

MINUTES of the meeting of Southern Area Planning Sub-Committee held at Council Chamber, Brockington on Wednesday, 14th April, 2004 at 2.00 p.m.

Present: Mrs. R.F. Lincoln (Chairman)
P.G. Turpin (Vice Chairman)

Councillors: M.R. Cunningham, N.J.J. Davies, Mrs. C.J. Davis,
G.W. Davis, Mrs. A.E. Gray, Mrs. J.A. Hyde, G. Lucas, D.C. Taylor and
J.B. Williams

60. APOLOGIES FOR ABSENCE

Apologies were received from Councillors H. Bramer and J.W. Edwards.

61. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
G. Lucas	Ref 13 – DCSE2004/0561/T – Erection of 15 metre telecommunications monopole incorporating three antenna, one 30cm transmission dish, two 60cm transmission dishes and associated cabinet equipment and compound at: Security Compound 2, Broad Meadows Industrial Estate, Station Approach, Ross-on- Wye, Herefordshire.	Declared a prejudicial interest and left the meeting for the duration of this item.

62. MINUTES

RESOLVED: That the Minutes of the meeting held on 17th March, 2004 be approved as a correct record and signed by the Chairman. Subject to the following amendments;

- 1) Deletion of the last sentence of P3 Para 3.
- 2) P5 Para 1, replace “....the necessary licenses that the company would first have to obtain from other agencies....” with “....the necessary licence that the company would have to obtain from the environment agency....”

63. ITEM FOR INFORMATION - APPEALS

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

64. HEAD OF PLANNING SERVICES REPORT

The report of the Head of Planning services was presented in respect of planning applications received for the southern area of Herefordshire.

RESOLVED: That the planning applications be determined as set out in the appendix to these Minutes.

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: That under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it be involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

65. CONFIDENTIAL ENFORCEMENT REPORT

The Sub-Committee received an information report about the enforcement matters within the southern area of Herefordshire.

RESOLVED: That the report be noted.

- 12) Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:
 - (a) any legal proceedings by or against the authority, or
 - (b) the determination of any matter affecting the authority (whether, in each case, proceedings have been commenced or are in completion).
- 13) Information which, if disclosed to the public, would reveal that the authority proposes:
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
- 14) Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

The meeting ended at 3.20 p.m.

CHAIRMAN

APPENDIX

Ref. 1
ROSS-ON-WYE
 DCSE2004/0376/F

Erection of two-storey three bedroom house at:

**NANTWICH COTTAGE, OAK ROAD, ROSS-ON-WYE,
 HEREFORDSHIRE, HR9 7BB**

For: Mr & Mrs J Taylor per Geoff Jones Architect, 53 Broad Street, Ross on Wye, Herefordshire HR9 7DY

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 A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

3 Notwithstanding the materials annotated on the approved plans no development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order, with or without modification), no windows, dormer windows or other new openings shall at any time be placed in the eastern and southern elevations of the dwelling hereby permitted.

Reason: In order to protect the residential amenity of adjacent properties.

5 E19 (Obscure glazing to windows)

Reason: In order to protect the residential amenity of adjacent properties.

6 H04 (Visibility over frontage)

Reason: In the interests of highway safety.

7 H05 (Access gates)

Reason: In the interests of highway safety.

8 H06 (Vehicular access construction)

Reason: In the interests of highway safety.

9 H10 (Parking - single house)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

10 Foul water and surface water discharges must be drained separately from the site. There shall be no, direct or indirect, discharge of surface water or land drainage run-off to the public sewerage system.

Reason: To prevent hydraulic overload of the Public Sewerage System and pollution of the Environment.

Informative(s)

1 HN01 - Mud on highway

2 HN04 - Private apparatus within highway

3 HN10 - No drainage to discharge to highway

4 The applicant is advised to contact the Network Development Consultants (DCWW sewerage agents) on tel: 01443 331155, if a connection is required to the public sewerage system.

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

Ref. 2
CLEHONGER
 DCSW2004/0275/F

Construction of hobby workshop with store loft over, at:

WOODFIELD, CHURCH ROAD, CLEHONGER, HEREFORD, HEREFORDSHIRE, HR2 9SE

For: Mr G Morgan per Mr B Chamberlain, Caple Lea, Fownhope, Herefordshire, HR1 4PJ

The Principal Planning Officer reported the receipt of a further letter from the applicant.

Councillor D.C. Taylor, the local Ward Member, said that the height of the workshop was important to the applicant, as he needed to store wood in the upper section in connection with his woodworking hobby. He asked the Sub-Committee to approve the application and did not consider the proposals to be out of keeping with the existing buildings.

RESOLVED: That

1. **the Southern Area Planning Sub-Committee is minded to approve the application, subject to any conditions 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.**
2. **if the Head of Planning Services does not refer the application to the Planning Committee the Officers named in the Scheme of Delegation to Officers be instructed to approve the application, subject to such conditions referred to above.**

(NB. The application was not referred to the Head of Planning Services because it was considered that there were no crucial planning policy issues at stake. The application was therefore approved.)

Ref. 3
MUCH
DEWCHURCH
 DCSW2004/0047/O

Site for six dwellings (affordable/market housing), bio-disc treatment system, removal of poultry buildings, at:

**ORCOP POULTRY, ORCOP HILL,
 MUCH DEWCHURCH, HR2 8EN**

For: Mr K Jones per Mr Griffin, ADAS, The Patch, Elton Newnham, Gloucester, GL14 1JN

The Principal Planning Officer notified Members of a correction to paragraph 6.5 of the report. The correct wording should be "... there will **not** be an adverse impact on highway safety."

In accordance with the criteria for public speaking, Mr. Brookes spoke on behalf of Orcop Parish Council, Mr Baly, an objector spoke against the application and Mr Griffin, the applicants agent spoke in support.

Councillor G.W. Davis felt that affordable housing would benefit Orcop and enable youngsters to stay in the area, he supported the application.

RESOLVED:

That:

1. **The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to ensure that the benefits of low cost affordable housing will be enjoyed in perpetuity by initial owner occupiers and contribute to meeting local housing requirements and any additional matters and terms as she considers appropriate.**

2. **Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:**

1. **A02 (Time limit for submission of reserved matters (outline permission))**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

2. **A03 (Time limit for commencement (outline permission))**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. **A04 (Approval of reserved matters)**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

4. **A05 (Plans and particulars of reserved matters)**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

5. **F17 (Scheme of foul drainage disposal)**

Reason: In order to ensure that satisfactory drainage arrangements are provided.

6. 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.

7. F44 (Investigation of contaminated land)

Reason: To ensure that potential contamination of the site is satisfactorily assessed.

8. F45 (Contents of scheme to deal with contaminated land)

Reason: To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority.

9. F46 (Implementation of measures to deal with contaminated land)

Reason: To ensure contamination of the site is removed or contained.

10. Before development commences on site all poultry units and ancillary buildings and structures shall be demolished and cleared from the site to the satisfaction of the local planning authority in accordance with conditions 7, 8 and 9 above.

Reason: In order to define the terms to which the application relates and in the interests of the residential amenity of future residents.

11. H03 (Visibility splays)

Reason: In the interests of highway safety.

12. H05 (Access gates)

Reason: In the interests of highway safety.

13. H06 (Vehicular access construction)

Reason: In the interests of highway safety.

14. The number of Dwellings hereby permitted shall be

limited to a maximum number of six.

Reason: In order to define the terms under which planning permission is granted.

Informative(s)

1. N15 - Reason(s) for the Grant of planning permission

Ref. 4
ALLENSMORE
DCSW2004/0389/F

Proposed change of use from dwelling house to shared dwelling and conversion of garage to additional accommodation, at:

BRO-A-BRYN, ALLENSMORE, HEREFORD, HR2 9AR

For: Rowden House School per Jamieson Associates, 30 Eign Gate, Hereford, HR4 OAB

The application was withdrawn at the request of the applicant.

Ref. 5
BRIDSTOW
DCSE2004/0417/F

Sub-division of single dwelling into three dwellings. Single storey extension to west elevation at:

THE OLD SCHOOL, BRIDSTOW, NR ROSS-ON-WYE, HEREFORDSHIRE

For: Mr R Cousins per Paul Smith Associates, Chase View House, Merrivale Road, Ross-on-Wye, Herefordshire HR9 5JX

The Senior Planning Officer advised Members that the applicant had submitted the amended plans.

Councillor Mrs. J.A. Hyde, the local Ward Member felt this application would improve the site.

RESOLVED: That subject to the receipt of suitably amended plans, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional 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 C02 (Approval of details)

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

- 3 Notwithstanding the provisions of paragraph 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, B, C, D, E and H of Part 1 of the Schedule 2, shall be carried out without the prior written consent of the local planning authority.**

Reason: To ensure the character of the original conversion scheme is maintained.

- 4 G04 (Landscaping scheme (general))**

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

- 5 G05 (Implementation of landscaping scheme (general))**

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

- 6 Notwithstanding the approved drawings no development shall take place until details of car parking and turning areas have been submitted to and approved in writing by the local planning authority. the approved areas shall be provided before the occupation of the dwellings and thereafter retained and kept available for those uses at all times.**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 7 H27 (Parking for site operatives)**

Reason: To prevent indiscriminate parking in the interests of highway safety.

- 8 Before the occupation of the dwellings hereby approved the temporary class outlined on the plan attached to this permission shall be demolished and all the building materials shall be removed from the land.**

Reason: To benefit the visual amenities of the area and to protect the amenities of the occupants of the converted school.

INFORMATIVE:

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

Ref. 6
PETERCHURCH
DCSW2003/3778/F

Construction of ten two storey dwellings & ancillary site works, sun villa & former works to side & rear, at:

BAZLEY LANE, PETERCHURCH.

For: Hardon Housing Association (Midlands) Ltd, Fellows Burt Dalton Assocs Ltd, The Old Telephone Exchange, Gipsy Lane, Balsall Common, Coventry, CV7 7FW

The Principal Planning Officer reported the receipt of amended plans and a further letter from the owner of the site.

In accordance with the criteria for public speaking, Mr. Traenor, representing Peterchurch Parish Council, and Colonel Boun, an objector, spoke against the application.

Councillor N.J.J. Davies felt this application would have a detrimental effect on the village centre and reiterated the points raised by the Parish Council.

A number of Members raised concerns regarding the application. These concerns focussed on traffic problems, noise, and the amenity of neighbours.

A vote for refusal was lost and a second vote was taken on the substantive motion which was carried.

RESOLVED: That subject to the receipt of satisfactory revised plans relating to house designs and boundary treatment, officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional 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. A07 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

Informative(s):

1. N15 - Reason(s) for the Grant of planning permission

Ref. 7

SELLACK

DCSE2004/0522/F

Proposed two storey extension and conservatory at:

KINSLEIGH COTTAGE, PICTS CROSS, SELLACK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LU**For:** Mr & Mrs M Robinson per Mr I R Phillips, 8 Walford Avenue, Ross on Wye, Herefordshire HR9 5PZ**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 A06 (Development in accordance with approved plans)****Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.****INFORMATIVES:****1 N03 - Adjoining property rights****2 N14 - Party Wall Act 1996****3 N15 - Reason(s) for the Grant of Planning Permission**

Ref. 8

ROSS-ON-WYE

DCSE2004/0349/O

Site for one dwelling plot 7232, land to the rear of the walled garden, at:

ROSS COURT, ROSS-ON-WYE, HR9 7TN**For:** Mr & Mrs K Pittaway per Jane Holland Architects, Brook House, Phocle Green, Ross on Wye, Herefordshire HR9 7TN**RESOLVED: That outline planning permission be granted subject to the following conditions:****1 A02 (Time limit for submission of reserved matters (outline permission))****Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.****2 A03 (Time limit for commencement (outline permission))**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3 A04 (Approval of reserved matters)

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

4 A05 (Plans and particulars of reserved matters)

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

5 F18 (Scheme of foul drainage disposal)

Reason: In order to ensure that satisfactory drainage arrangements are provided.

INFORMATIVES:

1 N14 - Party Wall Act 1996

2 The applicants/developers should be aware that this planning permission does not override any civil/legal rights enjoyed by adjacent property owners nor any covenants on this or adjoining land nor rights of access along the adjacent track/roadway.

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

Alteration to extend frontage of the garage at:

4 THE WALLED GARDEN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7GX

For: Collier & Brain Ltd, The Cross, Drybrook, Gloucester GL17 9ED

RESOLVED: That planning permission be granted. No conditions.

Informative:

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

Proposed change of use of first floor office into self-contained unit of accommodation (retrospective) at:

Ref. 9
ROSS-ON-WYE
DCSE2004/0618/F

Ref. 10
ROSS-ON-WYE
DCSE2004/0279/F

**THE STUDIO, OLD GLOUCESTER ROAD, ROSS-ON-WYE,
HEREFORDSHIRE, HR9 5JG**

For: Mr D Nicholls per Mr A Powell, Yew Tree Cottage, Brinkley Hill, Brockhampton, Herefordshire HR1 4SJ

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

- 1 The ground floor of the property known as The Studio shall not be used for any purpose except for garaging and other purposes incidental to the enjoyment of the first floor flat.**

Reason: To define the terms of the permission and to ensure acceptable living conditions.

- 2. Within 2 months of the date of this permission details of the handrails shall be submitted for approval in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To protect the visual amenities of the area.

Informative:

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

Removal of conditions 19, 20 and 21 of planning permission SE2001/0890/F - provision of pedestrian refuges at:

**KNIGHTSHILL FARM, ASTON INGHAM, ROSS-ON-WYE,
HEREFORDSHIRE, HR9 7LR**

For: J P Construction, Gannaway Lane, Tewkesbury, Gloucester GL20 8EY

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

The Principal Lawyer advised Members that any conditions added to the original application had to fulfil a number of criteria set out in DoE circular 11/95. Conditions 19 and 20 were not precise and condition 21 was unreasonable.

RESOLVED: That planning permission be granted. No conditions.

Informative:

Ref. 11
ROSS-ON-WYE
DCSE2004/0643/F

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

Ref. 12
ROSS-ON-WYE
 DCSE2004/0332/F

Change of use from A1 to A3 (restaurant, snack bar, cafe), at:

UNIT 1, THE MALTINGS, (42/43 BROAD STREET), ROSS-ON-WYE

For: Lancashire County Council Pension Fund per Knight Frank, Emperor House, Scott Harbour, Pierhead Street, Cardiff, CF10 4PH

Councillor Mrs. C.J. Davis, the local Ward Member, said that as the building had been empty for some time and had become an eyesore, she was in favour of the application.

In response to a question from Councillor M.R. Cunningham, the Senior Planning Officer advised members that the standard opening hours referred to in condition 3 were 8.00 am to 11.00 pm.

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. A07 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. E04 (Restriction on hours of opening (restaurants and hot food takeaways))

Reason: To safeguard the amenities of the locality.

4. A scheme for the position and design of any externally mounted ventilation or refrigeration equipment and predicting its noise level at the facade of the nearest residential property with windows overlooking it shall first be submitted to and be subject to the prior written approval of the local planning authority prior to the installation of any such equipment.

Reason: In the interests of the visual amenity and residential amenities of dwelling units in the area.

Informative(s):

1. N15 - Reason(s) for the Grant of planning permission

Ref. 13
ROSS-ON-WYE
DCSE2004/0561/T

Erection of 15 metre telecommunications monopole incorporating three telecommunications antenna, one 30cm transmission dish, two 60cm transmission dishes and associated cabinet equipment and compound. Security compound 2, at:

BROAD MEADOWS INDUSTRIAL ESTATE, STATION APPROACH, ROSS-ON-WYE, HEREFORDSHIRE

For: Hutchison 3G UK Ltd per White Young Green Planning, Ropemaker Court, 12, Lower Park Row, Bristol BS1 5BN

The Senior Planning Officer reported further letters of objection from Paul Keetch M.P. and Virginia Taylor. She also advised Members that the consultation period did not expire until 16th April, 2004.

In accordance with the criteria for public speaking Mr. Hughes and Mrs. Berry spoke against the application.

RESOLVED: That subject to no further representations raising material planning grounds being received by the end of the consultation period the Officers named in the Scheme of Delegation to Officers be authorised to refuse planning permission on the following grounds:

In the absence of evidence of an exhaustive sequential test in relation to the suitability of alternative sites outside of the Indicative Floodplain, the Local Planning Authority is not satisfied that the proposed siting of the mast is acceptable in respect of the impact on the floodplain. The proposal is therefore contrary to policy C44 of the South Herefordshire District Local Plan and the principles of PPG25 - Development and Flood Risk.

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