

**MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 18 February 2009 at 2.00 pm**

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

Councillors: CM Bartrum, BA Durkin, AE Gray, JA Hyde, JG Jarvis,  
G Lucas, PD Price, RH Smith and JB Williams

**In attendance:** Councillors TW Hunt and RV Stockton

**82. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors H Bramer and DC Taylor.

**83. DECLARATIONS OF INTEREST**

5. DCSE2008/2740/F - 9 GOODRICH CLOSE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5UX. (Agenda Item 5).  
Councillor G Lucas; Prejudicial; Friend of the applicant.

7. DCSE2008/2815/F - GARDNER BUTCHER GARAGES, 30 KYRLE STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7DB. (Agenda Item 7).  
Councillor G Lucas; Prejudicial; Friend of the applicant.

**84. MINUTES**

Councillor RH Smith noted that he was not the Local Ward Member but that he spoke on behalf of the Local Ward Member in respect of minute number 81

**RESOLVED:** That the Minutes of the meeting held on January 21 2009 be approved as a correct record and signed by the Chairman subject to the aforementioned amendment.

**85. ITEM FOR INFORMATION - SECTION 106 AGREEMENTS DETERMINED UNDER DELEGATED POWERS**

The Sub-Committee noted the Council's current position in respect of Section 106 agreements determined under delegated powers for the southern area of Herefordshire.

**86. DCSE2008/2740/F - 9 GOODRICH CLOSE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5UX. (AGENDA ITEM 5)**

*Single storey rear extension to provide wheelchair accessible facilities.*

Councillor CM Bartrum, the Local Ward Member, felt that his initial concerns had been resolved through the amended plans submitted by the applicant and he therefore moved the recommendation.

**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 B03 (Amended plans)**

**Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan**

**3 F15 (No windows in side elevation of extension)**

**Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.**

**Informatives:**

**1 N19 - Avoidance of doubt - Approved Plans**

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

**87. DCSE2008/2743/F - WEST BANK RESIDENTIAL CARE HOME, WALFORD ROAD, ROSS-ON-WYE, HR9 5PQ. (AGENDA ITEM 6)**

Construction of two single storey and one two-storey extensions to existing residential care home.

The Southern Team Leader reported that the agent had written a further letter on the issue of over-development. This identified that Herefordshire Council had no adopted standards on external amenity space provision for residents of care homes. The agent was also aware of a study into the issue, which had been conducted by a planning consultant pursuant to a recent planning appeal lodged by the applicant elsewhere in the country. This had revealed that a number of local authorities had adopted minimum standards for the provision of external amenity space, ranging from 5 sq.m (Newham) to 17 sq.m (Mansfield District Council).

The useable amenity space at West Bank following the extension would equate to 1,520 sq.m, which when divided by the 42 residents would result in a level of provision equating to 36 sq.m per resident. This was more than double the highest adopted requirement by any authority that the applicant's planning consultant had been able to identify. The agent considered this to demonstrate that the provision of external amenity space would remain appropriate.

The Southern Team Leader added that the description of the development in the Agenda was incorrect and should read "CONSTRUCTION OF TWO SINGLE STOREY AND ONE TWO STOREY EXTENSIONS..."

Councillor AE Gray, the Local Ward Member, thanked Officers for arranging a comprehensive site inspection. She had a number of concerns regarding the application and she was of the opinion that granting planning permission on the site

would harm the character of the area. She advised the Sub-Committee that West Bank was a care home and not a nursing home and that the application would have a detrimental impact on the amenity of the neighbouring residents. She also voiced her concerns in respect of noise and light emanating from the premises and causing a disturbance to the neighbouring residents as well as foul water issues on the site.

Members discussed the application and had concerns regarding the continued expansion of the site. They felt that the footprint of the building was already too large and that granting the application would have a detrimental impact on the neighbouring dwellings. They noted that the application site fell within a residential area and was also within an area of outstanding natural beauty.

In response to a number of points made by Members, the Southern Team Leader advised that the site benefitted from mains drainage and that Welsh Water had not objected to the application and the drainage issues discussed could be addressed through suitable conditions if necessary. He added that car parking provisions had been increased and were deemed acceptable by the Highways Engineer together with the means of access. In response to a question from Councillor Jarvis it was acknowledged that the site plan included in the agenda pack was out of date but was the most recent OS plan that was available. He advised that it was provided solely as a location plan and was not necessarily an accurate plan of the site. This was something that was clarified by the detailed presentation.

In response to a question from Councillor JA Hyde, the Southern Team Leader added that the Commission for Social Care Inspection would be able to comment on the application but would have to limit their comments to their area of responsibility.

Councillor RH Smith moved that the application be refused contrary to the Officers recommendation on grounds of visual impact, overbearing, and the character and appearance of the application in a residential area. Members discussed the refusal motion and felt that the application was contrary to policies DR1, DR2, and CF7 of Herefordshire Council's Unitary Development Plan.

## **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 and Transportation) provided that the Head of Planning and Transportation does not refer the application to the Planning Committee:**

**The application is contrary to Policies DR1, DR2, and CF7 of the Unitary Development Plan due to overbearing, visual impact and the impact on the character and appearance of the residential area.**

**(ii) If the Head of Planning and Transportation 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 Southern Team Leader advised that he would not refer the decision to the Head of Planning and Transportation.]

88. DCSE2008/2815/F - GARDNER BUTCHER GARAGES, 30 KYRLE STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7DB. (AGENDA ITEM 7)

*Proposed development of 13 no. new residential units 7 no. 3-4 bed houses, 3 no. 2 bed flats, 2 no. 2 bed houses and 1no. bed units with demolition works to remove existing garage and MOT Centre.*

The Senior Planning Officer reported the following comments received from the Conservation Manager:

- Roof form – the design & access statement goes to some lengths to argue that an array of symmetrical gables will not ‘work’ in the streetscape, but sidesteps my fundamental point that virtually all terraced houses have eaves and ridges *parallel* to the street. If monopitch roofs are to be used for purely aesthetic reasons, as here, the design must acknowledge that they set up a very strong rhythm which does not accommodate deviation: the reversed handing of units 12 & 13 is a case in point. Indeed there is no objective reason why these units need to be planned any differently to units 7-11, as reinstating a continuous street frontage is one of the key urban design objectives for the site.
- Active frontage – the dominance of deep voids (car ports, bin stores etc) at street level hardly constitutes an ‘active’ frontage, and the decision to provide two parking spaces per unit in units 7-13 rather than the minimum is a major contributor to this. Whilst accepting that the set back has been minimised and is necessary for visibility purposes, any token planting in this strip will not be viable and realistically it should be treated as an extension of the pavement. Similarly the lawns in front of units 12 & 13 are too exposed to be usable as amenity space and it might be better to offer this space at the rear.
- Parking provision – the public impact of providing two spaces per unit in 7-13 has been described above but it should also be noted that it impinges directly on the amenity of the gardens in units 7-11. The provision of first floor terraces is not necessarily compensation as they are responses to the projecting garages rather than features incorporated from first principles.
- Colour palette – the occurrence of boldly coloured elevations in Kyrle Street is a recent, atypical phenomenon and I welcome the confinement of colour accents to the timber oriels.

Conclusion/Recommendation:

Whilst I have no objection to the principle of a residential development on this site, I cannot support this scheme in its present form for the reasons given above; in particular I consider the relationship of units 12 & 13 to the rest of the scheme to be incongruous.”

In response to this comment the applicant has submitted amended plans which the Conservation Manager comments:

“The agents have grasped my point about the rhythm of the street elevations by reversing the handing of units 12 & 13 but have not addressed my other

concerns. The position of units 12 & 13 set back relative to units 7-11 still does not achieve the objective of re-instating a *continuous* frontage and the re-positioning of units 7-11 further back from the pavement line is, quite literally, a retrograde step. There is nothing gained from providing even more unusable 'landscaping' in this exposed location and certainly not at the expense of the private gardens to the rear. The omission of the bin store recesses reduces the proportion of rather intimidating voids at ground level but it might be better if the 'car ports' were simply treated as garages ie with external doors to the street."

The Senior Planning Officer noted the comments of the Conservation Manager, which focused on Units 12 and 13, but felt that it was not considered that these concerns would justify a refusal of planning permission. Notwithstanding the detailed comments made in relation to the siting of Units 12 and 13 relative to the remainder of the development, the proposal represented a significant enhancement to the Conservation Area and accorded with policies seeking to promote effective re-use of previously developed sites in sustainable locations.

He added that the Heads of Terms for the Section 106 Agreement should have included a further clause requiring the 2% levy for monitoring and enforcement of the Agreement in line with the adopted SPD

Councillor CM Bartrum, the Local Ward Member, welcomed the application to improve an area of Kyrle Street but he had reservations in respect of the proposed design of the dwellings, especially the use of mono pitched roofs in the application.

Councillor RH Smith noted that a preliminary contaminated land survey had been undertaken and felt that a contaminated land condition should have been included in the Officer's recommendation. He also voiced his concerns that the Local Ward Member had not been consulted during the Section 106 process. The Senior Planning Officer confirmed that the condition regarding the clearance of contamination would be included.

Members discussed the application thoroughly and although they had concerns regarding the proposed design they felt that granting the application would improve the site.

In response to concerns regarding the mono pitch roof, the Southern Team Leader advised Members that a standard roof would be likely to increase the height of the development.

## **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      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**

**3      B07 (Section 106 Agreement)**

- a) £17,270 towards enhancement of existing open space, play sport and recreation facilities
- b) £32,813 towards the enhancement of educational infrastructure at Ross Early Years; Ashfield Park Primary School; St Josphe's RC Primary School; John Kyrle High School and Ross Youth Service

Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

4 L01 (Foul/surface water drainage)

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

5 L02 (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 so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

6 L03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

7 E01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

8 E04 (Submission of foundation design)

Reason: The development affects a site on which archaeologically significant remains survive and a design solution is sought to minimise archaeological disturbance through a sympathetic foundation design in order to comply with the requirements of Policy ARCH2 of Herefordshire Unitary Development Plan.

9 H02 (Single access – footway)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

10 H03 – (Visibility splays)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

11 H04 (Visibility over frontage)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

12 H08 (Access closure)

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

13 H09 (Driveway gradient)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

14 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 the Herefordshire Unitary Development Plan.

15 H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

16 H22 (Opening windows adjacent to the highway)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.

17 H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

18 H29 (Covered and 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 and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

19 I50 (Measures to deal with soil contamination)

Reason: To ensure potential soil contamination is satisfactorily dealt with before the development is occupied and to comply with Policy DR10 of the Herefordshire Unitary Development Plan.

**INFORMATIVES**

- 1 **N15 - Reason(s) for the Grant of Planning Permission**
  - 2 **N19 - Avoidance of doubt - Approved Plans**
  - 3 **W01 - Welsh Water Connection to PSS**
  - 4 **W02 - Welsh Water rights of access**
  - 5 **HN01 – Mud on highway**
  - 6 **HN04 – Private apparatus within highway**
  - 7 **HN05 – Works within the highway**
  - 8 **HN10 – No drainage to discharge to highway**
  - 9 **HN22 – Works adjoining highway**
  - 10 **HN24 – Drainage other than via highway system**
89. **DCSW2008/2348/RM - LOWER WRIGGLESBROOK, KINGSTHORNE, HEREFORD, HR2 8AW. (AGENDA ITEM 8)**

*Detached dwelling.*

The Principal Planning Officer reported the following updates:

Emails had been received from Mr Pucill (Glenrosa) and Mr & Mrs Nicholls (Cherry Orchard) withdrawing their objection to the application. Mr & Mrs Nicholls commented that their only remaining concern was the potential impact of the boundary hedge on the light reaching the kitchen window.

A further letter had been received from G.J Wilden stating disagreement to any building before the boundary matter was settled.

Much Birch Parish Council was re-consulted as were the above residents with regard to the revised plans received. The Parish Council maintained their original objections to the scheme.

The Principal Planning Officer commented that it was not clear what the nature of the boundary matter raised by G J Wilden was. This could be a civil matter but a condition regarding boundary treatments would provide further control if necessary. He added that the issues raised by the Parish Council were addressed in the main report.

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

Councillor RH Smith, the Local Ward Member, felt that the site was well screened from the neighbouring residents and that it was in need of development. He added that the boundary treatment concerns could be addressed through suitable conditions and therefore he supported the recommendation.

**RESOLVED**



That planning permission be granted subject to the following conditions:

**1 B03 (Amended plans)**

**Reason:** To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

**2 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.

**3 F16 (No new windows in specified elevation) (north)**

**Reason:** In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

**4 F17 (Obscure glazing to windows) (north)**

**Reason:** In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

**5 G04 (Protection of trees/hedgerows that are to be retained)**

**Reason:** To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

**6 G09 (Details of Boundary Treatments)**

**Reason:** In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to confirm to Policy DR1 of Herefordshire Unitary Development Plan.

**7 G12 (Hedgerow planting)**

**Reason:** In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

**8 H12 (Parking and turning - single house)**

**Reason:** In the interests of highway safety, 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.

**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

**Informatives:**

- 1        N19 - Avoidance of doubt - Approved Plans.**
- 2        N15 - Reason(s) for the Grant of PP/LBC/CAC.**

The meeting ended at 3.07 pm

**CHAIRMAN**