

MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 8 July 2009 at 2.00 pm

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

Councillors: CM Bartrum, H Bramer, BA Durkin, AE Gray, JA Hyde, JG Jarvis, G Lucas, PD Price, RH Smith and DC Taylor

In attendance: Councillors TW Hunt (ex-officio) and RV Stockton (ex-officio)

8. APOLOGIES FOR ABSENCE

Apologies were received from Councillor JB Williams. The Chairman advised that Councillor JG Jarvis had requested that the two applications in his ward be moved back to 2.30pm as he was currently on council business.

9. DECLARATIONS OF INTEREST

5. DCSE2009/0670/F - HOMME FARM, HOM GREEN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7TF.
Councillor JG Jarvis; Personal and Prejudicial.
7. DCSE0009/0926/F - THE CHURCH OF ST MARY THE VIRGIN, CHURCH STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5HP.
Councillor G Lucas; Personal and Prejudicial; Chairman of 'Friends of the Church'.
8. DCSE0009/1021/F - REAR GARDEN PLOT TO TUDORVILLE EXPRESS, WALFORD ROAD, TUDORVILLE, ROSS ON WYE, HEREFORDSHIRE, HR9 5PY.
Councillor JA Hyde; Personal and Prejudicial; Previously employed at the site.

10. MINUTES

RESOLVED: That the Minutes of the meeting held on 10 June 2009 be approved as a correct record and signed by the Chairman.

11. ITEM FOR INFORMATION - APPEALS

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

12. DCSE0009/0926/F - THE CHURCH OF ST MARY THE VIRGIN, CHURCH STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5HP.

The Principal Planning Officer advised Members that The Rambler's Association had withdrawn its objection to the proposed development and awaited further consultation with regard to the diversion of the Public Right of Way.

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

Councillor CM Bartrum felt that the design of the proposed church hall was in keeping with the rest of the site. He noted the objections but on balance supported the application.

In response to a number of comments from Members, the Southern Team Leader advised that no construction work was permitted on the site until the archaeological investigations had been completed. He added that the application would then, subject to the agreement of the County Archaeologist, be referred to the Secretary of State with a recommendation for approval.

RESOLVED

That subject to the resolution of the outstanding archaeological issues, officers named in the Scheme of Delegation to Officers be authorised to refer the application to the Secretary of State with a recommendation that the Council is minded to approve, subject to the conditions below and any further conditions considered necessary by officers:

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 D10 (Specification of guttering and downpipes)

Reason: To ensure that the rainwater goods are of an appropriate form in the interests of the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

3 D04 (Details of window sections, eaves, verges and barge boards)

Reason: To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

4 D05 (Details of external joinery finishes)

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

5 D06 (External finish of flues)

Reason: To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

6 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.

7 H28 (Public rights of way)

Reason: To ensure the public right of way is not obstructed and to conform with the requirements of Policy T6 of Herefordshire Unitary Development Plan.

Informatives:

1 N19 - Avoidance of doubt - Approved Plans

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

13. DCSE2009/0670/F - HOMME FARM, HOM GREEN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7TF.

In accordance with the Standards Board Code of Conduct, Councillor JG Jarvis, the local ward member who had declared a prejudicial interest in respect of the application, addressed the sub-committee in support of the application prior to leaving the chamber for the ensuing debate and vote.

The Principal Planning Officer (Minerals and Waste) advised members of amendments to condition 6 and 7 of the recommendation. She added that conditions 4 and 5 would need to include a requirement for boundary treatment for the Public Right of Way in the interests of public safety. Finally she advised Members that condition 10 would restrict the approved use of the lakes to Agriculture and Conservation only. Recreational uses would not be permitted, unless a specific planning permission had been granted. Full details of these updates were contained within the updates sheet circulated at the meeting.

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

Councillor RH Smith thanked the Officer for producing a detailed and thorough report. He added that the applicant had taken great care with the application and had appeared to have worked in conjunction with the planning team, he therefore supported the application and moved the recommendation.

Members discussed the application and concurred with Councillor Smith's comments in respect of the quality of the report. They felt that the only area of concern in respect of the application related to landscaping and tree planting. They felt that a long term landscaping programme was required.

In response to the comments raised in respect of landscaping, the Principal Planning Officer (Minerals and Waste) confirmed that she would be requesting a 10 year landscape management plan.

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 (Development in accordance with the approved plans)

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

3 E01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policies ARCH1, ARCH5 and ARCH6 of Herefordshire Unitary Development Plan 2007.

4 G09 (Details of Boundary treatments)

Reason: In the interests of visual amenity, and the safety of users of the Public Right of Way, in accordance with policies DR1, DR2 and T6 of the Herefordshire Unitary Development Plan 2007.

5 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.

6 No development shall take place until a habitat enhancement and biodiversity management scheme, based on the findings and recommendations of the submitted Ecological Report and in consultation with the Council's Planning Ecologist, Natural England and the Herefordshire Nature Trust, has been submitted to and approved in writing by the local planning authority. The scheme shall include in particular:

- i) Provision for further surveys as necessary, by a suitably qualified person, prior to and during each phase of development;**
- ii) Measures to safeguard any identified protected species and their habitats, including badgers, particularly during the construction period;**
- iii) Specific proposals for wildlife habitat creation or enhancement through planting and landform, and future management of these measures;**
- iv) Full details of a long-term Management Scheme for identified and specified areas of the site, to be agreed with and implemented by the Herefordshire Nature Trust or equivalent successor organisation for a specified period of time, including the start date;**
- v) Measures to protect and maintain all significant areas of peat within the site including mitigation measures for taking account of any unexpected areas of peat encountered during excavation works. Any such peat discovered shall be recovered, stored separately, and used in connection with the proposed landscaping and habitat enhancement measures.;**
- vi) The appointment of a suitably qualified Ecological Clerk of Works to oversee implementation of the scheme throughout the phased construction period and for a minimum of two years after completion of the last pool and/or the landscape and biodiversity schemes (whichever is the later);**
- vii) Provision for adequate monitoring and progress reporting;**
- viii) Timescales for implementation of the scheme.**

The scheme shall be implemented as approved unless otherwise agreed in writing in advance by the local planning authority.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats &c) Regulations 1994 (as amended), and to ensure that biodiversity is conserved and enhanced, all in accordance with the requirements of PPS9, the NERC Act 2006 and policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007.

7 No development shall take place until a comprehensive landscape scheme has been submitted to and approved in writing by the local planning authority. The details submitted shall include a large-scale masterplan showing the landscaping and habitat features to be implemented, in conjunction with the following detailed proposals;

- i) Full ground-modelling methodology for the proposed wetland habitat and conservation corridor indicated on drawing no 117.301.C2-1E, including wet scrapes;
- ii) Full ground-modelling details for all areas designated to receive excavated material on drawing no 117/301/C2.C2-1E;
- iii) Method statement for all soil handling and storage including, where necessary, measures to reduce high soil nutrient levels on those areas identified for conservation use;
- iv) Final ground-modelling details of the reservoir margins, showing gradients and shallow water depths at the edge (in particular alongside the Public Right of Way);
- v) Measures and methodology for ensuring that, in the event of drought, the area of bare mud around the reservoirs likely to be exposed would be kept to a minimum.
- vi) Schedule of all planting and seeding, to include details of species, sizes, location, density and spacing as appropriate. This shall include identification of any areas to be left for natural re-vegetation and the methodology for the choices made;
- vii) Timescales for implementation, including any provision for phased work, the times of the year when earthmoving will take place, the completion of each phase, review of the scheme according to changing circumstances, and remediation for any plant or seeding failures;
- viii) Details of an 8 metre buffer strip (from the top edge of the bank) to be provided on either side of the entire length of the existing watercourse lying within the application site. No excavation, deposit of soil, or any other development shall take place within the buffer strip.
- ix) Proposals for after-care and management for a prescribed period (e.g. 5 years after completion), and provision for regular monitoring of the scheme.

The scheme shall be implemented as approved unless otherwise agreed in writing in advance by the local planning authority.

Reason: In the interests of visual amenity, to ensure a satisfactory form of development, and to conform with the requirements of policies LA6, NC1, NC6 and NC8 of the Herefordshire Unitary Development Plan 2007.

8 Prior to the construction of any reservoir a scheme for groundwater monitoring, including the installation of a borehole/piezometer at a specified location, shall be submitted to and approved in writing by the local planning authority in consultation with the Environment Agency. The scheme shall provide detailed proposals for monitoring, including the

nature of sampling, frequency and duration, in accordance with the submitted Hydrological Impact Statement dated May 2009. Thereafter, monitoring shall be carried out and reviewed in accordance with the approved scheme, which shall be carried out and implemented in accordance with the approved details unless otherwise agreed in writing in advance by the local planning authority.

Reason: To ensure monitoring of the hydro-geological and hydrological regime, to protect groundwater and the water environment including Coughton Wood and Marsh SSSI and Parish Fields in accordance with policies DR1, DR4, and DR6 of the Herefordshire Unitary Development Plan 2007.

- 9 If the monitoring scheme approved under the above condition shows, in the opinion of the local planning authority, any adverse risk of deterioration to groundwater and surface water quality or quantity, remediation proposals shall be submitted in writing to the local planning authority in consultation with the Environment Agency within three months of the findings. The proposals shall include:

- i) Methodology for investigating the cause of the deterioration;
- ii) Measures for remediation;
- iii) Further measures to amend any failures in either monitoring methods or remediation;
- iv) Timescales for implementing the scheme and provision for review.

The remediation scheme shall be implemented in accordance with the approved details.

Reason: To prevent any adverse impacts on the hydro-geological and hydrological regime, to protect groundwater and the water environment including Coughton Wood and Marsh SSSI and Parish Fields in accordance with policies DR1, DR4, and DR6 of the Herefordshire Unitary Development Plan 2007.

- 10 F06 (Restriction on Use)

Reason: To restrict the use of the site to that proposed in the interests of local amenity, because any other use would require further consideration by the local planning authority, and to comply with policies S1, S2, and DR1 of the Herefordshire Unitary Development Plan 2007.

INFORMATIVES:

- 1 The applicant is advised to appoint a suitably qualified civil engineer to supervise the design, construction, maintenance and safety of reservoirs regardless of size.
- 2 The requirements given in condition 7 (v) for details to minimise the exposure of bare mud should include proposals for a combination or mixture of engineering design details, water management, selected marginal planting and other means such as the use of shingle if appropriate.
- 3 N11C - General
- 4 N11A - Wildlife and Countryside Act 1981 (as amended) - Birds

- 5 ND03 - Contact Address
- 6 HN01 - Mud on highway
- 7 HN02 - Public rights of way affected
- 8 HN03 - Access via public right of way
- 9 HN23 - Vehicular use of public rights of way
- 10 The development shall only be undertaken in accordance with the requirements of Central Networks and the National Grid. Guidance for safe working under overhead power lines, and the HSE informative 'should be strictly adhered to at all times. Shock Horror: Safe working near overhead power lines in agriculture'.
- 11 Trees should not be planted in the vicinity of overhead power lines unless agreed with Central Networks and National Grid. Planting within the sphere of influence of the lines should be restricted to native herbs and plants, and native shrubs that would not exceed 3 metres in height.
- 12 N19 - Avoidance of doubt - Approved Plans
- 13 N15 - Reason(s) for the Grant of Planning Permission

14. DCSE2009/0824/F - LAND AT THE KNAPP, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6HU.

The Principal Planning Officer requested that members add a condition to the recommendation in respect of slab levels.

Councillor JG Jarvis, the local ward member, noted the concerns raised by Goodrich Parish Council in respect of the height of the proposed dwelling. However he felt that the slope of the land alliviated this concern and therefore supported the application.

In response to a question from the local ward member, the Principal Planning Officer confirmed that the external finish of the dwelling was addressed through condition 2 of 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 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 D04 (Details of window sections, eaves, verges and barge boards)

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 D05 (Details of external joinery finishes)

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

5 H03 (Visibility splays)

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

6 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

7 H09 (Driveway gradient)

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

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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

9 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 Herefordshire Unitary Development Plan.

10 H29 (Secure covered 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 Herefordshire Unitary Development Plan.

11 G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

12 G11 (Landscaping scheme – implementation)

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

13 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 the Herefordshire Unitary Development Plan.

14 G02 (Retention of trees and hedgerows)

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

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

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

INFORMATIVES:

1 HN01 - Mud on highway

2 HN04 - Private apparatus within highway

3 HN05 - Works within the highway

4 HN10 - No drainage to discharge to highway

5 With reference to condition 2, there is an expectation that the external finish will comprise painted render in accordance with the approved drawing 656:02

6 N19 - Avoidance of doubt - Approved Plans

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

15. DCSE0009/1021/F - REAR GARDEN PLOT TO TUDORVILLE EXPRESS, WALFORD ROAD, TUDORVILLE, ROSS ON WYE, HEREFORDSHIRE, HR9 5PY

The Principal Planning Officer advised Members that the agent had confirmed that the developer was prepared to accept a 12-month commencement condition in line with the temporary suspension of the Supplementary Planning Document: Planning Obligations.

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

Councillor AE Gray had concerns regarding the width of the access to the site and requested a site inspection on all three grounds.

RESOLVED

That consideration of the application be deferred for a site inspection for the following reasons:

- the character or appearance of the development itself is a fundamental planning consideration;**
- a judgement is required on visual impact;**

- **the setting and surroundings are fundamental to the determination or to the conditions being considered.**

16. DCSE0009/0983/F - CHEVENHALL, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PQ.

Councillor AE Gray, one of the Local Ward Members, noted that boundary planting had been agreed with all parties and therefore she supported 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 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 G09 (Details of boundary treatments) (including the position and species to be planted)

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform with Policy DR1 of the 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 3.20 pm

CHAIRMAN