

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 6 August 2008 at 2.00 p.m.

Present: Councillor JE Pemberton (Chairman)
Councillor GA Powell (Vice-Chairman)

Councillors: PA Andrews, WU Attfield, DJ Benjamin, AJM Blackshaw, ACR Chappell, SPA Daniels, H Davies, PJ Edwards, DW Greenow, KS Guthrie, MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, AP Taylor, AM Toon, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward

In attendance: Councillors TW Hunt (ex-officio) and RV Stockton (ex-officio)

25. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors MAF Hubbard and GFM Dawe.

26. DECLARATIONS OF INTEREST

30. DCCW2008/0292/F - St. Nicholas Rectory, 76 Breinton Road, Hereford, Herefordshire, HR4 0JY [Agenda Item 6]

Councillor JD Woodward; Personal.

Councillor PA Andrews; Prejudicial; Left the meeting for the duration of the item.

31. DCCW2008/0610/O - 3 Villa Street, Hereford, Herefordshire, HR2 7AY [Agenda Item 7]

Councillor SJ Robertson; Prejudicial; Left the meeting for the duration of the item.

34. DCCE2008/1458/F - 11 Kyrle Street, Hereford, Herefordshire, HR1 2ET [Agenda Item 10]

Councillor SJ Robertson; Prejudicial; Left the meeting for the duration of the item.

27. MINUTES

Referring to Minute 20 [DCCE2008/0626/F – Hereford Sixth Form College], Councillor AT Oliver noted that the inclusion of measures to reduce the environmental impact of the building had been omitted from the resolution. The Central Team Leader commented on the difficulties of enforcing compliance with emerging environmental performance standards. The Sub-Committee considered that the wording agreed should be reflected in the minutes.

RESOLVED:

That, subject to the inclusion of the words '*...and subject to the inclusion of measures to reduce the environmental impact of the building*' in the resolution of minute 20, the minutes of the meeting held on 9 July 2008 be approved as a correct record.

28. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report about the Council's position in relation to planning appeals for the central area.

29. DCCE2007/1655/O - HOLMER TRADING ESTATE, COLLEGE ROAD, HEREFORD, HR1 1JS [AGENDA ITEM 5]

Mixed use development comprising residential (115 units), employment (office, industrial and warehousing), retail and supporting infrastructure including new access off College Road, roads, footpaths, open spaces, landscaping, parking and re-opening of part of canal.

The Chairman read the following statement:

'Members may recall this application appearing on our agenda at the July meeting of this Committee. As a result of a number of issues relating to that report being brought to my attention, and upon taking professional advice, I moved deferral from the Chair, so that those issues could be properly investigated. I moved deferral for one month, and not two months as I have seen reported in certain publications. Last week I was advised by the Legal Practice Manager, that he had learned of additional features which required to be brought into consideration. I have to inform you, with regret, that the investigation has not yet been completed and in those circumstances, having liaised with professional officers, that I again move deferral for one month. This second deferral, which I propose will give Members the certainty at their September meeting that all relevant planning considerations have been properly addressed and reported to them in their agendas for that meeting.'

There was a brief discussion about a report in a local newspaper relating to this application and about the possible sources for the article. Councillor RI Matthews noted that there was an ongoing investigation and that it would be improper to discuss the matters any further at this stage.

Councillor DB Wilcox refuted a number of points made in a publication.

A number of members commented on the need for information to be shared with members directly.

RESOLVED:

That consideration of the application be deferred.

30. DCCW2008/0292/F - ST. NICHOLAS RECTORY, 76 BREINTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0JY [AGENDA ITEM 6]

Demolish existing rectory and erect 9 no. residential dwellings.

Councillor JD Woodward, a Local Ward Member, was disappointed that there was a still a shortfall between the contribution sought by the Children and Young People's Directorate and the sum offered by the applicant. Councillor Woodward also felt that

the potential impact of the development on the local road network needed to be given further consideration, especially given the proximity of the site to a heavily trafficked junction.

The Central Team Leader advised the Sub-Committee that the planning application was submitted prior to the adoption of the Supplementary Planning Guidance on Planning Obligations [SPD] and reminded members that the purpose of planning obligations was to mitigate the impact of particular development proposals.

Councillor DJ Benjamin, the other Local Ward Member, commented on the need to maximise the benefits from this proposal for the local community.

Councillor ACR Chappell supported the views of the Local Ward Members and expressed concerns about the access arrangements. Attention was drawn to paragraph 4.3 of the report and Councillor Chappell suggested that the contribution towards sport facilities should be allocated to the LEA Swimming Pool, rather than the Hereford Leisure Pool.

Councillor AM Toon commented that the replacement of one house with nine dwellings would have an impact on the local road network and felt that appropriate contributions should be sought towards necessary improvements. In response, the Principal Planning Officer advised that the developer had agreed to contribute £15,480 towards off site highway works and improved public and sustainable transport infrastructure to serve the development; he added that this was in line with the SPD.

Councillor MD Lloyd-Hayes felt that the design approach could be improved and expressed concerns about highways safety at the adjacent junction. Councillor Lloyd-Hayes also drew attention to the comments in the report relating to the Youth Service.

Councillor AT Oliver considered the tone of correspondence from the applicant's agent to be regrettable, particularly the comment that the case for education contributions 'appears to be entirely spurious'. Councillor Oliver also felt that the application should be refused.

A number of members supported deferral of the application to enable further consideration to be given to the highways and parking issues and to allow further negotiations regarding the level of contributions proposed.

RESOLVED:

That consideration of the application be deferred.

31. DCCW2008/0610/O - 3 VILLA STREET, HEREFORD, HEREFORDSHIRE, HR2 7AY [AGENDA ITEM 7]

Proposed erection of 4 no. bungalows and 2 no. houses.

The following updates were reported:

- The Conservation Manager had confirmed that the construction of a semi-detached house closer to the front of the plot would give a much better rhythm to the street frontage leading into the conservation area. Also, that the siting of the bungalows to the rear of the plot meant that they would have no impact on the character or appearance of the conservation area.

- A further letter had been received from Mr. Birch expressing concerns that the report did not cover sufficient detail concerning the harm to pedestrian, cyclist and vehicle movements.
- The Sub-Committee was advised that the officers were satisfied that the report covered the issues raised in order to enable a decision to be made.

In accordance with the criteria for public speaking, Mr. Flynn spoke in objection to the application and Mr. Goldsmith spoke in support of the application.

Councillor H Davies, a Local Ward Member, noted the demand for less expensive housing but questioned whether there was sufficient capacity on this site for four bungalows and two houses. Councillor Davies felt that the Sub-Committee would benefit from a site inspection. Councillors GA Powell and PJ Edwards, the other Local Ward Members, supported a site inspection. Councillor Edwards added that Villa Street formed part of a strategic cycleway and he was concerned that this proposal, together with another development across the road (approved but not yet implemented), could compromise safety.

RESOLVED:

That consideration of the application be deferred for a site inspection.

32. DCCE2008/1537/F - CHURCH HALL, ST. JOHN'S METHODIST CHURCH, ST. OWEN STREET, HEREFORD, HEREFORDSHIRE, HR1 2PR [AGENDA ITEM 8]

Install 5m imitation flagpole roof top telecommunications antennae with associated cabinet and cabling.

In accordance with the criteria for public speaking, Mrs. Fowler spoke in objection to the application.

The Chairman commented that the introduction of the antennae would not enhance the building but noted that officers did not consider that the proposal would be detrimental to the character of the conservation area or the setting of the adjacent church. The Chairman also noted the concerns of local residents about emissions emanating from the mast and asked officers for clarification about the relevant standards.

The Central Team Leader read para. 98 of PPG 8 which stated that '*In the Government's view, if a proposed mobile phone emissions meets the ICNIRP [International Commission for Non Ionizing Radiation] guidelines for public exposure it should not be necessary for the local planning authority in processing an application to consider further the health aspects and concerns about them*'. It was reported that the applicants had provided a statement to demonstrate that the emissions from the mast met the current ICNIRP standard.

Councillor RI Matthews commented that, notwithstanding the advice provided, local residents had genuine concerns about the health risks associated with telecommunications antennae and the visual impact of the mast on the surroundings.

Councillor PJ Edwards noted the importance of the conservation area status and, referring to issues with masts in his own ward, asked for clarification about the access arrangements for maintenance vehicles. In response, the Principal Planning Officer advised that arrangements had been made for maintenance vehicles to park in an adjacent car park.

Councillor AM Toon commented that an imitation flag pole might be preferable to other types but noted that PPG8 required a roll out programme for mast installations, with mast sharing where possible, and questioned how this proposal fitted in with the wider context. Councillor MD Lloyd-Hayes noted the demand for mobile services and suggested that a seminar be arranged for members with the telecommunications operators. The Principal Planning Officer advised that 3G (Third Generation) mobile services worked over smaller cell areas, hence the need for more masts, and it was accepted that there were no other suitable existing masts that could be shared in the city centre.

A number of members expressed concerns about the application but a motion to refuse the application was lost and the resolution below was then agreed.

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. **C10 (Details of external finishes).**

Reason: To secure properly planned development and to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

Informatives:

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

33. DCCE2008/1235/F - 2 THE STABLES, SOUTHBANK ROAD, HEREFORD, HR1 2TJ [AGENDA ITEM 9]

Conversion of existing dwelling into two dwellings and one proposed new dwelling.

In accordance with the criteria for public speaking, Mrs. Newlove spoke in support of the application.

Councillor DB Wilcox, a Local Ward Member, asked for clarification about a number of issues, including:

- the drainage arrangements, especially given a comment in the representations section of the report that drains across Aylestone Court Hotel were at capacity;
- whether the fenestration nearest to neighbouring property would be both obscured and sealed shut;
- the design approach to the proposal; and
- Conservation Area considerations.

The Principal Planning Officer responded by advising that:

- the comment related to existing private drainage arrangements but this proposal

would be connected to the mains and Welsh Water had no objections subject to conditions;

- obscured windows were proposed in the south and south-east elevations and a requirement for them to be fixed shut could be included in the conditions;
- it was considered that a modern design approach would have had a greater impact on neighbouring properties, especially as this would have required a larger building footprint;
- the Conservation Manager had initially expressed reservations about the original detailing but amended plans had largely addressed the issues.

Councillor Wilcox asked that the glazing on the staircase be obscured and fixed shut but noted that the skylight should not need to be fixed shut as it was unlikely to impinge on the privacy of neighbouring properties. He commented that the site would benefit from development, subject to the use of suitable and high quality natural materials. The Principal Planning Officer advised that these matters could be factored into the conditions.

Councillor NL Vaughan, the other Local Ward Member, said that traffic surveys in the area had demonstrated that the speed of the traffic could be high in the vicinity of the site and expressed concerns about the access and egress arrangements, especially if turning right when leaving the site. The Principal Planning Officer advised that the Traffic Manager had not raised any objection to the development, subject to conditions, and non-compliance with statutory speed limits was an issue for the police rather than the planning process.

Councillor PJ Edwards welcomed recommended condition 13 regarding secure covered cycle parking provision. He questioned whether, given a recent Cabinet decision, the standard planning conditions could include a requirement for developments to provide an area for the storage of recycling bins. The Principal Planning Officer advised that there was adequate space for a recycling bin within the curtilage of this site; it was noted that specific provision might be needed for future high density and flat developments.

Councillor AM Toon, referring to the planning history, questioned whether a requirement for the replacement of three trees had been complied with. The Principal Planning Officer could not confirm if this was the case but noted that the applicant had until the end of season 2009 to comply with the requirement.

Councillor Toon drew attention to the comments of the Education Manager, expressed concern that there was no reference to Youth Services and commented on the need for youth facilities, such as a skate park. Referring to other examples, Councillor Toon emphasised the need for a consistent approach to planning obligations. The Principal Planning Officer advised that there were nominated officers in each directorate and it was their task to identify needs across the relevant area. It was noted that planning obligations had to be proportionate to the specific impact of the development under consideration. Some members commented on other projects in the locality that required further funding.

Given the comments of members, Councillor Wilcox suggested that the Children and Young People's Directorate be re-consulted on needs in the locality. The Central Team Leader advised that there was an established procedure for seeking comments from the relevant departments and the planning officers could only react to the responses provided. However, members felt that the opportunity should be taken to review the position with the directorate to ensure that no matters had been

overlooked.

RESOLVED:

That, subject to the further comments of the Children and Young People's Directorate, planning permission be granted subject to the following conditions and any further conditions considered necessary by officers:

1. **A01 (Time limit for commencement (full permission)).**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **B03 (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, 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 details that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan.

6. **D05 (Details of external joinery finishes).**

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan.

7. **D10 (Specification of guttering and downpipes).**

Reason: To ensure that the rainwater goods are of an appropriate form in the interests of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan.

8. **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.

- 9. 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.

- 10. 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.

- 11. 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.

- 12. 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

- 13. 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

- 14. 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.

- 15. 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.

- 16. 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.

Informatives:

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

34. DCCE2008/1458/F - 11 KYRLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2ET [AGENDA ITEM 10]

Proposed development to form 5 dwellings - alterations to previously approved planning application DCCE2005/3449/F.

The Principal Planning Officer advised that the design amendments proposed under this application were considered to improve the external appearance of the development.

RESOLVED:

That planning permission be granted subject to 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. 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

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

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. 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.

11. 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.

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

35. DCCW2008/1385/F - THE GRANARY, MANSELL LACY, HEREFORD, HEREFORDSHIRE, HR4 7HQ [AGENDA ITEM 11]

To install a residential wind turbine.

The following updates were reported:

- The comments of the Conservation Manager had been received and were summarised. In particular, it was noted that the Conservation Manager considered that *'the proposed development would be an incongruous introduction into the landscape neither relating to historic land use patterns or identifiable settlement. However, the impact of the development would be very local and the benefits of renewable energy production may be considered to outweigh this impact'*.
- The Senior Planning Officer advised that, on balance, it was considered that the benefits of providing sustainable energy, outweighed the limited local impact. However, in order to mitigate the visual impact, it was considered expedient to recommend appropriate landscaping conditions.
- The Senior Planning Officer also advised that bats might be resorting to the area for foraging and it was considered expedient to recommend an appropriate informative, reminding the applicant of their obligations.

Councillor PJ Edwards suggested that, given the visual impact, the wind turbine could be painted a suitable colour in order to blend in with the landscape better. In response, the Senior Planning Officer advised that the matter could be explored with the applicant but commented that the wind turbine was likely to be pre-fabricated, without colour options.

Councillor PA Andrews noted that Mansell Lacy Parish had no objection to the application and she was happy to support the application. A number of members also spoke in support of the proposal.

RESOLVED:

That planning permission be granted subject to the following condition:

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. **G02 (Retention of trees and hedgerows).**

Reason: To safeguard the amenity of the area and to ensure that the development conforms with 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.

4. **G15 (Landscape maintenance arrangements).**

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

Informatives:

1. **The applicant is advised that they are required to give notice of the date upon which construction both starts and is completed in writing to:**

Defence Estates, Operations North, Safeguarding Wind Energy, Kingston Road, Sutton Coldfield, B75 7RL. Please quote reference DE/C/SUT/43/10/6667.

2. **N01 - Access for all.**
3. **N19 - Avoidance of doubt - Approved Plans.**
4. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
5. **N11C – Wildlife and Countryside Act 1981.**

36. **DCCW2008/1271/F - LAND AT GREEN GABLES, SUTTON ST. NICHOLAS, HEREFORD, HEREFORDSHIRE, HR1 3AZ [AGENDA ITEM 12]**

Erection of single dwelling, with access from current development adjoining new primary school including minor amendments to DCCW2008/0012/F.

In accordance with the criteria for public speaking, Mrs. Clarke spoke in objection to the application.

Councillor KS Guthrie, the Local Ward Member, noted that Sutton Parish Council had no objections but also drew attention to the concerns of local residents, as summarised in the report.

In response to a question from Councillor AP Taylor, the Senior Planning Officer advised that the siting and orientation of the proposal had been designed to maximise openness and reduce the sense of enclosure.

Councillor PA Andrews said that she had reservations about the backland nature of the development and felt that members would benefit from a site inspection; on the grounds that the setting and surroundings are fundamental to the determination or to the conditions being considered. This suggestion was supported by a number of members.

Councillor MD Lloyd-Hayes commented on the need for local ward member input into planning obligations and how contributions were allocated. The Chairman commented that a seminar might assist members and Councillor Andrews advised that there was an ongoing scrutiny review of Planning Services which might provide the opportunity to examine the issue. The Central Team Leader drew attention to the contribution sought for the services of a Council Planning Obligation Monitoring Officer.

In response to a question, the Senior Planning Officer explained that contributions towards sustainable transport infrastructure differed between geographic locations to reflect the cost differentials inherent in providing services in rural areas.

RESOLVED:

That consideration of the application be deferred for a site inspection.

37. DCCW2008/1590/F - LAND ADJACENT TO HOLBACH, SUTTON ST NICHOLAS, HEREFORD, HEREFORDSHIRE, HR1 3HH [AGENDA ITEM 13]

General purpose agricultural building, associated external hardstandings and improved access.

The following updates were reported:

- One further letter of objection had been received from Mrs. Kendal of Holbatch House and the contents were summarised.
- The Highways Officer had advised that there had not been any accidents recorded near to the site in the last five years.

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

Councillor KS Guthrie, the Local Ward Member, supported the proposal in principle but asked for clarification about a number of issues, including:

- referring to comments made by Marden Parish Council, questions were asked about the proposed use of the building and whether the development conformed to PPS7 (sustainable development in rural areas) and Herefordshire UDP Policy

E8 (design standards for employment sites); and

- concerns were expressed about the potential safety issues arising from the intensification in the use of the narrow lane and the junction with the C1125, especially as the area was popular with walkers and horse riders and there were no passing places.

The Senior Planning Officer responded by advising that:

- the application was for agricultural development which accorded with the objectives of Policy E13 (agricultural and forestry development) and, furthermore, a condition limiting the use of the building to the agricultural activities of the applicant was recommended; and
- the Traffic Manager had raised no objection to the proposed development and, as the development site did not adjoin the bridleway directly, it was not necessary to consult the Public Rights of Way [PROW] Officer.

In response to a question from Councillor SJ Robertson and comments by other members, the Senior Planning Officer said that the issue of caution signs could be raised with the PROW Officer separately.

Councillor MD Lloyd-Hayes acknowledged the concerns of local residents but noted the need to support agricultural activities and diversification. A number of members expressed similar views.

In response to a question from Councillor AP Taylor, the Senior Planning Officer advised that, as an agricultural operation, there was not scope to restrict hours of operation.

The Chairman commented that there had been a similar application in her ward which had caused anxieties about the proposed use of the development but noted that appropriate communication between those concerned and suitable conditions had addressed the situation.

Councillor PJ Edwards expressed support for agricultural enterprises but was concerned about increased vehicle movements and the potential for accidents. The Senior Planning Officer commented that this was a modest agricultural development and, consequently, it would be unreasonable to require works to the access road to facilitate the development.

Councillor Guthrie re-iterated the need for further information regarding the intended use and the potential impact on local residents.

Councillor AM Toon suggested that the development should not be commenced until highway works had been completed on the road to Bodenham.

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. **The premises shall not be used for the storage, processing or distribution**

of any crop whatsoever which have not been grown or produced by the occupier of the building.

Reason: To define the terms of the permission and for the avoidance of doubt in the interests of local amenity to comply with Policy DR1 of the Herefordshire Unitary Development Plan.

3. 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.

4. 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.

5. 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.

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. I20 (Scheme of surface water drainage).

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

9. I24 (Standard of septic tank/soakaway system).

Reason: To prevent pollution of the water environment and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

10. I32 (Details of floodlighting/external lighting).

Reason: To safeguard local amenities and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

Informatives:

1. N19 - Avoidance of doubt - Approved Plans.

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

38. DCCE2008/1453/F - HAUGHLEY COTTAGE, MORDIFORD, HEREFORDSHIRE, HR1 4LT [AGENDA ITEM 14]

Retrospective application for a replacement dwelling and detached garage as built (deviations from approved plans DCCE2007/1033/F).

The following updates were reported:

- The comments of Fownhope Parish Council had been received and were summarised; the Parish Council supported the application but wished to register its disapproval of retrospective applications per se.
- The comments of the Landscape Officer had been received and were outlined as follows:

'The retrospective application seeks to reintroduce many of the elements and additional features that were considered incongruous in the first application (DCCE2006/3853/F): a conservatory, porch ground floor canopy roof and additional fenestration. Furthermore, the garage, clearly identified in the first application as being overly large and of a character inappropriate to the location would appear to have been constructed in an elevated position, larger than permitted and of a domestic character; the very reason, it was not considered acceptable. The development as built would appear to have introduced a much increased area of hard standing, a retaining wall and steps and patio area, none of which would have been considered acceptable if introduced as part of the revised planning application (DCCE2007/1033/F).

It should not be forgotten that the application lies within the Wye Valley AONB, within a Special Wildlife Site, adjacent to Ancient Semi-Natural Woodland and an area of landscape character identified in the Herefordshire Landscape Character Assessment.'

- The following officer comment was also reported:

'The application has sought to impose a previously unacceptable development onto a site, where the constraints and parameters were clearly explained to the developer, via a retrospective application and I would not support the application for the regularisation of this development.'

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

The Chairman, speaking in her capacity of the Local Ward Member, commented on the proximity of the parish boundaries and the different impacts that the development would have from the perspective of each parish council. The Chairman emphasised the need for consistency and objectivity. It was noted that decisions could not be based on emotional outcomes and the authority had to uphold its own policies. In view of these considerations, the Chairman supported the officers' recommendation of refusal.

Councillor DW Greenow supported the views of the Local Ward Member and commented that a developer should know the planning process and the potential risks of unauthorised development. He also expressed concern that the development had been allowed to proceed for so long without intervention.

Referring to a comment made by the applicant's agent about an offer to remove some elements of the dwelling as built, Councillor PJ Edwards questioned whether the removal of some features would reduce the building volume percentage. In

response, the Central Team Leader advised that the proposition by the applicant's agent had not been provided to officers prior to the meeting and, therefore, the exact percentage reduction had not been calculated. Councillor Edwards suggested that consideration of the application should be deferred for further discussions between officers and the applicant.

Councillor DB Wilcox reminded the Sub-Committee that the site was in open countryside and that there was a clear policy presumption against residential development, although development may exceptionally be permitted where a replacement dwelling was comparable in size and scale to the existing dwelling. In view of the professional advice of officers, it was considered that the replacement was not comparable in size and scale to the original cottage and should be refused. It was noted that approval of the application would be contrary to a number of authority's policies and, whilst acknowledging that each application had to be considered on its own merits, this could establish a precedent for other unsuitable developments in open countryside. He commented that deferral of the application might not achieve the outcomes required and there were numerous options to be considered as part of any formal enforcement process. It was suggested that officers should ensure that the Chairman/Local Ward Member be kept informed about the ongoing issues.

A number of members commented on the retrospective nature of the application, the sensitive landscape character of the surroundings, and the crucial policy issues involved. Some members expressed concerns about the building control process and why the unauthorised development had not been identified sooner. The Chairman re-iterated the importance of the policy considerations.

RESOLVED:

That planning permission be refused for the following reasons:

- 1. The replacement dwelling is not comparable in size and scale with the original cottage and the development is therefore contrary to Policy H7 of the Herefordshire Unitary Development Plan 2007 and advice contained in the Planning Policy Statement 7: Sustainable Development in Rural Areas.**
- 2. The development, by virtue of its design, siting and scale, fails to respect the local distinctiveness architectural style result in an inappropriate form of development which is detrimental to the landscape character and visual amenities of the area which is within the Wye Valley Area of Outstanding Natural Beauty. The development is therefore contrary to Herefordshire Unitary Development Plan Policies S2, S7, DR1 and LA1.**

39. DATE OF NEXT MEETING

The date of the next meeting was given as 3 September 2008.

In response to a suggestion by Councillor SJ Robertson, the Sub-Committee agreed to hold a site inspection in respect of planning application DCCW2008/1832/N - Upper House Farm, Moreton-On-Lugg, Hereford, Herefordshire, HR4 8AH.

The meeting ended at 5.00 p.m.

CHAIRMAN