

MINUTES of the meeting of Southern Area Planning Sub-Committee held at Council Chamber, Brockington on Wednesday, 5th November, 2003 at 2.00 p.m.

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

Councillors: H. Bramer, M.R. Cunningham, N.J.J. Davies,
Mrs. C.J. Davis, G.W. Davis, J.W. Edwards, Mrs. A.E. Gray,
Mrs. J.A. Hyde and G. Lucas

In attendance: Councillors P.E. Harling

31. APOLOGIES FOR ABSENCE

Apologies were received from Councillors T.W. Hunt, D.C. Taylor and J.B. Williams

32. DECLARATIONS OF INTEREST

The following declarations of interest were made.

Councillor	Item	Interest
Mrs JA Hyde	6 DCSE2003/2781/F - Conversion Of Forest Tracks And Former Railway Line To Shared Surface Path For Walkers And Cyclists Existing Path Between Royal Hotel Car Park And Administrative Area Boundary, Symonds Yat East, Herefordshire.	Prejudicial – left the meeting for the duration of the item
Mrs RF Lincoln	6 DCSE2003/2781/F - Conversion Of Forest Tracks And Former Railway Line To Shared Surface Path For Walkers And Cyclists Existing Path Between Royal Hotel Car Park And Administrative Area Boundary, Symonds Yat East, Herefordshire.	Prejudicial – left the meeting for the duration of the item

33. MINUTES

RESOLVED: That the Minutes of the meeting held on 8th October, 2003 be approved as a correct record and signed by the Chairman.

34. ITEM FOR INFORMATION - APPEALS

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

35. HEAD OF PLANNING SERVICES REPORT (Pages 1 - 12)

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 involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION

36. ITEM FOR INFORMATION - ENFORCEMENT (Pages 13 - 14)

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

NOT FOR PUBLICATION – This item disclosed information relating to :

- **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 contemplation).
- **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.**

Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.)

APPENDIX

Ref. 1
COUGHTON
 SE2003/1002/F

Proposed building for the storage and repairs of agricultural, horticultural, automotive and plant machinery at
THORNY ORCHARD, PART OS 8691, COUGHTON, ROSS-ON-WYE, HEREFORDSHIRE

For: **Mr S Cole Per Rps Ltd, Park House, Greyfriars Road, Cardiff, CF10 3AF**

The Principal Planning Officer said that planning application SE2003/1002/F had been withdrawn by the applicant.

Ref. 2
COUGHTON
 DCSE2003/2157/F

Retention of existing replacement hay barn, hardstanding and terrace at:

THORNY ORCHARD, PART OS 8691, COUGHTON, ROSS-ON-WYE, HEREFORDSHIRE

For: **Mr S Cole Per C F Knock, 22 Aston Court, Aston Ingham, Ross-On-Wye, Herefordshire, HR9 7LS**

The Principal Planning Officer read out a letter received from the agent acting on behalf of the applicant in respect of planning application CE2003/2157/F.

The Sub-Committee discussed the planning application and felt that the hay barn, hardstanding and terrace was essential for the use of the applicant and that it was in keeping with the local rural setting. The Southern Divisional Planning Officer advised that the application had been recommended for refusal on the grounds of policy ED9 of the South Herefordshire Local District Plan in respect of new agricultural buildings, which should not be isolated or visually intrusive locations and that this site was such a site within the Area of Outstanding Natural Beauty. The Sub-Committee felt that the barn was no different from many others in such rural locations and did not concur with the view of the Officers but decided that the application should be approved.

RESOLVED: That

- (i) **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 did not refer the application to the Planning Committee;**
- (ii) **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.

(NB the application was not referred to the Head of Planning Services because it was not considered that there were crucial planning policy issues at stake)

Ref. 3
ALLENSMORE
DCSW2003/1375/O

Proposed 2 bedroom bungalow at:

CHAPEL COTTAGE, COBHALL COMMON, ALLENSMORE, HEREFORD, HR2 9BN

For: **Ms J A Mabe, Chapel Cottage, Cobhall Common, Allensmore, Hereford, HR2 9BN**

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

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

Ref. 4
ROSS-ON-WYE
DCSE2003/2708/F

Closing existing site access, new access, alteration to existing access and carparking and new landscaping at:

HAIGH ENGINEERING CO LTD, ALTON ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5NG

For: **The Haigh Engineering Co. Ltd. per Geoff Jones
Architect, 53 Broad Street, Ross on Wye, Herefordshire HR9
7DY**

The Principal Planning Officer reported the receipt of a letter of objection to the scheme. He advised that discussions had been with the applicants about a revised car parking scheme which would be acceptable on planning grounds. He recommended that the Officers be delegated to approve the application when a revised scheme had been received that was acceptable to them and the Sub-Committee concurred with his suggestion.

RESOLVED: That the Officers named in the Scheme of Delegation to Officers be authorised to grant planning permission, subject to the receipt of a satisfactory car parking scheme and subject to 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. G04 (Landscaping scheme (general))

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

3. G05 (Implementation of landscaping scheme (general))

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

4. No development shall take place until details of the vehicular access barrier including mode of operation 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: In the interests of the safe and free flow of traffic on the highway.

Ref. 5
WALFORD
DCSE2003/2577/F

Proposed horse arena 40 x 20 metres, three stables with tack room & lean-to hay storage barn at:

**2 DOCTORS PLACE, WALFORD, ROSS-ON-WYE,
HEREFORDSHIRE HR9 5RE**

For: **Mr & Mrs D.J. Jewell, 2 Doctors Place, Walford, Ross-on-Wye, Herefordshire HR9 5RE**

The Southern Divisional Planning Officer reported the receipt of confirmation from the applicant that the application was in connection with personal use only.

In accordance with the criteria for public speaking, Mr DJ Jewell spoke in favour of his 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. A06 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to protect the visual amenities of the area, noted for its landscape quality.

3. The external cladding on the buildings hereby approved shall be stained a matt, dark colour, details of which shall first be submitted to and agreed in writing with the local planning authority before development commences.

Reason: To ensure that the materials harmonise with the surroundings and to protect the visual amenities of the area, noted for its landscape quality.

4. No development shall take place until details or samples of materials to be used for the surfacing of the riding arena 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 and to protect the visual amenities of the area, noted for its landscape quality.

5. E11 (Private use of stables and arena only)

Reason: In order to safeguard the residential amenities of the area and because the local planning authority considers that the adjacent road network and access is not suitable for commercial purposes.

6. There shall be no floodlighting of the riding arena hereby granted.

Reason: To protect the appearance of the locality and residential amenity of nearby properties.

7. G11 (Retention of hedgerows and trees (where not covered by Hedgerows Regulation))

Reason: To ensure that the application site is properly landscaped in the interests of the visual amenity of the area.

8. The buildings and riding arena hereby granted shall only be used in connection with Doctors Place and shall not be sold, leased or used separately.

Reason: In order to safeguard the residential amenities of the neighbouring properties and to ensure that the development would not materially increase the vehicular movements to and from the site.

INFORMATIVE NOTES

- 1 All washwaters, manures and stable waste should be collected, stored and disposed of in accordance with DEFRA "Code of Good Agricultural Practice for the Protection of Water".**
- 2 The applicant should ensure that the land proposed for the soakaway has adequate permeability in accordance with BS 6297 : 1983.**
- 3 Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with section 34 of the Environment Protection Act 1990.**

Ref. 6
**SYMONDS YAT
EAST**
DCSE2003/2781/F

Conversion of forest tracks and former railway line to shared surface path for walkers and cyclists existing path between royal hotel car park and administrative area boundary at:

SYMONDS YAT EAST, HEREFORDSHIRE.

For: **SUSTRANS Ltd per SUSTRANS Planning, 5 North Avenue,
EXETER**

The Vice-Chairman assumed the Chair for this item.

The Principal Planning Officer reported that the Parish Council Observations which were set out in paragraph 5.2 of the report were from Witchurch Parish Council. An objection had been received from Goodrich Parish Council and he read out the contents. He said that a letter had been received from English Nature raising no objection to the application and that a letter had been received from the Ramblers Association suggesting that alternative routes may be preferable.

In accordance with the criteria for public speaking, Mrs Whybeard of Goodrich Parish Council spoke against the application.

The application was discussed by the Sub-Committee and concerns were raised about land ownership issues, the impact of such usage on the area of outstanding natural beauty and the problems that were likely to arise because there was inadequate parking for those using a single track access road to convey their bicycles to the start of the proposed cycle track. The Southern Divisional Planning Officer said that the land ownership matters were not a planning issue for planning consent and that the Head of Engineering and Transportation had no objection to the application. The Sub-Committee still had concerns at the impact of additional traffic on the area during the tourist season. It, therefore, decided that further information should be obtained from the applicant about the way in which these potential problems could be addressed.

RESOLVED: That consideration of the application be deferred pending further information being obtained from the applicants about provision that could be made for additional vehicular traffic at the start of the cycle track.

Ref. 7
GORSLEY
DCSE2003/2443/F

Conversion of barns to form swimming pool and granny annexe incorporating change of use of land from agriculture to residential curtilage at:

COTHARS FARM, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SE

For: **Mr & Mrs W Maguire per D Kirk & Associates,
Flat 2, 11 Station Street, Ross-on-Wye, Herefordshire, HR9 7AG**

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.
3. **B01 (Samples of external materials)**
Reason: To ensure that the materials harmonise with the surroundings.
4. **B05 (Alterations made good)**
Reason: To maintain the appearance of the building.
2. **All the existing external stone walls of the buildings shall be repaired in situ and at no time during the course of the works shall they be dismantled or demolished.**
Reason: In order to ensure that the development comprises the conversion of the existing buildings, which constitutes the reason for allowing the development where a new building of this size would be contrary to policy.
6. **The annexe residential accommodation hereby granted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Cothars Farm.**
Reason: It would be contrary to the policy of the local planning authority to grant planning permission for a separate dwelling in this location.
7. **The swimming pool, gymnasium and associated facilities**

shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as Cothars Farm and shall not be used for commercial purposes.

Reason: It is considered that the proposed use is only acceptable due to it being ancillary to the dwelling house. By reason of its location and proximity to Cothars Farm and the annexe residential accommodation a commercial use would not be acceptable, with regards sustainability and impact upon residential amenity.

Notes to Applicant

1. **NC02 - Warning against demolition**
2. **HN24 – Drainage other than via Highway System**
3. **The Environment Agency offers the following advice to the applicant:**

The applicant may require the written consent of the Agency under the Water Resources Act 1991, to discharge the pool contents to a surface water sewer, direct to a watercourse, to controlled waters or to soakaway and should contact the Agency for advice. Swimming pool filter backwash should be passed to soakaway or the foul drainage system, and not to a surface water sewer or watercourse. Swimming pool contents must be allowed to dechlorinate by standing for at least 2 days prior to a consented discharge taking place to a surface water sewer, a watercourse or controlled waters. The Environment Agency should be advised at least 7 days before such a discharge is made.

The applicant should ensure that the existing foul drainage system is operating satisfactorily and is capable of accepting any potential increase in flow and loading resulting from this proposal without causing pollution.

The applicant should ensure that the land proposed for the soakaway has adequate permeability in accordance with BS 6297: 1983.

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with section 34 of the Environment Protection Act 1990.

DCSE2003/2539/F

**THE SUMMERHOUSE, PALMERS FLAT, DANCING GREEN,
ROSS-ON-WYE, HEREFORDSHIRE, HR9 5TE**

**For: R J Kempson, 7, Bryngwyn Manor, Wormelow, Hereford,
HR2 8EQ**

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

- 1. G04 (Landscaping scheme (general))**

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

- 2. G05 (Implementation of landscaping scheme (general))**

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

- 3. Within 2 months of the date of this decision, details of the
surfacing of the access, access drive and parking and
turning area shall be 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 and in the
interests of visual amenity.**

- 4. Before the access is formed details of the new access,
including visibility splay and position of gates, shall be
submitted to and approved in writing by the local planning
authority. Development shall be carried out in accordance
with the approved details.**

Reason: In the interest of highway safety.

Ref. 9
LEA
DCSE2003/2696/F

Construction of detached dwelling with associated means of access and garage at:

FORMER RAILWAY LAND, FRONTING MICHELDEAN ROAD, LEA, HEREFORDSHIRE

For: **Ms J.S. Savidge per Clive Petch Architects, 3 Tebbit Mews, Winchcombe Street, Cheltenham, GLOS GL52 2NF**

The Principal Planning Officer advised that the Head of Environmental Health and Trading Standards had requested the addition of a condition requiring the applicants to investigate if there was any contamination to the site, and if so to prepare a scheme to mitigate it. Councillor H Bramer the local Ward Councillor asked for delegated authority to be granted to the Officers to grant permission when they were satisfied that the best design and position had been achieved for the proposed garage on the site.

RESOLVED: That the officers named in the Scheme of Delegation to Officers be authorised to grant planning permission subject to the best design and position being achieved to their satisfaction for the location of the garage and 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 (Samples of external materials)

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

3. F44 – Investigation of contaminated land

Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the local planning authority.

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

4. F45 – Contents of scheme to deal with contaminated land

The above scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the (public/buildings/environment) when the site is developed.

Reason: To ensure that potential contamination is

removed or contained to the satisfaction of the local planning authority.

5. **F46 – Implementation of measures to deal with contaminated land**

Development shall not commence until the measures approved in the scheme have been implemented.

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

6. **F47 – Measures to deal with soil contamination**

Reason: To ensure potential soil contamination is satisfactorily dealt with before the development is occupied.

7. **G05 (Implementation of landscaping scheme (general))**

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

8. **Before any other works hereby approved are commenced the access and visibility splays shown on drawing Nos 0306-02 Figures 1 and 2 shall be provided in accordance with a specification to be submitted to and approved in writing by the local planning authority at a gradient not steeper than 1 in 12.**

Reason: In the interests of safe and free flow of traffic on the highway.

9. **H05 (Access gates)**

Reason: In the interests of highway safety.

10. **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.

11. **H27 (Parking for site operatives)**

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

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

Reason: To protect the integrity of the Public Sewerage System.

- 13. No land drainage run-off will be permitted to discharge to the public sewerage system.**

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

INFORMATIVE NOTES

- 1 HN01 - Mud on highway**
- 2 HN04 - Private apparatus within highway**
- 3 HN05 - Works within the highway**

Document is Restricted

