

MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 21st December, 2005 at 2.00 p.m.

Present: Councillor Mrs. R.F. Lincoln (Chairman)
Councillor P.G. Turpin (Vice Chairman)

Councillors: H. Bramer, M.R. Cunningham, N.J.J. Davies,
Mrs. C.J. Davis, G.W. Davis, J.W. Edwards, Mrs. A.E. Gray,
Mrs. J.A. Hyde, G. Lucas, D.C. Taylor and J.B. Williams

In attendance: Councillors P.J. Edwards (ex-officio) and T.W. Hunt (ex-officio)

90. APOLOGIES FOR ABSENCE

No apologies for absence were received.

91. DECLARATIONS OF INTEREST

There were no declarations of interest made.

92. MINUTES

RESOLVED: That the Minutes of the meeting held on 23rd November, 2005 be approved as a correct record and signed by the Chairman.

93. ITEM FOR INFORMATION - APPEALS

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

94. DCSE2005/3451/F - FOXBERRY COTTAGE, KILCOT, NEWENT, HEREFORDSHIRE, GL18 1NS

Two-storey rear extension.

The Principal Planning Officer reported the receipt of a further letter, and amended plans from the applicant. She also confirmed that Aston Ingham Parish Council still objected to the application.

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 A08 (Development in accordance with approved plans and materials)

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area.

3 B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

Informative:

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

95. DCSE2005/3624/F - OVERROSS FARM, OVERROSS, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7GX

Erection of 2 dwellings.

The Southern Team Leader reported the receipt of comments from Ross on Wye Town Council who objected to the application. He also reported the receipt of two letters of objection from Mr. Farraday and Mr. and Mrs. Morgan. He also confirmed that the amended plans had been received and modified the recommendation accordingly.

Councillor Mrs. A.E. Gray, one of the Local Ward Members, felt that the application site was large enough for two dwellings and felt that the application should be approved.

Councillor Mrs. C.J. Davis, the other Local Ward Member, voiced her concerns regarding water and sewerage issues on the site, she noted that Welsh Water had not objected to the application and therefore felt that she could not oppose the application.

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 A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

3 B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

4 E17 (No windows in side elevation of dwellings)

Reason: In order to protect the residential amenity of adjacent properties.

5 G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

6 G02 (Landscaping scheme (housing development))

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

7 G03 (Landscaping scheme (housing development) - implementation)

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

8 W01 (Foul/surface water drainage)

Reason: To protect the integrity of the public sewerage system.

9 W02 (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.

10 W03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

11 H11 (Parking - estate development (more than one house))

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

12 H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety.

Informatives:

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

96. DCSE2005/3536/F - THE FRUIT YARD, LINTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SD

Agricultural dwelling.

The Southern Team Leader reported the receipt of a letter from the applicant's agent.

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

Councillor H. Bramer, the Local Ward Member, felt that the application should be approved. He noted that the applicant was willing to have the dwelling linked to the farm land through an agricultural tie.

Members discussed the application and were minded to approve it, as they felt that the applicant needed a dwelling on the farm land. They felt that the applicant needed to be on site during the lambing season and a number of members felt that the application should be approved contrary to the Planning Officer's recommendation.

In response to a number of points raised by Members, the Southern Team Leader advised that they had judged the application using Government guidance and that the Planning Officer felt that there was not a necessity for a permanent dwelling on the site.

RESOLVED:

- That (i) The Southern Area Planning Sub-Committee is minded to approve the application, subject to any 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:**
- (ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application.**

[Note: Following the vote on this application, the Development Control Manager advised that he would refer the decision to the Head of Planning Services.]

97. DCSE2005/1284/F - STERRETT'S CARAVAN PARK, SYMONDS YAT, HEREFORDSHIRE

Erection of four chalets.

The Chairman, speaking in her capacity as Local Ward Member, proposed that a site inspection be undertaken as the setting and surroundings were fundamental to the determination or to the conditions being considered.

RESOLVED:

That consideration of the application be deferred for a site inspection to be undertaken on the grounds that setting and surroundings are fundamental to the determination or to the conditions being considered.

98. DCSE2005/3416/F - 24 THE CROFTS, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7AB

Change of use of basement to barber shop/hairdresser. Replace courtyard wall with brick, railings and gate for direct access. Replace external doors and windows. Internal modification and renovation to business and residential rooms.

The Principal Planning Officer reported the receipt of further correspondence from Ross on Wye Town Council, who still objected to the application as the site was located in a residential area.

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

Councillor Mrs. C.J. Davis, one of the Local Ward Members, felt that the site was not located in a completely residential area and that there were other business premises in the locality. She felt that the applicant should be encouraged to extend her business and asked the Southern Area Planning Sub-Committee to approve the application.

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 A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

3 C05 (Details of external joinery finishes)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

4 G33 (Details of walls/fences (outline permission))

Reason: In the interests of residential and visual amenity.

5 The use hereby permitted shall be limited to the basement only of 24 Crofts Lane.

Reason: To define the terms under which the permission is granted.

Informative:

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

99. DCSW2004/3260/F - BARN ADJACENT TO THE PARKS FARM, POOL PARDON, NR. CUSOP, HEREFORDSHIRE, HR3 5HH

Change of use to form three bedroom private dwelling.

RESOLVED:

That subject to the receipt of revised plans relating to the lean-to extension on the north elevation and the reduction in the garden area, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any 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. A07 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

4. C02 (Approval of details)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

5. E16 (Removal of permitted development rights)

Reason: In order to define the terms to which the application relates.

6. G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

7. No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been approved by the local planning authority. The scheme shall be implemented in accordance with the approved details.

Reason: To prevent pollution of the water environment.

8. The recommendations for bats and birds outlined in the Mitigation and Compensation section of the ecologist's report for mitigation should be followed. The details of these are contained in the tables under the following headings:

- planning and during development
- post-development
- habitat creation, restoration and enhancement
- timber treatment
- other provisions for bats

Reason: To ensure that wildlife including bats and birds are protected under the Wildlife and Countryside Act 1981 and to ensure that the laws relating to nesting birds in the same Act are protected.

9. Time of the development together with post-development site safeguards and monitoring mentioned in the report should be adhered to.

Reason: To ensure that wildlife including bats and birds are protected under the Wildlife and Countryside Act 1981 and to ensure that the laws relating to nesting birds in the same Act are protected.

10. H14 (Turning and parking: change of use - domestic)

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.

Informative(s):

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

100. DCSE2005/1030/F - DSCE2005/3468/F - DSCE2005/3469/F - UPPER FOXHALL FARM, PHOCLE GREEN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7TN

Barn conversions to residential use at the Old Stables, Stone Barn and Brick Barn.

The Principal Planning Officer reported the receipt of comments from the Traffic Manager who felt that 5 dwellings would be appropriate for the site.

Councillor J.W. Edwards, the Local Ward Member, noted the objections raised by local residents but felt that the application should be approved.

RESOLVED:

In respect of DCSE2005/1030/F

That planning permission be granted subject to the following conditions:

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

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

2 A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

3 C02 (Approval of details)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

4 Notwithstanding the provisions of paragraph 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out without the prior written consent of the local planning authority.

Reason: To ensure the character of the original conversion scheme is maintained.

5 F18 (Scheme of foul drainage disposal)

Reason: In order to ensure that satisfactory drainage arrangements are provided.

6 G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

7 G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

8 G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

9 H12 (Parking and turning - single house)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

Informatives:

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

The Environment Agency recommends that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS).

The Traffic Manager advises that the public right of way (UB23) should remain open at all times throughout the development. If development works are perceived to be likely to endanger members of the public then a temporary closure order should be applied for from the Public Rights of Way Department, preferably 6 weeks in advance of work starting. The applicants should ensure that the residents of any new dwelling will have lawful authority to drive over the public footpath.

The developer is advised that all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 and if during construction works evidence of bats or bat roosts are found all works must stop. English Nature should be contacted with regard to the need for a DEFRA licence before work is resumed.

In respect of DCSE2005/3468/F:

That planning permission be granted subject to the following conditions:

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

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

2 C02 (Approval of details)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

- 3 Notwithstanding the submitted Structural Appraisal the existing rafter of the building shall be retained unless approval in writing has been granted by the local planning authority.

Reason: To protect the character of this traditional rural building.

- 4 Notwithstanding the provisions of paragraph 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out without the prior written consent of the local planning authority.

Reason: To ensure the character of the original conversion scheme is maintained.

- 5 F18 (Scheme of foul drainage disposal)

Reason: In order to ensure that satisfactory drainage arrangements are provided.

- 6 G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

- 7 G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

- 8 G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

Informatives:

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

- 2 The Environment Agency recommends that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS).
- 3 The Traffic Manager advises that the public right of way (UB23) should remain open at all times throughout the development. If development works are perceived to be likely to endanger members of the public then a temporary closure order should be applied for from the Public Rights of Way Department, preferably 6 weeks in advance of work starting. The applicants should ensure that the residents of any new dwelling will have lawful authority to drive over the public footpath.
- 4 The developer is advised that all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 and if during construction works evidence of bats or bat roosts are found all works

must stop. English Nature should be contacted with regard to the need for a DEFRA licence before work is resumed.

In respect of DCSE2005/3469/F

That planning permission be granted subject to the following conditions:

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

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

2 C02 (Approval of details)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

3 Notwithstanding the submitted Structural Appraisal the existing rafter of the building shall be retained unless approval in writing has been granted by the local planning authority.

Reason: To protect the character of this traditional rural building.

4 Notwithstanding the provisions of paragraph 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out without the prior written consent of the local planning authority.

Reason: To ensure the character of the original conversion scheme is maintained.

5 F18 (Scheme of foul drainage disposal)

Reason: In order to ensure that satisfactory drainage arrangements are provided.

6 G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

7 G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

8 G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

Informatives:

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

- 2 The Environment Agency recommends that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS).
- 3 The Traffic Manager advises that the public right of way (UB23) should remain open at all times throughout the development. If development works are perceived to be likely to endanger members of the public then a temporary closure order should be applied for from the Public Rights of Way Department, preferably 6 weeks in advance of work starting. The applicants should ensure that the residents of any new dwelling will have lawful authority to drive over the public footpath.
- 4 The developer is advised that all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 and if during construction works evidence of bats or bat roosts are found all works must stop. English Nature should be contacted with regard to the need for a DEFRA licence before work is resumed.

101. **DSCE2005/3770/F - SITE NEAR BODENHAM FARM, MUCH MARCLE, HEREFORDSHIRE, SO 652319**

Fenced training ring at Equine Centre (60m x 20m).

The Principal Planning Officer reported the receipt of comments from the Conservation Manager who recommended conditions. He also reported the receipt of a letter from the applicant and 6 letters of objection from local residents.

In accordance with the criteria for public speaking, Mr. Morgan, representing Much Marcle Parish Council, and Mr. Pope, a local resident, both spoke in objection to the application. Mrs. Mitchell, the Applicant's Agent, spoke in support.

Councillor J.W. Edwards, the Local Ward Member, noted the concerns of the local residents regarding poor access to the site and the size of the enterprise and felt that he could not support the application.

Councillor J.B. Williams noted that the applicants currently had to transport the horses away from the site for grazing, he felt that there would not be a significant increase in traffic if the application was approved.

In response to a question from Councillor H. Bramer, the Principal Planning Officer confirmed that a planning application was required due to the amount of excavation required on the site.

RESOLVED:

That: (i) The Southern Area Planning Sub-Committee is minded to refuse the application subject to the reason for refusal set out below (and any further reasons for refusal felt to be necessary by the head of planning services) provided that the Head of Planning Services does not refer the application to the Planning Committee:

- a) Detrimental effect on landscape
- b) Not satisfied that there would be no highways danger

- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to such reasons for refusal referred to above.**

[Note: Following the vote on this application, the Development Control Manager advised that he would not refer the decision to the Head of Planning Services.]

The meeting ended at 3.34 p.m.

CHAIRMAN