

**MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 7th September, 2005 at 2.00 p.m.**

**Present:** Councillor J.W. Hope MBE (Chairman)  
Councillor K.G. Grumbley (Vice Chairman)

Councillors: Mrs. L.O. Barnett, W.L.S. Bowen, R.B.A. Burke,  
P.J. Dauncey, J.H.R. Goodwin, P.E. Harling, B. Hunt, T.W. Hunt,  
Brig. P. Jones CBE, R.M. Manning, R. Mills, R.J. Phillips,  
D.W. Rule MBE and J. Stone

**In attendance:** Councillors P.J. Edwards, Mrs. J.E. Pemberton, Ms. G.A. Powell and J.B. Williams

**73. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors BF Ashton, Mrs JP French and JP Thomas

**74. DECLARATIONS OF INTEREST**

Councillor/Officer	Item	Interest
Cllr RBA Burke	Item 10 - DCNC2005/2349/F - residential development of 44 dwellings including affordable housing on land at St.Botolphs Green, Southern Avenue, Leominster, Herefordshire	Prejudicial and left the meeting for the duration of this item
Cllr Brig P Jones CBE, Cllr J Stone and Mr M Tansley	As above	Personal and remained in the meeting for the duration of this item

**75. MINUTES**

**RESOLVED THAT** the minutes of the meeting held on 10 August 2005 be approved as a correct record, subject to the inclusion of the name of Councillor R Mills in the list of those present.

**76. ITEM FOR INFORMATION - APPEALS**

The Sub-Committee noted the Council's current position in respect of Planning Appeals for the Northern Area of Herefordshire.

**77. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman's welcomed Mr P Yates the new Development Control Manager to his first meeting of the Sub Committee

**78. APPLICATIONS RECEIVED**

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.

**79. DCNW2005/0688/F - RESIDENTIAL DEVELOPMENT SCHEME OF 14 NO HOUSES, INCORPORATING 2/3 AND 4 BEDROOM SEMI-DETACHED TWO STOREY DWELLINGS OFF A4110 LAND ADJACENT TO KINGSMEADOW, WIGMORE FOR: HORNBURCH CONSTRUCTION CO LTD, JOHNSON BLIGHT & DEES, MORTIMER HOUSE, HOLMER ROAD, HEREFORD, HR4 9TA**

Councillor Mrs LO Barnett the local Ward Member thanked the officers for preparing such a detailed report. She had some reservations about the proposed density but felt that the scheme offered a good mix of residential development.

**RESOLVED THAT:**

- 1) The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to (secure 4 affordable housing units and education contribution) and any additional matters and terms as she considers appropriate.
- 2) Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:

**Note to Applicant:**

i) This permission is granted pursuant to an agreement under Section 106 of the Town and Country Planning Act 1990.

ii) That the officers named in the Scheme of Delegation to Officers be authorised to amend the above conditions as necessary to reflect the terms of the planning obligation.

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

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

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

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

**6 - G09 (Retention of trees/hedgerows )**

**Reason:** To safeguard the amenity of the area.

**7 - G27 (Landscape maintenance arrangements)**

**Reason:** In the interests of visual and residential amenity.

**8 - E08 (Domestic use only of garage)**

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

**9 - The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewerage have been carried out in accordance with the details to be submitted to and approved by the Local Planning Authority in writing.**

**Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

**10 - No conversion of garage to habitable accommodation**

**Reason:** To ensure adequate off street parking arrangement remain available at all times.

**11 - 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 - ND03 - Contact Address**
- 2 - HN01 - Mud on highway**
- 3 - HN04 - Private apparatus within highway**
- 4 - HN05 - Works within the highway**
- 5 - HN10 - No drainage to discharge to highway**
- 6 - N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 7 - HN8 – Section 38 Agreement details**
- 8 - HN9 – Drainage details for Section 38**
- 9 - The applicants attention is drawn to the Highways Officers request that a turning head (14.5m) will be required at the southern end of the road and the kerb radii may need alteration at the junction at the northern end.**

**80. DCNC2005/1854/F - ERECTION OF DETACHED GARAGE AND DETACHED OUTBUILDING FOR WORKSHOP/STORAGE ANCILLARY TO THE DWELLING AT LOWER BROCK, HAMNISH, LEOMINSTER, HEREFORDSHIRE, HR6 0QS FOR: MR & MRS D HICKS PER BRYAN THOMAS ARCHITECTURAL DESIGN LTD THE MALT HOUSE SHOBDON LEOMINSTER HEREFORDSHIRE HR6 9NL**

In accordance with the criteria for public speaking Mr Lyke representing Mr and Mrs Murfiin, the owners of the adjoining property, spoke in objection to the application.

Councillor J Stone, the Local Ward Member had some concerns about the impact that the application would have upon the privacy of the adjoining property and asked what steps could be taken to attenuate noise and nuisance. The Senior Planning Officer said that because the application was for domestic workshops, there was not a legal requirement for noise insulation. He said however that a condition could be added to the Planning Permission requiring the applicants to minimise noise nuisance to the adjoining property. The Sub-Committee agreed that this be done. Councillor Stone also requested conditions requiring the erection of a boundary fence or screen along the boundary shared with the application site and the Planning Officer said that this could not be the subject of conditions but he would request that the applicants to consider erecting a boundary fence where there was currently none in existence.

**RESOLVED THAT**

**Planning permission be granted subject to appropriate conditions minimising noise nuisance to the adjoining property and 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 - E08 (Domestic use only of garage )**

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

**4 - Before the use commences, the workshop/storage building shall be insulated in accordance with a scheme agreed with the local planning authority.**

**Reason: To safeguard the amenity of the area.**

**Informative:**

**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 A.24: Scale and character of development**

**Policy A.54: Protection of residential amenity**

81. **DCNC2005/1075/O - SITE FOR RESIDENTIAL DEVELOPMENT DOWNS GARAGE AT 70A, SOUTH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8JF FOR: MR D ROWLAND JONES & MRS A J JONES OF BROOKEND, KINGSLAND, HR6 9SF**

**RESOLVED THAT**

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

- 1 - **A02 (Time limit for submission of reserved matters (outline permission))**

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

- 2 - **A03 (Time limit for commencement (outline permission) )**

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

- 3 - **A04 (Approval of reserved matters)**

**Reason: To enable the local planning authority to exercise proper control over these aspects of the development.**

- 4 - **A05 (Plans and particulars of reserved matters)**

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

**Informatives:**

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

**82. DCNC2005/2349/F - RESIDENTIAL DEVELOPMENT OF 44 DWELLINGS INCLUDING AFFORDABLE HOUSING ON LAND AT ST.BOTOLPHS GREEN, SOUTHERN AVENUE, LEOMINSTER, HEREFORDSHIRE FOR: WESTBURY HOMES (HOLDINGS) PER MR G BROCKBANK, HUNTER PAGE PLANNING LTD, THORNBURY HOUSE, 18 HIGH STREET, CHELTENHAM, GL50 1DZ**

In accordance with criteria for public speaking Mr Gray, the Chairman of St Botolphs Green Residents Association spoke against the application.

The Development Control Manager said that in considering the application the Sub-Committee could take note the long-term requirements for employment land in connection with the Regional Spatial Strategy for the period up to 2021.

**RESOLVED THAT**

**planning permission be refused for the following reasons:**

- 1 - The proposed development would result in the loss of land specifically allocated for employment use in both the adopted Leominster District Local Plan and emerging Herefordshire Unitary Development Plan (Revised Deposit Draft). As such, the proposal is contrary to Policies A1 and A27 of the Leominster District Local Plan (Herefordshire) and Policies S4 and E5 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and would prejudice the future provision of employment land as envisaged in the Regional Spatial Strategy for the West Midlands, Policy RR.3.**
- 2 - The proposed access route through the existing St Botolph's estate would result in an unsatisfactory form of development and the consequential increase in vehicle movements and the associated construction traffic would adversely affect the amenities of residents of the existing estate. The proposal is therefore also contrary to Policies A1, A54, A55 and A70 of the Leominster District Local Plan (Herefordshire) and Policies DR2, DR3 and H13 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).**

**83. DCNC2005/2492/O - SITE FOR A DETACHED HOUSE WITH INTEGRAL GARAGE AT 60 NEW ROAD, BROMYARD, HEREFORDSHIRE, HR7 4AN FOR:MR & MRS S PELOW PER MR L LLOYD, ROSEDALE, TENBURY ROAD, BROMYARD, HEREFORDSHIRE, HR7 4LW**

The Northern Team Leader reported the receipt of an objection to the application from Bromyard and Winslow Town Council.

In accordance with the criteria for public speaking Mr Cave of Bromyard and Winslow Town Council spoke against the application.

The Sub-Committee took note of the objections received from the Town Council and a number of members had concerns about an additional dwelling in the area and the likely traffic congestion problems that could arise. It was noted that the Transportation Manager had no objections and that there were no grounds to refuse the application.

**RESOLVED THAT**

planning permission be granted subject to the following conditions:

- 1 - A02 (Time limit for submission of reserved matters (outline permission) )

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

- 2 - A03 (Time limit for commencement (outline permission) )

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

- 3 - A04 (Approval of reserved matters )

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

- 4 - A05 (Plans and particulars of reserved matters )

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

- 5- H12 (Parking and Turning – single house) for 3 cars

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

**Informative:**

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

84. DCNE2005/2060/F - DEMOLITION OF EXISTING DWELLING AND ERECTION OF NEW DWELLING WITH DETACHED GARAGE BLOCK AND REPOSITIONED ACCESS AT YEW TREES, MATHON ROAD, COLWALL, MALVERN, WORCESTERSHIRE, WR13 6EW FOR: WINSLOW CONSTRUCTION LTD PER LINTON DESIGN GROUP, 27 HIGH STREET, BROMYARD, HEREFORDSHIRE, HR7 4AA

**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 are appropriate in this Area of Outstanding Natural Beauty harmonise with the surroundings.

3 - E16 (Removal of permitted development rights )

Reason: In the interest of preserving the landscape quality of this Area of Outstanding Natural Beauty.

4 - F18 (Scheme of foul drainage disposal )

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

5 - 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.

6 - G04 (Landscaping scheme (general) )

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

7 - G06 (Scope of landscaping scheme )

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

8 - H01 (Single access - not footway ) (5 metres)

Reason: In the interests of highway safety.

9 - H03 (Visibility splays ) (2metres x 33metres)

Reason: In the interests of highway safety.

10 - H05 (Access gates ) (5 metres)

Reason: In the interests of highway safety.

11 - H08 (Access closure ) (vehicular)

Reason: To ensure the safe and free flow of traffic using the adjoining County highway.

12 - 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.

13- Prior to the first occupation of the dwelling hereby approved, the existing dwelling shall be permanently removed from the site.

Reason: The proposal is only acceptable as a replacement dwelling. The establishment of a second dwelling on site would be contrary to adopted Local Plan policy.

**Informatives:**



- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 2 - HN01 - Mud on highway**
- 3 - HN05 - Works within the highway**

**85. DCNE2005/2359/F - ERECTION OF SINGLE DWELLING HOUSE AT LAND ADJACENT TO 41 BYE STREET, LEDBURY, HEREFORDSHIRE FOR: MR & MRS D JONES PER FRAN CHICK CSJ PLANNING 1 HOST ST BRISTOL**

The receipt of a letter of the agent acting on behalf of the applicant 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 - B01 (Samples of external materials )**

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

- 3 - 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.**

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

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

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

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

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

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

- 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.**

**Informative:**

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

86. DCNW2005/1813/O - SITE FOR THE ERECTION OF A DETACHED DWELLING. OLD SCHOOL HOUSE, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9ND FOR: MR KING, NICK CARROLL ARCHITECT, ORCHARD STUDIOS, UNION PLACE, WORCESTER, WR3 7DX

The Principal Planning Officer Reported that the owner had acquired all the land over which the Vehicular access to the site would be provided and that appropriate conditions would be added to the Permission in respect of the required visibility splays.

**RESOLVED THAT**

The Officers named in the Scheme of Delegation to Officers be authorised to grant Planning Permission in consultation with the Local Ward Member and the Chairman of the Sub-Committee, subject to appropriate conditions in respect of visibility splays and subject to the following Conditions: -

- 1 - A02 (Time limit for submission of reserved matters (outline permission) )

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

- 2 - A03 (Time limit for commencement (outline permission) )

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

- 3 - A04 (Approval of reserved matters )

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

- 4 - A05 (Plans and particulars of reserved matters )

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

- 5 - B01 (Samples of external materials )

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

- 6 - G04 (Landscaping scheme (general) )

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

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

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

- 8 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

9 - 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.

10 - The applicant or his agents or successors in title shall ensure that a professional archaeological contractor undertakes an archaeological watching brief during any development to the current archaeological standards of and to the satisfaction of the local planning authority.

Reasons: To ensure that the archaeological interest of the site is investigated.

Informative:

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

87. DCNW2005/1930/F - PROPOSED CONVERSION OF AGRICULTURAL BUILDING INTO M.O.T. TEST CENTRE AT HIGHWAY FARM, DILWYN, HEREFORD, HEREFORDSHIRE, HR4 8EX FOR: MR R.D. SPEAKMAN PER MR L B RAY, WATERLOO, LEDGEMOOR, WEOBLEY, HEREFORDSHIRE, HR4 8RJ

In accordance with the criteria for public speaking, Mr Rodway spoke against the application on behalf of himself and the owners of an adjoining property.

The Sub-Committee noted the concerns of the objectors about highway safety issues and noise arising from vehicles using the MOT testing centre. It was agreed that the Transportation Manager be requested to re-examine whether there should be additional safety requirements on the entrance to the road running to the site from the adjoining highway.

**RESOLVED THAT:** planning permission be granted with the following conditions and that the Transportation Manager be asked to re-examine highway safety aspects relating to the access:

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 - E06 (Restriction on Use )

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.

3 - F15 (Scheme of noise insulation )

Reason: To safeguard the amenity of the area.

4 - E01 (Restriction on hours of working )

Reason: To safeguard the amenities of the locality.

- 5 - F04 (No open air operation of plant/machinery/equipment )

Reason: To protect the amenities of nearby properties.

- 6 - 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.

- 7 - F32 (Details of floodlighting/external lighting )

Reason: To safeguard local amenities.

- 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 - H01 (Single access - not footway )

Reason: In the interests of highway safety.

- 11 - H04 (Visibility over frontage )

Reason: In the interests of highway safety.

- 12 - H05 (Access gates )

Reason: In the interests of highway safety.

- 13 - H15 (Turning and parking: change of use - commercial )

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

**Informatives:**

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

The meeting ended at 2.50 p.m.

CHAIRMAN