

MINUTES of the meeting of Southern Area Planning Sub-Committee held at : The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 9th January, 2008 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, RH Smith, DC Taylor and JB Williams

In attendance: Councillors TW Hunt and RV Stockton

106. APOLOGIES FOR ABSENCE

No apologies for absence were received.

107. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
CM Bartrum	Agenda Item 8 DCSE2007/3491/F – ‘Arqualand Proprietary’ cover over terrace to provide additional space for fitness suite. CATS, Leys Hill, Walford, Ross-on-Wye, Herefordshire, HR9 5QU	A personal interest was declared and the member remained in the room for the debate and vote..
PD Price	Agenda Item 9 DCSW2007/3561/F – Change of use of building from agricultural use to hangar-storage-agricultural use. Byecross Farm, Preston-on-Wye, Hereford, HR2 9LJ	A prejudicial interest was declared and the member left the meeting for the duration of the item.

108. MINUTES

RESOLVED: That the Minutes of the meeting held on 5th December, 2007 be approved as a correct record and signed by the Chairman.

109. ITEM FOR INFORMATION - APPEALS

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

110. DCSE2007/3531/F & DCSE2007/3548/C - 13/14 MARKET PLACE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5NU (AGENDA ITEM 5)

- A) *Demolition of 13 Market Place, construction of shop at ground floor at 14 Market Place and 12 flats above and including 2 flats in no. 14.*
- B) *Demolition of 13 Market Place to allow for rebuilding of shop with flats above.*

The Principal Planning Officer reported the following:

- The Conservation Manager commented that "the archaeological sensitivity of the proposed development site is great. The location is within the former medieval core of Ross as defined by the Central Marches Historic Towns Survey of 1996. Ross is an Archaeologically Important Urban Area within the meaning of Section 9.7.7 of the Hereford Unitary Development Plan. Given the nature and scale of the likely ground disturbance under the proposal, the development impact will probably be severe. There are clearly significant archaeological issues in this case.

However, it is also my view that it should be possible to mitigate any damaging effects of the development by means of an archaeological investigation prior to / during development works on site, and the employment of an appropriate foundation design. Accordingly I have no objections to the above proposal, subject to the attachment of suitable archaeological conditions to any permission granted. I would therefore advise the standard archaeological conditions D01 and D04."

The applicant's agent has responded with regard to the contribution for sports facilities. The applicant does not agree to this contribution as the request comes under the Supplementary Planning Guidance which has not yet been agreed by the Council and it relates to family dwellings; this development is for 4, 2-bed flats and 8, 1-bed flats and is therefore not relevant to this application.

Councillor AE Gray, one of the Local Ward Members, noted the concerns of the town council but felt that parking provisions were not essential as the development was in a town centre location. She agreed with the comments from the Parks, Countryside and Leisure Development Manager, and felt that the developer should make a contribution to improve the Wilton Sports Centre.

Councillor PGH Cutter, the other Local Ward Member, supported the application but agreed that the developer should make a contribution through a section 106 agreement.

The Development Control Manager advised members that a contribution may have been required from the developer if the draft SPG Planning Obligations had been adopted by the Council, but under current policies and Government guidance it was not necessary.

RESOLVED

In respect of DCSE2007/3531/F:

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. C02 (Approval of details)

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

3. D01 (Site investigation – archaeology)

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

4. 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.

5. G04 (Landscaping scheme (general))

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

6. G05 (Implementation of landscaping scheme (general))

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

Informative(s):

1. N19 - Avoidance of doubt

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

111. DCSW2007/3075/F - LAND ADJACENT TO HOLYWELL FARM, BLAKEMERE, HEREFORDSHIRE, HR2 9JY. (AGENDA ITEM 6)

Extension of agricultural building.

In accordance with the criteria for public speaking, Mr Stevens and Mr Woolley spoke in support of the application.

Councillor PD Price, the Local Ward Member, supported the application but felt that the hours of operation proposed by the Planning Officer were too restrictive. He felt that these hours should be amended from 8am – 5pm to 7am – 7pm.

In response to a question raised by Councillor JG Jarvis, the Planning Officer confirmed that no bees were kept on the site. In response to a further question she advised Members that the previous application on this site was refused as it was deemed an industrial use.

Members discussed the application and felt that the hours proposed by the Local Ward Member were acceptable and 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))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2. B03 (Matching external materials (general))**

Reason: To ensure the satisfactory appearance of the development.

- 3. The hours during which working may take place shall be restricted to 7.00am to 7.00pm Mondays to Sundays.**

Reason: To safeguard the amenities of the locality.

- 4. No open air operation of plant, machinery or equipment shall be operated within the application site outside the following times - 7.00am to 7.00pm on weekdays**

Reason: In order to protect the amenity of occupiers of nearby properties.

- 5. The premises shall be used for activities in connection with beekeeping and for no other purpose (including any other purpose in Class B1 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).**

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

- 6. No active beehives should be kept anywhere on the application site.**

Reason: To protect the amenities of nearby properties.

- 7. G09 (Retention of trees/hedgerows)**

Reason: To safeguard the amenity of the area.

- 8. G12 (Planting of hedgerows which comply with Hedgerow Regulations)**

Reason: To ensure that hedges planted are ecologically and environmentally rich and to assist their permanent retention in the landscape.

- 9. G05 (Implementation of landscaping scheme (general))**

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

Informative(s):

- 1. N19 - Avoidance of doubt**

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

112. DCSW2007/3153/F - PARCEL 2625, HOLYWELL, BLAKEMERE, HEREFORDSHIRE. (AGENDA ITEM 7)

Removal of condition 5 of planning permission DCSW2003/3390/F.

In accordance with the criteria for public speaking, Mr Stevens and Mr Woolley spoke in support of the application.

Councillor PD Price, the Local Ward Member, felt that the application should be approved. He noted that the hours of operation should be amended in accordance with the hours agreed in the previous agenda item.

RESOLVED

That condition 5 of planning permission DCSW2003/3390/F be removed and planning permission granted subject to the following conditions:

- 1 **E01 (Restriction on hours of working) - 7.00am to 7.00pm Mondays to Sundays.**

Reason: To safeguard the amenities of the locality.

- 2 **E05 (Restriction on hours of use (industrial))- No open air operation of plant, machinery or equipment shall be operated within the application site outside the following times 7am to 7pm on weekdays.**

Reason: In order to protect the amenity of occupiers of nearby properties.

- 3 **No active beehives should be kept anywhere on the application site.**

Reason: To protect the amenities of nearby properties.

- 4 **The external storage of materials used in connection with the bee keeping activities is only permitted to the north of the building in the area hatched red on the accompanying plan.**

Reason: To protect the appearance of the locality.

- 5 **G09 (Retention of trees/hedgerows)**

Reason: To safeguard the amenity of the area.

INFORMATIVES:

- 1 **N19 - Avoidance of doubt**

Received on 15th October 2007

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

113. DCSE2007/3491/F - CATS, LEYS HILL, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE. (AGENDA ITEM 8)

'Arqualand Proprietary' cover over terrace to provide additional space for fitness suite.

Councillor JG Jarvis, the Local Ward Member, supported the application. He noted that there was no change of use proposed and that the application was solely to erect a lightweight cover over an area that was currently used by the fitness studio.

Councillor JA Hyde voiced her concerns in respect of highways safety and also the safety of children visiting the attached nursery.

In response to the points raised by Councillor JA Hyde, the Planning Officer confirmed that the premises was already operating as a fitness suite and would therefore not result in an increase in traffic movements. She also confirmed that there were two separate entrances to the premises, one for the nursery and a separate entrance for the fitness suite.

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 G09 (Retention of trees/hedgerows)**

Reason: To safeguard the amenity of the area.

INFORMATIVES:

- 1 N19 - Avoidance of doubt**

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

114. DCSW2007/3561/F - BYECROSS FARM, PRESTON-ON-WYE, HEREFORD, HR2 9LJ. (AGENDA ITEM 9)

Change of use of building from agricultural use to hangar-storage-agricultural use.

In accordance with the Code of Conduct, Councillor PD Price, who had declared a prejudicial interest in respect of the item, addressed the sub-committee before withdrawing from the meeting for the ensuing debate and vote.

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

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 use of the building for storing an aircraft shall enure for the benefit of Mr. A. Fenn only and not for the benefit of the land or any other parties interested in the land, and only at such time as he occupies Byecross**

Farm.

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.

3. F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

Informative(s):

1. N19 - Avoidance of doubt

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

115. DCSE2007/3412/F - 2 DOWARD PLACE, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6HY. (AGENDA ITEM 10)

Ground floor kitchen/dining extension to existing annexe to form additional bedroom and bathroom.

Councillor JG Jarvis noted that the Parish Council had not objected to the application. He felt that approving the extension would result in a loss of access and a general loss of amenity for the neighbouring residents.

The Southern Team Leader advised members that loss of access was not a matter for the sub-committee and was purely a civil issue.

Councillors RH Smith and TMR McLean both agreed with the Local Ward Member and felt that approving the application would result in an unacceptable loss of amenity for the neighbouring residents.

Councillor H Bramer felt that approving the application would result in over intensification of the site. He therefore felt that it should be refused contrary to the Officer's recommendation.

In response to a number of questions raised by members, the development control manager advised that 3 Doward Place was a holiday dwelling and that it did not have a back garden. He added that due to the lack of a back garden the residents of 3 Doward Place were reliant on light coming over the application site of the neighbouring premises. He confirmed that the applicants could erect a 2 metre high fence along their boundary under permitted development rights which would result in a similar loss of light to the neighbouring residents.
Not referred.

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) Over intensification of the site.

B) Loss of amenity to neighbouring residents.

- (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.]

116. DCSE2007/3241/F & DCSE2007/3242/C - LAND AT HENRY STREET, ROSS-ON-WYE (REAR OF 25 STATION STREET) (AGENDA ITEM 11)

- A) *Construction of 2 no. no. two bedroom flats – revised scheme.*
- B) *Construction of 2 no. two bedroom flats, including demolition of existing boundary walls – revised scheme.*

The Principal Planning Officer reported the following:

- One letter has been received raising a number of issues regarding the proposal:
 - (1) Ownership of the walls to be demolished is unclear and needs to be clarified.
 - (2) The driveway and parking area to the adjoining shop (Fritz Fryer Antique Lighting) are in constant use; access is already tight and essential during development that there is no obstruction to the driveway and car parking.
 - (3) The erection of a building will shadow and obscure part of adjoining building, although this cannot be clearly seen on the drawings.
 - (4) No direct notification of the application although affects shared boundary.
 - (5) Party walls notice has not been served.

Councillor PGH Cutter, one of the Local Ward Members, felt that the site was well suited for residential development. He noted the concerns of the Town Council but felt that there were ample car parking provisions in the area.

Councillor AE Gray, the other Local Ward Member, agreed with the comments of her fellow Ward Member and added that the application site was the only available site on Henry Street without planning permission.

RESOLVED

In respect of DCSE2007/3241/F:

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. C02 (Approval of details)

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

Informative(s):

1. N19 - Avoidance of doubt

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

In respect of DCSE2007/3242/C:

That conservation area consent be granted subject to the following conditions:

1. C01 (Time limit for commencement (Listed Building Consent))

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. 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.

Informative(s):

1. N19 - Avoidance of doubt

2. N15 - Reason(s) for the Grant of Conservation Area Consent

117. DCSE2007/3276/F - BRAMLEY COTTAGE, STAR BEECH HILL, HOWLE HILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SH. (AGENDA ITEM 12)

Erection of Stable block for horses owned by family for private use (retrospective application)

In accordance with the criteria for public speaking, Miss Bradbury spoke in support of the application.

Councillor JG Jarvis, the Local Ward Member, noted that the current application was of a smaller scale than the previous application which was refused under delegated powers. He felt that this application should be approved as recommended by the Principal Planning Officer.

Councillor H Bramer reminded members that although the application was retrospective it should be dealt with in the same manner as any other application. He noted that the applicant's concern for their animals was probably the main reason that the stables had been erected prior to planning permission being sought. He added that it may be beneficial to add a condition to the recommendation to ensure that the stables had a wooden exterior finish.

RESOLVED

That planning permission be granted subject to the following conditions:

1. G04 (Landscaping scheme (general))

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

2. G05 (Implementation of landscaping scheme (general))

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

3. E11 (Private use of stables only)

Reason: In order to safeguard the residential amenity of the area.

4. F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

Informative(s):

1. N19 - Avoidance of doubt

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

118. DCSE2007/3470/RM - PROPOSED AGRICULTURAL WORKER'S DWELLING AND SINGLE GARAGE AT BRYANTS COURT, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6JA. (AGENDA ITEM 13)

Proposed agricultural worker's dwelling and single garage.

Councillor JG Jarvis, the Local Ward Member, advised members that the application site was on a busy lane, he also noted that the Parish Council had not objected and he therefore supported the application.

Councillor TMR McLean had reservations in respect of the application. She noted that there had been a 50% increase in the size of the proposed dwelling since the initial outline planning permission was granted.

Councillor MJ Fishley was concerned that a similar application in the Vallets ward had recently been refused. She asked Officers how this application differed to the one that she had supported.

In response to the comments from Councillor MJ Fishley, the Southern Team Leader advised that the proposal was for an agricultural workers dwelling which had met the criteria for need as set out in policy H8 of the Unitary Development Plan. He also reminded members that the application was solely for reserved matters as the outline planning permission had been granted in December, 2006.

Councillor PD Price supported the application but felt that the dwelling should be of a brick finish.

RESOLVED

That subject to revised drawings showing an acceptable access the officers named in the Scheme of Delegation to Officers be authorised to approve the

application subject to the following conditions and any additional conditions considered necessary by officers:

1 G04 (Landscaping scheme (general))

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

2 G05 (Implementation of landscaping scheme (general))

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

3 G01 (Details of boundary treatments)

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

4 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

5 F20 (Scheme of surface water drainage)

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

6. E16 (Removal of permitted development rights)

Reason: To ensure that the dwelling remains an appropriate size to meet the agricultural need.

INFORMATIVES:

1 N19 - Avoidance of doubt

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

119. DCSE2007/3592/F - LAND ADJOINING 10 ST. GEORGE'S, WOOLHOPE, HEREFORDSHIRE, HR1 4QR. (AGENDA ITEM 14)

Construction of new housing development of 6 no. 2 storey affordable houses on agricultural land and within the car park shared by the existing housing.

The Principal Planning Officer reported the following:

- The Conservation Manager advises that “the archaeology sensitivity of the proposed development site is moderate. The application site falls within the broad medieval form of the village of Woolhope. Given the nature and scale of the likely ground disturbance under the proposal, the development impact will be moderately great. There will probably not be any significant archaeological issues in this case.

However, it is my view that it would be reasonable to allow the local authority to monitor the proposed development works on the site in order to record its potential archaeological interest. Accordingly, I have no objections to the above proposal, subject to the attachment of a suitable minor archaeological condition to any permission granted. I would therefore advise the standard archaeological “access” condition D03.”

In accordance with the criteria for public speaking, Mr Andrade spoke in objection to the application, and Mr Nacgilp and Mr Curry, the applicant's agents, spoke in support.

Councillor TMR McLean, the Local Ward Member, had a number of concerns in respect of the application. She noted the Traffic Manager had recommended that the application be refused and that he was concerned in respect of the safety of cyclists and pedestrians due to poor visibility from the entrance to the site. She also questioned the findings of the housing needs survey, and had concerns as to how the figure of 8 required homes had been calculated. In summing up she noted the concerns of the Parish Council and felt that there were a number of brownfield sites in the area which would be more suitable than the Greenfield site that had been proposed.

Councillor RH Smith supported the views of the Local Ward Member and felt that the application was incomplete as members were still awaiting comments from Welsh Water.

Councillor JG Jarvis felt that Herefordshire's smaller towns and villages should provide some of the much needed affordable housing within the County. He was concerned in respect of the comments from the Local Ward Member regarding the calculation of figures in the housing needs survey and advised members that he would be investigating the matter further. He felt that it may be beneficial to defer the determination of the application pending clarification in respect of the calculation of the housing need.

Councillor PGH Cutter felt that the application should be treated on its merits. He requested that the sub-committee receive full clarification as to how the housing requirement figure was calculated from the findings from the housing needs survey. He felt that the suggested site was inappropriate and felt that there were too many concerns in respect of highways for him to support the application.

Members discussed the application thoroughly and had a number of concerns in respect of the suitability of the site. They noted that the site fell in an area of natural beauty and that it was also, in their opinion, contrary to Policy HBA9 of the Unitary Development Plan. On balance members felt that the application should be refused against the Officer's recommendation.

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) Contrary to Policies HBA6 and HBA9 of the Unitary Development Plan.**
- D) Concerns in respect of visibility from the access to the site.**
- E) Concerns in respect of the Conservation 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.

SOUTHERN AREA PLANNING SUB-COMMITTEE WEDNESDAY, 9TH JANUARY, 2008

[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 4.20 p.m.

CHAIRMAN

