

**MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 18th July, 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, JG Jarvis, TMR McLean, DC Taylor and JB Williams

**In attendance:** Councillors TW Hunt, JE Pemberton and RV Stockton

**43. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors C.M. Bartrum, J.A. Hyde, J.G.Jarvis, and D.C. Taylor.

**44. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

<b>Councillor</b>	<b>Item</b>	<b>Interest</b>
P.G.H Cutter	Agenda Item 10  DCSE2007/1391/F – Erection of 6 apartments and associated parking.  <b>The Chase Hotel, Gloucester Road, Ross-on-Wye, HR9 5LH.</b>	A Prejudicial Interest was declared and the member left the meeting for the duration of the item.

**45. MINUTES**

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

**46. ITEM FOR INFORMATION - APPEALS**

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

**47. DCSE2007/1257/F - THE OLD BAKERY, ARCHENFIELD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5AZ. (AGENDA ITEM 5)**

The Southern Team Leader advised Members of an error in the report. He confirmed that in paragraphs 1.1 and 6.1 the size of the site should have been 0.1 hectares and not 1.0 hectares.

The Chairman, speaking in his capacity of local ward member, confirmed that he had

visited the site and felt that the application was acceptable. He noted that there was already an existing permission for 4 dwellings on the site.

## **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 The development shall be carried out in accordance with the schedule of materials set out on drawing no. 670-01A and no materials shall be substituted without the agreement in writing of the Local Planning Authority.**

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

**3 The boundary treatments shown on drawing no. 670-01A shall be completed before the houses are occupied.**

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

**4 G04 (Landscaping scheme (general))**

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

**5 G05 (Implementation of landscaping scheme (general))**

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

**6 Before any other works hereby approved on the application site are commenced, the new entrance shall be set back 2 metres from the rear of the adjoining footway. On each side of the set back entrance splays shall be formed at an angle of 45 with the highway boundary and the whole of the splayed areas shall be graded and cleared so that no part thereof exceeds a height of 0.6 metres above the relative level of the adjoining carriageway.**

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

**7 H06 (Vehicular access construction)**

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

**8 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.**

**9 W01 (Foul/surface water drainage)**

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

**10 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.**

**11 W03 (No drainage run-off to public system)**

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

**12 H27 (Parking for site operatives)**

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

**13 Prior to the first occupation of any of the dwellings hereby approved, details of the secure, covered cycle parking shall be submitted to and approved in writing by the local planning authority. The approved cycle parking shall be provided on site prior to the first occupation of any of the dwellings hereby approved.**

**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.**

**INFORMATIVES:**

**1 N19 - Avoidance of doubt**

**2 HN01 - Mud on highway**

**3 HN04 - Private apparatus within highway**

**4 HN05 - Works within the highway**

**5 HN10 - No drainage to discharge to highway**

**6 N03 - Adjoining property rights**

**7 N14 - Party Wall Act 1996**

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

**48. DCSW2007/1734/F - THE GARN, CLODOCK, HEREFORD, HEREFORDSHIRE, HR2 0PE. (AGENDA ITEM 6)**

The Principal Planning Officer reported the following:

- One further letter of representation has been received from :  
C. Mitchell ,S. Mitchell & Mrs Prosser, Lower Garn, Clodock HR2 0PE.

The following main points raised are:

- right of way for use and enjoyment, subject to fair payment for use
- selling products now without knowledge of Trading Standards

- 19 traffic movements detailed for one day (up and down)
- The Council's Environmental Health and Trading Standards Manager has no objections

Councillor J.B. Williams, the local ward member, spoke in support of the application and noted that a number of the concerns raised were in respect of the access but he felt that this was a civil matter and not a matter for the committee to address.

### **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 E27 (Personal condition)**

**Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.**

**4 E06 (Restriction on Use)**

**Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.**

### **Informative(s):**

**1 N19 - Avoidance of doubt**

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

**49. DCSE2007/1748/L - BERKELEY HOUSE, NEW STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7DA. (AGENDA ITEM 7)**

The Planning Officer amended the recommendation to permit 'listed building consent' rather than 'planning permission' as detailed in the report.

### **RESOLVED**

**That listed building consent be granted.**

### **Informatives:**

**1 N19 - AVOIDANCE OF DOUBT**

**2 N15 - REASON(S) FOR THE GRANT OF LISTED BUILDING CONSENT**

**50. DCSE2007/1548/F - HALL COURT FARM, KYNASTON, LEDBURY, HEREFORDSHIRE, HR8 2PD. (AGENDA ITEM 8)**

The Planning Officer reported the following:

- Due to an error the incorrect Policies and Planning History were included in the printed Report. The existing Section 2 and 3 should be replaced with section 2 and section 3 printed below. The Officer's Appraisal does refer to the correct policies.

## 2. Policies

### Planning Policy Guidance

PPS.1	-	Delivering Sustainable Development
PPS.7	-	Sustainable Development in Rural Areas

### Herefordshire Unitary Development Plan

Policy S.1	-	Sustainable Development
Policy S.2	-	Development Requirements
Policy S.4	-	Employment
Policy S.7	-	Natural and Historic Heritage
Policy DR.1	-	Design
Policy DR.2	-	Land Use and Activity
Policy DR.3	-	Movement
Policy DR.4	-	Environment
Policy DR.13	-	Noise
Policy DR.14	-	Lighting
Policy E.6	-	Expansion of Existing Businesses
Policy E.8	-	Design Standards for Employment Sites
Policy E.13	-	Agriculture and Forestry Development
Policy E.16	-	Intensive Livestock Units
Policy LA.2	-	Landscape Character and Areas Least Resilient to Change
Policy LA.4	-	Protection of Historic Parks and Gardens
Policy LA.5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA.6	-	Landscaping Schemes
Policy NC.1	-	Biodiversity and Development
Policy NC.6	-	Biodiversity Action Plan Priority Habitats and Species
Policy NC.8	-	Habitat Creation, Restoration and Enhancement
Policy HBA.4	-	Setting of Listed Buildings

## 3. Planning History

DCSE2007/1154/S	Three round storage bins for making own feed for poultry unit	Prior Approval Not Required	15.05.2007
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In accordance with the criteria for public speaking Mr. May, the applicant, spoke in support of his application.

Councillor T.M.R. McLean, the local ward member, had reservations in respect of possible noise pollution due to fans, she also felt that any landscaping scheme should include native evergreens to ensure minimal impact on neighbouring residents.

In response to the questions raised by the local ward member, the Planning Officer

confirmed that the applicant would be required to contact the planning department if he wished to add external fans as they were not permitted in the current application. She also felt that the landscaping concerns could be addressed under condition 7 of the recommendation.

In response to a question from Councillor R.H. Smith, the Planning Officer confirmed that no artificial lighting was permitted on the site and if it was required a further application would have to be submitted by the applicant.

## **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 Notwithstanding the submitted plans, details of the design, materials and siting of the feed bins shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**  
**Reason: To minimise the visual impact of the development.**
- 4 The building hereby approved shall be used for agricultural purposes only as defined within section 336(1) of the Town and Country Planning Act 1990 (as amended).**  
**Reason: To prevent the establishment of an unacceptable use in the countryside.**
- 5 F32 (Details of floodlighting/external lighting)**  
**Reason: To safeguard local amenities.**
- 6 F38 (Details of fans or extractors)**  
**Reason: In the interests of the amenity of the area.**
- 7 G04 (Landscaping scheme (general))**  
**Reason: In order to protect the visual amenities of the area.**
- 8 G05 (Implementation of landscaping scheme (general))**  
**Reason: In order to protect the visual amenities of the area.**
- 9 G09 (Retention of trees/hedgerows)**  
**Reason: To safeguard the amenity of the area.**
- 10 G27 (Landscape maintenance arrangements)**

**Reason: In the interests of visual and residential amenity.**

**11 G34 (Provision of screen fences to the copse)**

**Reason: In the interests of residential and visual amenity.**

**12 H03 (Visibility splays)**

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

**13 H05 (Access gates)**

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

**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.**

**15 Notwithstanding the submitted plans, details of the layout of the access with public road and indication of the route of the public right of way together with measures to ensure its continued use shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

**Reason: To ensure that the public continue to use the legal line of the footpath with ease.**

**INFORMATIVES:**

**1 N19 - Avoidance of doubt**

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

**51. DCSE2007/1324/F - OAKHOUSE NURSERY, OAK HOUSE, BRAMPTON ABBOTTS, ROSS-ON-WYE, HEREFORDSHIRE (AGENDA ITEM 9)**

Councillor T.M.R. McLean, the local ward member, was concerned that the application could have a detrimental effect on the privacy of the neighbouring residents.

In response to a number of questions regarding the roof area, the Southern Team Leader advised members that the roof featured a glazed screen on one side and timber screens on the other sides. He felt that this addressed the issue of overlooking. He confirmed that the timber screens were described in the application as hard wood slatting, he confirmed that a condition could be added to the recommendation to ensure that the material choice was agreed with the planning department.

Councillor H. Bramer had concerns in relation to the safety of children on the roof. He noted that there was no fire escape from and that the only entrance came from the main building.

Councillor P.D. Price felt that it was the committees responsibility to ensure that buildings were fit for purpose and more importantly safe. He also had reservations about the design and felt that a two-storey extension would look more acceptable on

the site.

## 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) Public Safety concerns due to the lack of a fire escape**

**B) Concerns about the design of the application**

**C) Impact on amenity of neighbours**

**(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.]

## 52. DCSE2007/1391/F - THE CHASE HOTEL, GLOUCESTER ROAD, ROSS-ON-WYE, HR9 5LH. (AGENDA ITEM 10)

The Principal Planning Officer reported the following:

- The Land Drainage engineer confirms that the additional details of surface water drainage scheme are acceptable.
- The applicant's agent has discussed with the project architect the impact the proposed apartment block may have on existing trees and can provide assurance that sufficient separation distance will be available between the proposed block and existing trees for construction works to take place without impacting on the trees. Notwithstanding this a condition could be applied which seeks to ensure that measures are taken to protect trees during the construction process.

In respect of concerns relating to the potential for future occupants interfering with existing trees in the future, I can confirm that all of the trees on the Chase Hotel site are maintained by the owners of the site and this will continue after the apartments are built.

In accordance with the criteria for public speaking, Ms Brazendale, a local resident, spoke in objection to the application.

Councillor A.E. Gray, one of the local ward members, noted that Ross Town Council had not objected to the application. She sympathised with the local residents but felt that if development was required on the site the proposed location was the most appropriate place for it.

Councillor T.M.R. McLean felt that development of the site would be detrimental to the hotel. She felt that it would have an adverse affect on the parkland and felt that she could not support the application.



Councillor H. Bramer noted the concerns of the local residents and felt that granting the application would have a detrimental effect on the hotel and the associated parkland.

Councillor R. Smith felt that the application was contrary to Policy HBA9 of the Unitary Development Plan, and felt that it should be refused.

In response to the points raised by members the Principal Planning Officer confirmed that although the previous application was dismissed on appeal, the Inspector had stated that development near the main hotel complex was acceptable. He also reminded members that a development of offices and dwellings had already been permitted on the site outlined in the proposed application.

## **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) Contrary to policy HBA9 of the Unitary Development 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.]

### **53. DCSE2007/1247/F - ERECTION OF 12 NEW DWELLINGS, BROOKSIDE, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6DJ. (AGENDA ITEM 11)**

The Principal Planning Officer reported the following:

- Whitchurch Parish Council comments were omitted from the report.

“The Parish Council objects to the application, for the following reasons:-

- 1) ACCESS:- The new access on to the existing highway would reduce the width of the highway, thereby increasing road safety problems in a busy road.
- 2) DRAINAGE/SEWERAGE:- The current rain water/sewerage system in the village is already overloaded and has been known to flood into the village street. An additional 12 dwellings in this area would exacerbate this problem.
- 3) DENSITY:- The proposed density of housing is deemed inappropriate. If there is to be development, a scaled down proposal, with bungalows, rather than houses, would be more appropriate and lessen the impact on surrounding properties.
- 4) DESIGN:- The windows of the proposed new properties directly overlook existing homes and would also block light to those homes.
- 5) CAR PARKING:- Car parking arrangements for the likely car-owning occupants of and visitors to the proposed new homes, do not appear to be adequate.
- 6) CHILDREN'S PLAY AREA:- The proximity of the children's play area to the site access would cause road safety problems, both for the children using

the area on foot, and the parents from other areas of the parish, needing to park their cars by the play area.

7) MEASUREMENTS:- There is concern over the accuracy of measurements relating to the access.

8) ENVIRONMENTAL:- The environmental impact of such a large development, would be detrimental to the wellbeing of local residents, e.g. visual impact, additional noise, increase in traffic, as well as light restriction.

9) SITE MEETING:- It is requested that this application be considered by the Southern Planning Committee, and that the members of that Committee hold a site meeting, prior to consideration of this application.”

- One further letter of objection from a local resident has been received.
- Applicant's agent has forwarded amended layout plans showing trees to be retained and revisions to the house for Plot 4.
- The applicant's drainage/highway engineers have confirmed that agreement has been reached with the Council regarding highway requirements and that further drainage information do meet outstanding concerns is being prepared.
- The plots referred to in the draft Heads of Terms should be 9-12 not 8-11.

In accordance with the criteria for public speaking, Mr. Williams, representing Whitchurch Parish Council, and Mr. Elphick and Mr. Burchell, two local residents, spoke in objection to the application.

Councillor R.H. Smith accepted that the site required development but had a number of reservations regarding the current proposals. He felt that there were too many issues unresolved and that members required more information before determining the application. He felt that the application was contrary to policies HBA4, DR4, and DR7 of the Unitary Development Plan. He felt that the application required an environmental impact study to satisfy policy DR4, and that a flood risk assessment was required in policy DR7.

## **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) Contrary to policies HBA4, DR4, and DR7 of the Unitary Development Plan**

**B) Detrimental to the character of the area**

**(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 3.15 p.m.

**CHAIRMAN**