

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 25th January, 2006 at 2.00 p.m.

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

Councillors: Mrs. L.O. Barnett, R.B.A. Burke, P.J. Dauncey,
J.H.R. Goodwin, P.E. Harling, B. Hunt, T.W. Hunt, T.M. James,
R.M. Manning, R. Mills, R.J. Phillips, D.W. Rule MBE, R.V. Stockton,
J. Stone and J.P. Thomas

In attendance: Councillors P.J. Edwards, Mrs. R.F. Lincoln and P.G. Turpin

170. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors BF Ashton, Mrs JP French, WLS Bowen and Brigadier P Jones.

171. DECLARATIONS OF INTEREST

Councillor R Mills declared a personal interest in Agenda item No. 11 (DCNE2005/3887/F - conversion of barn to dwelling; new detached garage with studio/workshop over and new vehicle access at Furrows Farm, Bishops Frome, Herefordshire) and remained in the meeting during consideration of this item.

172. MINUTES

RESOLVED:

That the Minutes of the meeting held on 4th January, 2006 be approved as a correct record, subject to the inclusion of "E12" after "A2D" in minute 169 (DCNC2005/3689/O - SITE FOR SMITHY & STABLES WITH FARRIERS COTTAGE AND APPRENTICE FLAT ON PART PARCEL NO 4493, HOLMER FARM, PUDLESTON, LEOMINSTER)

173. ITEM FOR INFORMATION - APPEALS

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

174. APPLICATIONS RECEIVED

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

175. **DCNC2005/3734/F - RETROSPECTIVE APPLICATION FOR TWO STOREY SIDE EXTENSION TO DWELLING AT LAVENDER COTTAGE, UPPER SAPEY, WORCESTER, HEREFORDSHIRE, WR6 6XT FOR: MR P DAVIS PER LINTON DESIGN GROUP, 27 HIGH STREET, BROMYARD, HEREFORDSHIRE, HR7 4AA**

Councillor T W Hunt the Local Ward Councillor was concerned about a further retrospective application from the owner. He felt that the previous modest bungalow had been transformed into a substantial house which was visually intrusive into the landscape and had an adverse effect upon neighbouring properties. He was also concerned about the design of the alterations and the method of construction.

RESOLVED:

That (i) The Northern Area Planning Sub-Committee is minded to refuse the application because of the following reason 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 site is within the area of great landscape value in the Malvern Hills District Local Plan and in an area of landscape least resistant to change in the Herefordshire Unitary Development Plan. The large scale extension to the roof increases its scale, height and massing and is conspicuous in the wider landscape setting of the site and does not respect the original design of the property and detracts from the appearance of the site and its surroundings. The proposals are therefore contrary to Housing Policy 16 and Landscape Policy 3 of the Malvern Hills District Local Plan, Policy CTC.2 of the Hereford and Worcester County Structure Plan and Policies H18 and LA.2 of the Herefordshire Unitary Development Plan (revised deposit draft).**

- (ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.**

[Note: Following the vote on this application, the Development Control Manager advised that he would not refer the decision to the Head of Planning Services]

176. **DCNC2005/3639/F - DEMOLITION OF EXISTING HOUSE AND ERECTION OF 3 NO. DETACHED HOUSES WITH INTEGRAL GARAGES AT 6 LINTON LANE, BROMYARD, HEREFORDSHIRE, HR7 4DQ FOR: MORPHEUS CONSTRUCTION LTD, LINTON DESIGN GROUP, 27 HIGH STREET, BROMYARD, HEREFORDSHIRE, HR7 4AA**

In accordance with the criteria for public speaking, Mr. D Cave (Bromyard and Wilmslow Town Council) spoke against the application.

Councillor B Hunt one of the Local Ward Members had some sympathies with the objections raised and felt that two dwellings would have been preferable on the site. He felt however that it was difficult to refuse the application and that the situation could be mitigated by retaining the party hedge with Frome Bungalow; the windows being opaque to prevent overlooking of 2 Frome View; and the hedge and trees at

the bottom of the garden being retained.

RECOMMENDATION

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

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

- 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 - 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.

- 9 - The whole of the works relating to access and parking shall be completed before the development is first brought into use unless otherwise first agreed in writing by the local planning authority.**

Reason: In the interests of highway safety.

- 10 - D03 (Site observation – archaeology)**

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

- 11 - [The existing walling, hedgerows and trees on the boundaries of the application site shall be retained and form part of the approved landscaping scheme unless otherwise first agreed in writing by the Local](#)**

Planning Authority

Reason To protect the visual amenities of the area and the residential amenities of neighbouring dwellings / residential units.

Informatives

- 1 - N03 - Adjoining property rights
- 2 - The applicants should be aware that this planning permission does not over-ride any civil legal rights enjoyed by adjacent property owners. Also the applicants should ensure that no damage is caused to any adjacent property either during building work or as a result of the development. In particular the applicants/developers should ensure that the stability of the land/bank towards the rear of the site i.e. along the south eastern boundary, is not adversely affected.
- 3 - N14 - Party Wall Act 1996
- 4 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 5 - ND3 - Contact Address

177. DCNW2005/3737/F - CONVERSION OF AGRICULTURAL BUILDINGS TO FORM ONE HOUSE AT UPPER FARM, AILEY, KINNERSLEY, HEREFORDSHIRE AND DCNW2005/3738/L FOR: WESTATE LTD PER BURTON & CO, LYDIATT PLACE, BRIMFIELD, LUDLOW, SHROPSHIRE, SY8 4NP

The receipt of a letter from the agent of the applicant was reported.

**RESOLVED THAT
DCNW2005/3737/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 - A06 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.
- 3 - C02 (Approval of details)

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 - C10 (Details of rooflights)

Reason: To ensure the roof lights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of [special] architectural or historical interest.

6 - C12 (Repairs to match existing)

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

7 - C17 (Samples of roofing material)

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

8 - E16 (Removal of permitted development rights)

Reason: In order that the Local Planning Authority can have control over development at this sensitive location.

9 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

10 - G04 (Landscaping scheme (general))

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

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

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

12 - H03 (Visibility splays)

Reason: In the interests of highway safety.

13 - H05 (Access gates)

Reason: In the interests of highway safety.

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

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

15 - The first two metres of access drive shall be provided with a bound surface to prevent gravel being displaced onto the public highway.

Reason: In the interests of highway safety in order to prevent debris from entering onto the public highway.

16 - The integral garage shall be used for the parking of vehicles only and not for additional domestic accommodation. Also the adjoining store room shall be used for garden/domestic storage and not for additional accommodation.

Reason: In order to retain the historic character of the building.

- 17 - An ecology mitigation strategy in accordance with detail as set out in the ecology survey submitted as part of the planning application will be carried out on site in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority.

Reason: In order to preserve and enhance protected biodiversity on sites.

Informatives:

- 1 - HN02 - Public rights of way affected
- 2 - HN01 - Mud on highway
- 3 - HN05 - Works within the highway
- 4 - HN22 - Works adjoining highway
- 5 - N15 - Reason(s) for the Grant of PP/LBC/CAC

DCNW2005/3738/L

listed building consent be granted subject to the following conditions:

- 1 - CO1 (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 - C02 (Approval of details)

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

- 3 - C05 (Details of external joinery finishes)

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

- 4 - C10 (Details of roof lights)

Reason: To ensure the roof lights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of [special] architectural or historical interest.

- 5 - C12 (Repairs to match existing)

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

- 6 - C17 (Samples of roofing material)

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

Informative

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

178. DCNC2005/3751/F - PROPOSED DEVELOPMENT FOR 8 DWELLINGS AT FORMER BUS DEPOT SITE, ETNAM STREET, LEOMINSTER, HEREFORDSHIRE FOR: LUGG VALLEY PRIMROSE TRAVEL LTD. PER MR N LA BARRE, EASTERS COURT, LEOMINSTER, HEREFORDSHIRE, HR6 0DE

RESOLVED: That consideration of the application be deferred for 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.

179. DCNE2005/3838/F - ERECTION OF 2 NO. WHEELCHAIR ACCESSIBLE SEMI-DETACHED HOLIDAY COTTAGES FOR THE DISABLED AT HIDELOW HOUSE, ACTON BEAUCHAMP, WORCESTER, WR6 5AH FOR: MR & MRS S H DIPLOCK PER WALL, JAMES & DAVIES, 15-23 HAGLEY ROAD, STOURBRIDGE, WEST MIDLANDS, DY8 1QW

In accordance with the criteria for public speaking, Mr. Jolley (applicant's agent) spoke in favour of the application.

Having considered details of the application, the Sub-Committee was in agreement with Councillor R V Stockton the Local Ward Member that because of the unique provision of holiday accommodation for disabled persons, an exception could be made to the Council's planning policies and permission granted. The Sub-Committee also agreed that the development should be tied to the existing business and that a suitable landscaping scheme should be undertaken.

RESOLVED:

- That (i) **The Northern Area Planning Sub-Committee is minded to approve the application subject to the following conditions and any further conditions felt to be necessary by the Head of Planning Services, provided that the Head of Planning Services does not refer the application to the Planning Committee;**
- 1. the new development being tied to the existing;
 - 2. the new development being to provide holiday accommodation for the disabled only; and
 - 3. a scheme of landscaping being agreed with the head of planning services prior to any development taking place
- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application, subject to such conditions referred to above.**

[Note: Following the vote on this application, the Development Control Manager advised that he would not refer the decision to the Head of Planning Services]

180. DCNE2005/3887/F - CONVERSION OF BARN TO DWELLING; NEW DETACHED GARAGE WITH STUDIO/WORKSHOP OVER AND NEW VEHICLE ACCESS AT FURROWS FARM, BISHOPS FROME, HEREFORDSHIRE FOR: MRS S VAUGHAN PER STMR ARCHITECTS, BIDEFORD HOUSE, CHURCH LANE, LEDBURY, HEREFORDSHIRE, HR8 1DW

The receipt of letters from Bishops Frome Parish Council, the applicant, the applicant's agent and an objector was reported.

RESOLVED: That consideration of the application be deferred for a site inspection on the following grounds:

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

181. DCNE2005/3975/F - PROPOSED 2 BEDROOMED HOUSE AT LAND TO THE REAR OF OAKLAND HOUSE, SOUTH PARADE, LEDBURY, HEREFORDSHIRE, HR8 2HB FOR: MS J POWELL PER MR C M SMITH, DESIGN LINK ASSOCIATES LTD, HILLSIDE HORSE ROAD, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1LS

The receipt of four letters of objection and a letter from the applicant's agent was reported. The Principal Planning Officer said that concerns had been raised by the objectors about an underground stream but that investigation by the Council's drainage Engineer had not revealed one. The applicant's agent had stated that no abnormal ground conditions had been encountered on the site.

In accordance with the criteria for public speaking, Mrs Powell (applicant) spoke in favour of the application.

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

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

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

- 2 - A09 (Amended plans)

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 - 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.

5 - C05 (Details of external joinery finishes)

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

6 - E16 (Removal of permitted development rights)

Reason: To allow the local planning authority to assess the impact of any further additions to the dwelling hereby approved.

7 - E19 (Obscure glazing to windows)

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

8 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

9 - F17 (Scheme of foul drainage disposal)

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

10 - G01 (Details of boundary treatments)

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

11 - H05 (Access gates)

Reason: In the interests of highway safety.

12 - H10 (Parking - single house)

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

182. DCNE2005/4163/F - EXTENSION TO FIRST FLOOR OVER EXISTING GROUND FLOOR EXTENSION AT 3 FALCON LANE, LEDBURY, HEREFORDSHIRE, HR8 2JP FOR: MR & MRS C MCALINDEN PER JACOB POT ARCHITECT, NO 9 LANSDOWN PLACE LANE, CHELTENHAM, GLOUCESTERSHIRE, GL50 2JZ

RESOLVED: That consideration of the application be deferred for a site inspection on the following grounds:

(e) the character or appearance of the development itself is a fundamental planning consideration;

(f) a judgement is required on visual impact; and

(c) the setting and surroundings are fundamental to the determination or to the conditions being considered.

183. DCNC2005/3891/F - REMOVAL OF OCCUPANCY CONDITION (NO.7) REF: 13164 INSPECTORS DECISION 09.03.1994 AT LAND ADJACENT TO HOPE POLE INN, RISBURY, LEOMINSTER, HEREFORDSHIRE, HR6 0NQ FOR: MR P R KELSALL OF GALLOP VIEW, RISBURY, LEOMINSTER, HR6 0NQ

The receipt of a fax from the agent acting on behalf of the applicant about an offer received on one of the properties was reported. A prospective purchaser had enquired if he could apply for the covenant to be lifted for a period of 10 years so that he could use the property as a home for his retirement. The Sub-Committee concurred with the views of the Development Control Manager that it was not practical for occupancy conditions to be removed and then reapplied at a later time.

In accordance with the criteria for public speaking, Mrs. White (objector) spoke against the application and Mr. Kelsall (applicant) spoke in favour.

Councillor K G Grumbley the Local Ward Member said that this was the third time that the application had been considered by the Sub-Committee and he drew attention to an offer that had been previously made on one of the properties which had been subsequently withdrawn because the applicant was not eligible for the occupancy condition to be removed. He said that there was a boundary dispute between the two neighbours and that the applicant originally intended to occupy the dwellings but because of the dispute did no longer feel that he was able to and therefore wished to offer them for sale. Councillor Grumbley outlined the options available to the sub-committee. Councillors Barnett, James and Thomas had concerns about the comments that had been made at the meeting and wondered why the occupancy condition had been imposed in the first place if it would prove to be difficult to achieve. The Northern Team Leader outlined the planning history and the steps that had been taken by the applicant to market the properties.

Having considered all the facts in relation to the application, the Sub-Committee decided that it should be approved.

**RESOLVED: That
Planning permission be granted. No conditions.**

184. DCNC2005/3982/F - DEMOLITION OF A SINGLE DWELLING AND ERECTION OF 4 NO. DWELLINGS AT 25 NEW STREET LEOMINSTER HEREFORDSHIRE HR6 8DR AND DCNC2005/3983/C - DEMOLITION OF A SINGLE DWELLING AT ABOVE FOR: MRS S SAGE PER MR P S HACKETT DUNHAMPTON COTTAGE HATFIELD LEOMINSTER HEREFORDSHIRE HR6 OSE

The receipt of the letter of objection from Leominster Town Council, a letter from the agent of the applicants and a letter from Leominster Properties was reported.

In accordance with the criteria for public speaking Mr Walter (objector) spoke against the application.

Councillor J P Thomas one of the Local Ward Members was not in favour of the application because he had concerns about the safety of the vehicular access, density of the proposed development and possible overlooking of adjoining properties.

NORTHERN AREA PLANNING SUB-COMMITTEE WEDNESDAY, 25TH JANUARY, 2006

Having considered all the facts regarding the application, the Sub-Committee decided that it should be approved.

RESOLVED THAT

NC2005/3982/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)**

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

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

- 5 - 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.

- 6 - C02 (Approval of details) (a) boundary wall treatment)**

Reason: To safeguard the character and appearance of this building - [the boundary wall is of special historic interest and to be retained.](#)

- 7 - None of the buildings hereby approved shall be occupied until essential improvements to the public sewerage system have been completed by Dwr Cymru Welsh Water, and the local planning authority have been informed in writing of its completion. This work is scheduled for completion by 1 April 2008.**

Reason: To mitigate the existing hydraulic overloading of the public sewerage system and ensure the local community and environment are not unduly compromised.

- 8 - W01 (Foul/surface water drainage)**

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

- 9 - W02 (No surface water to connect to public system)**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

10 - W03 (No drainage run-off to public system)

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

Informative:

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

NC2005/3983/C

Conservation Area Consent 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 - C16 (Detailed scheme of demolition operations)

Reason: To minimise the risk of damage to the existing building.

3 - D03 (Site observation – archaeology)

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

Informative:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC**
2 – D03 – Archaeology contact address

- 185. DCNC2005/4028/F - PROPOSED 3 BEDROOM DWELLING AT LAND ADJOINING GRANGE HOUSE, 2 & 3 THE GRANGE, LEOMINSTER, HR6 8NP. FOR: DBH DEVELOPMENTS PER MR A LAST BROOKSIDE COTTAGE KNAPTON GREEN HEREFORDSHIRE HR4 8ER**

RESOLVED THAT

subject to no new material planning objections being received by 26th January, 2006, the Head of Planning Services be given delegated authority to approve the application 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 - H10 (Parking - single house) (5 cars)

Reason: To ensure there is adequate parking provision for the approved dwelling units within the property as a whole.

5 - G04 (Landscaping scheme)

the existing mature trees, stone wall and hedgerow on the northern boundary to be retained.

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

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

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

7 - G10 (retention of trees)

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

8 - G19 (Existing trees which are to be retained)

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

9 - G21 (Excavations beneath tree canopy)

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

Informatives:

1 - N03 - Adjoining property rights

2 - The applicant should be aware that this planning permission does not override any civil/legal rights enjoyed by adjacent property owners. If in doubt the applicant is advised to seek legal advice on the matter.

3 - N14 - Party Wall Act 1996

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

186. DCNC2005/4075/F - PROPOSED TWO STOREY SIDE EXTENSION AND REAR FIRST FLOOR EXTENSION AT 12 GREEN LANE, LEOMINSTER, HEREFORDSHIRE, HR6 0QJ FOR: MR & MRS TURNER AT SAME ADDRESS

The application was withdrawn by the applicant.

187. DCNW2005/3273/F - REMOVAL OF MODERN FARM BUILDINGS AND ERECTION OF FIVE DETACHED HOUSES UTILISING PREVIOUSLY APPROVED MINOR ACCESS ROAD AT MODERN FARM BUILDINGS, UPPER HOUSE FARM, EARDISLEY, HEREFORD, HR3 6PW FOR: R A PREECE PER JAMES SPRECKLEY, BRINSOP HOUSE, BRINSOP, HEREFORDSHIRE, HR4 7AS

The receipt of a letter from Eardisley Parish Council reiterating concerns about pedestrian safety was reported.

In accordance with the criteria of public speaking Mrs Ellis-Jones (objector) spoke against the application and Mr Spreckley (agent) spoke in favour.

The Sub-Committee felt that the proposals would improve the approach to the village but shared the concerns of the Parish Council and objectors about pedestrian safety. It was noted that it was not feasible to put a footpath on the site but agreed that all steps possible should be taken to ensure traffic calming and that the applicants should be requested to contribute to a traffic-calming scheme.

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, subject to a contribution being sought from the applicant towards the costs of highway safety improvements, either by way of a planning obligation under Section 106 of the Town and Country Planning Act 1990 or appropriate condition, and subject to the following conditions:

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

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

- 2 - B01 (Samples of external materials)**

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

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

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

- 4 - Foul water and surface water must be drained separately from each other**

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

- 5 - No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

- 6 - No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.**

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

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

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

- 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 - H03 (Visibility splays)

Reason: In the interests of highway safety.

- 11 - H05 (Access gates)

Reason: In the interests of highway safety.

- 12 - 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.

- 13 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

Informatives:

- 1 - HN01 - Mud on highway
- 2 - HN05 - Works within the highway
- 3 - HN10 - No drainage to discharge to highway
- 4 - N03 - Adjoining property rights
- 5 - N14 - Party Wall Act 1996
- 6 - N15 - Reason(s) for the Grant of PP/LBC/CAC

188. DCNW2005/3405/F - ERECTION OF WAREHOUSE EXTENSION, NEW CANOPY, SINGLE STOREY AMENITY BLOCK AND ALTERATION TO SITE ACCESS AT KINGSPAN INSULATION, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE FOR: KINGSPAN INSULATIONS LTD. PER BUILDING DESIGN PRACTICE, THE WESTLANDS, 132 COMPTON ROAD, WOLVERHAMPTON, WV3 9QB

RESOLVED

That

- 1) the Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to include the following heads of agreement and any additional matters and terms as he considers appropriate;:
 1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £25,000 to provide transportation facilities to serve the development which sum shall be paid on or before the commencement of development.
 2. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Junction improvements to B4362/C1032 junction - including possible re-alignment, traffic lights, pedestrian crossing facilities

- b) Extend footway from Ledicot Lane to Cemetery**
- c) Improve direction and safety signing in area**
- d) C1031 Rhyse Lane, edge of carriageway strengthening/widening**
- e) Safe Routes to School in Shobdon, including footway provision/widening, speed limit reduction/extension of area, equipping "walking bus" etc**
- f) Cycle parking provision at school**
- g) Improvements to passenger waiting facilities at Shobdon/Mortimer's Cross**

3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 6 for the purposes specified in the agreement within 5 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof which has not been used by Herefordshire Council

4. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

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;

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 - B03 (Matching external materials (general))

Reason: To ensure the satisfactory appearance of the development.

4 - F21 (Scheme of surface water regulation)

Reason: To prevent the increased risk of flooding.

5 - F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

6 - Details of open storage shall be submitted to and approved in writing by the local planning authority. No outside storage shall occur other than those specifically approved.

Reason: In order to protect the visual amenity.

Note to Applicant

i) This permission is granted pursuant to an agreement under

- Section 106 of the Town and Country Planning Act 1990.
ii) Monitoring of traffic levels to continue

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 3) the officers named in the Scheme of Delegation to Officers be authorised to amend the aforementioned conditions as necessary to reflect the terms of the planning obligation.

189. DCNW2005/3472/F - PROPOSED CHANGE OF USE TO BUSINESS USE AND STORAGE OUTBUILDINGS AT MAYFIELD, RUSHOCK, NR KINGTON, HFDS FOR: MR N MORRIS, 1 DOWNTON FARM HOUSE, WALTON, NR PRESTEIGNE, POWYS, LD8 2RD

RESOLVED: That consideration of the application be deferred for a site inspection on the following grounds:

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

190. DCNW2005/3550/F - PROVISION OF GLAZED ROOF AND METAL COLUMNED CANOPY WITH INTERNAL LIGHTING FOR MARKET FACILITIES AND RECREATIONAL FUNCTIONS AT PLACE-DE-MARINES, OFF MILL STREET, KINGTON FOR: KINGTON AREA REGENERATION CO-ORDINATOR PER PROPERTY SERVICES MANAGER, HEREFORDSHIRE COUNCIL PROPERTY SERVICES, FRANKLIN HOUSE, 4 COMMERCIAL ROAD, HEREFORD, HR1 2BB

The Sub Committee noted that the application would be submitted to The Planning Committee because the proposal involved Council owned land.

191. DCNW2005/3638/F - PROPOSED ERECTION OF A DETACHED HOUSE AT LAND TO THE REAR OF CASTLE VIEW, HEREFORD ROAD, WEOBLEY, HEREFORD, HEREFORDSHIRE, HR4 8SW FOR: MR & MRS SHAXTED PER BORDER OAK DESIGN & CONSTRUCTION, KINGSLAND SAWMILLS, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SF

In accordance with the criteria for public speaking, Mr. Holley (objector) spoke against the application.

Councillor J Goodwin the Local Ward Member shared the concerns of the objector about the vehicular and pedestrian access via his property and said that the applicants would need to find an alternative. The Principal Planning Officer said that gaining planning permission did not give automatic access rights and that the applicant would need to pursue this aspect as a separate matter.

RESOLVED THAT

planning permission be granted with 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 - C05 (Details of external joinery finishes)

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

- 4 - C10 (Details of roof lights)

Reason: To ensure the roof lights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of [special] architectural or historical interest.

- 5 - D01 (Site investigation - archaeology)

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

- 6 - 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.

- 7 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

- 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.

INFORMATIVES:

- 1 - N03 - Adjoining property rights
- 2 - N14 - Party Wall Act 1996
- 3 - N15 - Reason(s) for the Grant of PP/LBC/CAC

192. DCNW2005/3732/F - CHANGE OF USE OF LAND FROM AGRICULTURAL TO DOMESTIC GARDEN AT 51 HEADBROOK, KINGTON, HEREFORDSHIRE, HR5 3DY FOR: MR T HALL PER MCCARTNEYS, 54 HIGH STREET, KINGTON, HEREFORDSHIRE, HR5 3BJ

In accordance with the criteria for public speaking, Mr. Hughes (applicant's agent) spoke in favour of the application.

Councillor TM James the Local Ward Member felt that the application could be approved subject to the removal of permitted development rights because the applicants proposals would not have an adverse affect upon the river meadow and would assist with its conservation.

RESOLVED:

That (i) The Northern Area Planning Sub-Committee is minded to approve the application subject to any conditions felt to be necessary by the Head of Planning Services, provided that the Head of Planning Services does not refer the application to the Planning Committee:

- 1. the conditions recommended by the Environment Agency**
- 2. the removal of permitted development rights**

(ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application, subject to such conditions referred to above.

[Note: Following the vote on this application, the Development Control Manager advised that he would not refer the decision to the Head of Planning Services.]

193. DATE OF NEXT MEETING

22nd February, 2006 at 2:30 pm

The meeting ended at 4.30 p.m.

CHAIRMAN