

MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 13 May 2009 at 2.00 pm

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

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

In attendance: Councillors TW Hunt and RV Stockton

107. APOLOGIES FOR ABSENCE

Apologies were received from Councillors CM Bartrum and BA Durkin.

108. DECLARATIONS OF INTEREST

No declarations of Interest were received.

109. MINUTES

Councillor RH Smith noted that the public speaker in respect of item DCSW2009/0298/O was Mrs Morriss and not Mrs Morris as stated in the minutes. He also noted that the word addition had been used instead of additional in paragraph 4 of the same item. The Democratic Services Officer noted that the end time of the meeting had not been specified.

RESOLVED: That subject to the aforementioned amendments, the Minutes of the meeting held on 15 April 2009 be approved as a correct record and signed by the Chairman.

110. ITEM FOR INFORMATION - APPEALS

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

111. DCSE2009/0130/F - PLOT ADJACENT TO FORGE HOUSE, BROMSASH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7PJ.

New vehicular access.

Councillor H Bramer, the Local Ward Member, requested clarification regarding the visibility splay.

The Senior Planning Officer confirmed that the access was set 2 metres back from the roadside and that the 90 metre required visibility was achievable although it did cut over the junction.

In response to a question the Senior Planning Officer confirmed that the access was used as a vehicular access to the applicant's garden and that there was no application for a dwelling.

Councillor Bramer felt that the presence of an access near the junction would slow vehicles down. He noted the comments of the Traffic Manager and 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. **H06 (Vehicular access construction)**

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

3. **H03 (Visibility splays)**

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

4. **H05 (Access gates)**

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

5. **H09 (Driveway gradient)**

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

6. **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.

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.

Informatives:

1. **HN01 - Mud on highway.**
2. **HN05 - Works within the highway.**
3. **HN10 - No drainage to discharge to highway.**
4. **N19 - Avoidance of doubt - Approved Plans.**
5. **N15 - Reason(s) for the Grant of Planning Permission.**

112. **DCSE2009/0489/F - HARTLETON LODGE, BROMSASH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SB.**

Single storey extensions with first floor en-suite within new roof space.

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

Councillor H Bramer, the Local Ward Member, noted the concerns raised by Mrs Mitchell. He felt that the extension would be overpowering and proposed that the application be refused.

The Principal Planning Officer advised Members that changes had been made to the permitted development rights which had removed the cubic metre tolerance in respect of domestic extensions. He confirmed that historically any extension to Hartleton Lodge would have required planning permission but the proposed extension would be allowed under permitted development rights if it was moved to the side elevation of the dwelling. He added that a condition could be added to the recommendation to remove permitted development rights if the proposed application was approved.

Councillor RH Smith felt that approving the application would result in a detrimental impact on the neighbouring properties and therefore felt that a site inspection would be beneficial to Members.

Councillor PD Price noted that the existing first floor window was to be removed as part of the proposal. He felt that the removal of the window would improve the issue of overlooking.

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. I16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

4. Notwithstanding the provisions of Article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A or B of Part 1 of Schedule 2, shall be carried out.

Reason In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property 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.

113. DCSE2009/0533/F - A TIMBER FRAMED SMOKING SHELTER, THE KING CHARLES II, 13 BROAD STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EA.

A timber framed smoking shelter.

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

The Legal Practice Manager advised Members that in summer 2007, England introduced a new law to make virtually all enclosed public places and workplaces in England smokefree. He detailed the requirements of smoking shelters specifically that 50% of the sides of the shelters needed to be open. Finally he noted that a number of licensed premises had chosen to erect Jumbrellas, and that these large parasols, often with heating and seating, did not require planning permission.

Councillor G Lucas, one of the Local Ward Members, noted the concerns raised by the local residents but felt that application was acceptable.

In response to a question, the Legal Practice Manager advised Members that smoking was not deemed to be a licensable activity under the terms of the Licensing Act 2003. He advised that the beer garden was licensed for the consumption of alcohol until midnight but that smoking could continue in the garden until 1.30 am on a weekend. The Southern Team Leader added that controls could be added in line with the Regulatory Committee but that restrictive conditions could be deemed as unreasonable if an appeal was lodged.

The Principal Planning Officer advised Members that the applicant could erect umbrellas in the garden without requiring planning permission. He added that moving the proposed smoking shelter could result in noise concerns for other local residents.

Councillor RH Smith felt that the application was unreasonable and that noise would be concentrated in one area of the garden, he therefore moved that the application be refused.

In response to a question from Councillor Bramer, the Principal Planning Officer advised Members that moving the shelter would result in more noise issues for the public speaker, Mrs Clark.

RESOLVED

That retrospective planning permission be granted subject to the following condition:

1. I15 (Scheme of noise insulation)

Reason: To safeguard the amenity of the area and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

Informatives:

1. N19 - Avoidance of doubt - Approved Plans.

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

114. DCSW2009/0593/F - BOURNEVILLE, KERRYS GATE, NEAR ABBEYDORE, HEREFORD, HEREFORDSHIRE, HR2 0AH.

Retention of part of existing dwelling forming store and boiler house. Provision of new single storey element to replace 2 bedroom bungalow. Provision of double garage.

The Principal Planning Officer reported the following updates:

Further plans had been received specifying how the double garage would be settled into the site.

The Principal Planning Officer stated that it was not evident, with reference to the plans originally submitted, how the double garage would be settled into the north-east slope of the site. This issue was highlighted in the Officer's appraisal of the report and had been the subject of ongoing discussion. It was evident from the sectional plan submitted that the garage would be cut into the site such that it would be consistent with that of the new dwelling and therefore would be well assimilated into the landscape.

The updates sheet circulated to Members at the meeting also requested that the recommendation be amended to require the agreement of slab levels for the double garage as well as the dwelling prior to commencement of works.

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

Councillor JB Williams, the Local Ward Member, noted the concerns of the Parish Council. He had concerns in respect of the workshop and felt that this should not be used for any activities that could cause a disturbance to the neighbouring residents. He felt that the Case Officer had addressed all of the concerns raised and therefore he supported the application.

Members discussed the application and on balance felt that a bungalow on the site would be acceptable.

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. B02 (Development in accordance with approved plans and materials)

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3. 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

4. F14 (Removal of permitted development rights)

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H18 of Herefordshire Unitary Development Plan.

5. G01 (Earthworks)

Reason: To safeguard the amenity of the area given the works required and in order to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

6. H05 (Access gates)

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

7. 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

8. I16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

9. I51 (Details of slab levels)

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

Informatives:

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

The meeting ended at 3.10 pm

CHAIRMAN