

MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 25 November 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, G Lucas, PD Price, RH Smith, DC Taylor and JB Williams

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

55. APOLOGIES FOR ABSENCE

Apologies were received from Councillor JG Jarvis.

56. DECLARATIONS OF INTEREST

5. DCSE09/1665/F - ROSS ON WYE RUGBY CLUB, SIXTH AVENUE, GREYTREE, ROSS ON WYE, HEREFORDSHIRE, HR9 7AG.
Councillor AE Gray; Prejudicial; Relative of the applicant's agent.
5. DCSE09/1665/F - ROSS ON WYE RUGBY CLUB, SIXTH AVENUE, GREYTREE, ROSS ON WYE, HEREFORDSHIRE, HR9 7AG.
Councillor CM Bartrum; Prejudicial; Member of Ross Town Council.
5. DCSE09/1665/F - ROSS ON WYE RUGBY CLUB, SIXTH AVENUE, GREYTREE, ROSS ON WYE, HEREFORDSHIRE, HR9 7AG.
Councillor G Lucas; Prejudicial; Member of Ross Town Council.
5. DCSE09/1665/F - ROSS ON WYE RUGBY CLUB, SIXTH AVENUE, GREYTREE, ROSS ON WYE, HEREFORDSHIRE, HR9 7AG.
Councillor H Bramer; Prejudicial; Member of Ross Town Council.
5. DCSE09/1665/F - ROSS ON WYE RUGBY CLUB, SIXTH AVENUE, GREYTREE, ROSS ON WYE, HEREFORDSHIRE, HR9 7AG.
Councillor JA Hyde; Prejudicial; Member of Ross Town Council.
5. DCSE09/1665/F - ROSS ON WYE RUGBY CLUB, SIXTH AVENUE, GREYTREE, ROSS ON WYE, HEREFORDSHIRE, HR9 7AG.
Councillor PGH Cutter; Prejudicial; Member of Ross Town Council.
9. DCSE0009/1859/F DCSE09/1989/F - CASTLE LODGE HOTEL, WILTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6AD.
Councillor PGH Cutter; Personal; Has a work premises on Wilton Road.

57. MINUTES

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

58. ITEM FOR INFORMATION - APPEALS

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

59. DCSE09/1665/F - ROSS ON WYE RUGBY CLUB, SIXTH AVENUE, GREYTREE, ROSS ON WYE, HEREFORDSHIRE, HR9 7AG.

Construction of temporary changing room and associated works.

The Principal Planning Officer reported the following:

5 further letters had been received from local residents expressing concern at the location of the changing rooms relative to their dwellings. The content reiterated the concerns expressed by the objector at paragraph 5.2 of the case officer's report. All of the objectors concluded that the proposal would be more acceptable were the changing rooms relocated to a position whereby they were not visible from the properties in Bell Place. The detrimental visual impact of an essentially temporary structure was referred to, as was the propensity for future security issues, vandalism and parking issues during match days.

A sixth letter had been received from Mr Haywood, 6 Abbots Close. This explained that the grass verge and planting from the edge of Abbots Close to the boundary of the rugby field was maintained by the owners of 1-6 Abbots Close as a management committee. Concern was expressed at the existing problems associated with spill over parking arising from the use of the playing fields, which lead to damage to the verge and issues around access to property. Whilst the management committee had no objection to the facilities, it questioned why the level of parking had been so reduced compared to the 2003 planning permission and recommended that the parking provision be reappraised.

The Principal Planning Officer made the following comments, circulated to all attendees in the updates sheet.

The rationale for the chosen location for the changing rooms is given at section 5.3 of the case officer's report and is the same as under the 2003 planning permission (albeit that the current proposal is for a larger building). The reduction in the number of car parking places proposed reflects the desire to increase the use of sustainable modes of transport by those accessing the site and has been undertaken on the advice of the Council's highways department. The Rugby Club has also indicated that a club member could be employed as a traffic steward on match days so as to ensure no parking on Abbots Close.

Councillor RH Smith noted the concerns raised by the local residents but felt that these could be addressed through suitable conditions, he also noted the support of the Parish Council. He drew members' attention to the proposed amendments to condition 5 of the recommendation and felt 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)**
- 2 H07 Single access - outline consent**
- 3 H13 Access, turning area and parking**

- 4 H29 Secure covered cycle parking provision
- 5 H30 Travel plans (including reference to parking management plan)
- 6 Prior to the first use of the changing rooms hereby approved a barrier shall be erected across the vehicular access in order to prevent access by coaches. The barrier shall be installed and retained thereafter in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety and the free flow of traffic so as to comply with Policy DR3 of the Herefordshire Unitary Development Plan.

- 7 The floor levels of the changing rooms hereby approved shall be set at 33.43m AOD, in accordance with the submitted Flood Risk Assessment (BMW266/FRA, dated 06/01/09).

Reason: To protect the development from flooding in accordance with Policy DR7 of the Herefordshire Unitary Development Plan.

- 8 The development permitted shall only be carried out in accordance with the submitted Flood Risk Assessment (BMW266/FRA, dated 06/01/09).

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

- 9 C09 Details of cladding (agricultural and industrial buildings)

INFORMATIVES:

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

- 2 N19 Avoidance of doubt - Approved Plans

60. DCSE0009/1902/F DCSE09/2350/F - TRE-ESSEY FARM, ST WEONARDS, HEREFORDSHIRE, HR2 8NA.

Proposed new covered manure store.

The Senior Planning Officer reported the following:

The Environmental Protection Manager has considered the revised siting of the store and has no objection.

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

Councillor JA Hyde, the local ward member, advised members that Mr Davies had been notified of the amendment to the manure store position. She confirmed that Llangarron parish council had not objected to the application and that she was also in support of it.

In response to questions raised by members, the Senior Planning Officer confirmed that the store was still 50 metres away from Tre-Essey farm and that the matter being stored was solid manure.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1 A01 Time limit for commencement (full permission)**
- 2 B03 Amended plans**
- 3 C01 Samples of external materials**
- 4 I51 Details of slab levels**

INFORMATIVES:

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

61. DCSW0009/1982/F DMSW09/2150/F - DANESWOOD, LITTLE BIRCH, HEREFORDSHIRE, HR2 8AS.

Proposed detached garage.

Councillor RH Smith, the local ward member, had some concerns in respect of the description of the application and he sought clarification in order to confirm that a workshop was not being proposed. He also requested clarification in respect of the materials proposed for the garage.

In response to the points raised by the local ward member, the Principal Planning Officer confirmed that the application was for a garage and that a condition would be included in the resolution restricting its use accordingly. He advised members that the profiled metal sheeting proposed by the applicant had been selected in order to provide a low pitch roof and in order to reduce landscape impact.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1 A01 Time limit for commencement (full permission)**
- 2 B02 Development in accordance with approved plans and materials**
- 3 F07 Domestic use only of garage**

INFORMATIVES:

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

62. DCSW09/2133/O - LAND ADJACENT TO SUN COTTAGE, GARWAY HILL, HEREFORDSHIRE, HR2 8EZ.

Outline planning application for construction of a three bedroom dwelling.

The Principal Planning Officer reported the following:

Orcop Parish Council stated that they fully support the application on the grounds that young people should be encouraged to stay within the Parish.

In accordance with the criteria for public speaking, Mr McRae spoke in objection to the application, and Mr Heath, the applicant, spoke in support.

Councillor RH Smith, the local ward member, noted that the status, character and intentions of the applicant were not material planning considerations but felt that they did have some bearing on applications under UDP policies H7, H8, and E11. He advised the sub-committee that a separate approval was being sought for a small workshop to relocate the applicant's blacksmithing business which had been operating successfully for 3 ½ years. He noted that the applicant had provided full financial details of his business and also detailed areas of possible expansion.

Councillor Smith felt that the application related to an existing, highly successful, rural business and was therefore supported by UDP policies H7.2 and H8. He added that the applicant had provided evidence that no suitable accommodation was available for conversion and that housing rarely became available in the area, and when it did it was well outside the reach of the first time buyer.

Councillor Smith noted that the application site was less than a mile away from the applicant's workshop and he felt that this was a reasonable distance. In summing up he felt that adequate justification did exist for a dwelling on the site; that some landscape impact was inevitable but could be mitigated through conditions; and that access issues could also be addressed accordingly. He therefore felt that the application should be approved in accordance with UDP Policies H7.2 and H8.

Councillor PD Price noted the applicant's comments in respect of the rural housing project undertaken in Golden Valley. He noted that the community and the Parish Council were in support of the application and felt that the Council should support a small rural business.

In response to the previous comments the Southern Team Leader advised members that if they were in support of the application in principle the planning department still had reservations in respect of the site location due to its considerable distance away from the applicant's workshop and its impact on the wider landscape.

Councillor RH Smith felt that a suitable condition could be added to any planning approval in order to address any concerns in respect of restriction of usage to a rural usage.

RESOLVED

The Southern Area Planning Sub-Committee is minded to approve the application subject to the conditions set out below (and any further conditions felt to be necessary by the Head of Planning and Transportation) provided that the Head of Planning and Transportation does not refer the application to the Planning Committee.

1) Restricted Occupancy Condition

If the Head of Planning and Transportation does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to approve the application subject to such conditions referred to above.

[The Southern Team Leader advised members that he would refer the application to the Head of Planning and Transportation]

63. DCSE0009/1859/F DCSE09/1989/F - CASTLE LODGE HOTEL, WILTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6AD.

Refurbishment and conversion of existing derelict barn to restaurant and creation of new car parking facilities servicing existing hotel and new restaurant, together with associated junction improvement works. (Removal of conditions 13 and 16 on planning permission DCSE2005/2343/F).

In accordance with the criteria for public speaking, Mr Deegan, representing the local residents, spoke in objection to the application, and Mr Eacock, the applicant's agent, spoke in support.

Councillor JA Hyde, the local ward member, advised members that the lane referred to as Benhall Lane in the report was actually an unnamed road and Benhall Lane was a larger road on the other side of the A40. She noted the existing conditions and felt that these conditions had already been breached if the hotel sale had already gone ahead. She noted the concerns regarding the narrow access and welcomed comments from other members.

Councillor G Lucas noted that the application came before the Southern Area Planning Sub-Committee in 2006. He advised members that the car park and the access lane became extremely congested during busy periods and therefore he felt that the conditions should remain.

In response to a question by Councillor H Bramer, the Principal Planning Officer advised that there had not been a breach of conditions on the site as the 2006 planning approval for a restaurant had not been implemented. He confirmed that none of the conditions would take effect until the planning permission was implemented.

In response to a question from Councillor PD Price, the Principal Planning Officer advised members that there was a parcel of land to the right of the fence, as highlighted on the site plan, which would accommodate the additional parking spaces. He confirmed that 24 parking spaces would be made available.

In response to further comments by members, the Principal Planning Officer confirmed that the condition referred to a 'restaurant' and that at present there was not a restaurant on the site, just a dilapidated barn. He added that it would have been unreasonable for members to add a condition to the 2006 resolution to restrict the sale of the barn.

The Chairman noted the existing issues with vehicular access into the Castle Lodge car park and noted the existing issues with the Wilton roundabout. He felt that 24 parking spaces would be insufficient for the hotel and would only increase the traffic concerns for the local residents. He felt that the 2006 planning permission would not have been granted without the two conditions being considered for removal and therefore felt that they should remain.

RESOLVED

The Southern Area Planning Sub-Committee is minded to refuse the application subject to the reason for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning and Transportation) provided that the Head of Planning and Transportation does not refer the application to the Planning Committee.

- 1) **The application is contrary to policy T11 and is refused on grounds of highway safety**

If the Head of Planning and Transportation 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 reason for refusal referred to above.

[The Southern Team Leader advised members that he would not refer the application to the Head of Planning and Transportation]

The meeting ended at 4.02 pm

CHAIRMAN