

MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 12th September, 2007 at 2.00 p.m.

Present: Councillor G Lucas (Chairman)
Councillor PD Price (Vice Chairman)

Councillors: CM Bartrum, H Bramer, PGH Cutter, MJ Fishley, AE Gray, JA Hyde, RH Smith and JB Williams

In attendance: Councillors TW Hunt and RV Stockton

62. APOLOGIES FOR ABSENCE

Apologies were received from Councillors JG Jarvis, TMR McLean, and DC Taylor.

63. DECLARATIONS OF INTEREST

The following declaration of interest was made:

Councillor	Item	Interest
G Lucas	Agenda Item 6 DCSE2007/1771/G – Variation of section 106 agreement ref: SH940997PF Land adjacent to Caradoc, Sellack, Ross-on-Wye, Herefordshire, HR9 6LS.	A prejudicial interest was declared and the member left the meeting for the duration of the item.

64. MINUTES

Councillor PD Price noted that under minute item 59 the applicant's representative was referred to as an agricultural contractor and not as his correct title of agricultural consultant.

RESOLVED: That the Minutes of the meeting held on 15th August, 2007 be approved as a correct record and signed by the Chairman subject to the afore mentioned amendment to minute item 59.

65. ITEM FOR INFORMATION - APPEALS

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

66. DCSW2007/2543/O - GARDEN OF SANDRIDGE, SANDRIDGE, BARRACK HILL, KINGSTHORNE, HEREFORDSHIRE, HR2 8AY.

The Principal Planning Officer reported the following:

- The Parish Council supports the application.
- The Transportation Manager recommends as follows: “HR5 - requires that speeds to determine visibility splay at junction with U/C 71609 which will need to be conditioned, if not achievable recommend refusal.”
- The Officer commented that the Transportation Manager had not previously requested a speed survey, but was concerned about parking and manoeuvring on the application site.

The Principal Planning Officer advised that the application was not within the settlement boundary of Kingsthorpe. He also provided details of the appeal case referred to in the report.

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

Councillor RH Smith, the local ward member, felt that the key policy in determining the application was H6, as Kingsthorpe was listed as a smaller settlement in the UDP. He felt that the application met all of the standard criteria for Policy H6 and felt that it should be approved contrary to the Officers recommendation.

Councillor PGH Cutter felt that the application site fell within the settlement boundary for Kingsthorpe and noted that there were a number of existing dwellings nearby.

The Southern Team Leader advised Members that the application site did not fall within the settlement boundary as defined in the UDP, he also noted that the criteria contained in Policy H6 stated that the frontage of the site could be no more than 30 metres but the proposed site had a frontage of 55 metres and was therefore contrary to Policy.

Members discussed the application and felt that there was a local need for the proposed dwelling.

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.

1) No conditions recommended by Members.

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 Development Control Manager advised that he would refer the decision to the Head of Planning Services.]

67. DCSE2007/1771/G - LAND ADJACENT TO CARADOC, SELLACK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LS.

The Principal Planning Officer reported the following:

- 3 letters of objection have been received in addition to those reported. The key points made are:
 - (i) The Committee report makes no mention of a second current application for a certificate of lawful existing use for part of East Wing as separate dwelling – this factual information is material to decision regarding S106 and its omission is potentially misleading.
 - (ii) We believe certificate cannot be granted as fails to meet the relevant tests but Members should be aware that the creation of a separate unit of accommodation would be at odds with the scheme granted planning permission in 1995 and in breach of the listed building consent (for a “single residence”) and potentially in breach of the requirements of the S106 the applicant is seeking to vary.
 - (iii) Officer’s report is misleading with regard to work already done and that which remains – in fact essential restoration works to West Wing, which constitutes $\frac{1}{3}$ to $\frac{1}{2}$ of original building, has not even started. The extensive list of requirements includes the walls, structure, services and internals not just the roof. These requirements are specified in details. It is entirely misleading to be told that the only outstanding essential works to the West Wing required by the S106 are roofing and glazing. In fact the neglected and dilapidated condition of the West Wing means that the whole of Caradoc Court is far from secure.
 - (iv) Only way for Members to make a proper, informed decision would be for them to visit Caradoc Court.
 - (v) The original planning permission for restoration and enabling development was granted on the basis that the whole of Caradoc Court would be preserved, not just part of it. Contrary to officer’s view the proposed variation would not serve this purpose equally well as Council would have conceded its only means of ensuring that the whole of Caradoc Court is preserved.
 - (vi) Impression gained locally some years ago was that applicant neither needed nor intended to use the enabling development to fund restoration and current application suggests a change in circumstances – if so all the more reason for original terms to be retained to ensure that an otherwise undesirable development does not take place without its achieving its sole justification.
 - (vii) Contrary to original agreement a caravan has frequently been observed on OS 0056 and hardcore has been laid down for it.
 - (viii) Applicant intends additionally to sell to a developer a plot OS 3161 (to east of browsing site).
 - (ix) Factual error in officer’s report in paragraph 1.3: full restoration is to be completed prior to occupation of the 6th new house.
 - (x) Conservation manager refers to owner being a private individual but it is understood that he intends to sell all the land to a commercial developer.
 - (xi) The Appendix is confusing and seems to infer that all clauses are variations whereas only clause 1 is varied.

Other concerns raised are:

- (i) The letter from the applicant’s agent referred to in paragraph 5.1 does not correctly describe the objector’s position or it is believed accurately reflect Mr Brooker’s.
- (ii) Enabling development is on skyline site and the steep scarp is one of finest prospects on this stretch of River Wye.

- (iii) Name suggests a site once fortified and topography resembles other local Dark Age/early medieval settlements – a careful archaeological watching brief should be stipulated.
- (iv) As originally submitted houses were on both side of East Cottage and approved plan is more open to objection because it concentrates development in more picturesque site, suburban style density and threatens hedges and trees. Also adjoining field to east included in sale particulars and developer will submit an application for further development there.
- (v) Sales particulars and on-line newspaper report have been submitted.

The applicant has submitted photographs of Caradoc Court before restoration works started.

The Principal Planning Officer made the following comments:

- The Conservation Manager has inspected the interior and exterior of Caradoc Court and estimates that 80% of the full restoration works have been undertaken.
- Paragraph 1.4 refers to one main exception. Other works are also required but these are relatively minor. The glazed roof of the conservatory should also be mentioned for completeness.
- I understand that occupation of the East Wing as a separate dwelling has been stopped pending the outcome of the application for a certificate of lawful existing use (referred to in paragraph 3.1; DCSE2007/0330/U). This use may be a breach of planning control but it is not clear that this has a direct bearing on the current application.

In accordance with the criteria for public speaking, Mr. Champion, representing Sellack Parish Council, and Mr. Gartside, representing the local residents, both spoke in objection to the application.

The Legal Practice Manager advised members that they had three options when determining an application of this type, they could refuse the application, cancel the agreement, or grant the variation.

Councillor JA Hyde, the local ward member, felt that if the section 106 agreement was amended as requested it would be to the detriment of Caradoc Court. She felt that it was important to keep the section 106 agreement in place to ensure that all works associated to Caradoc Court were completed prior to the new dwellings being commenced.

A number of Councillors supported the views expressed by the local ward member. They felt that the agreement was entered into and therefore should be honoured.

Councillor JB Williams felt that the applicant had done a good job of the restoration work to date. He noted that the applicant's circumstances had changed and felt that the section 106 agreement should be amended to reflect this.

In response to a question raised by Councillor RH Smith, the Principal Planning Officer confirmed that two small trees had been felled but that this work would not have required planning permission.

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) Members felt that the terms of the original Section 106 agreement should be adhered to.

(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 2.50 p.m.

CHAIRMAN