

MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 6th July, 2005 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, J.W. Edwards, Mrs. A.E. Gray, Mrs. J.A. Hyde, G. Lucas and
D.C. Taylor

In attendance: Councillors T.W. Hunt (ex-officio) and Ms. G.A. Powell

23. APOLOGIES FOR ABSENCE

Apologies were received from Councillors H. Bramer and J.B. Williams.

24. DECLARATIONS OF INTEREST

No declarations of interest were made.

25. MINUTES

RESOLVED: That the Minutes of the meeting held on 8th June, 2005 be approved as a correct record and signed by the Chairman.

26. ITEM FOR INFORMATION - APPEALS

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

27. DCSW2005/1589/F - KNIGHTS COMMON COTTAGE, CLEHONGER, HEREFORDSHIRE, HR2 9TP (AGENDA ITEM 5)

Demolition of single storey lean-to's and erection of two storey extension.

In accordance with the Criteria for Public Speaking, Mr. Watkins, the applicant, spoke in support of the application.

Councillor P.G. Turpin, the Local Ward Member, supported the views of the applicant and noted that the local Parish Council had no objections to the application. He felt that the existing dwelling was too small for a family home and that the application should be approved contrary to the officers recommendation.

Members discussed the application and felt that the dwelling would have to be extended substantially in order to offer suitable accommodation for an agricultural worker and his family.

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 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 approve the application subject to such conditions referred to above.

[Note: The Southern Team Leader said that he would not refer the application to the Head of Planning Services]

28. DCSW2005/0593/F - ASHFORD STABLES, STONEY STREET, MADLEY, HEREFORD. HR2 9NZ (AGENDA ITEM 6)

10 extra car boot sales, per calendar year.

The Principal Planning Officer advised Members that contrary to paragraph 6.3, comments had not been received from the police but had been received from the ambulance service.

Councillor P.G. Turpin, the Vice-Chairman, felt that it would be beneficial to defer the application pending further discussions between the applicant and the planning officer regarding traffic issues and a reduction in the quantity of extra car boot sales requested.

In accordance with the Criteria for Public Speaking, Mrs. Kury, an objector, and Mr. and Mrs. Evans, the applicants, had registered to speak regarding the application, but decided to defer their opportunity to speak until this application was considered again.

RESOLVED:

That the application be deferred pending further discussions with the applicant.

29. DCSE2005/1294/N - HILL FARM, LLANCLOUDY, HEREFORDSHIRE, HR2 8QP (AGENDA ITEM 7)

Importation of top soil to be stockpiled in field OS 0663 until required for use in remediation works following excavation and removal of farm waste materials.

The Planning Officer (Minerals and Waste) reported the receipt of comments from Paul Keetch, Member of Parliament for Hereford, who requested that the application be deferred pending further discussions with DEFRA regarding the proposed route for waste removal from the site.

In accordance with the Criteria for Public Speaking, Mr. Lane, representing Llangarron Parish Council, and Mr. Haywood, a local resident, spoke in objection to the application.

Councillor Mrs. J.A. Hyde, the Local Ward Member, noted the concerns raised by the objectors and felt that their comments underlined the fears of the local community.

She also said that she had concerns regarding the exit onto the A466 that the tipper lorries would have to use. She felt that the proposed route was not acceptable and that the vehicles should use the main farm access.

In response to a question, the Legal Practice Manager advised Members that this application was solely for the importation of new top soil and that the application for the removal of waste material had been granted in November, 2004.

The Planning Officer (Minerals and Waste) advised Members that DEFRA were still in discussions with the farm owner regarding the use of the main farm access to remove the waste material and also to import the top soil. She also said that this application had been received due to the fact that the removal of the waste material was subject to a High Court Order.

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 a scheme for a traffic control or warning system on the A466 at the point of access to the proposal site has been submitted to the local planning authority for its written approval. The approved scheme shall be implemented in full for the duration of the development hereby permitted.

Reason: In the interests of road safety.

3. Not later than 12 months following the date of this permission, a scheme for the assessment of the quality of materials to be imported on the this site shall be submitted to the local planning authority for its approval in writing. No material shall be imported into this site in connection with the development hereby permitted other than in accordance with the agreed scheme.

Reason: To protect the water environment, prevent pollution, and in the interests of public safety and amenity.

4. No materials that are not fit for use as agricultural soil, subsoil or for land drainage shall be imported onto the site in connection with the development hereby permitted.

Reason: To protect the water environment, prevent pollution, and in the interests of public safety and amenity.

5. Prior to the commencement of the development hereby permitted, the applicant, the contractors or their agents shall submit for the local planning authority's approval written details of the method of stockpile construction, and the development shall be carried out strictly in accordance with those details.

Reason: To protect the water environment, prevent pollution, and in the interests of public safety and amenity.

6. Prior to the commencement of the development hereby permitted, the applicant, the contractors or their agents shall submit for the local planning authority's approval plans and sections of the final levels of the landform to be created. The approved scheme shall be implemented in full.

Reason: To ensure a satisfactory form of development and in the interests of the amenity of the locality.

7. The height of the proposed stockpile/s of imported soil shall not exceed 3 metres.

Reason: To protect the quality of the soil and to ensure a proper reclamation.

8. During the course of the importation or removal of any materials in association with the development hereby permitted, no machinery shall be operated, no process shall be carried out, and no deliveries taken at or despatched from the site outside the following times: Monday to Friday 8.00 am to 6 pm, Saturday 8.00 am to 1.00 pm, nor at any time on Sundays, Bank or Public Holidays

Reason: To protect the amenity of local residents.

9. There shall be no burning on site of any materials associated with the development hereby permitted.

Reason: To prevent pollution and protect the amenity of local residents.

10. The public highway shall be kept free of all mud or other material emanating from the site or any associated works at all times.

Reason: In the interests of highway safety and public amenity.

Informative:

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

30. DCSW2005/1102/RM - HILL HOLE BUILDINGS, DORSTONE, HEREFORDSHIRE, HR3 6AF (AGENDA ITEM 8)

Application for approval of reserved matters for new agricultural dwelling, including garage and storage accommodation.

The Principal Planning Officer advised Members that paragraph 6.5, sentence 5, should read 'The Environment Agency has looked at the details proposed relating to the porosity tests and whilst initially concerned have, following more information being provided on behalf of the applicants, *withdrawn their objections.*'

In accordance with the Criteria for Public speaking, Mr. Jones, the applicant, spoke in support of the application.

RESOLVED:

That subject to the receipt of further details relating to details of materials and landscaping the officers named in the Scheme of Delegation to Officers be

authorised to issue approval of reserved matters subject to the following conditions and any additional conditions considered necessary by officers:

1. **A07 (Development in accordance with approved plans)**

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

2. **E09 (No conversion of garage to habitable accommodation)**

Reason: In order to define the terms to which the application relates.

Informative(s):

1. **N09 - APPROVAL OF RESERVED MATTERS**

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

31. **DCSE2005/1488/F - BAYSHAM ORCHARD, BAYSHAM, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6QR (AGENDA ITEM 9)**

Proposed replacement dwelling from bungalow to two-storey dwelling.

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

In accordance with the Criteria for Public Speaking, Mrs. Rudge, a resident from a neighbouring property, spoke in objection to the application.

Members felt that the inclusion of a condition regarding the submission of a detailed drainage scheme would overcome a number of issues raised by the objectors.

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. **E16 (Removal of permitted development rights)**

Reason: To protect the visual amenities and natural beauty of the area.

5. **E19 (Obscure glazing to windows)**

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

6. E18 (No new windows in specified elevation)

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

Informative(s):**1. N15 - Reason(s) for the Grant of Planning Permission****32. DCSE2005/1011/O - HILLINGDON, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE (AGENDA ITEM 10)**

Site for the erection of one dwelling.

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

In accordance with the Criteria for Public Speaking, Mr. Watters, a local resident, spoke in objection to the application.

Councillor Mrs. C.J. Davis, one of the Local Ward Members, noted the concerns raised by the objector and felt that the application would be detrimental to the area and therefore felt that she could not support the application.

Councillor Mrs. A.E. Gray, the other Local Ward Member, noted that the site was in a Conservation Area and also felt that the application was contrary to policy C23 and draft policy HBA6 as it was an outline planning application rather than a detailed application.

Members discussed the application thoroughly and felt that the application site was too small to build a dwelling that would compliment the neighbouring properties.

RESOLVED:

That: (i) The Southern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (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:

- 1. Contrary to Policy C23 and Draft Policy HBA6**
- 2. Overcrowding**
- 3. Traffic issues**
- 4. Oppressive to neighbouring properties**

(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 subject to such reasons for refusal referred to above.

[Note: The Southern Team Leader said that he would refer the application to the Head of Planning Services as the decision made by Members may not be defensible if challenged]

33. DCSE2005/0920/F - QUEENS TUNNEL, SWAGWATER LANE, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SL (AGENDA ITEM 11)

Proposed telecommunications installations consisting of a 22.5m lattice tower and ancillary development.

The Principal Planning Officer reported the receipt of comments from the Parish Council who objected to the application. He also reported the receipt of an objection from Paul Keetch, Member of Parliament for Hereford, and a further letter of objection from a local resident.

In accordance with the Criteria for Public Speaking, Mrs. Hartell, a local resident, spoke in objection to the application and Mr. Palmer, the applicant's agent, spoke in support.

Councillor J.W. Edwards, the Local Ward Member, noted the concerns raised by the Parish Council and the objectors and felt that due to the size of the mast, and its location, he could not support the application.

Councillor Mrs. J.A. Hyde, noted that the gap in network service on the M50 was only 2km and that the application would have a permanent and detrimental effect on the landscape.

RESOLVED:

That: (i) The Southern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (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:

- 1. Effect on landscape**
- 2. Detriment of Visual Amenity**

(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 subject to such reasons for refusal referred to above.

[Note: The Southern Team Leader said that he would not refer the application to the Head of Planning Services]

34. DCSE2005/1768/F - GLOUCESTER ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5NA (AGENDA ITEM 12)

Demolition of existing petrol filling station and erection of 18 no. residential apartment dwellings.

The Principal Planning Officer reported the receipt of comments from the Environment Agency and the Traffic Manager who raised no objections subject to conditions. He also reported the receipt of 3 letters of objection from local residents and a letter from the applicant's agent who stated that his client was happy to use obscured glazing in the stairwell windows if the Sub-Committee deemed it to be necessary.

Councillor Mrs. A.E. Gray, one of the Local Ward Members noted that planning permission for 16 dwellings on the site had already been approved by the Sub-

Committee, she felt that 16 dwellings on the site was acceptable but 18 would result in over intensification.

In response to a question, the Principal Planning Officer advised Members that the Inspector had dismissed the appeal regarding the previous application for 18 dwellings on the site due to an issue of overlooking. The applicant had now resolved this issue by removing the second floor windows in the rear elevation of the building.

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. B01 (Samples of external materials)

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

3. G04 (Landscaping scheme (general))

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

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

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

5. G01 (Details of boundary treatments)

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

6. 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.

7. H03 (Visibility splays)

Reason: In the interests of highway safety.

8. H14 (Turning and parking: change of use - domestic)

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

9. H21 (Wheel washing)

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

10. Before the occupation of any dwelling hereby approved, an infants play area shall be provided in accordance with a scheme which has been submitted to and approved in writing by the local planning authority.

Reason: To ensure appropriate provision of amenity space and facilities.

- 11. Development approved by this planning permission shall not be commenced unless:**
- a) A desk top study has been carried out which shall include the identification of previous site use, potential contaminants that might reasonably be expected given those uses and other relevant information and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.**
 - b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:**
 - a risk assessment to be undertaken relating to the receptors associated**
 - with the proposed new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected, and**
 - refinement of the Conceptual Model, and**
 - the development of a Method Statement detailing the remediation requirements.**
 - c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment undertaken.**
 - d) A Method Statement detailing the remediation requirements using the information obtained from the Site Investigation has been submitted to the local planning authority. This should be approved in writing by the local planning authority prior to that remediation being carried out on the site.**

Reason: To ensure that the proposed site investigations and remediation will not cause pollution of the environment or harm to human health.

- 12. The development of the site should be carried out in accordance with the approved Method Statement.**

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.

- 13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority, for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the**

addendum shall form part of the Method Statement.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.

14. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and report shall also be detailed in the report.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard.

15. W01 (Foul/surface water drainage)

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

16. W02 (No surface water to connect to public 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.

17. W03 (No drainage run-off to public system)

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

18. 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.

19. Prior to the occupation of any dwelling a management plan, to include proposals for the long term design objectives, management responsibilities and maintenance schedules in perpetuity, for the areas of open space, play area and car parking areas shall be submitted to and approved by the local planning authority. The management plan shall be carried out as approved.

Reason: In order to ensure that the use and maintenance in perpetuity of the open space is assured.

20. Notwithstanding the approved drawing no. 4833-1-13a the bin store shall not be sited as shown but in accordance with details of siting and design which have been submitted to and approved in writing by the local

planning authority. Development shall be carried out in accordance with the approved details before the occupation of the buildings.

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

21. E18 (No new windows in specified elevation)

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

22. E19 (Obscure glazing to windows)

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

Informatives:

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

35. DCSE2004/2997/F - 22 HIGH STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5BZ (AGENDA ITEM 13)

Change of use from retail shop (Class A1) to hot food takeaway (Class A3).

The Principal Planning Officer reported the receipt of 3 further letters of objection. He also advised Members that since the application had been received one of the neighbouring shops had been divided into 2 smaller outlets, resulting in the possibility of having 3 non-retail outlets in a row.

In accordance with the Criteria for Public Speaking, Mr. Bundy had registered to speak in objection to the application but was not present at the meeting.

Councillor G. Lucas, the Local Ward Member, noted the concerns raised by local residents. He felt that the application should be refused, as it would be contrary to the emerging Herefordshire Unitary Development Plan regarding secondary shop frontages.

RESOLVED:

That subject to being satisfied that the fume extract system would be acceptable 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. F37 (Scheme of odour and fume control)

Reason: In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in

the locality.

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

Reason: To safeguard the amenities of the locality.

Informative:

1. **N15 - REASON(S) FOR THE GRANT OF PP/LBC/CAC**

The meeting ended at 4.05 p.m.

CHAIRMAN