers to demonstrate the potential harm to the neighbouring community if the density of a development exceeded fifty units per hectare.

To further clarify, the Principle Planning Officer said that this policy was written for sites of one hectare and above so would not apply in this instance.

In response to a question on affordable homes from Councillor LO Barnett, The Northern Area Team Leader said that provision for affordable homes was only a requirement for developments exceeding 15 dwellings. As the proposed development was for 10, no provision would be required.

Several members expressed concern that small-scale developments were not subject to rules regarding provision of affordable homes and requested that steps be taken in order to review the policy.

RESOLVED

In respect of DCNC2008/1950/F

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. 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 Policy HBA1 and HBA3 of Herefordshire Unitary Development Plan.

6. D05 (Details of external joinery finishes)

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 Policy HBA1 and HBA3 of Herefordshire Unitary Development Plan.

7. 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.

8. 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.

9. 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.

10. 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

11. H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 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. I44 (No burning of materials/substances during construction phase)

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

14. L01 (Foul/surface water drainage)

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

15. L02 (No surface water to connect to public system)

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 so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

16. L03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

INFORMATIVES

- 1. N15 - Reason(s) for the Grant of Planning Permission**
- 2. N19 - Avoidance of doubt - Approved Plans**
- 3. HN01 - Mud on highway**
- 4. HN04 - Private apparatus within highway**
- 5. HN05 - Works within the highway**
- 6. HN10 - No drainage to discharge to highway**
- 7. HN16 - Sky glow**
- 8. HN28 - Highways Design Guide and Specification**

In respect of DCNC2008/1951/C

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.

INFORMATIVES

- 1. N15 - Reason(s) for the Grant of Planning Permission**
- 2. N19 - Avoidance of doubt - Approved Plans**
- 3. HN01 - Mud on highway**
- 4. HN04 - Private apparatus within highway**
- 5. HN05 - Works within the highway**
- 6. HN10 - No drainage to discharge to highway**
- 7. HN16 - Sky glow**
- 8. HN28 - Highways Design Guide and Specification**

**53. DCNC2008/1881/F - 22 OLD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4BQ.
(AGENDA ITEM 6)**

Proposed redevelopment of site with 8 flats.

The Senior Planning Officer reported the receipt of a letter from the applicant's agent enclosing drawings showing the two side elevations which had not been originally submitted with the application i.e. the south west elevation of the proposed block of 6 flats and the north east elevation of the block of two flats.

He stated that the drawings were considered to be of an acceptable standard and satisfied the requirements of condition 5 of the planning permission decision set out in the recommendation. This meant that condition five could be removed from the recommendation.

In accordance with the criteria for public speaking Mr. Cronin spoke on behalf of Bromyard Town Council.

Councillor A Seldon, one of the Local Ward Members, said he was pleased to note that the applicant had addressed the matters of concern raised when the application was heard previously by the sub-committee. He went on to note that following the recent heavy rain, a large amount of sewage had escaped into the River Frome which took a significant amount of time and resources to clean up. He said that the heavy rain had led to the sewage treatment facilities of Bromyard being overloaded and that a further 8 dwellings would only add to the problems. Councillor Seldon asked that the decision on the application be deferred until the drainage situation had been addressed by Welsh Water *and requested a detailed and accurate report into the condition of the plant [amended at NAPSC meeting 22 October 2008]*.

Responding to a matter raised by Councillor Seldon, The Northern Area Team Leader said that the area in question had a combined rainwater and foul water drainage system *and stated that permission had already been granted for 18 dwellings within 200 metres of the site [amended at NAPSC meeting 22 October 2008]*. Welsh Water did not object to the proposed development because there was provision in the plans for rainwater drainage to be diverted away from the mains drainage. This would in theory prevent the mains drainage system from becoming overloaded. All future applications in the area would have to make provision for rainwater drainage to be channelled away from the mains system.

Councillor Seldon responded by questioning the robustness of the current drainage arrangements, as flooding of foul water has been a frequent occurrence during periods of heavy rainfall. Councillor Seldon moved that the application be deferred until a definitive answer had been received from Welsh Water regarding the drainage arrangements of the area.

Councillor B Hunt, the other Local Ward Member, said that the water drainage situation in Bromyard was very delicately balanced and the answers received from Welsh Water to date had not addressed his concerns. He said that until the water drainage situation had been improved, he would find it very difficult to support any future planning applications in the Bromyard area.

In response to a question, The Legal Practice Manager advised that there was a rarely used power that a local authority could bring legal action against a water company on behalf of a group of residents. He added that it was more common for consumers to bring action against water companies and that if an authority was unsuccessful in its action, costs would need to be paid to the water company.

NORTHERN AREA PLANNING SUB-COMMITTEE WEDNESDAY, 24 SEPTEMBER 2008

Members generally agreed that the current arrangements for water drainage were unacceptable in the town and voted to defer the application until the situation had been addressed.

RESOLVED: that consideration of the application be deferred in order to clarify the current position with Welsh Water with regard to water drainage in Bromyard.

54. DCNE2008/1738/F AND DCNE2008/1739/L - HOMESTEAD, MOOREND CROSS, MATHON, MALVERN, HEREFORDSHIRE, WR13 5PR. (AGENDA ITEM 7)

Proposed entrance and conservatory, removal of existing outbuildings, rebuild new garage.

The Senior Planning Officer informed the sub-committee of a typographical error in proposed condition 4 on page 42 of the agenda (F08 – no conversion of garage to habitable accommodation) and stated it should read 'In order to safeguard against the introduction of a new residential unit in an open countryside, in an unsustainable location, contrary to Herefordshire Unitary Development Plan policy H7.

In accordance with the criteria for public speaking, Mr Cleaver, the applicant's agent, had registered to speak but chose not to.

In response to a question from the Local Ward Member, the Senior Planning Officer advised that the Parish Council's objections were received early in the application process. Since the letter of objection, the applicant had decreased the proposed height of the garage so that there was now no loss of hedgerow.

RESOLVED

In respect of DCNE2008/1738/F:

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. Prior to the commencement of the hereby permitted development, full written details and samples of the following items and finish shall be submitted to the Local Planning Authority for written approval:

- **Timber boarding**
- **Roof tiles**
- **Joinery details**
- **Rainwater goods**

The proposal shall be carried out in strict accordance with the approved details and thereafter be maintained as such.

Reason: To ensure the proposal is of a satisfactory finish, in order to ensure the character and appearance of the Grade II listed building and the wider open countryside location are preserved and maintained, in accordance with Herefordshire Unitary Plan policies DR1, H18 and

HBA1.

3. F07 (Domestic use only of garage)

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policy H18 of Herefordshire Unitary Development Plan.

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

Reason: In order to safeguard against the introduction of a new residential unit in an open countryside, in an unsustainable location, contrary to Herefordshire Unitary Development Plan policy H7.

5. 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.

6. 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.

7. The buildings to be removed, as per plan titled 'Replacement garage/ext works', scale 1:100 and 1:500, received 8th August 2008, shall all be removed from the site within 3 months of the completion of the garage block or the first use of the garage block, whichever is the sooner.

Reason: To protect the character and setting of the Grade II Listed Building and open countryside setting in accordance with Herefordshire Unitary Development Plan policies DR1, DR2, H7 and HBA1.

Informatives

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

2. N19 - Avoidance of doubt - Approved Plans

In respect of DCNE2008/1739/L:

That listed building consent be granted subject to the following conditions:

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. Prior to the commencement of the hereby permitted development, full written details and samples of the following items and finish shall be submitted to the Local Planning Authority for written approval:

- Timber boarding**
- Roof tiles**
- Joinery details**

- **Rainwater goods**

The proposal shall be carried out in strict accordance with the approved details and thereafter be maintained as such.

Reason: To ensure the proposal is of a satisfactory finish, in order to ensure the character and appearance of the Grade II listed building and the wider open countryside location are preserved and maintained, in accordance with Herefordshire Unitary Plan policies DR1, H18 and HBA1.

3. **The buildings to be removed, as per plan titled 'Replacement garage/ext works', scale 1:100 and 1:500, received 8th August 2008, shall all be removed from the site within 3 months of the completion of the garage block or the first use of the garage block, whichever is the sooner.**

Reason: To protect the character and setting of the Grade II Listed Building and open countryside setting in accordance with Herefordshire Unitary Development Plan policies DR1, DR2, H7 and HBA1.

Informatives

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

55. DCNW2008/1807/F - LOWER FIELD, ASH FARM, BARNET LANE, WIGMORE, HEREFORDSHIRE, HR6 9UJ. (AGENDA ITEM 8)

Retrospective application for change of use (temporary) of land from agricultural to a one family travellers' site including the stationing of one caravan and ancillary structure.

The Northern Team Leader reported the receipt of 6 further letters of objection and gave a summary of their content in the updates sheet:

In accordance with the criteria for public speaking, Mr Bailey spoke in objection to the application and Mr Baines, the applicant's agent, spoke in support.

The Legal Practice Manager drew Members' attention to a previous enforcement appeal for the site that was dismissed. He said that Members of the sub-committee should consider today's application on its merits and not be unduly influenced by the appeal.

Councillor LO Barnett, the Local Ward member, said that the application would have been rejected if it were for a house and questioned the validity of the policy allowing the siting of caravans in the open countryside. She said that the police were called to a party at the site over the weekend and that local residents were concerned that this may happen in the future. Councillor Barnett added that the site in question benefited from one of the best views in Wigmore and that the character of the area would be detrimentally affected.

The Northern Team Leader said that there was currently a shortfall of pitches for travellers within Herefordshire of some 83. He said current policy meant that the officer's recommendation was to allow planning permission for the travellers'

caravans.

RESOLVED

(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.**

- **The development would be out of character for the area and be detrimental to the views of the village**

(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: Subsequent to the vote, the Northern Team Leader said that he would refer the application to the Head of Planning Services.]

56. DCNW2008/1971/F - THE OLD POST OFFICE, MONKLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9DB. (AGENDA ITEM 9)

Proposed new cottage and detached garage.

In accordance with the criteria for public speaking Mrs Wheeler, representing Dr Barnes and Dr Jeffrey, spoke in objection to the application.

Councillor JHR Goodwin, the Local Ward Member, said that this application was very similar to a previously rejected application on the site. He felt that the proposed development was very close to the neighbouring property and that it was not in keeping with the surrounding area.

Members were generally in agreement that the development was out of character for the village and would lead to overcrowding in a quiet picturesque village.

RESOLVED

(i) **The Northern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any 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.**

- **Contrary to Policy DR1 of the Unitary Development Plan**
- **Contrary to Policy H6 of the Unitary Development Plan**

(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 reasons for refusal referred to above.**

[Note: Subsequent to the vote, the Northern Team Leader said that he would not

refer the application to the Head of Planning Services.]

57. DCNW2008/1741/F AND DCNW2008/1742/L - OLD WESLEYAN CHAPEL, HARPYARD, HIGH STREET, KINGTON, HEREFORDSHIRE, HR5 3BJ (AGENDA ITEM 10)

Proposed conversion into nine apartments, including new stair tower

The Senior Planning Officer reported the following:

- Comment had been received from the Council's Public Rights of Way Manager stating that the adjacent footpath, alongside the western side of the application site was a public footpath. (ZE27). The letter stated that the proposed development did not impact on the use and enjoyment of the public footpath itself apart from when people temporarily attempt to manoeuvre furniture through the proposed gate into the site. Access for emergency is outside of the Council's Public Rights of Way remit.
- The Council's Transportation Manager had also forwarded additional information in consideration of access concerns raised. The response stated that footpath number ZE27 was well over 2.0 metres wide, apart from a pinch point near the northern end of the chapel, which measured from the map as 1.75 metres. Harp Yard was adopted. The proposed development was considered acceptable and had the support of the Council's Transportation Manager.
- The Council's Conservation Manager had commented further, stating that demolition of walls on site could not be done without listed building consent. The response stated that the application preserved a building at risk. It did not destroy any interior features, as these were already lost. Proposed openings were generally in existing openings or governed by the pattern of openings on the elevations.
- The only internal historic feature was a ceiling rose which was subject to a condition to be preserved.
- Additional information had also been received from the Council's Property Services Manager stating that the site was an expensive site to develop and that some form of use for the site was to be welcomed, as it had remained empty for a long time.
- A letter of comment had also been received from Mr. D. A. Clarke raising concerns about the proposed roof structure and the possibility of a high level of asbestos within the roof space.
- The Senior Planning Officer commented that this was a very difficult and constrained site with a building generally in poor condition. Some sensible compromises were acceptable in getting use of the building, which had a history of compulsory purchase by the Council owing to its poor condition given the fact it was a listed building at risk. This development proposal may well be the building's last chance.
- The Council's Conservation Team and Officer's of the Authority had resisted proposals to accommodate residential accommodation in the roof space. The issue as raised by Mr. Clarke was an issue for the Council's Environmental Health Team from which advice with regards to its removal must be obtained

NORTHERN AREA PLANNING SUB-COMMITTEE WEDNESDAY, 24 SEPTEMBER 2008

under the Control of Asbestos Regulations 2006. It was therefore recommended that a note be attached to any subsequent approval notice issued reminding the developers of their obligations should members be mindful to approve the application.

In accordance with the criteria for public speaking, Mr Rippon spoke on behalf of Kington Town Council, Dr Fforde spoke in objection to the application and Mr Hard, the applicant's agent, spoke in support.

The Local Ward Member, Councillor TM James commented that there appeared to have been very little public consultation over the proposed development. He added that the site had significant architectural value and felt that Members would benefit from a site inspection.

RESOLVED

- (i) **That consideration of the application be deferred for a site inspection for the following reasons:**
- **the character or appearance of the development itself is a fundamental planning consideration;**
 - **a judgement is required on visual impact;**
 - **the setting and surroundings are fundamental to the determination or to the conditions being considered.**
- (ii) **That further community consultation takes place before the application is considered**

58. DATE OF NEXT MEETING

22 October 2008

The meeting ended at 3.55 p.m.

CHAIRMAN