

MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 9 December 2015 at 2.00 pm

Present: Councillor PGH Cutter (Chairman)
Councillor J Hardwick (Vice Chairman)

Councillors: BA Baker, WLS Bowen, CR Butler, BA Durkin, DW Greenow, KS Guthrie, EL Holton, TM James, JLV Kenyon, FM Norman, AJW Powers, A Seldon, WC Skelton, EJ Swinglehurst and LC Tawn

118. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PJ Edwards and JA Hyde.

119. NAMED SUBSTITUTES

Councillor WLS Bowen substituted for Councillor PJ Edwards and Councillor BA Durkin for Councillor JA Hyde.

120. DECLARATIONS OF INTEREST

Agenda item 4: 151354 – Lynders Wood, Upton Bishop, Herefordshire

Councillors PGH Cutter, BA Durkin, J Hardwick and EJ Swinglehurst declared non-pecuniary interests as members of the Wye Valley AONB Joint Advisory Committee.

Agenda item 6: Land adjacent to Sutton Lakes Farm, Sutton Lakes, Hereford

Councillor BA Baker declared a non-pecuniary interest and left the meeting for the duration of the item.

121. 151354 - LYNDERS WOOD, UPTON BISHOP, HEREFORDSHIRE

(Proposed archery course with 3d foam animal targets on a circuit through the woods. To include a reception area, off road parking and serviced portaloo toilet facilities.)

The Development Manager 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, Mr F Buchanan, the applicant, spoke in support of the application.

In accordance with the Council's Constitution, the local ward member, Councillor BA Durkin, spoke on the application.

He made the following principal comments:

- The site was in the Wye Valley AONB and a site visit, which he had requested, would have been helpful.
- The applicant's ecological survey was inadequate and did not address the damage the proposed activity would cause or propose any mitigation.
- Regard should be had to the concerns raised by the Woodlands Trust and Herefordshire Wildlife Trust in their representations on the adverse impact of the proposal.
- He questioned the business model and the number of visitors envisaged suggesting there were inconsistencies in the documentation.
- The proposal was not in line with policy LD2 or SS6. It was also contrary to paragraph 118 of the NPPF; the benefits of the development did not clearly outweigh its adverse impact.
- There were concerns about safety and the risk of arrows flying outside the site's perimeter. No safety assessment appeared to have been made.
- If the application were to be approved mitigation measures should be required to protect flora and fauna.

In the Committee's discussion of the application mention was made of the potential benefit of the business to the County but also to the importance of safety. A site visit was proposed.

RESOLVED: That consideration of the application be deferred pending a site visit.

122. 151248 - 61 STANHOPE STREET, HEREFORD, HEREFORDSHIRE, HR4 0HA

(Change of use to HMO and installation of fire alarm grade A LD2, all bedrooms and kitchen doors to be replaced with fire doors, all walls repainted, carpets refitted, additional shower room and toilet, one internal stud wall added. (retrospective).)

The Development Manager 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, Mr S Kerry, of Hereford City Council spoke in opposition to the application. Mr R Hizzey, a local resident, spoke in objection. Mr R Stuligolwa, the applicant, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor AJW Powers, spoke on the application.

He made the following principal comments:

- Properly licensed and managed houses in multiple occupation (HMOs) did need to form part of the county's housing tenure and mix. However HMOs needed to be in the right place and to be of an appropriate scale. It was to be noted that the Council did not have a specific policy on HMOs.
- It was regrettable that the application was retrospective.

- The WC opened directly into the kitchen.
- Paragraph 1.1 of the report described the area as suburban; it was in fact in a densely urban part of the city
- It was generous to describe the area in front of the property as a foregarden.
- The nearest car park was at Greyfriars 10 minutes walk and 700 metres away. The report acknowledged at paragraph 6.6 that the advice of the landlord to tenants that no parking was available at the premises could not be conditioned and enforced as part of the planning permission.
- Contrary to paragraph 4.2 of the report, paragraph 6.6 of the report stated that a bicycle store had been provided. The area to the front of the house was too small to accommodate waste bins and a cycle store. If the store was to the rear of the property bikes would have to be taken through the kitchen.
- It was questioned why the Environmental Health Officer had only been asked to comment on noise issues given that a number of other health issues appeared to warrant consideration.
- There were three main issues: amenity of neighbours, car parking and overintensification.
- In terms of amenity Nos 59 and 63 shared drainage and it was apparent that the sewer could not cope.
- The landlord's statement that there was no parking for residents and their visitors could not be enforced. Parking in the area was inadequate. The nearest car park was often full.
- The application was overintensification. There was no communal space apart from the kitchen/diner. With 6 tenants there had been a separate dining room and a sitting room. The provision of one WC was below the required standard.
- One of the Core Strategy strategic objectives set out at Figure 3.1 of the Strategy was to meet the housing needs of all sections of the community (especially those in need of affordable housing), by providing a range of quality, energy efficient homes in the right place at the right time. The application did not fulfil that objective.

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

- A motion that consideration of the application be deferred for a site visit was lost on the Chairman's casting vote.
- In response to concerns expressed by Members, the Development Manager commented that whilst retrospective applications were unwelcome this was not a material factor. The Committee had to consider the application as it was presented: an application to increase the occupancy from 6 residents to 10 residents and the impact that had.

- The consensus was that the property was not suitable to accommodate ten residents, noting the pressure on parking, waste management problems and other issues. A number of grounds for refusal of the application were advanced.

The Development Manager commented that the property had now been granted a license under HMO legislation for ten residents. The applicant could have accommodated 6 residents without planning permission. The consideration in planning terms was therefore whether increasing the number of residents from 6 to 10 would have a severe impact on matters such as the residential amenity and character of the area and car parking.

The Chairman agreed to request that a briefing note be provided for members of the Committee and all other councillors on the legal framework governing HMOs.

The local ward member was given the opportunity to close the debate. He suggested that there was a need for the Council to develop specific policies for HMOs, such as the supplementary policy adopted by Worcester City Council. This issue could become more pressing for the authority with the proposed University development, for example, potentially placing additional strain on the rented sector.

RESOLVED: That planning permission be refused and that 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 following should be the reasons for refusal: the adverse impact on the residential amenity, character of the area and car parking.

123. 152475 - LAND ADJACENT TO SUTTON LAKES FARM, SUTTON LAKES, HEREFORD

(Proposed cottage and garage)

(Councillor BA Baker left the meeting for the duration of this item.)

The Development Manager 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, Mr C Nenadich, the applicant, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor KS Guthrie, spoke on the application.

She made the following principal comments:

- The site was sustainable with access to public transport, Sutton St Nicholas and Marden.
- The site was within a cluster of houses in the hamlet of Sutton Lakes and could be regarded as infill development.
- Marden Parish Council supported the proposal and there was evidence of local public support.
- The proposal was consistent with the draft Neighbourhood Plan.

- The applicant was a local resident who wanted to build a house for health reasons in a location where he could be supported by his family and friends.

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

- The proposed dwelling was not out of character with the area, was close to Marden and could be considered to be infill development.
- The Parish Council supported the proposal; there was local support and there were no objections.
- A view was expressed that the applicant's reasons for making the application were sound. However, it was also noted that social care issues were not a material planning consideration and that there were risks in granting an application for a specific reason to meet the needs of a specific individual.
- The proposed dwelling was in the open countryside, contrary to policy RA3, and did not meet the special circumstances in paragraph 55 of the NPPF under which such developments could be permitted.

The Development Manager confirmed that the proposal was not tied in any way to an adjoining property. The draft Neighbourhood Plan was at Regulation 16 stage but was still not yet a relevant consideration to which weight could be attached. Sutton Lakes was not identified in the Core Strategy as an area for development and the proposal for a dwelling in the open countryside was contrary to policies RA2 and RA3. The development was unsustainable. Social care issues were not a material consideration.

The local ward member was given the opportunity to close the debate. She reiterated her view that the proposal did represent sustainable development.

RESOLVED: That officers named in the Scheme of Delegation to officers be authorised to grant planning permission subject to conditions considered necessary.

124. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Updates

The meeting ended at 4.05 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 9 December 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.

151354 - PROPOSED ARCHERY COURSE WITH 3D FOAM ANIMAL TARGETS ON A CIRCUIT THROUGH THE WOODS. TO INCLUDE A RECEPTION AREA, OFF ROAD PARKING AND SERVICED PORTALOO TOILET FACILITIES AT LYNDERS WOOD, UPTON BISHOP, HEREFORDSHIRE

For: Mr F Buchanan, 27 Archenfield Estate, Madley, Hereford, Herefordshire HR2 9NS

ADDITIONAL REPRESENTATIONS

Subsequent to the receipt of additional information and plans a further 10 objections have been received. In summary these raise the following additional points:

- Business model is implausible, it is not commercially viable and no evidence of demand.
- What is the real motive? With M50 nearby could give rise to greater commercial exploitation
- New altruistic dimension to business does not change the proposal
- Better location for such a use, if to serve Herefordshire should not be on the border with Gloucester and could take place at village fetes etc.
- Continuing lack of detail still does not give confidence as to how the enterprise would be run
- No details of safety zones/perimeter buffer zones have been provided and two people operating it is still insufficient
- Site slopes, which would complicate course design
- Block plan includes a neighbour's land and notice has not been served on them. This results in the application being invalid and inaccurate in respect of the proximity of targets to neighbour's land. The proposal would be danger to users of the paddock.
- At the time the Ecology Report was produced the site layout had not been submitted, therefore the Report cannot assess the proposal accurately
- Trees are proposed to block misfired arrows leaving the wood. This will damage trees, making them more susceptible to disease and the arrows not blocked will exit the woods and be a danger.
- Unclassified road is single track and used by pedestrians to reach the bus stop. It is unsuitable for large volume of traffic.
- Proposal still does not demonstrate that protected species and wildlife would not be harmed. Dormouse survey should be produced before the decision is made. Applicant's preference not to carry out the survey shows the level of appreciation for the woodland and wildlife
- The trampling of the woodland has been underestimated. This would be significant even for 16 people a day at weekends/bank holidays if the number of shots per target is taken into account.
- Will there be audible safety alarms?
- Recreational use could give rise to fire in the woods from discarded matches/cigarettes
- How often will the portable toilets be serviced?

OFFICER COMMENTS

The applicant has confirmed that as originally drawn the red line around the application site was inaccurate and inadvertently included a parcel of land, next to the boundary with Lynders Lodge. Revised plans have now been provided to rectify this. As the neighbour was aware of the situation and has made representation on the application there has been no prejudice in this case.

The comments raised in general highlight the local view that the submission is not precise enough to make a decision and express objection to the use on highway safety and ecology issues. These have been considered within the Committee Report and in line with consultation responses given, it is considered that subject to the recommended conditions these are suitably addressed.

Further consideration of the comments received from the Transportation Manager has taken place. It is considered appropriate to attach conditions requiring the retention of visibility splays and to secure surfacing of the splayed entrance to reduce the risk of mud being deposited on the highway

CHANGE TO RECOMMENDATION

Two additional standard conditions CAB (H03) and CAL (H13)

**152475 - PROPOSED COTTAGE AND GARAGE AT LAND
ADJACENT TO SUTTON LAKES FARM, SUTTON LAKES,
HEREFORD,**

**For: Mr Nenadich per Mr John Phipps, Bank Lodge, Coldwells
Road, Holmer, Hereford, Herefordshire HR1 1LH**

ADDITIONAL REPRESENTATIONS

Highways comments received – no objections and no impact on highways safety so long as the parking and turning is laid out as proposed. The frontage needs to be cut back to secure adequate visibility splays. If minded to approve conditions are recommended.

Additional information to accompany the application has been submitted by the agent. This is summarised below:

- The applicant was diagnosed with Chronic Lymphatic Leukaemia in May and as a result his immune system has dilapidated and he has been prone to infections.
- As a result his occupation as a pest controller and damp proofing specialist should be avoided
- The new dwelling would enable the applicant to live in a more acceptable environment that lowers the risk of infection, keeps him in the community with friends and support and would be a sustainable build
- The proposal sits within a line of six houses with nearby amenities including Bodenham GP 3 miles away and 500m from a bus stop.

OFFICER COMMENTS

While the above personal reasons have been taken into consideration, it does not change the recommendation for refusal of the application.

NO CHANGE TO RECOMMENDATION