

**MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 1st September, 2004 at 2.00 p.m.**

**Present:** Councillor Mrs. R.F. Lincoln (Chairman)  
Councillor 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 and J.B. Williams

**In attendance:** Councillor T.W. Hunt

**44. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors H. Bramer, J.W. Edwards and D.C. Taylor.

**45. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

<b>Councillor</b>	<b>Item</b>	<b>Interest</b>
Councillor Mrs. A.E. Gray and Councillor G. Lucas	11a (DCSE2004/1789/F – Erection of three storey sheltered accommodation. Former Alton Court Brewery, Station Street, Ross-on-Wye, Herefordshire) and 11b (DCSE2004/1790/C – Demolition works to accommodate construction of retirement flats, former Alton Court Brewery, Station Street, Ross-on-Wye, Herefordshire)	Both Members declared a prejudicial interest and left the meeting for the duration of the item.

**46. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 4th August, 2004 be approved as a correct record and signed by the Chairman.

**47. ITEM FOR INFORMATION - APPEALS**

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

**APPLICATIONS RECEIVED**

The Sub-Committee considered the following planning applications received for the southern area of Herefordshire and authorised the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.

**48. DCSE2004/1949/O - HAZELNUT COTTAGE AND ADJOINING LAND, LLANGROVE, NR ROSS-ON-WYE, HEREFORDSHIRE (AGENDA ITEM 5)**

*Proposed site for residential development.*

The Principal Planning Officer advised Members that conditions should be added regarding access.

In accordance with the criteria for public speaking, Mrs Wright, representing the residents action group, spoke in objection to the application.

Councillor Mrs. J.A. Hyde, the Local Ward Member, agreed with the objections raised by the local residents and felt she could not support the application.

A number of Members sympathised with local residents but noted that the application site was within the development area of Llangrove and felt that the application should not be refused.

**RESOLVED**

**That 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.**

**Informative:**

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

**49. DCSE2004/2155/O - LAND ADJOINING LLANGROVE COTTAGE, LLANGROVE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6EZ (AGENDA ITEM 6)**

*Outline for residential development of six detached houses and associated vehicular access.*

The Principal Planning Officer reported the receipt of a further letter of support from a local resident.

In accordance with the criteria for Public Speaking, Mr Spreckley, the applicant's agent, spoke in support of the application.

In response to a question, the Principal Planning Officer advised Members that Welsh Water had confirmed that there was capacity in the drainage system to facilitate the development.

**RESOLVED**

**That subject to the receipt of acceptable drainage proposals, 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 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 H03 (Visibility splays)**

**Reason: In the interests of highway safety.**

**6 No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.**

**Reason: To prevent pollution of the water environment.**

**Informative:**

**1 The Environment Agency advises that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management.**

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

50. DCSE20041910F - LAND ADJACENT TO COURT FARM, KINGS CAPLE,  
HEREFORDSHIRE, HR1 4TX (AGENDA ITEM 7)

*Detached 3 bedroom bungalow with double garage/store.*

In accordance with the criteria for Public Speaking, Mr Waymouth, a resident of a neighbouring property spoke in objection to 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 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.**

**4 E08 (Domestic use only of garage)**

**Reason: To ensure that the building is used only for the purposes ancillary to the dwelling.**

**5 G04 (Landscaping scheme (general))**

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

**6 G05 (Implementation of landscaping scheme (general))**

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

**7 F18 (Scheme of foul drainage disposal)**

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

**8 D01 (Site investigation - archaeology)**

**Reason: To ensure the archaeological interest of the site is recorded.**

**9 H01 (Single access - not footway)**

**Reason: In the interests of highway safety.**

**10 H03 (Visibility splays)**

**Reason: In the interests of highway safety.**

**11 H05 (Access gates)**

**Reason: In the interests of highway safety.**

**12 H06 (Vehicular access construction)**

**Reason: In the interests of highway safety.**

**13 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.**

**14 The whole of the works relating to means of access, including drainage, shall be completed before the development is first occupied.**

**Reason: In the interests of highway safety.**

**Informative(s):**

**1 HN05 - Works within the highway**

**2 HN10 - No drainage to discharge to highway**

**3 HN22 - Works adjoining highway**

**4 HN01 - Mud on highway**

**5 N03 - Adjoining property rights**

**6 ND03 - Contact Address**

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

**51. DCSW2004/1729/RM - LAND ADJACENT TO LITTLE BIRCH ROAD, KINGSTHORNE, HEREFORDSHIRE (AGENDA ITEM 8)**

*Proposed detached bungalow.*

In accordance with the criteria for Public Speaking, Mrs. Swift, a local resident, spoke in objection to the application.

Councillor G.W. Davis, the Local Ward Member, voiced concerns regarding the position of the bungalow on the site and asked if it could be moved to a more central location.

In response to the question, the Principal Planning Officer advised members that the bungalow needed to be located at the highest point of the site to facilitate the soakaway drainage required by the Environment Agency.

**RESOLVED**

**That approval of reserved matters be granted subject to the following conditions:**

1 A06 (Development in accordance with approved plans)

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

2 The bungalow shall be cut into the site consistent with submitted plan (drawing 01A).

Reason: In order to settle the dwelling into the site in the interests of the visual amenity of the site.

**Informative(s):**

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

52. DCSE2004/2399/F - LAND AT WELSH NEWTON, ROSS-ON-WYE,  
HEREFORDSHIRE (AGENDA ITEM 9)

*Application for the retention of newly formed access.*

In accordance with the criteria for public speaking, Mr Lane, representing Llangarron Parish Council, spoke in objection to the application.

Councillor Mrs J.A. Hyde, the Local Ward Member, agreed with the objections raised by the Parish Council and felt a more suitable access point could be found.

The Chairman advised Members that she understood the current owner was unlikely to use the access. The Team Leader (Southern) advised Members that the application had to be considered on its merits and, as the Head of Engineering and Transportation had no objections subject to conditions, a refusal based on Highways issues could be difficult to sustain on appeal.

A number of Members expressed concerns about Highway Safety and felt the application should be refused.

**RESOLVED**

- (i) **The Southern Area Planning Sub-Committee is minded to refuse the application on grounds of highway safety (and any further reasons for refusal 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.**
- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application.**

**(Note: The Team Leader (Southern) said that he would refer the application to the Head of Planning Services as the Sub-Committee's view might not be defensible if challenged.)**

53. DCSE2004/2241/F - HOPYARD COTTAGE, UPTON BISHOP, ROSS-ON-WYE,  
HEREFORDSHIRE, HR9 7UJ (AGENDA ITEM 10)

*Timber framed shed 7.5m x 4m with apex roof.*

**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 The external surfaces of the timber boarding/cladding shall be treated to assume a matt dark brown concurrently with construction of the building unless otherwise first agreed in writing by the local planning authority.**

**Reason: To protect the visual amenities of the area.**

**4 B01 (Samples of external materials)**

**Reason: To protect the visual amenities of the area.**

**5 E08 (Domestic use only of shed)**

**Reason: To ensure that the shed is used only for the purposes ancillary to the dwelling.**

**Informative(s):**

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

54. DCSE2004/1789/F - DCSE2004/1790/C - FORMER ALTON COURT BREWERY,  
STATION STREET, ROSS-ON-WYE, HEREFORDSHIRE (AGENDA ITEM 11)

*Erection of three storey sheltered accommodation.*

*Demolition works to accommodate construction of retirement flats*

The Team Leader (Southern) confirmed that a sum of £164,500 had been offered by the developer in order to contribute to the offsite provision of affordable housing in Ross-on-Wye, this sum would be secured through a section 106 agreement. He advised Members that a condition should be added to restrict the sale of the dwellings to Ross-on-Wye residents or people with strong links to the area for a limited time. He also advised that a condition should be added regarding the age range of the occupants of the units.

Councillor Mrs. C.J. Davis, the Local Ward Member, noted the concerns of the

residents and the Parish Council regarding problems with foul drainage in the area. As a result of this she felt that she could not support the application.

Some Members raised concerns regarding the suitability of the proposed design in this location.

In response to a number of concerns raised by Members, the Team Leader (Southern) advised that Welsh Water and the Environment Agency had raised no objections to the application and felt that the development should not have an adverse effect on the drainage system.

A motion to refuse the application failed and the Sub-Committee subsequently agreed the resolution detailed below.

**RESOLVED**

**With respect to DCSE2004/1789/F:**

**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 deal with a contribution to the provision off-site of affordable housing in Ross-on-Wye 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 and any other conditions considered appropriate:**

**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.**

**4 C02 (Approval of details)**

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

**5 D02 (Archaeological survey and recording)**

**Reason: A building of archaeological/historic/architectural significance will be affected by the proposed development. To allow for recording of the building during or prior to development. The brief will inform the scope of the recording action.**

**6 G01 (Details of boundary treatments)**

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

7 G04 (Landscaping scheme (general))

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

8 G05 (Implementation of landscaping scheme (general))

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

9 H03 (Visibility splays)

Reason: In the interests of highway safety.

10 H05 (Access gates)

Reason: In the interests of highway safety.

11 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.

12 H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

13 H27 (Parking for site operatives)

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

14 H29 (Secure 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.

15 No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

- a) a 'desk study' report documenting the history of the site and its surrounding area and likelihood of contaminant extent and type
- b) if the study confirms the possibility of contamination, a site investigation report documenting the ground conditions of the site, incorporating a "conceptual model" of all the potential pollutant linkages and an assessment of risk to identified receptors
- c) if risk assessment identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The

**Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.**

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

- 16 The Remediation Scheme, as approved pursuant to condition no. 15 above, shall be fully implemented before the development is first occupied. Any variation to the scheme shall be agreed in writing with the local planning authority in advance of works being undertaken. On completion of the remediation scheme the developer shall provide written confirmation that all works were completed in accordance with the agreed details.**

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

- 17 F16 (Restriction of hours during construction)**

**Reason: To protect the amenity of local residents.**

- 18 Foul water and surface water discharges must be drained separately from the site.**

**Reason: To protect the integrity of the public sewerage system.**

- 19 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.**

**Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.**

- 20 No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.**

**Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.**

- 21 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been agreed in writing by the local planning authority in liaison with Dwr Cymru Welsh Water's Network Development Consultant.**

**Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.**

- 22 F48 (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.

- 23 Prior to the commencement of development the siting and details of any electricity sub-station shall be submitted to and be approved in writing by the local planning authority. The work shall be carried out in accordance with the approved details.

Reason: In order to protect the amenities of adjoining property.

Informatives:

- 1 HN05 - Works within the highway
- 2 HN09 - Drainage details for Section 38
- 3 HN10 - No drainage to discharge to highway
- 4 N15 - Reason(s) for the Grant of Planning Permission

With respect to DCSE2004/1790/C:

That Conservation Area Consent be granted subject to the following condition:

- 1 C01 (Time limit for commencement (Listed Building Consent))

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

55. DCSE2004/2133/F - LAND ADJOINING OWL BARN, BAILEY LANE END, ROSS-ON-WYE, HEREFORDSHIRE HR9 5TR (AGENDA ITEM 12)

*Change of use from Forestry Commission land to domestic garden by moving the existing fence.*

The Principal Planning Officer reported the receipt of a further letter of correspondence from the Forestry Commission advising that they were no longer willing to sell the land to the applicant.

**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 No development shall take place until details of the proposed post and rail fence including its position and height 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 define the terms of this permission.

3 E16 (Removal of permitted development rights)

Reason: To protect the amenities of neighbours.

Informative:

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

56. DCSE2004/2238/F - MUCH MARCLE C. OF E. PRIMARY SCHOOL, MUCH MARCLE, LEDBURY, HEREFORD HR8 2LY (AGENDA ITEM 13)

*Building to provide accommodation for pre-school and nursery education.*

In accordance with the criteria for Public Speaking, Mr. Reed, the applicant, spoke in support of 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 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.

4 The timber cladding to be used externally on the walls shall be treated to assume a matt dark brown concurrently with the construction of the building unless otherwise first agreed in writing by the local planning authority.

Reason: To protect the visual amenities of the area.

Informative:

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

57. DCSE2004/2421/O - LAND ADJACENT TO HORNBEAM, SCHOOL LANE, WESTON UNDER PENYARD, ROSS-ON-WYE, HEREFORDSHIRE (AGENDA ITEM 14)

*Site for proposed dwelling.*

**RESOLVED**

That 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 H01 (Single access - not footway)**

**Reason: In the interests of highway safety.**

**6 H03 (Visibility splays)**

**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 H12 (Parking and turning - single house)**

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

**10 H27 (Parking for site operatives)**

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

**11 Foul water and surface water discharges must be drained separately from the site.**

**Reason: To protect the integrity of the public sewerage system.**

**12 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.**

**Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.**

- 13 No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.**

**Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.**

**Informatives:**

- 1 HN01 - Mud on highway**
- 2 HN04 - Private apparatus within highway**
- 3 HN05 - Works within the highway**
- 4 If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155**
- 5 N15 - Reason(s) for the Grant of Planning Permission**

The meeting ended at 3.27 p.m.

**CHAIRMAN**