

MINUTES of the meeting of Planning Committee held at The Shire Hall, St Peter's Square Hereford HR1 2HX on Wednesday 4 March 2015 at 2.00 pm

Present: Councillor PGH Cutter (Chairman)
Councillor PA Andrews (Vice Chairman)

Councillors: AJM Blackshaw, AN Bridges, ACR Chappell, EMK Chave, BA Durkin, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, JLV Kenyon, JG Lester, PJ McCaull, FM Norman, J Norris and DB Wilcox

In attendance: Councillors PM Morgan and GR Swinford

171. APOLOGIES FOR ABSENCE

Apologies were received from Councillors MAF Hubbard, RI Matthews, RL Mayo and TL Widdows.

172. NAMED SUBSTITUTES

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor ACR Chappell attended the meeting as a substitute member for Councillor RI Matthews and Councillor JLV Kenyon substituted for Councillor MAF Hubbard.

173. DECLARATIONS OF INTEREST

Agenda item 6 – 143500 Twin Kilns, Yarkhill Court Barns, Watery Lane, Yarkhill

Councillor DB Wilcox declared a non-pecuniary interest because he knew the applicant socially.

174. 142356 FODDER STORE ADJ THE OLD RECTORY, BOAT LANE, WHITBOURNE, WORCESTER, WR6 5RS

(Proposed removal of Condition 4 of Planning Permission DCNC2004/2013/F (Conversion of cottage annexe to provide one bedroom holiday cottage) to all fodder store to be used as a dwelling.)

The Case Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

He noted that determination of the application had been deferred by the Committee on 21 January and an updated report had been prepared.

In accordance with the criteria for public speaking, Mrs Williams, Chairman of Whitbourne Parish Council spoke in opposition to the Scheme. Mr P Woods, owner of The Old Rectory, spoke in objection. Mr P Smith, the applicant's agent spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor GR Swinford, spoke on the application.

He gave a detailed analysis of the issues, referring to a Counsel's opinion submitted by Mr R Humphreys QC on behalf of the owner of The Old Rectory.

He noted that the Fodder Store had been incorporated into the Old Rectory when the rectory was built in 1770. For the next 234 years the building had been a residential annex and had only been a holiday let for 9 years.

In summary he advanced the following principal policy grounds for refusing the application:

- The application was contrary to paragraph 55 of the National Planning Policy Framework and policy H7 of the Unitary Development Plan, which prohibited development in the open Countryside. Another constituent had recently received pre-application advice relating to a proposed new dwelling ¼ of a mile from the centre of Whitbourne village that the location was unsustainable being in open countryside. Consistency in determining planning applications was important.
- He highlighted the concerns of the Conservation Manager (Historic Buildings) in relation to works that had been carried out without Listed Building Consent. He suggested that whatever decision the Committee reached enforcement action would have to be taken which could potentially mean a new dwelling being created with no amenity space, no heating system and no access to its own cellar.
- The application was contrary to policies H17 and H18 which stated that there had to be, a satisfactory standard of accommodation including layout and private amenity space. In 2010 when permission had been given for change of use of the annex from holiday let to residential use the decision notice had stated that it would be contrary to policy H18 to grant planning permission for a new dwelling in that location.
- The proposal was contrary to policies HBA3 and HBA4 because it would adversely affect the setting of the Old Rectory and severely affect the residential amenity of its occupiers.
- The residential annex permissions in 2010 and 2013 had been implemented. The Committee could not therefore remove condition 4 of the 2004 holiday let permission because that permission had been superseded.

In conclusion he requested that the Committee refuse the application and expressed the hope that the owners of the Old Rectory and the Fodder Store could reach a mutually satisfactory agreement.

In the Committee's discussion of the application the following principal points were made:

- The Parish Council had submitted a strong objection as had the local ward member.
- There were two separate ownerships. The Fodder store was being used as a separate dwelling for holiday let use. It was unclear what difference approval of the application would make.
- Whilst not an ideal situation the Fodder Store did not significantly overlook the Old Rectory.
- The Conservation Manager had identified a number of concerns in relation to works undertaken without listed building consent. These should be rectified and a new application submitted once the required consents had been secured.
- The Fodder Store was far too small to be used as an independent dwelling on a permanent basis.

- The questions of listed building consent and enforcement action should be considered separately from the application before the Committee.
- The Case Officer commented that there was no reason why the Committee could not determine the application. There was no legal provision specifying that a dwelling should be above a certain minimum size.

The local ward member was given the opportunity to close the debate. He reiterated the policy grounds for refusal that he had advanced.

The Development Manager commented that policy H7 did permit development outside a settlement if it resulted from the re-use of a rural building in accordance with policies HBA12 and HBA13. In addition the scheme was for the conversion of an existing dwelling not the creation of a new dwelling. He identified that policies H17 and H18 were relevant.

A motion that the application be approved was lost.

RESOLVED: That planning permission be refused and officers named in the Scheme of Delegation to officers be authorised to finalise the drafting of the reasons for refusal for publication based on the Committee's view that the proposal would result in: inadequate private open amenity space and which would have an adverse impact on the privacy and amenity of the occupiers of the attached neighbouring property.

175. 143774 LAND NORTH WEST OF METHODIST CHAPEL, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SE

(Proposed construction of 7 no. Passivhaus standard dwellings, associated car parking and landscaping.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Ms J Gough, a local resident, spoke in objection to the application. Mr D Benbow, the applicant's agent, spoke in support.

In the Committee's discussion of the application the following principal points were made:

- The Parish Council supported the proposal.
- The development was sustainable, with the provision of Passivhaus dwellings a further point in favour of the scheme's sustainability. In accordance with the NPPF the development should be approved.
- The development was outside the settlement boundary.
- There was no community benefit associated with the Scheme. In response to this point, the Principal Planning Officer clarified that legislation provided that Section 106 agreements could not be sought for developments of fewer than 10 dwellings and under 1,000sq metres. The development would constitute no harm to highway safety. The developer had indicated a willingness to make a contribution towards signage within the village. A Member suggested that an Informative be added to reflect this offer.

The Development Manager commented that Policy RA2 in the emerging Core Strategy identified Gorsley as a village that could accommodate proportionate housing growth. The Transportation Manager had no objections to the application. The development should be supported having regard to the requirements of the NPPF and the lack of a five year housing land supply. An informative could be added in relation to the developer's offer to contribute towards signage.

RESOLVED: That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **The recommendations set out in Section 4 of the ecologist's report from Clark Webb dated September 2014 shall be followed in relation to habitat enhancement. Prior to commencement of the development, a habitat enhancement plan integrated with the landscape proposals should be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved.**

Reasons:

- a) **To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.**
 - b) **To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.**
3. **An appropriately qualified and experienced ecological clerk of works shall be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

Reasons:

- a) **To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.**
 - b) **To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.**
4. **Evidence of Passivhaus certification received from the Passivhaus Institute in Darmstadt shall be submitted to the Local Planning authority by an accredited Passivhaus assessor within six months of the first occupation of each dwellinghouse hereby permitted.**

Reason: The sustainability credentials of the dwellinghouses were given considerable weight in the decision of the Local Planning Authority to grant planning permission for the development and to accord with Policy S1 of the Herefordshire Unitary Development Plan 2007.

5. **The development shall be carried out strictly in accordance with the approved plans:-**

- Site Layout Plan Drawing number 99447.P10 (Scale 1:200 at A1) received under cover of e-mail dated 28 January 2015
- Floor Plans, Elevations and Section of House Type B2 – Drawing number 99447.P25 (Scale 1:100 at A1)
- Floor Plans, Elevations and Section of House Type C – Drawing number 99447.P26 (Scale 1:100 at A1)
- Floor Plans, Elevations and Section of House Type A2 – Drawing number 99447.P22 (Scale 1:100 at A1)
- Floor Plans, Elevations and Section of House Type B1 – Drawing number 99447.P24 (Scale 1:100 at A1)
- Floor Plans, Elevations and Section of House Type A1 – Drawing number 99447.P21 (Scale 1:100 at A1)
- Application Site Plan – Drawing number 99447.P101 (Scale 1:1250 at A3)
- Typical Plot Layout – Drawing number 9947.P27 (Scale 1:100 at A3)
- Details – Drawing number 9947.D01 (Scale 1:10 at A3)

except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

6. Prior to the first occupation of any of the dwellinghouses hereby permitted visibility splays of 2.4 metres x 60 metres in both directions with no obstruction to visibility above 0.6 metre shall be provided at the means of access to the public highway and thereafter maintained free of obstruction to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Policy DR3 of the Herefordshire Unitary Development Plan 2007.

7. Notwithstanding the provisions of condition 5) above, the following matters shall be submitted to the Local Planning authority for their written approval:-

- Full written details of all external materials (including windows, doors and rainwater goods) together with their colour;
- Written details of the surfacing material (which shall be permeable) to be used upon the means of access / private drive, driveways, vehicle turning / manoeuvring areas, and open car parking areas.
- Written details of any kerbing.
- Details of any external lighting.
- Full details of foul and surface water drainage arrangements.
- Details of all fences, gates, walls or other means of enclosure (including detail of material to be used).
- Written details as to the degree that the windows and doors will be recessed from the elevations of the houses.
- A scheme for the harvesting of rain water

The development 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 detail and thereafter maintained as such.

Reason: To ensure a satisfactory appearance to the development in the landscape, to ensure adequate foul sewage disposal arrangements and to safeguard against flood risk, in accordance with Policies DR1, H13, LA2, and DR4 of the Herefordshire Unitary Development Plan 2007.

- 8. The garaging shown upon the approved plans shall permanently be kept available for the parking of motor vehicles.**

Reason: To ensure adequate on-site parking provision and to safeguard the appearance of the development, in accordance with Policies DR3, LA2 and H13 of the Herefordshire Unitary Development Plan 2007.

- 9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), no development normally permitted by Classes A, B, C, D, E, F and G of Part 1 and Classes A and C of Part 2 of Schedule 2 of Article 3 shall be carried out without the express consent of the Local Planning Authority.**

Reason: To ensure a satisfactory appearance to the development, in accordance with Policies H13, DR1 and LA2 of the Herefordshire Unitary Development Plan 2007.

- 10. All planting, seeding and turfing comprised in the approved details of landscaping (Mackley Davies Associates Ltd. Planting Proposals of December 2014) shall be carried out in the first planting and seeding seasons following the first occupation of the dwellinghouse hereby permitted or the completion of the development (whichever is the sooner). Any trees or plants which 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 in accordance with Policy LA6 of the Herefordshire Unitary Development Plan 2007.

- 11. Prior to commencement of the development hereby permitted all of the trees shown to be retained shall be protected in accordance with the advice contained within BS5837:2012. Once these protective measures have been erected but prior to commencement of the development a suitably qualified arboricultural consultant appointed by the developer shall inspect the site and write to the Local Planning Authority to confirm that the protective measures are in-situ. Upon confirmation of receipt of that letter the Local Planning Authority the development may commence but the tree protection measures must remain in-situ until completion of the development.**

Reason: To ensure that there is no damage during the construction phase to the trees on the site to be retained and that are recognised to be of amenity value, in accordance with Policy LA5 of the Herefordshire Unitary Development Plan 2007.

- 12. Other than any external lighting approved pursuant to condition 7) above, no external lighting shall be placed on the site or attached on any building without the express consent of the Local Planning Authority.**

Reason: To safeguard the character and appearance of this rural area in accordance with Policies LA2 and DR14 of the Herefordshire Unitary Development Plan 2007.

- 13. The existing agricultural building (including any flooring) on the land outlined in blue on the Site Location Plan – Drawing number 99447.P101 shall be demolished and all resultant materials removed from the site prior to the first occupation of any of the dwellinghouses hereby permitted.**

Reason: To safeguard the character and appearance of the landscape, in accordance with Policy LA2 of the Herefordshire Unitary Development Plan 2007.

Informative:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2 The Local Planning Authority welcomes and encourages the applicant's expressed intention to make a voluntary financial contribution towards further signage in the vicinity encouraging considerate and safe driving by users of motor vehicles as per the Breinton sign.**

176. 143500 TWIN KILNS, YARKHILL COURT BARNS, WATERY LANE, YARKHILL, HEREFORD, HR1 3TD

(Proposed sun room extension.)

The Senior Planning Officer gave a presentation on the application.

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

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor PM Morgan spoke on the application.

She noted that policies HBA12 and HBA 13 permitted conversion schemes with a view to protecting redundant agricultural buildings. The conversion of Twin Kilns had been carried out well and was one of a number conversions in that development. It could be argued that the proposal was in conflict to a degree with policy. However, she suggested it was a subjective judgment as to whether, with reference to paragraph 6.13 of the report, the scheme would have a materially detrimental effect on the character and appearance of the building.

In the Committee's discussion of the application the following principal points were made:

- Some Members considered that the proposal would not detract from the building. Rather, the scheme proposed was of good quality and would contribute to the preservation and enhancement of the building.

- Other Members considered the development was an extension, not in keeping with the character of the building, and contrary to policy as officers had concluded in the report.
- In accordance with policy such a proposal should only be permitted if it was of exceptional design and/or architectural quality.
- Granting permission would set a precedent for other conversion schemes.
- The Parish Council had raised no objection.
- It was disappointing that the applicant had not sought pre-submission advice.

The Development Manager commented that conversions are seen as finite and that policy precludes extensions although appeals have allowed additions where the design is truly outstanding. In this particular case the applicant had proposed a traditional design rather than a contemporary approach. Accordingly as advised the proposal was contrary to policy.

The local ward member had no additional comment.

RESOLVED: that officers named in the Scheme of Delegation to Officers be authorised to grant planning permission subject to conditions considered necessary on the grounds that the proposal would not have a detrimental effect on the character and appearance of the building.

177. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Committee Updates

The meeting ended at 4.02 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 4 March 2015

Afternoon

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

P142356/F - PROPOSED REMOVAL OF CONDITION 4 OF PLANNING PERMISSION DCNC2004/2013/F (CONVERSION OF COTTAGE ANNEXE TO PROVIDE ONE BEDROOM HOLIDAY COTTAGE) TO ALLOW 'FODDER STORE' TO BE USED AS A DWELLING AT FODDER STORE ADJ THE OLD RECTORY, BOAT LANE, WHITBOURNE, WORCESTER, WR6 5RS

For: Mr & Mrs Poultney per Mr Paul Smith, 41 Bridge Street, Hereford, Herefordshire, HR4 9DG

ADDITIONAL REPRESENTATIONS

Councillor Swinford has referred to absence of policy H7, para 55 of the NPPF and enforcement appeal not in the history list.

OFFICER COMMENTS

H7 is not listed as there are more directly relevant policies, namely H17, and HBA3 and 4. NPPF para 55 appears at para 6.4.3, though it should read P55 not S55.

The enforcement appeal details are as follows, ref APP/W1850/C/13/219173 and 174. (individual appeal by Mr and Mrs Poultney)

The enforcement notice was upheld as follows.

Without planning permission, change of use of land to a mixed use for holiday accommodation and function venue.

The only physical alteration was the marquee. The notice has been complied with. However it is not considered to be material to the current application.

NO CHANGE TO RECOMMENDATION

143774 - PROPOSED CONSTRUCTION OF 7 NO. PASSIVHAUS STANDARD DWELLINGS, ASSOCIATED CAR PARKING AND LANDSCAPING AT LAND NORTH WEST OF METHODIST CHAPEL, GORSLEY, ROSS-ON-WYE, Herefordshire, HR9 7SE

For: Mr Crawford per Warren Benbow Architects, 21-22 Mill Street, Kington, Herefordshire, HR5 3AL

ADDITIONAL REPRESENTATIONS

None

OFFICER COMMENTS

None

CHANGE TO RECOMMENDATION

Add a further bullet point to recommended condition 7 being:-

- A scheme for the harvesting of rainwater

