

MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 23 December 2009 at 2.00 pm

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

Councillors: CM Bartrum, H Bramer, AE Gray, JA Hyde, G Lucas, PD Price, RH Smith, DC Taylor and JB Williams

In attendance: Councillors TW Hunt and RV Stockton

64. APOLOGIES FOR ABSENCE

Apologies were received from Councillors MJ Fishley and JG Jarvis.

65. DECLARATIONS OF INTEREST

8. DMSE09/2727/F - CARADOC COURT, SELLACK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LS.

Councillor H Bramer, Prejudicial.

66. MINUTES

RESOLVED: That the Minutes of the meeting held on 25 November 2009 be approved as a correct record and signed by the Chairman.

67. ITEM FOR INFORMATION - APPEALS

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

The Chairman noted that the December meeting was the last meeting of the Southern Area Planning Sub-Committee before the Council adopted a single planning committee.. He thanked the Members and Officers for their hard work over the previous years. He also thanked the previous Chairmen of the Sub-Committee.

68. DMSE09/2748/F - THE PLOCK, SOLLERS HOPE, HEREFORDSHIRE, HR1 4TF.

Proposed single track vehicular access. Variation of condition 7 of planning permission DCSE2007/3932/F

The Southern Team Leader reported the following updates:

- Further communications had been received from Mrs Jackson, regarding her legal use of the right of way. It was reiterated that the use was not restricted solely to timber haulage.

The following Officer comments were also reported in the update sheet:

- The unrestricted nature of the legal rights of the third party are acknowledged and the Council's legal department have confirmed this to be an acceptable interpretation.

- The rights of the third party to pass and re-pass along the private right of way to Birchwood are noted. However, use of the existing access by the third party would still be evident on site to the applicants, who would then, in accordance with the Unilateral Undertaking, only use the existing access. When the third party was not using the existing access the applicants could use the new access. In light of the likely frequency of such use by the third party, together with that of the applicants' relatively infrequent use of the new access, it is considered that the Unilateral Undertaking would satisfactorily control the use of the accesses in highway safety terms and enable the use of the new access, which provides significantly better visibility than the existing, when the existing access is not in use by the third party.

The Southern Team Leader introduced the report and gave Members a detailed background of the planning history of the site. He explained in detail the way in which the unilateral agreement would ensure that the two accesses would not be used at the same time without impeding on the third party.

In accordance with the criteria for public speaking Mr Jackson and Mr Glover, spoke in objection to the application and Mr Jones and Mr Day spoke in support.

Councillor BA Durkin, the Local Ward Member, had concerns in respect of highway safety on the site as a result of both accesses being used. He also had concerns in respect of the wording of the unilateral undertaking and questioned if it could be deemed to be an unreasonable condition and therefore unenforceable. Councillor Durkin also asked for clarification as to who would monitor the site to ensure that the unilateral undertaking was being complied with and had concerns that the applicant could fail to comply with the unilateral undertaking through no fault of his own.

Councillor RH Smith felt that the unilateral undertaking was misconceived and unenforceable. He noted that both parties had permission to use the new access and felt that it would be beneficial for both parties to use the new access instead of the old access.

Councillor H Bramer concurred with the comments raised by Councillor Smith although he proposed that both parties continue to use their respective accesses.

In response to a question, the Area Engineer advised that there were no reports of any accidents relating to the access being considered in the application.

Councillor PD Price voiced concerns in respect of the unilateral undertaking. He felt that it was not a workable option and that the application could not be approved in the proposed format. He felt that the issue regarding the right of way should have been noted during the previous application stage.

The Southern Team Leader advised Members that the unilateral undertaking was enforceable and that it had been devised in consultation with the Council's legal department. He noted that members had suggested permitting the applicant to use the new access and the third party to use the old access and felt that this could be resolved by approving the planning application with the removal of the unilateral undertaking condition. He however added that he did not feel that it was appropriate to remove the condition and ensured Members that the condition was enforceable.

Councillor Durkin noted that there may be difficulties enforcing the unilateral undertaking if the applicant was away from the site or if he sold the land in the future.

The Southern Team Leader reiterated that the unilateral undertaking was enforceable and ensured that the third party's right of way was maintained. He felt that it would be an improvement on the current situation and questioned whether Councillor Bramer's

proposal would improve highway safety to the same level as the unilateral undertaking would.

RESOLVED

That planning permission be granted.

INFORMATIVES:

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

69. DMSE09/2571/F - ASHDOWN, LLANGROVE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6EP.

Loft conversion into three bedrooms & two en-suites. Raise main ridge by 1.3m. Rear gable with french doors. Raise ridge of rear annex with side apex dormer.

In accordance with the criteria for public speaking Mr Smail, a neighbouring resident, spoke in objection to the application.

Councillor JA Hyde, the local ward member, advised Members that there had been concerns expressed by neighbouring residents in respect of the size of the proposed dwelling and issues of overlooking.

In response to questions raised by Members, the Principal Planning Officer advised that the footprint of the proposed dwelling was similar to the neighbouring properties. He added that the Traffic Manager's concerns had been addressed through condition 3 of the recommendation. In response to a further question he advised that any application for a balcony would require a separate planning permission.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1 A01 Time limit for commencement (full permission)**
- 2 B03 Amended plans**
- 3 H12 Parking and Turning – Single House**

INFORMATIVES:

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

70. DMSW09/1993/F - OLDFIELD FARM, GARWAY HILL, HEREFORD,

Erection of workshop, display shop and office for Blacksmithing Business.

The Principal Planning Officer reported the following updates:

- Further discussion had taken place regarding the access to the main farm off the C1238 road. The Traffic Manager was satisfied that alterations undertaken recently to the northern side of the entrance improved visibility satisfactorily.

The following Officer comments were also reported in the update sheet:

- A further planning condition was recommended accordingly. This would safeguard visibility for the applicant, visitors and other users of this access point. A new condition, condition 7 was recommended as follows:

Before any other works are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access onto the C1238 road 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 50 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

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

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

Councillor RH Smith, the local ward member, noted the comments of the applicant and felt that conditions 4 and 5 of the recommendation addressed and concerns in respect of the usage of the workshop. He therefore supported the application.

Members discussed the application and felt that the application should be supported.

RESOLVED

That, subject to the receipt of details of the visibility splay and confirmation that the Traffic Manager is satisfied, planning permission be granted subject to the following conditions, and any other conditions that may be deemed necessary:

- 1 A01 Time limit for commencement (full permission)**
- 2 B01 Development in accordance with the approved plans**
- 3 C01 Samples of external materials**
- 4 F06 Restriction on Use**
- 5 F26 Personal condition**
- 6 H15 Turning and parking: change of use - commercial**
- 7 Before any other works are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access onto the C1238 road 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 50 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

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

INFORMATIVES:

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

71. DMSE09/2727/F - CARADOC COURT, SELLACK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LS.

Change of use of East Wing to two holiday lets.

The Principal Planning Officer reported the following updates:

- A total of 7 letters of objection had been received, including a late submission from Major Patrick Darling, Caradoc Farm, Sellack.
- The letter reiterated the perspective that Caradoc Court should not be used as anything other than a single residence. This was on the basis that the enabling development of six houses associated with the restoration of the Court was only justifiable on that basis. If the Council permitted the use of the Court as anything other than a single residence then the permission for the six houses should be revoked.
- A letter of support for the application had been received from the Parish Council.

The following Officer comments were also reported in the update sheet:

- Condition 3: The highways officer had confirmed that the visibility splay should be constructed to give visibility of 2.4m x 90m in each direction. The new junction should also be widened to allow two vehicles to pass, so as to avoid queuing on the highway. It was recommended that these improvements be completed within 3 months from the date of planning permission, should it be granted.

In accordance with the criteria for public speaking Mr Harvey, a neighbouring resident, spoke in objection to the application and Mr Handby, the applicant, spoke in support.

Councillor JA Hyde, the local ward member, noted the comments of the Parish Council. She drew members' attention to the comments raised by neighbouring residents and on balance felt that the application should be approved.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1 A01 Time limit for commencement (full permission)**
- 2 F30 Use as holiday accommodation**
- 3 H04 Visibility over frontage**

INFORMATIVES:

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

2 N19 Avoidance of doubt - Approved Plans

72. DMSE09/2758/F - GREEN ORCHARD, RYEFIELD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5LS.

Removal of existing detached house and garage and redevelopment of site to provide 7 no. 2 bedroom flats including car parking and landscaping and utilising existing vehicular access altered to provide new turning.

The Principal Planning Officer reported the following:

- A further letter of representation had been received from Mr. Pope, Cherrington, Ryefield Road. The letter commented that the proposed building would stand forward of the existing general 'building line' in Ryefield Road. The letter also suggested that the submitted block plan contained inaccuracies as to the precise location of Cherrington in relation to the proposed building.
- A further communication had also been received from Mr & Mrs Hiley, 8 North Road. It repeated earlier concerns as summarised at 5.2 of the Case Officer's report.
- Welsh Water had no objections to the proposal but recommended the addition of standard conditions governing the discharge of foul and surface water drainage.

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

Councillor AE Gray, one of the local ward members, noted the concerns raised by neighbouring residents. She noted that the previous application on the site had been refused and felt that the current proposal had addressed all of the concerns raised by the sub-committee and reiterated by the Planning Inspector.

Councillor PGH Cutter, the Chairman speaking in his capacity of local ward member, voiced his concerns in respect of the consultation for the section 106 agreement. He felt that all of the concerns in respect of the application had been addressed and therefore moved the recommendation.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1 A01 Time limit for commencement (full permission)**
- 2 B07 Section 106 Agreement**
- 3 C01 Samples of external materials**
- 4 H06 Vehicular access construction**
- 5 H08 Access closure**
- 6 H09 Driveway gradient**
- 7 H13 Access, turning area and parking**

- 8 H17 Junction improvement/off site works**
- 9 H27 Parking for site operatives**
- 10 H29 Secure covered cycle parking provision**
- 11 G10 Landscaping scheme**
- 12 G11 Landscaping scheme - implementation**
- 13 F16 No new windows in specified elevation**
- 14 I51 Details of slab levels**

INFORMATIVES:

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

The meeting ended at 3.45 pm

CHAIRMAN