

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 5th January, 2005 at 2.00 p.m.

Present: Councillor J.W. Hope (Chairman)
Councillor J. Stone (Vice Chairman)

Councillors: B.F. Ashton, Mrs. L.O. Barnett, P.J. Dauncey, Mrs. J.P. French, J.H.R. Goodwin, P.E. Harling, B. Hunt, T.W. Hunt, T.M. James, Brig. P. Jones CBE, R.M. Manning, R. Mills, D.W. Rule MBE, R.V. Stockton and J.P. Thomas

In attendance: Councillors P.J. Edwards

139. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors S Bowen, RBA Burke, K Grumbley and RJ Phillips.

140. DECLARATIONS OF INTEREST

Name	Item	Interest
Cllr Mrs JP French	– DCNC2004/3716/LF – Change of use of ground floor to snooker hall at Brook Hall, 27 Broad Street, Leominster, Herefordshire – DCNC2004/3717/L – As above for: Mr M Roberts per Mr T Margrett, Green Cottage, Hope Mansel, Ross-on-Wye, Herefordshire, HR9 5TJ	Prejudicial and left the meeting for the duration of this item.
Cllr JHR Goodwin	DCNW2004/3416/O - Site for one bungalow at land between Oakland and Gipsy Hall, Eardisley, Hereford, Herefordshire, HR3 6PR	Prejudicial and left the meeting for the duration of this item.
Cllr R Mills	DCNE2004/3660/F - Two houses and garages to replace existing bungalows at 1, 2, 3 - 4 Station Bungalows, Colwall, Malvern, Herefordshire, WR13 6ED &	Personal
	DCNE2004/3866/F – Change of use to form additional car parking at land adjacent to the Kettle Sings, Jubilee Drive, Upper Colwall, Malvern, Worcestershire WR14 4DX	Personal
	DCNE2004/3866/F – Change of use	

Cllr RV Stockton	to form additional car parking at land adjacent to the Kettle Sings, Jubilee Drive, Upper Colwall, Malvern, Worcestershire WR14 4DX	Personal
Mr A Poole (Development Control Manager)	DCNC2004/3516/F - Conversion of Farmhouse and Oast House to provide 3 no dwellings. Garaging and stables at Brierley Court , Brierley, Leominster, Herefordshire, HR6 0NU DCNC2004/3517/L – AS ABOVE	Prejudicial and left the meeting for the duration of this item.

141. MINUTES

RESOLVED: That the minutes of the meeting held on 5 January 2005 be approved as a correct record and signed by the Chairman.

142. ITEM FOR INFORMATION - APPEALS

The report of the Head of Planning Services was received and noted.

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

143. DCNW2004/3353/F - REMOVAL OF EXISTING BUNGALOW AND GARAGE, PROPOSED THREE COTTAGE TYPE DWELLINGS AT SUNNYDALE, FLOODGATES, KINGTON, HEREFORDSHIRE, HR5 3NE FOR: KINGTON BUILDING SUPPLIES LTD PER GARNER SOUTHALL PARTNERSHIP, 3 BROAD STREET, KNIGHTON, POWYS, LD7 1BL (AGENDA ITEM 5)

In accordance with the criteria for public speaking Mrs Bradbury spoke on behalf of Kington Town Council and Mr Otter spoke against the application.

The Committee discussed details of the application and shared the concerns of the objectors that it was likely to constitute over development of the site. It was felt to be advantageous if the applicant could be persuaded to reduce the number of dwellings on the site.

RESOLVED

That consideration of the application be deferred pending further discussions between the officers and the applicant about the possibility of the number of dwellings proposed for development on the site being reduced.

144. DCNE2004/0951/O - SITE FOR DETACHED DWELLING AT FORGE COURTYARD, CANON FROME, LEDBURY, HEREFORDSHIRE, HR8 2TG FOR: CANON FROME DEVELOPMENTS PER C A MASEFIELD BUILDING DESIGN SERVICES 66-67 ASHPERTON ROAD MUNSLEY LEDBURY HEREFORDSHIRE HR8 2RY (AGENDA ITEM 6)

RESOLVED

That planning permission be granted subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

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

3. Plans and particulars of the reserved matters referred to above relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

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

4. The play area identified on the approved plans shall be maintained in perpetuity by the owners of the dwelling approved under this permission.

Reason: To ensure the future maintenance of the play area.

5. The play area shall be permanently divided from the dwelling by means of a boundary fence as required by condition 3 above.

Reason: In order to clarify the terms of this permission.

6. The play area shall be constructed and be available for use prior to the occupation of the dwelling hereby approved. The play area shall be constructed in accordance with the details submitted under cover of letter dated 20th August 2004 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to clarify the terms of this permission.

145. DCNE2004/2989/F - PROPOSED RESIDENTIAL DWELLING AT EASTNOR HOUSE, WORCESTER ROAD, LEDBURY, HEREFORDSHIRE, HR8 1PLFOR: MR P BRAZIL PER MR P D JONES 92 ROBINSONS MEADOW LEDBURY HEREFORDSHIRE HR8 1SX (AGENDA ITEM 7)

In accordance with the criteria for public speaking Mrs Wilde spoke against the application.

The local ward Councillors had grave reservations about the application because of traffic congestion and highway safety, unsatisfactory vehicular access and related problems of vehicles parking and obstructing local footpaths, of privacy, amenity and lack of parking. They felt that this type of development should be resisted unless it provided adequate means of overcoming such difficulties.

RESOLVED

(a) That the Northern Area Planning Sub-Committee is mindful to refuse the application subject to the reasons 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. The development proposed would result in an unreasonable level of overlooking and consequent loss of privacy to the private garden space of the adjoining dwellings. The local planning authority considers that the resultant adverse effect on residential amenity would be unacceptable and contrary to policies H3 and H17 of the adopted Malvern Hills District Local Plan.
2. The Local Planning Authority considers that the intensified use of the existing vehicular access would prove prejudicial to both the free flow of traffic and highway safety along the busy A449 Worcester Road.
3. It is considered that the development proposed would result in an unacceptable reduction in the provision of on-site parking provision contrary to the requirement for 1.5 spaces/dwellings specified under Transport Policy 8 of the adopted Local Plan.

(b) If the Head of Planning 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.

(The Northern Team Leader said that given that the Sub-Committee had considered the planning policies, he would not refer the application to the Head of Planning Services)

146. DCNE2004/3472/F - PROPOSED HOLIDAY PARK TO INCLUDE 6 LODGES FOR ALL YEAR ROUND SELF-CATERING HOLIDAYS AND B&B (12 MONTHS HOLIDAY USE) AT NEWBRIDGE, AYLTON, LEDBURY, HEREFORDSHIRE, HR8 2QG FOR: W P GARDNER AT THE COACH HOUSE, AYLTON, LEDBURY (AGENDA ITEM 8)

Councillor RM Manning the local ward Member said that he had received a telephone call from the Chairman of Pixley and District Parish Council to say that he did not feel that their comments had not been fully reported in the Agenda. Councillor Manning read out the contents of the letter that had been submitted by the Parish Council to the Council regarding the application.

The Northern Team Leader reported that the Environment Agency has no objection subject to conditions.

RESOLVED

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out strictly in accordance with the amended plans received by the local planning authority on 14th December 2004.

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

3. The whole of the external walls and roof of the buildings, including cladding, shall be constructed and finished in accordance with a schedule of materials and finishes which shall first have been submitted to and approved by the local planning authority before the development is commenced.

Reason: To secure properly planned development.

4. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.

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

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

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

6. The landscaping scheme required by condition No. 4 above shall include the following:

(a) Full details of all existing physical and landscape features on the site including the position, species, height, girth, spread and condition of all trees, clearly distinguishing between those features to be retained and those to be removed.

(b) Full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting.

(c) Full details of all protective measures to prevent damage during the course of development to trees and other features to be retained.

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

7. Before any other works hereby approved on the application site are commenced, the new entrance shall be set back 6 metres from the nearside edge of the adjoining carriageway. On each side of the set back entrance

splays shall be formed at an angle of 45 degrees with the highway boundary and the whole of the splayed areas shall be graded and cleared so that no part thereof exceeds a height of 0.6 metres above the relative level of the adjoining carriageway.

Reason: In the interests of highway safety.

- 8. Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 4.5 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 215 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

Reason: In the interests of highway safety.

- 9. The development hereby permitted shall not be brought into use until the turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.**

Reason: In the interests of highway safety.

- 10. The building which is the subject of this application shall be used for holiday accommodation only and for no other purpose including any other purpose within Class C of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.**

Reason: It would be contrary to policy to permit non-holiday accommodation in this location.

- 11. The accommodation to which this permission relates shall only be used for the purposes of holiday accommodation as defined in condition no. 9 above and no one person or persons shall use any part of the lodges for more than four weeks in any eight week period.**

Reason: In order to define the terms of this permission.

- 12. Floor levels of the lodges shall be set at or above 58.00 metres AOD unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To protect the development from flood risk.

- 13. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to and approved by the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed.**

Reason: To prevent pollution of the water environment.

14. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have a separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

Informative:

The decision to grant planning permission has been taken having regard to the policies and proposals in the Malvern Hills District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Landscape Policy 8 - Landscape Standards
Tourism Policy 8 - Holiday Caravan and Chalet Sites
Tourism Policy 13 - Farm Tourism

147. DCNE2004/3660/F - TWO HOUSES AND GARAGES TO REPLACE EXISTING BUNGALOWS AT 1, 2, 3 - 4 STATION BUNGALOWS, COLWALL, MALVERN, HEREFORDSHIRE, WR13 6EDFOR: MR & MRS J C JUSTICE-CARRIER PER MR N J TEALE BRAMBLE FARM NAUNTON UPTON-UPON-SEVERN WORCESTERSHIRE WR8 0FZ (AGENDA ITEM 9)

RESOLVED

That planning permission be approved subject to the following conditions:

The development hereby permitted shall be begun before the expiration of five years from the date of this 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 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.

3. Prior to the commencement of development, details of the proposed finishes for all external joinery shall be submitted to and approved in writing by the local planning authority. The finishes so approved shall not thereafter be changed without the prior written approval of the local planning authority.

Reason: To safeguard the character and appearance of this part of the Area of Outstanding natural Beauty.

4. During the construction phase 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-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents.

5. Prior to the commencement of development the developer shall afford access at all reasonable times to any ecologist nominated by the local planning authority for the purpose of observing and recording the biological features of the site and any plants and animals thereon.

Reason: To allow the potential nature conservation interests of the site to be investigated and recorded.

6. This permission does not authorise any works to trees included in the Tree Preservation Order. Any work shall be the subject of an application for consent to the local planning authority, in accordance with the provisions of the Tree Preservation Order and the law on Tree Preservation Orders in force at the time of the application.

Reason: To ensure the proper care and maintenance of the trees.

7. Details of any excavations or trenches beneath the canopy of any trees to be retained shall be submitted to and agreed in writing with the local planning authority. Where excavations are carried out beneath the canopy of any tree to be retained on land or on adjoining land, no roots of those trees of a diameter of 2.5 cm or more shall be severed, without the agreement of the local planning authority. In order to achieve this requirement all excavations shall be carried out by hand tools. The excavations shall be backfilled with sub-soil and a minimum depth of 600 mm good quality stone free loamy top soil of similar p.h. to the original. Any subsequent settlement shall be made good with similar topsoil.

Reason: To prevent the unnecessary damage to or loss of trees.

8. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before either of the dwellings is occupied. Development shall be carried out in accordance with the approved details.

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

9. The development hereby permitted shall not commence until an area has been laid out, consolidated, surfaced and drained within the application site [in accordance with the approved plans] for the parking of 6 cars, and for vehicles to turn so that they may enter and leave the site in a forward gear. These areas shall thereafter be retained and kept available for those uses at all times.

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

10. 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 fences/gates/walls/garages/building/extension/dormer windows shall be erected or constructed other than those expressly authorised by this permission.

Reason: In order to control further development in the Area of Outstanding Natural Beauty.

Informatives:

1. The decision to grant planning permission has been taken having regard to the policies and proposals in the Malvern Hills District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Housing Policy 4 - Development in the Countryside
Landscape Policy 1 - Development Outside Settlement Boundaries
Landscape Policy 2 - Areas of Outstanding Natural Beauty

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

2. The applicant should be aware of the possibility that asbestos is contained in the existing bungalows and that if so appropriate measures should be taken for its removal.

148. DCNE2004/3866/F - CHANGE OF USE TO FORM ADDITIONAL CAR PARKING AT LAND ADJACENT TO THE KETTLE SINGS, JUBILEE DRIVE, UPPER COLWALL, MALVERN, WORCESTERSHIRE WR14 4DX FOR: MALVERN HILLS CONSERVATION PER AUBREY ROPER, DOLEFIELD COTTAGE, BANK FARM, MATHON, WEST MALVERN, WORCESTERSHIRE WR13 6DN (AGENDA ITEM 10)

The receipt of a letter of objection was reported.

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 - G07 (Details of earth works)

Reason: To protect the character and appearance of the Malvern Hills Area of Outstanding Natural Beauty.

- 3 - A08 (Development in accordance with approved plans and materials) (04/2169/1)

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area.

Informative:

1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

149. DCNC2004/2407/F - CHANGE OF USE OF REDUNDANT OUTBUILDING TO FORM A SINGLE DWELLING AT REAR OF FORMER MAGISTRATES COURT, 15-17 BURGESS STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DE AND DCNC2004/2408/L - AS ABOVE FOR: P SHOCK, THE OLD SCHOOL HOUSE, EYTON, LEOMINSTER, HEREFORDSHIRE, HR6 0AG (AGENDA ITEM 11)

RESOLVED

DCNC2004/2407/F

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The premises shall be used for C3 domestic use only and for no other purpose.

Reason: In the interests of the amenities of existing residential property in the locality.

3. Notwithstanding the approved drawings, details of the following shall be submitted to and approved by the local planning authority prior to the commencement of any works. The development shall be carried out in accordance with the approved details:-

- (a) joinery details
- (b) meter box positions

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

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 fences/gates/walls/garages/building/extension/dormer windows shall be erected or constructed other than those expressly authorised by this permission.

Reason: To bring any future development within planning control.

Informatives:

1. Any alterations to the submitted and approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the local planning authority before commencement of work.

2. Your attention is drawn to the Party Wall Act 1996. The Act will apply

where work is to be carried out on the following:

Work on an existing wall or structure shared with another property
Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property
Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the ODPM publication The Party Wall Act 1996 - explanatory booklet. Copies are available from the Planning Reception, Blueschool House, Blueschool Street, Hereford.

3. The decision to grant planning permission has been taken having regard to the policies and proposals in the Leominster District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Policy A2: Settlement hierarchy
Policy A24: Scale and character of development
Policy A54: Protection of residential amenity

DCNC2004/2408/L

That Listed Building Consent is granted subject to the following conditions:

1 - C01 (time limit for commencement (Listed Building))

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

2 - C02 (Approval of details) (a) joinery details) (b) meter boxes positions

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

3 - C03 (external elevations)

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

Informatives:

- 1 - NC01 - Alterations to submitted/approved plans
- 2 - N14 - Party Wall Act 1996
- 3 - N15 - Reason(s) for the Grant of PP/LBC/CAC

150. DCNC2004/2578/F - CONVERSION OF REDUNDANT AGRICULTURAL BUILDING INTO A SINGLE DWELLING AT BUILDING ADJOINING THE SALLIES, LITTLE COWARNE, BROMYARD, HEREFORDSHIRE, HR7 4RQ FOR: MR & MRS J HODGES PER MR R BURRSTON, FOXHALL, BRINGSTY COMMON, WORCESTER, WR6 5UN (AGENDA ITEM 12)

In accordance with the criteria for public speaking Mrs Chadwick spoke against the application

RESOLVED

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. 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 fences/gates/walls/garages/building/extension/dormer windows shall be erected or constructed other than those expressly authorised by this permission.

Reason: To bring any future development under planning control.

3. Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 45 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

4. Any new access gates shall be set back 6 metres from the adjoining carriageway edge and shall be made to open inwards only.

Reason: In the interests of highway safety.

5. The change of use hereby permitted shall not commence until an area has been properly laid out, consolidated, surfaced, drained and the spaces demarked on the ground within the application site for the parking of 2 cars and for cars to turn so that they may enter and leave the application site in a forward gear. These shall thereafter be retained and kept available for those uses at all times.

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

6. Prior to the use or occupation of the dwelling hereby permitted, and at all times thereafter, the windows marked "X" on the approved plans shall be glazed with obscure glass only and shall be non-opening.

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

Informatives:

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

2. This planning permission does not authorise the applicant to carry out

works within the publicly maintained highway and Mr. T.E. Davies, Area Manager (North), MEB Buildings, 42 West Street, Leominster, HR6 8BT Tel: 01432-261776 shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.

3. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

4. The decision to grant planning permission has been taken having regard to the policies and proposals in the Malvern Hills District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Conservation Policy 12: Residential conversion of agricultural and other rural buildings

Landscape Policy 1: Development outside settlement boundaries

- 151. DCNC2004/2965/RM - PROPOSED DETACHED SEMI-BUNGALOW WITH GARAGE ON LAND ADJACENT TO OAKLANDS, EDWYN RALPH, BROMYARD, HEREFORDSHIRE, HR7 4LX FOR: MR G MORRIS PER MR N LA BARRE, EASTERS COURT, LEOMINSTER, HEREFORDSHIRE, HR6 0DE (AGENDA ITEM 13)**

In accordance with the criteria of public speaking Mr McGiver spoke against the application

RESOLVED

That approval of reserved matters be granted:

Informatives:

- 1 - The attention of the applicant is drawn to the conditions on the outline planning permission granted on 21 April 2004 (Reference No. DCNC2004/0160/O). This application for the approval of reserved matters is granted subject to these conditions.

- 2 - N15 - Reason(s) for the Grant of PP/LBC/CAC

- 152. DCNC2004/2996/F - CONVERSION TO 7 BED RESIDENTIAL CARE HOME AT LEDWYCHE SPRINGS, BLEATHWOOD, HEREFORDSHIRE, SY8 4LF FOR: MR J BROWN OF 20 THE GREEN, MOUNTSORREL, LEICS, LE12 7AF (AGENDA ITEM 14)**

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 - A11 (Change of use only details required of any alterations)

Reason: To define the terms under which permission for change of use is granted.

3 - E10 (Use restricted to that specified in application)

Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to safeguard the amenity of the area.

Informative:

1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

- 153. DCNC2004/3516/F - CONVERSION OF FARMHOUSE AND OAST HOUSE TO PROVIDE 3 NO DWELLINGS. GARAGING AND STABLES AT BRIERLEY COURT , BRIERLEY, LEOMINSTER, HEREFORDSHIRE, HR6 0NU AND DCNC2004/3517/L - AS ABOVE FOR: S & A PROPERTY LTD PER BATTERHAM MATTHEWS DESIGN LTD, 1 TOLLBRIDGE STUDIOS, TOLLBRIDGE ROAD, BATH, WILTS, BA1 7DE (AGENDA ITEM 15)**

The Principal Planning Officer reported that amended plans had been received which addressed his concerns and those raised by the Conservation Officer.

**RESOLVED
NC04/3516/F**

That 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 - A09 (Amended plans)

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

3 - E16 (Removal of permitted development rights)

Reason: To safeguard the character and appearance of the buildings of architectural and historical interest and their setting.

4 - B01 (Samples of external materials)

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

5 - No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to and approved by the local planning authority. No

part of the development shall be brought into use until such treatment plant has been installed in accordance with the approved details and is in use to the satisfaction of the Local Planning Authority

Reason: To prevent pollution of the water environment.

- 6 - H03 (Visibility splays) (2.4m x 33m)**

Reason: In the interests of highway safety.

- 7 - H11 (Parking - estate development (more than one house))**

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

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

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

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

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

- 10 - Personal use of stables.**

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 2 - HN01 - Mud on highway**
- 3 - HN02 - Public rights of way affected**
- 4 - HN05 - Works within the highway**
- 5 - HN10 - No drainage to discharge to highway**

NC04/3517/L

The officers named in the Scheme of Delegation to Officers be authorised to issue listed building consent subject to the following conditions and any additional conditions considered necessary by officers:

- 1 - C01 (Time limit for commencement (Listed Buildings))**

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

Informative:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC**

- 154. DCNC2004/3716/F - CHANGE OF USE OF GROUND FLOOR TO SNOOKER HALL AT BROOK HALL, 27 BROAD STREET, LEOMINSTER, HEREFORDSHIRE – AND DCNC2004/3717/L - AS ABOVE FOR: MR M ROBERTS PER MR T MARGRETT, GREEN COTTAGE, HOPE MANSEL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5TJ (AGENDA ITEM 16)**

It was reported that Leominster Town Council had requested that consideration of

the application be deferred pending appraisals by British Archeology and the Victoria and Albert Museum.

The Local Ward Member Councillor Brigadier Jones CBE asked for the application to be deferred pending the receipt of the views of the Conservation Officer.

RESOLVED

NC04/3716/F AND NC04/3717/L

That consideration of the applications be deferred pending plans and details required by the Chief Conservation Officer

- 155. DCNW2004/0429/F - RECONSTRUCTION OF DEMOLISHED COTTAGE AT MOSELEY COTTAGE, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9HY FOR: MR R L NORMAN & MISS P HULME PER DAVID TAYLOR CONSULTANTS, THE WHEELWRIGHT'S SHOP, PUDLESTON, LEOMINSTER, HEREFORDSHIRE HR6 0RE (AGENDA ITEM 17)**

In accordance with the criteria of public speaking Mr Taylor the applicants agent spoke on behalf of the application.

RESOLVED

That planning permission be refused for the following reasons:

- 1. The former cottage by reason of its physical condition, the length of non-occupation and the lack of evidence relating to an intention to retain the structure in residential use is considered to have lost its residential use rights. The proposal, in the absence of any other exceptional circumstances, would therefore be contrary to Policy H20 of the Hereford & Worcester County Structure Plan and Policy A2(D) of the Leominster District Local Plan (Herefordshire).**
- 2. The reconstruction of a dwelling with its resultant pressures for ancillary development and re-creation of a residential curtilage would have a detrimental impact on the character and appearance of the site and its immediate surroundings that would be contrary to Policies H16A and CTC9 of the Hereford & Worcester County Structure Plan and Policies A1, A9 and A24 of the Leominster District Local Plan (Herefordshire).**
- 3. In the absence of any other exceptional circumstances to justify a new dwelling in this location, it is regarded that its isolated location and reliance upon the use of private car would result in an unsustainable form of development, contrary to Policy A1 of the Leominster District Local Plan (Herefordshire) and the emerging Policy S1 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and PPG 13.**
- 4. The site lies within the Indicative Flood Plain of the Curl Brook, and in the absence of a Flood Risk Assessment, it is considered that it would result in an unacceptable loss of flood flow and storage capacity that would result in an increased risk of flooding elsewhere and in the absence of clear evidence relating to a dry access to the site there would be an increased risk to human life. The proposal would therefore be contrary to Policy A15 of the Leominster District Local Plan**

(Herefordshire) and the guiding principles established in PPG 25 - Development and Flood Risk.

156. DCNW2004/2748/F - EXTENSIONS TO UNITS 5 & 6 TO PROVIDE ADDITIONAL PRODUCTION AREAS AND STORAGE AT UNITS 5 & 6 WHITEHILL PARK INDUSTRIAL ESTATE, WEOBLEY, HEREFORD, HEREFORDSHIRE, HR4 8QU FOR: J & S PROPERTIES PER MR A LAST, BROOKSIDE COTTAGE, KNAPTON, BIRLEY, HEREFORDSHIRE, HR4 8ER (AGENDA ITEM 18)

RESOLVED

That subject to there being no valid planning objection not previously considered, from any party by the end of Conservation Area advertisement period, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application 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. A09 [9th September 2004 and 10th November 2004]

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

3. B01 – Samples of external materials

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

4. The extensions hereby permitted, and units identified as being associated to them, shall not be sold or occupied separately from each other.

Reason: To safeguard the amenities of the locality and in the interests of the parking and access provisions of the site.

5. The existing tree identified as being retained on approved plan 99279/15A shall not be removed, felled or damaged in any way without the prior written consent of the local planning authority.

Reason: In order to preserve the character and amenities of the area.

6. Details of the planting and seeding comprising the shrub area of landscaping identified in approved plan 99279/15A shall be submitted to and approved by the local planning authority prior to any commencement of the development hereby authorised. Thereafter, the approved scheme shall be implemented in the first planting and seeding seasons following the occupation of the buildings or the completion of development, whichever is the sooner. The area will be maintained for a period of 5 years with any failings replaced with the same unless the local planning authority gives written consent to any variation.

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

7. H15 – Turning and parking: change of use - commercial [in accordance

with approved plans] [for the parking of 10 cars]

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

Informatives:

1. N03 – Adjoining property rights
2. N15 – Reasons for the grant of PP.

157. DCNW2004/2883/L - RESTORATION & CONSERVATION OF HALL. NEW GROUND SURFACE WATER COLLECTION DETAIL & NEW LIGHTING & POWER AT PEMBRIDGE MARKET HALL, PEMBRIDGE, HEREFORDSHIRE FOR: THE PEMBRIDGE AMENITY TRUST PER MR T HEWETT, TREVOR HEWETT ARCHITECTS, 25 CASTLE STREET, HEREFORD, HR1 2NW (AGENDA ITEM 19)

In accordance with the criteria of public speaking Mrs Butler spoke on behalf of the application.

RESOLVED

That listed building consent be granted subject to the following conditions:

- i) The application is notified to the Secretary of State for the Office of the Deputy Prime Minister at the earliest opportunity
- ii) Subject to the Secretary of State confirming that he does not intend to call it in, Listed Building Consent be granted subject to the following conditions and any additional conditions considered necessary by officers named in the scheme of delegation.

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.

2. D01 – Site investigation – Archaeology

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

3. C02 – Approval of details.

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

4. C12 – REPAIRS TO MATCH EXISTING

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

5. C18 - DETAILS OF ROOFING

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

Informatives:

1. NC1 – Alterations to submitted and approved plans.
2. ND3 – Contact Address

3. N03 – Adjoining Property Rights
4. N15 – Reasons for the grant of LBC

158. DCNW2004/3130/F - CHANGE OF USE TO SITE FOR FIVE STATIC HOLIDAY CARAVANS AT SWAN INN, LETTON, HEREFORDSHIRE, HR3 6DH FOR: MR & MRS T LEWIN PER MR J E SMITH, PARKWEST, LONGWORTH, LUGWARDINE, HEREFORD, HR1 4DF (AGENDA ITEM 20)

In accordance with the criteria of public speaking Mrs Cadman spoke against the application and Mr Smith spoke in favour.

RESOLVED

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in all respects strictly in accordance with the site plan amended on 29 October 2004 and received on 4 November 2004, except where otherwise stipulated by conditions attached to this permission.

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

3. The building which is the subject of this application shall be used for holiday accommodation only and for no other purpose including any other purpose within Class C of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The local planning authority are not prepared to allow the introduction of separate units of residential accommodation in this rural location.

4. The caravans shall only be occupied between 1st April and 30th September.

Reason: To prevent the establishment of a residential use in the countryside where it would not normally be permitted.

5. No more than 5 static caravans and 5 touring caravans shall be stationed on the site at any one time.

Reason: To clarify the terms of the permission, minimise visual intrusion and in accordance with the requirements of the Environment Agency in respect of flood risk.

6. No external surface of any static caravan hereby approved shall be of a colour other than one which has previously been approved in writing by

the local planning authority for that purpose.

Reason: To minimise visual intrusion.

7. Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of the static caravans hereby permitted.

Reason: To ensure that satisfactory drainage arrangements are provided and to prevent increased risk of flooding.

8. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details.

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

9. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.

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

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

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

11. None of the existing trees or hedgerows on the site (other than those specifically shown to be removed on the approved drawings) shall be removed, destroyed, felled, lopped or pruned without the prior consent in writing of the local planning authority.

Reason: To safeguard the amenity of the area.

12. Before the development is commenced a scheme indicating the provision to be made for disabled people to gain access to the static caravans shall be submitted to and approved by the local planning authority. The agreed scheme shall be implemented before the development hereby permitted is

brought into use.

Reason: In order to ensure that the development is fully accessible.

13. The development hereby permitted shall not be brought into use until areas for the manoeuvring, parking, loading and unloading of vehicles have been laid out, consolidated, surfaced and drained in accordance with a scheme to be submitted to and approved in writing by the local planning authority and such areas shall thereafter be retained and kept available for those uses at all times.

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

14. Prior to the first occupation of any of the static holiday caravans hereby approved, details relating to the display of flood warning signs within the site shall be submitted to and approved by the local planning authority. The approved signage shall thereafter be retained such that it is visible at all time during the occupation of the static caravans. In addition, flood warning and evacuation procedure notices should be clearly displayed on the site and within each static caravan.

Reason: To minimise the risk of a threat to human life during a flood event.

15. The static caravan site and the public house known as the Swan Inn, Letton, shall not be sold separately from each other.

Reason: To minimise the risk of the static caravans becoming self-contained residential units and in the interests of the amenities of neighbouring residents.

Informative:

1. The decision to grant planning permission has been taken having regard to the policies and proposals in the Leominster District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

A2(D) - Settlement Hierarchy
A9 - Safeguarding the Rural Landscape
A12 - New Development and Landscape Schemes
A15 - Development and Watercourses
A16 - Foul Drainage
A18 - Listed Buildings and Their Settings
A24 - Scale and Character of Development
A38 - rural Tourism and Recreational Activities
A39 - Holiday Chalet, Caravan and Camping Sites
A54 - Protection of Residential Amenity
A70 - Accommodating Traffic from Development

159. DCNW2004/3221/F - SITE FOR MOBILE HOME FOR AGRICULTURAL MANAGEMENT OF LIVESTOCK (TEMPORARY) AT LAND AT WOONTON, HEREFORDSHIRE FOR: MR J MILLS PER MCCARTNEYS, THE OX PASTURE, OVERTON ROAD, LUDLOW, SHROPSHIRE, SY8 4AA (AGENDA ITEM 21)

RESOLVED

That consideration for the application be deferred pending a site inspection on the following grounds.

- (a) the character or appearance of the development itself is a fundamental planning consideration;
- (b) a judgement is required on visual impact; and
- (c) the setting and surroundings are fundamental to the determination or to the conditions being considered.

160. DCNW2004/3247/F - SUBSTITUTION OF HOUSE TYPES ON APPROVED APPLICATION NW2003/2583/F AT LAND TO THE REAR OF STONELEIGH, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9QS FOR: MR & MRS AM & J PUGH PER JENNINGS HOMES LTD, NEW PARK HOUSE, BRASSEY ROAD, SHREWSBURY, SHROPSHIRE, SY2 7FA (AGENDA ITEM 22)

The receipt of comments from the Water Authority was reported.

In accordance with the criteria of public speaking Miss Eastlaugh of Kingsland Parish Council and Mrs Maddox spoke against the application.

The Vice-Chairman had serious reservations about the application and was of the view that the proposed dwellings and garages constituted a considerable over development of the site and would have an adverse impact upon the local environment and adjoining properties. The Senior Planning Officer provided more details about the dwellings and layout and explained why the proposals were acceptable on planning grounds. Having considered all the details about the application the Sub-Committee felt that there were a number of grounds for it to be refused.

RESOLVED

- (a) That the Northern Area Planning Sub-Committee is mindful to refuse the application subject to the reasons 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.The proposed development, by reason of the scale and size of the proposed dwellings and garages, are considered to constitute the over-development of the site and as such are contrary to Leominster District Local Plan policies A1, A2(c), A21, A23, A24 and A54, together with, Herefordshire Unitary Development Plan policies S2, DR1, DR2, H13 and HBA6.

2.The proposed development, be reason of its siting, scale and design would have a detrimental effect on the amenities of the occupiers of adjoining dwelling houses. The proposal is therefore considered contrary to Leominster District Local Plan policies A1 and A54, together with, Herefordshire Unitary Development Plan policies DR1 and DR2.

3.The proposed development, by reason of its siting, design and scale,

would be harmful to the character and appearance of the Kingsland Conservation Area. The proposal is therefore considered contrary to Leominster District Local Plan policy HBA6.

- (b) If the Head of Planning 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.

(The Northern Team Leader said that given that the Sub-Committee had considered the planning policies, he would not refer the application to the Head of Planning Services)

161. DCNW2004/3350/O - DEMOLITION OF EXISTING DWELLING & OUTBUILDINGS, CONSTRUCTION OF 2 X 5-BEDROOMED DWELLINGS AT BURNSIDE, HIGH STREET, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LQ FOR: SD & JM WICKS PER MR FUNGE, STEPHEN FUNGE ARCHITECTURAL DESIGN, DARTMOOR VIEW, QUEEN STREET, WINKLEIGH, DEVON, EX19 8JB (AGENDA ITEM 23)

It was reported that the Leintwardine Parish Council have asked for a deferral of the application because they felt that they had been given insufficient time to speak to the officers about it.

In accordance with the criteria of public speaking Mr Kerr spoke against the application.

Having considered details of the application the sub-committee felt that the proposed dwellings were out of keeping with the local environment and would have an adverse affect upon the adjoining property.

RESOLVED

- (a) That the Northern Area Planning Sub-Committee is mindful to refuse the application subject to the reasons 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 The application site occupies a prominent and relatively elevated position within a predominantly low density residential area, the landscape quality of which is recognised by its designation within a Landscape Protection Area. The proposed development of the site with 2 large 5-bed dwellings, by reason of the scale, massing and number of dwellings, would result in cramped and unacceptable over-development and the loss of important open space, detrimental to the character and appearance of the site and its environs. Accordingly, the proposal would be contrary to Policy CTC9 of the Hereford and Worcester County Structure Plan, Policies A1, A2(c), A9, A24 and A25 of the Leominster District Local Plan (Herefordshire) and Policies DR1, HR4 and HBA9 of the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft) and the advice and guidance set out in the Leintwardine Village Design Statement.

- (b) If the Head of Planning 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.

(The Northern Team Leader said that given that the Sub-Committee had considered the planning policies, he would not refer the application to the Head of Planning Services)

162. DCNW2004/3416/O - SITE FOR ONE BUNGALOW AT LAND BETWEEN OAKLAND AND GIPSY HALL, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6PR FOR: MR J W MOKLER PER ARKWRIGHT OWENS, BERRINGTON HOUSE, 2 ST NICHOLAS STREET, HEREFORD, HR4 0BQ (AGENDA ITEM 24)

In accordance with the criteria of public speaking Mr Mokler spoke in favour of his brothers application.

RESOLVED

That planning permission be refused for the following reasons:

It is not considered that an essential need for the proposed dwelling has been established and as such the proposal is contrary to Policy H20 of the Hereford & Worcester County Structure Plan, Policies A2(D) and A43 of the Leominster District Local Plan (Herefordshire), Policies H7 and H8 of the draft Herefordshire Unitary Development Plan and the guiding principles set out in Annexe A of PPS 7.

2. The proposed dwelling in terms of its siting and elevated position would appear isolated in the landscape and out of keeping with its open character and appearance. It would therefore be contrary to Policy A9 of the Leominster District Local Plan (Herefordshire).

163. DCNW2004/3597/F - PROPOSED 2 STABLES AND TACK ROOM ON 3.2 ACRES OF LAND AT UPPER WELSON, EARDISLEY, HEREFORD, HR3 6ND FOR: MR & MRS S & S HARRIS, PINE TREE COTTAGE, 7 CHURCH ROAD, EARDISLEY, HEREFORDSHIRE, HR3 ENJ (AGENDA ITEM 25)

RESOLVED

That consideration for the application be deferred pending a site inspection on the following grounds.

- (a) the character or appearance of the development itself is a fundamental planning consideration;
- (b) a judgement is required on visual impact; and
- (c) the setting and surroundings are fundamental to the determination or to the conditions being considered.

164. DCNW2004/3669/F - CONSTRUCTION OF 2 POLYTUNNELS FOR CONTAINER PLANT PRODUCTION AT CREDALE NURSERY, UPPER HILL, LEOMINSTER, HEREFORDSHIRE, HR6 0JZ FOR: MR E SMITH AT SAME ADDRESS (AGENDA ITEM 26)

In accordance with the criteria of public speaking Mrs Underwood spoke against the application and Mr Smith spoke in favour.

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 - 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.

- 3 - G07 (Details of earth works)**

Reason: In order to protect the landscape quality of the area and local amenities.

Informatives:

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

- 2 - Please note that this permission does not convey approval for any new vehicular or pedestrian accesses.**

- 165. DCNW2004/3725/F - CHANGE OF USE FROM PADDOCK TO RESIDENTIAL GARDEN AND RETENTION OF PART OF DECKING AT THE BOTHY, LOWER HERGEST, KINGTON, HEREFORDSHIRE FOR: MR D BROADLEY AT ABOVE ADDRESS. (AGENDA ITEM 27)**

RESOLVED

That consideration for the application be deferred pending a site inspection on the following grounds.

- (a) the character or appearance of the development itself is a fundamental planning consideration;**
- (b) a judgement is required on visual impact; and**
- (c) the setting and surroundings are fundamental to the determination or to the conditions being considered.**

- 166. DATE OF NEXT MEETING**

26th January, 2005

The meeting ended at 4.50 p.m.

CHAIRMAN