

**MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 28 October 2009 at 2.00 pm**

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

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

**In attendance:** Councillors TW Hunt (ex-officio)

**46. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors H Bramer, BA Durkin, and RVS Stockton.

**47. DECLARATIONS OF INTEREST**

7. DCSE0009/1734/F - THE NUTSHELL CARAVAN PARK, GOODRICH, ROSS-ON-WYE, HR9 6HG..  
Councillor G Lucas; Personal and Prejudicial; Friend of the applicant.
8. DCSW0009/1036/F - TOWN HOUSE, MADLEY, HEREFORDSHIRE, HR2 9LP..  
Councillor JA Hyde; Personal and Prejudicial; Acquaintance of the objector.
8. DCSW0009/1036/F - TOWN HOUSE, MADLEY, HEREFORDSHIRE, HR2 9LP..  
Councillor JG Jarvis; Personal and Prejudicial; Acquaintance of the objector.
8. DCSW0009/1036/F - TOWN HOUSE, MADLEY, HEREFORDSHIRE, HR2 9LP..  
Councillor MJ Fishley; Personal and Prejudicial; Acquaintance of the objector.
8. DCSW0009/1036/F - TOWN HOUSE, MADLEY, HEREFORDSHIRE, HR2 9LP..  
Councillor PD Price; Personal and Prejudicial; Acquaintance of the objector.

**48. MINUTES**

**RESOLVED: That the Minutes of the meeting held on 28 September 2009 be approved as a correct record and signed by the Chairman.**

**49. ITEM FOR INFORMATION - APPEALS**

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

**50. DCSE0009/1487/O - HILL CREST, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SW.**

*3 detached dwellings with new access and associated works.*

The Principal Planning Officer reported the following:

The agent has confirmed that in the event of outline planning permission being granted the applicant would accept the imposition of a planning condition to restrict the height of the dwellings on plots 1 and 2 to no more than one and a half storeys, with no first floor windows to the northern elevation (i.e. facing Ivy House Estate).

Councillor MJ Fishley noted the concerns raised in respect of the access and was pleased that these concerns had been addressed by the applicant.

Councillor RH Smith felt that the condition proposed by the applicant should be added to the recommendation in order to address any concerns in respect of overlooking.

In response to a question in respect of the height of any development on the site, the Principal Planning Officer advised members that condition 14 required slab levels to be agreed with the planning department prior to the commencement of any building works on the site.

## **RESOLVED**

**That planning permission be granted subject to the following conditions:**

- 1 A02 (Time limit for submission of reserved matters (outline permission))**
- 2 A03 (Time limit for commencement (outline permission))**
- 3 A04 (Approval of reserved matters)**
- 4 A05 (Plans and particulars of reserved matters)**
- 5 C01 (Samples of external materials)**
- 6 H03 (Visibility splays)**
- 7 H05 (Access gates)**
- 8 H06 (Vehicular access construction)**
- 9 H08 (Access closure)**
- 10 H13 (Access, turning area and parking)**
- 11 H27 (Parking for site operatives)**
- 12 H17 (Junction improvement/off site works)**
- 13 I16 (Restriction of hours during construction)**
- 14 I51 (Details of slab levels)**
- 15 G10 (Landscaping scheme)**
- 16 G11 (Landscaping scheme – implementation)**
- 17 The height of the dwellings on plots 1 and 2 to be no more than one and a half storeys high with no first floor windows to the northern elevation (i.e. facing Ivy House Estate).**

## INFORMATIVES:

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

### 51. DCSE0009/1260/F - CUCKOO PATCH, HOPE MANSELL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5TN.

*Retention of residential caravan.*

In accordance with the criteria for public speaking Mr Mummery, also speaking on behalf of Mr and Mrs Duberley and Mr and Mrs McAninly, spoke in objection to the application and Mr Smith, the applicant's agent, spoke in support.

Members noted the complex planning history of the site and requested clarification in respect of the possibility of a certificate of lawfulness and any previous enforcement action on the site.

The Senior Litigator confirmed that a certificate of lawfulness could not be granted as the current occupant had not resided at the site for 10 years. The Southern Team Leader confirmed that there had been periods on the site where the caravan had been used without planning consent but these had not been for a sufficient amount of time for enforcement action to be taken.

In response to a question raised by Councillor JG Jarvis, the Southern Team Leader confirmed that if the application was refused it would be possible for enforcement on the site to be delayed for a period of time in order for the residents to find alternative suitable accommodation. It was suggested that such a timescale could be discussed and agreed with the Ward Councillor.

## RESOLVED

**That planning permission be refused for the following reason:**

- 1 **The application site is within the open countryside in a location where residential development is not normally permitted. The continued use of the land for the siting of a residential caravan does not, in this specific case, meet any of the defined exceptions criteria. The caravan and associated domestic paraphernalia are considered to harm the character and appearance of the rural landscape and the development is thus contrary to Policies H7, H8, H11 and LA2 of the Herefordshire Unitary Development Plan 2007.**

### 52. DCSE0009/1734/F - THE NUTSHELL CARAVAN PARK, GOODRICH, ROSS-ON-WYE, HR9 6HG.

*To use a mobile home for site warden accommodation – retrospective.*

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

Councillor JG Jarvis, the local ward member, confirmed that at a recent meeting the Parish Council stated that they were happy to support the application subject to previous conditions on the site being enforced and complied with. He confirmed that sewerage issues on the site had been addressed and thanked the applicant for resolving the

matter. He added that in his opinion it would be difficult to approve an application for a full time warden on the site as caravans were only permitted for 8 months of the year.

Councillor JB Williams supported the application. He felt that a caravan site could not be supported properly without a full time warden to address concerns in respect of maintenance and security.

In response to a question from Councillor RH Smith, the Southern Team Leader confirmed that whilst security of the site was a material planning consideration it was not in itself justification for a full time presence on the site.

The Principal Planning Officer advised members that there was an existing dwelling on the site which was in the applicant's ownership.

## **RESOLVED**

**That planning permission be refused for the following reason:**

- 1 The local planning authority is not satisfied that the application demonstrates that there is a long-term genuine need for the provision of warden accommodation on this seasonal touring caravan site. Even were need to be demonstrated, the applicant currently retains control of the adjacent dwelling, 'The Nutshell'. Accordingly the Council considers that the need for accommodation, if justified, is capable of being met in existing accommodation within the applicant's control. The proposal is considered contrary to policies H7, H8, H11 and LA1 of the Herefordshire Unitary Development Plan 2007.**

### **53. DCSW0009/1036/F - TOWN HOUSE, MADLEY, HEREFORDSHIRE, HR2 9LP.**

*Create two new detached dwelling units.*

The Principal Planning Officer reported the following comments:

The issue of the appropriateness of Section 106 contributions in relation to this site under the current temporary suspension arrangements has been discussed further with the Planning Obligations Manager. She is satisfied that having regard to the overall environmental benefits (the preservation of the listed building and the removal of redundant agricultural buildings) that would be achieved through the development of this site together with the site immediately to the south, that contributions would not be appropriate in this particular case.

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

Councillor DC Taylor, the local ward member, noted that there were two applications on the site, seeking permission for 6 dwellings in total. He requested clarification as to why the application was not subject to a Section 106 agreement.

The Principal Planning Officer confirmed that the applicant already had permission for 2 dwellings which had been approved in 2004 and that the net increase on the site was 4 dwellings, which was below the number required for a section 106 contribution to be requested. In response to a second question from the local ward member, the Principal Planning Officer advised members that a mitigation condition could be added to the recommendation in respect of the possibility of Great Crested Newts in the site.

## **RESOLVED**

That planning permission be granted subject to the following conditions:

- 1 **A01 Time limit for commencement (full permission)**
- 2 **B01 Development in accordance with approved plans**
- 3 **C01 Samples of external materials**
- 4 **G10 Landscaping scheme**
- 5 **G11 Landscaping scheme - implementation**
- 6 **H13 Access, turning area and parking**
- 7 **L01 Foul/surface water drainage**
- 8 **L02 No surface water to connect to public system**
- 9 **L03 No drainage run-off to public system**
- 10 **L04 Comprehensive & Integrated draining of site**
- 11 **Prior to development, a wildlife protection and enhancement strategy shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: To comply with Herefordshire Council's Unitary Development Plan Policies NC6, NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006**

- 12 **H03 Visibility Splays**
- 13 **H06 Vehicular access construction**
- 14 **H13 Access, turning area and parking**
- 15 **H27 Parking for site operatives**

## **INFORMATIVES:**

- 1 **N15 Reason(s) for the Grant of Planning Permission**
- 2 **N19 Avoidance of doubt - Approved Plans**
- 3 **N11B Wildlife & Countryside Act 1981 (as amended) & Cons (Nat. HaB Bat)**

54. **DCSW0009/1038/F & DCSW0009/1039/L - TOWN HOUSE FARM, MADLEY, HEREFORDSHIRE, HR2 9LP**

*Conversion of barns and one new build to create 4 dwellings.*

The Principal Planning Officer reported the following comments:

The issue of the appropriateness of Section 106 contributions in relation to this site under the current temporary suspension arrangements has been discussed further with the Planning Obligations Manager. She is satisfied that having regard to the overall environmental benefits (the preservation of the listed building and the removal of redundant agricultural buildings) that would be achieved through the development of this site together with the site immediately to the north, that contributions would not be appropriate in this particular case.

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

Councillor DC Taylor, the local ward member, noted the position of the access road and its close proximity to Mr Brookman's property. He requested clarification from the Principal Planning Officer as to how the existing dwelling could be protected.

In response to comments from the local ward member, the Principal Planning Officer confirmed that in theory the access could be moved as it only served units 3 and 4 of the application. He added that an alternative option would be the inclusion of a condition to protect the gas tank and the existing house. The Southern Team Leader added that Members may be minded to approve the application but delegate the final decision to officers subject to an amendment to the access road.

Councillor RH Smith was concerned that the 6 dwellings had been applied for under two applications and he felt that the section 106 process had been undermined. He felt that he could not support the application as he had concerns regarding access, amenity and archaeology.

## **RESOLVED**

**In respect of DCSW2009/1038/F:**

**That planning permission be granted subject to the following conditions:**

- 1 A01 Time limit for commencement (full permission)**
- 2 B01 Development in accordance with the approved plans**
- 3 D02 Approval of details**
- 4 D04 Details of window sections, eaves, verges and barge boards**
- 5 D10 Specification of guttering and downpipes**
- 6 D11 Repairs to match existing**
- 7 D12 Repairs in situ**
- 8 F14 Removal of permitted development rights**
- 9 G10 Landscaping scheme**
- 10 G11 Landscaping scheme - implementation**
- 11 H05 Access gates**

- 12 H12 Parking and turning - single house
- 13 H04 Visibility over frontage
- 14 I16 Restriction of hours during construction
- 15 K4 Nature Conservation - Implementation
- 16 An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

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 Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan.

- 17 L01 Foul/surface water drainage
- 18 L02 No surface water to connect to public system
- 19 L03 No drainage run-off to public system
- 20 L04 Comprehensive & Integrated draining of site

**INFORMATIVES:**

- 1 N15 Reason(s) for the Grant of Planning Permission
- 2 N19 Avoidance of doubt - Approved Plans
- 3 N11A Wildlife and Countryside Act 1981 (as amended) - Birds
- 4 NC02 Warning against demolition
- 5 N04 Rights of way

In respect of DCSW0009/1039/L:

That Listed Building Consent be granted subject to the following conditions:

- 1 D01 Time limit for commencement (Listed Building Consent)
- 2 B01 Development in accordance with the approved plans
- 3 D02 Approval of details
- 4 D04 Details of window sections, eaves, verges and barge boards
- 5 D10 Specification of guttering and downpipes

**INFORMATIVES:**

- 1 N15 Reason(s) for the Grant of Listed Building Consent

**2 N19 Avoidance of doubt - Approved Plans**

The meeting ended at 4.00 pm

**CHAIRMAN**