

MINUTES of the meeting of Southern Area Planning Sub-Committee held at : The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 24th January, 2007 at 2.00 p.m.

Present: Councillor H. Bramer (Vice Chairman in the Chair)

Councillors: M.R. Cunningham, N.J.J. Davies, Mrs. C.J. Davis, G.W. Davis, Mrs. A.E. Gray, Mrs. J.A. Hyde, J.G. Jarvis, G. Lucas and D.C. Taylor

In attendance: Councillors P.J. Edwards, T.W. Hunt and R.M. Wilson

97. APOLOGIES FOR ABSENCE

Apologies were received from Councillors J.W. Edwards, P.G. Turpin, and J.B. Williams.

98. DECLARATIONS OF INTEREST

The following declaration of interest was made:

Councillor	Item	Interest
H. Bramer	DCSE2006/3633/F – BP Northbound Ross Spur, Ross-on-Wye, Herefordshire, HR9 7QQ Erection of retail warehousing and a replacement roadside restaurant A3/A5	Declared a prejudicial interest and left the meeting for the duration of the item.

99. MINUTES

RESOLVED: That the Minutes of the meeting held on 20th December, 2007 be approved as a correct record and signed by the Chairman.

100. ITEM FOR INFORMATION - APPEALS

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

101. DCSE2006/3487/F & DCSE2006/3489/L - WARRYFIELD FARM, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5QW. (AGENDA ITEM 5)

Refurbishment of farmhouse, granary and barns to make 4 dwellings and new access and new sewage treatment plant.

Councillor J.G. Jarvis, the Local Ward Member, felt that the applicant had not made a reasonable attempt to secure an alternative use for the buildings and was therefore

in breach of Policy HBA13 of the UDP.

RESOLVED

In respect of DCSE2006/3487/F:

That planning permission be refused for the following reason:

The Council is not satisfied that every reasonable attempt has been made to secure an alternative business, recreational or community use and that such uses are not acceptable, practical or beneficial. Consequently the proposal conflicts with Policy HBA13 of the Herefordshire Unitary Development Plan (Revised Deposit Draft), Policies C37, SH1A and SH24 of the South Herefordshire District Local Plan and Supplementary Planning Guidance: Re-Use and Adaptation of Traditional Rural Buildings.

In respect of DCSE2006/3489/L:

That planning permission be refused for the following reason:

The Council is not satisfied that every reasonable attempt has been made to secure an alternative business, recreational or community use and that such uses are not acceptable, practical or beneficial. Consequently the proposal conflicts with Policy HBA13 of the Herefordshire Unitary Development Plan (Revised Deposit Draft), Policies C37, SH1A and SH24 of the South Herefordshire District Local Plan and Supplementary Planning Guidance: Re-Use and Adaptation of Traditional Rural Buildings and the harm to the character of these buildings of special historic or architectural interest is not therefore justified.

102. DCSE2006/3637/F - 1 BROAD STREET & 43 NEW STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7DZ. (AGENDA ITEM 6)

Eight dwelling units, land and buildings.

Councillor M.R. Cunningham, one of the Local Ward Members, felt that granting the application would result in an unacceptable reduction to the retail space in the area. He also noted that there was no provision for car parking within the application and felt that it should be refused.

Some Members expressed concerns in respect of the lack of car parking provision within the development. They felt that residents would need to park their vehicles in the vicinity and that this could have a detrimental effect on the New Street Car Park.

However, other Members felt that planning policy encouraged a reduction in car parking provision within town centre developments and that approving the application would significantly improve the area.

In response to a question from Councillor Mrs. J.A. Hyde, the Southern Team Leader confirmed that the dwellings were a mixture of one and two bedroom units ranging from 60-90 sqm.

A motion to refuse the application was lost and the recommendation was then approved.

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 (Samples of external materials)**

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

- 3. H29 (Secure 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.

- 4. C04 (Details of window sections, eaves, verges and barge boards)**

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

- 5. C07 (Painted finish to windows/doors)**

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

- 6. C14 (Signing of contract before demolition)**

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 7. D01 (Site investigation - archaeology)**

Reason: To ensure the archaeological interest of the site is recorded.

- 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.

Informative(s):

- 1. W01 - Welsh Water Connection to PSS**

2. N06 – Listed Building Consent
3. N19 - Avoidance of doubt
4. N15 - Reason(s) for the Grant of Planning Permission

103. DCSE2006/3883/F - WEST RIDGE, ASHFIELD PARK ROAD, ROSS-ON-WYE, HEREFORDSHIRE. (AGENDA ITEM 7)

Single storey extension to the rear of existing flats to create an additional 2 no. 2 bedroomed flats with 4 no. car parking spaces.

The Principal Planning Officer advised Members that the concerns raised by the Traffic Manager had been subsequently addressed and that he had therefore withdrawn his objection.

Councillor M.R. Cunningham, one of the Local Ward Members, felt that granting the application would be detrimental to the setting of the existing dwelling. He felt that the application should be refused on grounds of plot coverage and that the application could be oppressive to neighbouring dwellings.

Members discussed the application and felt that approving the application could result in over development. The Development Control Manager explained why, in his view, the application did not constitute 'backyard development'.

RESOLVED

That: (i) The Southern Area Planning Sub-Committee is minded to refuse the application subject to the reasons 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) Oppressive to neighbouring dwellings
- B) Over development of the site

(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.]

104. DCSW2006/3829/F - HAREWOOD PARK, HAREWOOD END, HEREFORDSHIRE, HR2 8JS. (AGENDA ITEM 8)

Erection of replacement dwelling, garaging and associated landscaping.

The Southern Team Leader confirmed that the Landscape Officer had not objected to the application.

Councillor G.W. Davis, the Local Ward Member, noted that the original house had been demolished in 1958, he felt that approving the application would help to restore the area to its former beauty.

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. Prior to the commencement of the development a detailed programme and method statement, to include a timetable for the implementation and completion of the development shall be submitted to and be approved in writing by the local planning authority. The development shall be progressed in accordance with the approved details.**

Reason: In order to ensure that the development is progressed to completion.

- 3. B01 (Samples of external materials)**

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

- 4. D01 (Site investigation - archaeology)**

Reason: To ensure the archaeological interest of the site is recorded.

- 5. D04 (Submission of foundation design)**

Reason: The development affects a site on which archaeologically significant remains survive. A design solution is sought to minimise archaeological disturbance through a sympathetic foundation design.

- 6. 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.

- 7. Notwithstanding the approved drawings, details of the following shall be submitted to and approved by the local planning authority prior to the commencement of any works. The development shall be carried out in accordance with the approved details:-**

- (a) external materials and finishes (to include a sample panel of the stonework, mortar and pointing)**
- (b) detailed design of all internal and external joinery**
- (c) detailed design of all internal details including decorative ceilings, panelling and chimney pieces**
- (d) detailed design and materials of all boundary walls, gates, steps and terracing.**

Reason: To safeguard the character and appearance of the building.

Informative(s):

- 1. N19 - Avoidance of doubt**
- 2. N15 - Reason(s) for the Grant of Planning Permission**

105. DCSW2006/3430/O - HEREFORD WALDORF SCHOOL, MUCH DEWCHURCH, HEREFORDSHIRE, HR2 8DL. (AGENDA ITEM 9)

Site for new school buildings and new access to extend school facilities.

The Southern Team Leader reported two typographical errors in the report. He confirmed that the word 'protest' should read 'protect' (Page 54, Para 5.3) and that 'Director of Education' should be replaced with 'Director of Children's Services' (Page 57, Para 6.6).

He advised Members that the recommendation had been changed as a result of further discussions with the Traffic Manager and Welsh Water and that the two reasons for refusal in the report had now been resolved.

The Team Leader (Transportation Planning) confirmed that his concerns regarding forward visibility had been resolved in the independent safety audit provided by the applicant. He said that the required visibility could be provided with some excavation work to the roadside bank. He also noted that the increase in traffic would only result in an extra 120 movements per day.

The Southern Team Leader advised Members that the applicant had also agreed to provide on site sewerage treatment works if required by Welsh Water.

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

Councillor G.W. Davis, the neighbouring Ward Member, noted the concerns raised by Councillor P.G. Turpin. He had strong reservations regarding the proposed access and the general condition of the road network in the area.

Councillor J.A. Hyde had concerns in respect of the new access to the site. She also felt that Members should have been notified of the change to the recommendation sooner.

In response to a question from Councillor J.G. Jarvis, the Southern Team Leader confirmed that although part of the application site fell outside of the village settlement boundary, it would not need to be referred to the Secretary of State.

The Development Control Manager advised Members that the applicant had reached agreement with the Highways Manager in respect of the access. He felt that it would be unwise to refuse the application on Highways grounds following the receipt of the independent safety audit. He confirmed that the travel plan had not yet been received and that Members could defer consideration of the application if they felt that they needed to be in receipt of this prior to determination.

Councillor J.G. Jarvis felt that the application should be refused as it was contrary to points 1 and 2 of policy CF5 of the Herefordshire UDP in that the application did not meet the needs of the local community.

RESOLVED

That: (i) The Southern Area Planning Sub-Committee is minded to refuse the application subject to the reasons 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:

C) The application is contrary to policy CF5 of the Herefordshire UDP.

D) The application is not accompanied with a full Travel Plan.

(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.]

106. DCSE2006/3912/F - CATS NURSERY SCHOOL, LEYS HILL, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE. (AGENDA ITEM 10)

Nine timber lodges, tourist reception building and covered extension to fitness suite.

The Planning Officer advised Members that a number of additional representations had been received. She reported the receipt of the following representations:

- Comments from the Traffic Manager who recommended refusal on highway grounds.
- Comments from the Children's and Young People's Directorate who supported the application.
- Comments from the Conservation Manager and the Planning Ecologist who had not objections subject to ecological conditions.
- A further letter from the applicant's agent confirming that the plans were correct.
- Two further letters of support from the applicants in response to objections raised by the local residents.
- 12 further letters of objection from local residents.
- 43 letters of support.
- A letter from Paul Keetch MP supporting the application.

In accordance with the criteria for public speaking, Mr. Daniels, representing Walford Parish Council, and Mr. Macrostie, representing the Leys Hill residents, spoke against the application and Mrs. Mitchell, the applicant, spoke in support.

Councillor J.G. Jarvis, the Local Ward Member, noted the concerns raised by Walford Parish Council. He felt that the application was finely balanced, with a number of representations received both in support and against the proposal. He felt that if the application was approved it was important to include a condition restricting the dwellings to short term holiday accommodation. He also noted that the proposed materials selected for the development had been used in areas of outstanding natural beauty successfully in the past. He concluded that if the application was unsuccessful he would be willing to chair a meeting between the applicants and the objectors in order to progress matters.

Councillor Mrs. C.J. Davis supported the Local Ward Member and endorsed his decision to chair a meeting between the parties involved.

The Chairman felt that the applicants had delivered a high quality service for 20 years and had been let down by changes in government policy. He noted that this was an established site and felt that the application should be approved.

SOUTHERN AREA PLANNING SUB-COMMITTEE WEDNESDAY, 24TH JANUARY, 2007

Members discussed the application and noted the concerns raised by the Highways Agency. Concerns were raised in respect of the positioning of the log cabins on the site, it was felt that the application would be more acceptable if these cabins were located closer to the main buildings.

A vote to approve the application was lost and the substantive motion, to refuse the application, was then voted on and won.

RESOLVED

That planning permission be refused for the following reasons:

- 1. The site is located within the Wye Valley Area of Outstanding Natural Beauty. Having regard to Herefordshire Unitary Development Plan (Revised Deposit Draft) Policies LA1, RST2, RST.12 and RST14, South Herefordshire District Local Plan Policies C5, TM5 and TM6, and Hereford and Worcester County Structure Plan Policies CTC1, TSM2, TSM5 and TSM6 the Local Planning Authority considers the proposal to be unacceptable. The scale of the proposal would result in harm to the landscape character of the area.**
- 2. The site located in the open countryside taking access from the unclassified U70408 road whose junction with the Class II B4324 has poor visibility. The proposed development would generate additional vehicle movements at this junction that would be likely to result in additional danger on the highway and not therefore be in the interests of highway safety. The proposed development is therefore contrary to the South Herefordshire District Local Plan policy T.3 and Herefordshire Unitary Development Plan (Revised Deposit Draft) policy DR.3.**

107. DCSE2006/3956/F - BARNS AT LIMEGROVE, PENGETHLEY, HEREFORDSHIRE, HR9 6LL. (AGENDA ITEM 11)

Conversion of redundant barns into two residential units, barns.

In response to a question from the Local Ward Member, the Planning Officer confirmed that an agreement had been reached between the applicant and the neighbouring resident in respect of access to the site, and the objection had therefore been withdrawn.

In response to a question from the Chairman, the Southern Team Leader confirmed that the application would have been approved under delegated powers if the letter of objection had not been received.

RESOLVED

That subject to the expiry of the statutory consultation period, the officers named in the Scheme of Delegation to officers be authorised to issue planning permission subject to the following conditions and any additional 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 C02 (Approval of details)

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

3 C10 (Details of rooflights)

Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of [special] architectural or historical interest.

4 C11 (Specification of guttering and downpipes)

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

5 C12 (Repairs to match existing)

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

6 C13 (Repairs in situ)

Reason: In order to preserve the integrity of the structure of the buildings, the conservation of which constitutes the reason for allowing the development where a new building would be contrary to policy.

7 Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order, with or without modification), no fences, gates, walls, garages, buildings, extensions, doors, windows, rooflights or dormer windows shall be erected or constructed other than those expressly authorised by this permission.

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

8 G01 (Details of boundary treatments)

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

9 G04 (Landscaping scheme (general))

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

10 G05 (Implementation of landscaping scheme (general))

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

11 E09 (No conversion of garage to habitable accommodation)

Reason: To ensure adequate off street parking arrangements remain available at all times.

12 No works or development shall take place until detailed plans and specifications for creation and implementation of bat roosting and bird

nesting opportunities has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To conserve and enhance protected species and their habitats and to adhere to the Wildlife and Countryside Act 1981.

Informatives

1 N19 - Avoidance of doubt

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

108. DCSE2006/3633/F - A3 / A5, BP NORTHBOUND ROSS SPUR, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7QQ. (AGENDA ITEM 12)

Erection of retail warehousing and a replacement roadside restaurant.

Due to the prejudicial interest declared by the Chairman in respect of the application, Members were required to elect a Chairman. Councillor J.G. Jarvis was elected Chairman for the following item.

The Principal Planning Officer advised Members that a number of representations had been omitted from the report. He reported the receipt of the following representations:

- Ross Rural Parish Council supported the application.
- Ross Town Council expressed concerns in respect of increased traffic, the impact on an AONB and the lack of a pedestrian crossing.
- Brampton Abbots Parish Council expressed concerns in respect of the impact on Ross town centre, increased traffic, the impact on an AONB and adequate office accommodation already present in Ross.
- West Midland Regional Assembly felt that the application was in general conformity to RSS.
- Welsh Water recommended conditions regarding drainage.
- Ross Chamber of Commerce supported the application and felt that this was a prestige site in Ross-on-Wye and that the new development could bring 1,500,000 people to the site in the first year alone. They also felt that the development would improve the appearance of the area and that other businesses in Ross-on-Wye would benefit from the increased traffic brought to the site.
- Three letters of support.
- Two letters of objection.
- A letter from the applicant's agent in response to the Officer's report. The Principal Planning Officer confirmed that all Members had received a copy of this letter prior to the meeting.

The Principal Planning Officer confirmed that the bus service stopped twice daily at Overross and not once as stated in the report. He also requested that a further reason for refusal be added to the recommendation to address concerns raised by the Highways Agency. Prior to Members discussing the application the Principal Planning Officer confirmed that a separate outline application had been received for the office buildings on the site.

In accordance with the criteria for public speaking, Mr. Buckley spoke against the application and Mrs. Ellis, the applicant, spoke in support.

In response to a question from Councillor J.G. Jarvis, the Principal Planning Officer confirmed the location of the fast food restaurant on the site plan.

Councillor Mrs. C.J. Davis, one of the Local Ward Members, noted that the application had received support from Advantage West Midlands. She felt that the transport impact at the Overross roundabout would be minimal and that the application would be of benefit to the residents of Ross. She added that she had seen no evidence to suggest that the application would be detrimental to local businesses.

Councillor Mrs. A.E. Gray, the other Local Ward Member, noted the concerns raised by Ross Town and Brampton Abbot Parish Councils. She had reservations in respect of the possible effect on the town centre and felt that she could not support the application.

Members discussed the application and felt that Ross Labels was a well run business and of great benefit to the people of Ross-on-Wye. However they had grave concerns regarding the possibility of accidents resulting from children crossing the busy A449 to visit the fast food restaurant. They also felt that the application could have an adverse effect on Ross town centre.

Councillor C.J. Davis discussed the merits of deferring further consideration of the application pending a site inspection but on balance Members felt that this would not be necessary.

RESOLVED

That planning permission be refused for the following reasons:

- 1. The Council consider that the proposed retail warehouses would have an adverse impact on the vitality and viability of Ross-on-Wye town centre and that the tests for acceptable out-of-centre retail development have not been met. The proposal would conflict therefore with the Council's retail strategy as expressed in Policies S.5, TCR.1 and TCR.9 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and RT.1, C.1 and 22 (Part 3) of South Herefordshire District Local Plan.**
- 2. The retail warehouse development would not be located in a sustainable location, being not readily accessible from the town by cycle or on foot and with a limited bus service. The proposal would conflict therefore with Policies SR.6 and DR.3 of Herefordshire Unitary Development Plan (Revised Deposit Draft) and T.1A and GD.1 of the South Herefordshire District Local Plan.**
- 3. The proposal would involve the loss of proposed employment land to retail development and would conflict therefore with Policies E.3, E.5 and S.4 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and ED.2 and ED.4 of the South Herefordshire District Local Plan.**
- 4. Impact on proposals on the A449 trunk road have not been fully assessed and the Council is not satisfied therefore that the proposed development would not adversely affect highway safety**