

**MINUTES of the meeting of Planning Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Friday, 15th July, 2005 at 10.00 a.m.**

Present: Councillor T.W. Hunt (Chairman)
Councillor J.B. Williams (Vice Chairman)

Councillors: B.F. Ashton, M.R. Cunningham, Mrs. C.J. Davis,
P.E. Harling, J.W. Hope MBE, B. Hunt, Mrs. J.A. Hyde, Mrs. R.F. Lincoln,
Mrs. M.D. Lloyd-Hayes, R.M. Manning, R.I. Matthews,
Mrs. J.E. Pemberton, R. Preece, Mrs. S.J. Robertson, D.C. Taylor and
W.J. Walling

In attendance: Councillors P.J. Edwards, J. Stone, J.P. Thomas and P.G. Turpin

11. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors PJ Dauncey, DJ Fleet and Brig P. Jones CBE.

12. NAMED SUBSTITUTES (IF ANY)

Councillor Mrs M Lloyd Hayes was appointed named substitute for Councillor D.J. Fleet

13. DECLARATIONS OF INTEREST

Councillor Mrs MD Lloyd Heyes declared a personal interest in respect of agenda item No.s 17 & 18 (DCCE2005/0977/F - proposed development to provide 19 no. residential units, with associated garages and road/sewer infrastructure. Mill Court Village, Ledbury Road, Hereford & DCCE2004/3318/F - demolish existing rear part of building and construct new kitchen, stores and flat. 17/18 Commercial Road, Hereford) and left the meeting when the items were considered.

14. MINUTES

RESOLVED: That the Minutes of the meeting held on 3rd June, 2005 be approved as a correct record and signed by the Chairman.

15. CHAIRMAN'S ANNOUNCEMENTS

[The Chairman made the following announcements:](#)

Staffing and Recruitment

Staffing levels were approaching full establishment with three new enforcement officers in post, two of whom had been recruited internally.

There were some excellent applicants for the post of Development Control Manager and an appointment had been made with the new officer due to take up his post on 15th August, 2005.

Brierley Court Planning Inquiry

The Northern Area Planning Sub-Committee had previously refused a part-retrospective planning application for groundworks for a 300 unit caravan park and amenity building at Brierley Court Farm. At the time the company, S&A Property Ltd, which was developing the site had erected a large utility building in open countryside without planning permission. An injunction was obtained to prevent any further building works on the site and this was subsequently upheld by the High Court, the company also lost an appeal against the injunction. Despite the continuing injunction, the company had installed window units in the utility building and unlawfully progressed with its construction. An application to the High Court that the injunction had been breached and that the company and its director were in contempt of Court was upheld. The terms of the injunction were tightened, the windows ordered to be removed and fines totaling £65,000 with the Councils legal costs of £11,489 imposed. The company has appealed to a Planning Inspector appointed by the Secretary of State in respect of the refusal to grant planning permission and the service by the Council of several enforcement notices. The Inspector's decision would be announced in due course.

Changes to the Constitution regarding Planning Committee

Recent changes had been made to the Constitution which provides that the Council's own planning applications or applications concerning Council-owned land had become the responsibility of this Committee. Officers would still be able to determine the applications under the officer scheme of delegation in that case where there are no objections and no member has requested a call-in on planning grounds. It was anticipated that the Committee could have to meet a little more frequently to deal with the changes and additional meetings may need to be added to the programme. A meeting had been scheduled for 26th August in this respect to deal with any referrals from the next round of Area Planning Sub-Committees and any applications which fall within the new remit of the Committee."

16. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 15th June, 2005 be received and noted.

17. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 1st^t & 29th June, 2005 be received and noted.

18. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 8th June & 7th July, 2005 be received and noted.

19. DCNW2005/1029/F - ERECTION OF DETACHED DWELLING AND GARAGE LAND ADJOINING THE FORGE, LINGEN, BUCKNELL, HEREFORDSHIRE, SY7 0DY FOR:MR & MRS P BARNETT, BRYAN THOMAS ARCHITECTURAL DESIGN LTD AT THE MALT HOUSE SHOBDON LEOMINSTER HEREFORDSHIRE HR6 9NL

The receipt of a letter of support and a letter from the Agent of the applicant was reported.

The County Archaeologist provided the Committee with details of an Ancient Monument comprising a motte and bailey which adjoined the application site. He outlined the historical importance of the monument and described the reasons why

the proposed development would have an adverse impact upon it. Councillor Mrs JE Pemberton drew attention to existing dwellings near to the ancient monument and said that the applicants had taken great care in the details of their proposals to ensure that the dwelling would be effectively screened by landscaping and would have a minimum impact upon the ancient monument. Councillor MR Cunningham sympathised with the circumstances facing the applicants but felt that it was important to ensure that such ancient monuments were preserved, particularly those which had internationally recognised importance. Councillor BF Ashton supported this view and drew attention to the number of Planning Policies that the application breached and why it should not be supported.

Having considered all the details of the application the Committee felt that it could not be supported because of the planning policy issues involved and its impact upon the adjoining Ancient Monument.

RESOLVED THAT

planning permission be refused for the following reason:

The site for the proposed development is designated as a protected area and is adjacent to a Scheduled Ancient Monument. It is considered that the proposed development will have a significant detrimental impact on the historic and visual setting of the location and is therefore contrary of Policies A1, A22 and A25 of the Leominster District Local Plan.

- 20. DCNE2005/0709/F - DEMOLITION OF EXISTING HOME AND NEW BUILD EXTRA CARE HOME AND DAY CENTRE, WITH ASSOCIATED FACILITIES AT LEADON BANK OLD PEOPLES HOME, ORCHARD LANE, LEDBURY, HEREFORDSHIRE, HR8 1DQ FOR: SHAW HEALTHCARE HEREFORDSHIRE LTD PER PENTAN PARTNERSHIP, BEAUFORT STUDIO, 1 ATLANTIC WHARF, CARDIFF, CF10 4AH**

The receipt of 12 letters of objection was reported.

Councillor BF Ashton, one of the Local Ward Members requested that a site inspection be held.

RESOLVED THAT

Consideration of 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.**

- 21. DCNC2005/0707/F & DCNC2005/0708/C - PROPOSED NEW CARE HOME AND DAY CARE CENTRE, DEMOLITION OF EXISTING AT WAVERLEY HOUSE, ETNAM STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8AQ**

Councillor JP Thomas had some concerns about adequate shrubbery screening to help prevent overlooking of adjoining properties and asked for this to be sensitively

dealt with. It was also requested that the Officers ensured that any windows overlooking adjoining properties were in opaque glass.

RESOLVED THAT

NC2005/0707/F

planning permission be granted subject to the following conditions:

1 - A01 (Time limit for commencement (full permission))

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

2 - A09 (Amended plans) (29 June 2005)

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 - C14 (Signing of contract before demolition)

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5 - H26 (Access location) (construction traffic) (Etnam Street)

Reason: In the interests of highway safety.

6 - H27 (Parking for site operatives)

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

7 - H29 (Secure cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

8 - F16 (Restriction of hours during construction) (8.00am-5.30pm Mon-Fri, 8.00am-1.00pm Sat)

Reason: To protect the amenity of local residents.

9 - No material or substances shall be incinerated within the application site during the demolition and construction phase of the development hereby approved.

Reason: To protect the amenity of local residents.

10 - D01 (Site investigation - archaeology)

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

11 - G04 (Landscaping scheme (general))

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

12 - G05 (Implementation of landscaping scheme (general))

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

13 - G01 (Details of boundary treatments)

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

Informatives:

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

2 - HN15 - Affected street lighting or illuminated signs

NC2005/0708/C

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

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 - C14 (Signing of contract before demolition)

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Informative:

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

22. DCSE2005/0879/F - REFURBISHMENT AND EXTENSION OF EXISTING HOME TO PROVIDE 15 PLACE DAY CARE CENTRE AND 2 CRISIS CARE FLATS AT WOODSIDE RESIDENTIAL HOME, REYNOLDS COURT, HILDERSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7NE

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 B02 (Matching external materials (extension))

Reason: To ensure the external materials harmonise with the existing building.

3 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.

Informative(s):

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

23. NE2005/0791/F & NE2005/1471/C - DEMOLITION OF FORMER SCHOOL BUILDINGS AND ERECTION OF 15 DWELLINGS AT FORMER CRADLEY PRIMARY SCHOOL, CRADLEY

The receipt of three further letters of objection and a letter from the Agent acting on behalf of the applicant was reported.

In accordance with the criteria for public speaking Mrs Ramsden of Cradley Parish Council spoke against the application and Mr Spreckley the Agent spoke in favour.

RESOLVED THAT

DCNE2005/0791/F

1 - The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to secure the provision of affordable housing and the provision and future maintenance of a play area, and any additional matters and terms as she considers appropriate.

2 - Upon the completion of the aforementioned planning obligation that the Officers be authorised to issue planning permission subject to the following conditions:

1 - A01 (Time limit for commencement (full permission))

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

2 - A09 (Amended plans)

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

3 - Prior to the commencement of demolition a method statement for the demolition, salvage and storage of the stone shall be submitted to and approved in writing by the Local Planning Authority. The stone to be salvaged shall then be used in the construction of plots 1 to 3 inclusive.

Reason: In the interest of the character and appearance of the Conservation Area.

4 - B01 (Samples of external materials)

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

- 5 - B07 (Stonework laid on natural bed)**

Reason: In the interests of conserving the character of the building.

- 6 - C04 (Details of window sections, eaves, verges and barge boards)**

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

- 7 - C05 (Details of external joinery finishes)**

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

- 8 - E02 (Restriction on hours of delivery)**

Reason: To safeguard the amenities of the locality.

- 9 - E18 (No new windows in specified elevation)**

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

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

Reason: To protect the amenity of local residents.

- 11 - 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.

- 12 - F27 (Interception of surface water run off)**

Reason: To prevent pollution of the water environment.

- 13 - G01 (Details of boundary treatments)**

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

- 14 - G02 (Landscaping scheme (housing development))**

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 15 - G03 (Landscaping scheme (housing development) - implementation)**

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 16 - G18 (Protection of trees)**

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

- 17 - G19 (Existing trees which are to be retained)**

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

18 - G31 (Details of play equipment)

Reason: To ensure the play area is suitably equipped.

19 - H03 (Visibility splays)

Reason: In the interests of highway safety.

20 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

21 - 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.

22 - H21 (Wheel washing)

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

23 - H27 (Parking for site operatives)

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

24 - Notwithstanding the submitted plans, the means of pedestrian access to plots 1 to 3 inclusive shall be submitted to and approved in writing by the Local Planning Authority.

Reasons: To maintain the existing stone boundary wall at the road frontage to protect the character and appearance of the Conservation Area.

NE2005/1471/C

1 - A01 (Time limit for commencement (full permission))

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

25 - C14 (Signing of contract before demolition)

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Informatives:

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

2 - HN08 - Section 38 Agreement details

3 - N02 - Section 106 Obligation

4 - N14 - Party Wall Act 1996

24. DCSE2005/0795/F - CONTINUATION OF USE AS EQUINE STUD FARM, SITE NEAR BODENHAM, MUCH MARCLE, LEDBURY, HEREFORDSHIRE

The Southern Team Leader provided the Committee with details of further comments that had been received about the application from professional organisations, local residents and the local Parish Council.

In accordance with the criteria for public speaking Mr Morgan of Much Marcle Parish Council and Mr Pope, a local resident, spoke against the application.

Councillor Mrs SJ Robertson had concerns about over intensification of use on the land and Councillor Mrs Lloyd-Hayes was concerned that the use would have an adverse impact on the public rights of way traversing it. Councillor Mrs RF Lincoln said that when the Southern Area Planning Sub-Committee had visited the site she had concluded that it would be difficult to sustain a planning refusal. Councillor BA Ashton had concerns that the stud farm had been in operation without the necessary permission for some time and he had considerable sympathy for the points raised by the objectors. Councillor B Hunt supported the application and thought it to be in keeping of the rural location and Councillor Mrs JA Hyde was of the opinion that it was better to regulate the operation through planning permission and conditions.

The Head of Planning services said that it would be difficult to uphold the reasons for refusal suggested by the Southern Area Planning Sub-Committee and that only traffic issues may carry any weight. Having considered all the views put forward by the Officers and by the Sub-committee, the Committee concluded that there were insufficient grounds to merit refusing the application.

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 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

4 F40 (No burning of material/substances)

Reason: To safeguard residential amenity and prevent pollution.

5 Within 2 months of the date of this permission details of the means of disposing of waste materials and effluents with a timetable for implementation shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with the agreed timetable.

Reason: To protect the amenities of neighbours and to prevent pollution.

Informative:**1 N15 - REASON(S) FOR THE GRANT OF PLANNING PERMISSION****25. DCSW2005/0720/F - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 24 HOUSES WITH PARKING AND/OR GARAGES, TOGETHER WITH ASSOCIATED ROADS AND SEWERS, LAND AT WHITEHOUSE FARM, KINGSTONE, HEREFORDSHIRE.**

The application has been referred to the Committee by the Head of Planning Services because the Southern Area Planning Sub-Committee was minded to refuse it contrary to Officer recommendation on the following grounds: -

1. Over-intensification of the site
2. To protect the setting of the Grade II listed farmhouse
3. Insufficient number of small houses on the site

The Southern Team Leader said that the applicants needed to do further work on the ecology study and had asked for consideration of the planning application to be deferred to allow this to take place.

RESOLVED THAT

Consideration of the planning application be deferred at the request of the applicants.

26. DCCE2005/0032/F - RETIREMENT VILLAGE/INDEPENDENT LIVING SCHEME WITH VILLAGE HALL AND RESTAURANT, WELFARE AND RECREATIONAL FACILITIES, ADMINISTRATIVE AND CARE FACILITIES, SELF-CONTAINED ACCOMODATION UNITS AND CAR PARKING. LEDBURY ROAD NURSERIES, LEDBURY ROAD, HEREFORD

The Principal Planning Officer said that the Landscape Officer was satisfied with the scheme and that the Parks Development Officer had asked for those trees that were removed for the new access to be replaced with similar elsewhere on the site. He added that negotiations were continuing with the Environment Agency to satisfy their requirements about potential flooding, through lowering the proposed area of open space in the grounds of the development. He said that a letter of objection had been received from the Unity Gardens Trust and he outlined its contents.

In accordance with the criteria for public speaking, Mrs Booton spoke against the application and Mrs Cope of Elgar Housing Association spoke in its favour.

The Committee had some concerns about the roof levels of the proposed development and potential overlooking of adjoining properties in Chartwell Road and Bladon Crescent. The Principal Planning Officer explained the negotiations that had taken place to arrive at lower roof levels where the proposed development would adjoin existing residential development so that the impact of the new development was minimised.

RESOLVED THAT

Subject to there being no objection from Environment Agency, Conservation Manager and English Nature (if appropriate); and should a Grampian condition in respect of highway improvements be deemed unacceptable:

(i) The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of The Town and Country Planning Act 1990 (as amended) to secure a financial contribution of £34,000 in lieu of highway improvements including provision of a pelican crossing, bus shelter and bus boarders and any additional matters and terms as she considers appropriate.

(ii) Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:

1. 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 approved plans (drawing nos. AL(0)02 Rev 6, 04 Rev H, 05 Rev H, 06 Rev G, 07 Rev G, 08 Rev F, 09 Rev F, 10 Rev F, 11 Rev F and 14 Rev D), 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. No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

4. The chimney flue[s] shall have a dark matt finish of a colour which shall first be approved in writing by the local planning authority.

Reason: To protect the general character and amenities of the area

5. The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow him/her to observe the excavations and record items of interest and finds. A minimum of 5 days' written notice of the commencement date of any works forming part of the development shall be given in writing to the County Archaeology Service.

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

6. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in perpetuity and in full accordance with the approved scheme. The scheme shall include:

- (i) The numbers, type and location of the site of the affordable housing provision to be made;
- (ii) The timing (the construction of the affordable housing);
- (iii) The arrangements to ensure that provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- (iv) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

Reason: To ensure that an appropriate type and level of affordable housing is provided and maintained within the scheme and in recognition of the specific nature of this approved scheme.

7. The occupation of the residential units hereby approved shall be restricted to a person or persons aged 55 or above unless otherwise agreed in writing by the local planning authority.

Reason: In recognition of the specific nature of this approved scheme, the reduced level of parking provided and in the interests of the character and amenities of the area.

8. Prior to the use or occupation of the residential development 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.

9. 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.

10. 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 building[s] hereby permitted.

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

11. Details of any [floodlighting] [external lighting proposed to illuminate the development] shall be submitted to and approved in writing by the local planning authority before [the use hereby permitted commences] [and] [the building(s) is/are occupied]. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason: To safeguard local amenities.

12. No external flues or extractor equipment shall be installed at the premises without the prior written approval of the local planning authority.

Reason: In the interests of the amenity of the area.

13. Prior to the commencement of development a scheme for the provision of storage, prior to disposal, of refuse, crates, packing cases and all other waste materials shall be submitted for the approval of the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted.

Reason: In the interests of amenity.

14. No development approved by this permission shall be commenced until:

(i) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing with the local planning authority;

(ii) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Reclamation Method Statement) have been submitted to and approved in writing by the local planning authority;

(iii) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme.

If during reclamation works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material shall be agreed in writing with the local planning authority.

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

15. Prior to the commencement of development, a detailed plan,

showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

16. 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] [before the building(s) is/are occupied] [in accordance with a timetable to be agreed in writing with the local planning authority]. 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.

17. 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.

18. 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.

19. The landscaping scheme required by condition No. 17 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.

20. The development authorised by this permission shall not begin until the local planning authority has approved in writing a full scheme of works for improvements to the public open space to the south of the application site. The occupation of the development shall not begin until these works have been completed in accordance with the local planning authority's approval and have been certified in writing as complete by or on behalf of the local planning authority.

Reason: To secure appropriate mitigation and enhancement of the public open space in the interests of the character and amenities of the locality.

21. No development shall be commenced on the site or machinery or materials brought onto the site for the purpose of development until adequate measures have been taken to prevent damage to those trees which are to be retained. Measures to protect those trees shown must include:

(a) Fencing, of a type and form agreed in writing with the local planning authority, must be erected around each tree or group of trees. This fencing must be at least 1.25 metres high and at a radius from the trunk defined by the canopy spread.

(b) No excavations, site works, trenches, channels, pipes, services, temporary buildings used in connection with the development or areas for the deposit of soil or waste or for the storage of construction materials, equipment or fuel or other deleterious liquids shall be sited within the crown spread of any tree without the prior written consent of the local planning authority.

(c) No burning of any materials shall take place within 6 metres of the furthest extent of the canopy of any tree or tree groups to be retained.

(d) There shall be no alteration of soil levels under the crown spread of any tree or group of trees to be retained.

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of

the area.

22. The development hereby permitted shall not be brought into use until the access, 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 and to ensure the free flow of traffic using the adjoining highway.

23. Development shall not begin until wheel cleaning apparatus has been provided in accordance with details to be submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved.

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

24. Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

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

25. Before the development is commenced a scheme for the provision of secure cycle parking on site 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 ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

26. Prior to the first occupation of the development authorised by this permission a Travel Plan promoting alternative sustainable forms of transport shall be submitted to and approved in writing. The measures identified in the Travel Plan shall be implemented in accordance with the approved details and access shall be provided to the associated records upon reasonable request in order to monitor and revise the requirements of the Plan.

Reason: To ensure a range of sustainable alternative modes of transportation are provided/promoted as part of the ongoing occupation of the development.

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. A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.**
- 3. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. C. Hall, Area Manager (Central), County Offices, Bath Street, Hereford, HR1 2HQ Tel: 01432-260786, 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.**
- 4. This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.**
- 5. This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.**
- 6. All protected birds, their nests and eggs are protected by law and it is thus an offence to:
intentionally kill, injure or take any wild bird
intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
intentionally take or destroy the egg of any wild bird
intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.**

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all

work must stop and advice sought from English Nature and the Council's Ecologist.

7. It is an offence for any person to:
Intentionally kill, injure or take protected bats.
Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.
Under the Habitats Regulations it is an offence to damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.
The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and Conservation Regulations 1994 that works to trees or building where that work involves the disturbance of a bat is an offence if a licence has not been obtained by DEFRA. If a bat is discovered while work is being undertaken, all work must stop and advice sought from English Nature and the Council's Ecologist. You can also call the UK Bat helpline on 0845 133 228.
8. The decision to grant planning permission has been taken having regard to the policies and proposals in the Hereford Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Hereford Local Plan:

- ENV1 - Land liable to flood
- ENV2 - Flood storage areas
- ENV3 - Access for watercolours
- ENV8 - Contaminated land
- ENV14 - Design
- ENV15 - Access for all
- ENV16 - Landscaping
- ENV18 - External lighting
- H3 - Design for non-residential development
- H5 - Public open space provision in larger schemes
- H7 - Communal open space
- H8 - Affordable housing
- H9 - Mobility housing
- H10 - Housing for the elderly
- H12 - Established residential areas - character and amenity
- H13 - Established residential areas - loss of features
- H14 - Established residential area - site factors
- CON21 - Protection of trees
- NC3 - Site of local importance
- NC6 - Criteria of development proposals
- T1A - Commercial Road/Ledbury Road Link
- T5 - Car parking - designated areas
- T6 - Car parking - restrictions
- T11 - Pedestrian provision
- R1 - Public open space

**R13 - Public rights of way
IMP3 - Planning obligations**

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).

27. DCCE2005/0977/F - PROPOSED DEVELOPMENT TO PROVIDE 19 NO. RESIDENTIAL UNITS, WITH ASSOCIATED GARAGES AND ROAD/SEWER INFRASTRUCTURE. MILL COURT VILLAGE, LEDBURY ROAD, HEREFORD. HR1 2SZ

The Senior Planning Officer presented the report of the Head of Planning Services about the application which had been submitted to the Committee in accordance with the provisions of the Council's Constitution because it was from a Member on the Council.

RESOLVED THAT

planning permission be granted subject to the following conditions:

1 A01 (Time limit for commencement (full permission))

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

2 A07 (Development in accordance with approved plans)

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

3 B01 (Samples of external materials)

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

4 D01 (Site investigation - archaeology)

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

5 E18 (No new windows in specified elevation)

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

6 F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

7 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.

8 G01 (Details of boundary treatments)

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

9 G02 (Landscaping scheme (housing development))

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

10 G03 (Landscaping scheme (housing development) - implementation)

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

11 G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

12 No development shall commence on the site or machinery or materials be brought on to the site for the purpose of development until adequate measures have been taken to prevent damage to Eign Brook and to those trees which are to be retained. Protective measures must include:

a) Protective fencing, of a type and form agreed in writing with the local planning authority, to be erected along the boundary of the 5 metre exclusion zone. This fencing must be at least 2.0 metres high and sufficiently robust to deter construction traffic.

b) No excavations, site works, trenches, channels, pipes, services or temporary buildings used in connection with the development or areas for the deposit of soil or waste or for the storage of construction materials, equipment or fuel or other deleterious liquids shall be sited within the exclusion zone.

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

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, no buildings or other structures (including gates, wall or fences), shall be erected and/or no changes to ground levels shall be carried out within 5 metres of the top of any bank of water courses and/or within 5 metres of any site of an existing culverted watercourse inside or alongside the site unless otherwise agreed in writing by the local planning authority.

Reason: To maintain access to the water course for maintenance or improvements and allow for overland flood flows.

14 H09 (Driveway gradient)

Reason: In the interests of highway safety.

15 H17 (Junction improvement/off site works)

Reason: To ensure the safe and free flow of traffic on the highway.

16 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.

17 H27 (Parking for site operatives)

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

18 H29 (Secure cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

INFORMATIVES:

1 HN01 - Mud on highway

2 HN04 - Private apparatus within highway

3 HN05 - Works within the highway

4 HN07 - Section 278 Agreement

5 HN08 - Section 38 Agreement details

6 HN09 - Drainage details for Section 38

7 HN10 - No drainage to discharge to highway

8 HN19 - Disabled needs

9 N03 - Adjoining property rights

10 N04 - Rights of way

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

28. DCCE2004/3318/F - DEMOLISH EXISTING REAR PART OF BUILDING AND CONSTRUCT NEW KITCHEN, STORES AND FLAT. 17/18 COMMERCIAL ROAD, HEREFORD, HEREFORDSHIRE, HR1 2BB

The Senior Planning Officer presented the report of the Head of Planning Services about the application which had been submitted to the Committee in accordance with the provisions of the Council's Constitution because it was from a Member on the Council.

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 A07 (Development in accordance with approved plans)

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

4 C02 (Approval of details)

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

INFORMATIVES:**1 N03 - Adjoining property rights****2 N14 - Party Wall Act 1996****3 ND02 - Area of Archaeological Importance****4 N15 - Reason(s) for the Grant of PP/LBC/CAC****29. DCCW2005/1934/T - PROPOSED TELECOMMUNICATIONS INSTALLATION.
LAND ON THE WESTERN SIDE OF THE A49 (OPP 245 ROSS ROAD),
HEREFORD HR2 7PR**

The Senior Planning Officer presented the report of the Head of Planning Services about the application which had been submitted to the Committee in accordance with the provisions of the Council's Constitution because it related to Council owned land. A petition was received from local residents about the proximity of the proposed mast to the school and adjoining housing and the views of consultees and Hereford City Council were reported.

In accordance with the criteria for public speaking Mr Searle, the agent acting for the applicants, spoke against the application.

RESOLVED THAT

The County of Herefordshire District Council hereby gives notice that Prior Approval is not required for the siting and appearance of the telecommunications installation on land on the western side of the A49 (opp 245 Ross Road), Hereford subject to the following conditions imposed by the Town and Country Planning (General Permitted Development) Order 1995 (as amended) subject to the following conditions:

- 1. The development shall be begun no later than 5 years from the date the Council received the application.**
- 2. The development shall, except to the extent that the Local Planning Authority otherwise agree in writing, be carried out in accordance with the details submitted with the application.**

PLANNING COMMITTEE

FRIDAY, 15TH JULY, 2005

The meeting ended at 11.40 a.m.

CHAIRMAN