

MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 12 November 2008 at 2.00 p.m.

Present: Councillor PGH Cutter (Chairman)
Councillor MJ Fishley (Vice Chairman)

Councillors: CM Bartrum, H Bramer, BA Durkin, AE Gray, JA Hyde,
JG Jarvis, G Lucas, PD Price, RH Smith and DC Taylor

In attendance: Councillor TW Hunt

57. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RV Stockton and JB Williams.

58. DECLARATIONS OF INTEREST

Councillor JG Jarvis requested clarification from the Legal Practice Manager in respect of a possible interest in Agenda item 5. The Legal Practice Manager confirmed that in his opinion Councillor Jarvis did not have a personal or a prejudicial interest in the application.

There were no declarations of interest made.

59. MINUTES

RESOLVED: That the Minutes of the meeting held on 15 October 2008 be approved as a correct record and signed by the Chairman.

60. ITEM FOR INFORMATION - APPEALS

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

61. DCSE2008/1992/F - THORNY ORCHARD, PART OF OS PLOT 8691, COUGHTON, ROSS ON WYE, HEREFORDSHIRE (AGENDA ITEM 5)

Construction of retaining wall.

Councillor JG Jarvis, the local ward member, thanked the sub committee for attending a recent site inspection at the application site. He voiced concerns in respect of the position of the existing gateway and the land slippage onto the public highway but felt that these issues could be addressed through suitable conditions. He added that the public footpath was in danger of collapsing if the application was not approved and therefore moved the recommendation.

The Principal Planning Officer advised members that a condition could be added to the recommendation regarding the fence. He also added that enforcement action could be taken on the rest of the site.

The Southern Team Leader confirmed that the Highways department were aware of the land slippage onto the road. He felt that an informative note could be added to any resolution in order to suggest the reuse of materials.

Councillor Bramer requested clarification in respect of the validity of the plan submitted with the original application. The Legal Practice Manager confirmed that in law the detailed plan would supersede any separate narrative. He added that a separate narrative had not been submitted with the plan in question and that the only text was the notation detailing the site dimensions.

Members discussed the application and had concerns that the removal of the existing wall could result in the footpath being damaged. They felt that it may be beneficial to incorporate the existing retaining wall into any proposal. The Principal Planning Officer advised that these technical issues would be covered by the condition requiring details of the methodology for constructing the new retaining structure.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1. The development hereby approved, which shall include any necessary fence/guard rail to serve the adjoining public footpath, shall be completed in accordance with the approved plans and associated conditions attached hereto within 12 months of the date of this permission**

Reason: In order to maintain the visual amenities of the area and to comply with Policies LA1 and LA6 of the Herefordshire Unitary Development Plan.

- 2. The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. 14043-1, PG/SD/LS1.1, PG/SD/F1.1) and the schedule of materials indicated thereon.**

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. Within 3 months of the date of this permission, details of the construction methodology for the retaining wall hereby approved shall be submitted to and approved in writing by the local planning authority. The methodology shall include details of how the route of the adjacent public footpath WA50 will be safeguarded during the construction phase, together with calculations to demonstrate that the wall is of a suitable design and construction to retain the land in question both during and after construction. The development shall be carried out in accordance with the approved design.**

Reason: To ensure that the construction of the wall is in accordance with the approved details in the interests of providing effective support to the adjacent public footpath so as to comply with Policy T6 of the Herefordshire Unitary Development Plan 2007.

- 4. Within one (1) month of the date of this permission a scheme of**

landscaping shall be submitted for the written approval of the local planning authority. The scheme shall include a written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with the plant and grass establishment.

The landscaping scheme approved under this condition shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs, or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

Reason: In order to maintain the visual amenities of the area and to comply with Policies LA1 and LA6 of the Herefordshire Unitary Development Plan.

5. Within three (3) months of the date of this permission, details of the fence/guard rail to serve the adjoining public footpath WA50 shall be submitted for the written approval of the local planning authority. Details shall include sections and elevations at a metric scale of not less than 1:20. The fence/guard rail shall be completed to a timescale that accords with condition 1.

Reason: To ensure that the public footpath is safe for use by members of the public so as to comply with Policy T6 of the Herefordshire Unitary Development Plan.

6. The development permitted under reference DCSE2004/0220/F, as amended by planning permission (DCSE2008/1992/F), shall not be brought into use until the vehicular access into the site as shown on drawing no. 14043 - 1 has been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and this area shall thereafter be retained and kept available for those uses at all times. Details shall also be provided to demonstrate the position and design of any proposed entrance gates which shall be installed and thereafter maintained in accordance with the approved details.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway so as to comply with Policy DR3 of the Herefordshire Unitary Development Plan 2007.

Informatives:

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

Drawing nos. 14043-1, PG/SD/LS1.1, PG/SD/F1.1

2. The decision to grant planning permission has been taken having

regard to the policies and proposals in the Herefordshire Unitary Development Plan 2007 set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Policy DR1 - Design

Policy LA1 - Areas of Outstanding Natural Beauty

Policy T6 - Walking

[Note: In accordance with the Council's Constitution SO 5.10.2, Councillor H Bramer wished for it to be recorded that he abstained from voting in respect of the resolution above]

62. DCSW2008/2020/O - ETNA, ORCOP HILL, MUCH DEWCHURCH, HEREFORDSHIRE, HR2 8EW (AGENDA ITEM 6)

Provision of 6 affordable (discounted market housing) dwellings, bio-disc treatment plant and use of existing access, 6 attached single garages.

Councillor MJ Fishley, one of the local ward members, noted that the 2003 housing needs survey identified a need for 18 dwellings and that only 6 of these had been provided through the previous application. She advised members that the application had the support of the Parish Council and that the 6 existing houses had all been allocated to local people. In summing up she added that she was aware that the applicant would be happy to offer a 40% market value discount and therefore moved the recommendation.

Councillor RH Smith, the other local ward member, addressed the reasons for refusal outlined in the Officer's report. He felt that the housing needs survey identified a housing need in the area and therefore addressed the concerns outlined in paragraph one of the officer's recommendation. He voiced his concern that Orcop Parish Council had not received support from the Council in their wish to conduct an up to date Housing Needs Survey. He also felt that the development would not detract from the character and appearance of the area and therefore did not feel that the application was contrary to Policies DR1 and H13 of the Herefordshire Unitary Development Plan. In summing up he felt that the applicant had addressed the majority of the Officers concerns but felt that the 30% reduction in open market cost failed to quantify the development as affordable.

Councillor JG Jarvis felt that a section 106 agreement would have to be put in place for the development to ensure that the site would provide suitably designed affordable housing that would be allocated to local people in need of housing.

Following Councillor JG Jarvis' comments, Councillor Smith moved that the application be approved subject to the completion of a Section 106 agreement to ensure that the houses were affordable in form of cost, standard and allocation.

Members discussed the application thoroughly and on balance felt that the application should be approved subject to a Section 106 agreement.

RESOLVED

The Southern Area Planning Sub-Committee is minded to approve the application subject to the conditions set out below (and any further conditions 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 Legal Practice Manager be authorised to complete a planning

obligation agreement under Section 106 of the Town and Country Planning Act 1990 regarding affordable housing cost, standard, and allocation and any additional matters and terms as he considers appropriate.

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 to such conditions referred to above.

[Note: Following the vote on this application, the Southern Team Leader advised that he would refer the decision to the Head of Planning and Transportation on the grounds that the proposal did not deliver affordable housing in accordance with the need identified in the Orcop Housing Needs Survey]

63. DCSW2008/1616/F - UPPER HOUSE, CRASWALL, HEREFORDSHIRE, HR2 0PN. (AGENDA ITEM 7)

Barn conversion for 2 units of holiday accommodation.

Members discussed the application and felt that the site was suitable for development into holiday accommodation. In response to a question, the Principal Planning Officer confirmed that the original beams were included in the plans and therefore would be retained. He also advised that an additional condition would be added to secure improvements to the access to the site.

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. B01 (Development in accordance with the approved plans)

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with 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. D02 (Approval of details)

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

5. D11 (Repairs to match existing)

Reason: To ensure that all of the works arising from the approved

scheme are of an appropriate form in the 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. F14 (Removal of permitted development rights)

Reason: To ensure the character of the original conversion scheme is maintained and to comply with Policy HBA12 of Herefordshire Unitary Development Plan.

7. F30 (Use as holiday accommodation)

Reason: Having regard to Policy HBA13 of Herefordshire Unitary Development Plan the local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation, due to the relationship and close proximity of the building to the property known as Upper House Farm in this rural location.

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. K5 (Habitat Enhancement Scheme)

Reason: In order to ensure that diversity is conserved and enhanced in accordance with the requirements of PPS9, the NERC Act 2006 and Policies NC6, NC7, NC8 and NC9 of Herefordshire Unitary Development Plan.

11. Development shall not begin until details for the provision of an appropriate number of passing places have been submitted to and approved in writing by the local planning authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

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

Informatives:

- 1. N11a (Wildlife and Countryside Act 1981 (as amended) - Birds**
- 2. N11b (Wildlife & Countryside Act 1981 (as amended) and Conservation (Natural Habitats & c.) Regulations 1994 (as amended) - Bats**
- 3. N19 - Avoidance of doubt - Approved Plans**

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

64. DCSE2008/2427/F - LAND ADJACENT TO BODENHAM FARM, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NJ. (AGENDA ITEM 8)

Retention of 2 field shelters with new external cladding.

In accordance with the criteria for public speaking Mr Morgan, a neighbouring resident, spoke in objection to the application and Mr Goldsworthy, the applicant's agent, spoke in support.

Councillor BA Durkin, the local ward member, noted the concerns of the Parish Council and drew members' attention to the reason for refusal for the previous application, outlined in 6.2 of the officer's report.

Councillor H Bramer advised the sub-committee that the field shelters had been erected without planning permission. He added that the shelters were required on the site to shelter horses from adverse weather conditions. However he felt that the existing field shelters were of poor design and that the proposed cladding of the existing units was not an acceptable approach. He felt that new field shelters of a higher quality appearance should be erected in consultation with the Chairman and the local ward member.

The Southern Team Leader advised members that the application should be determined on its merits. He felt that it would be inappropriate for the committee to ask the applicant to replace the field shelters with new units since this would necessitate a new application and said that if this was the committee's wish then they should refuse the proposed application. He advised the committee to defer determination of the application pending further discussions between the applicant and the planning officer to adapt and improve the external appearance of the building.

Councillor PD Price was of the opinion that the structures were not field shelters and may have been used to house horses due to the condition of the surrounding land and the hay surrounding the shelters.

RESOLVED

THAT determination of the application be deferred pending further discussions between the applicant and the planning officer, regarding the external appearance of the shelters and their use.

The meeting ended at 3.35 p.m.

CHAIRMAN