

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 19th September, 2007 at 2.00 p.m.

Present: Councillor JW Hope MBE (Chairman)
Councillor PM Morgan (Vice Chairman)

Councillors: LO Barnett, WLS Bowen, RBA Burke, ME Cooper,
JP French, JHR Goodwin, B Hunt, TW Hunt, TM James, P Jones CBE,
R Mills, A Seldon, RV Stockton, J Stone, JK Swinburne and PJ Watts

In attendance: Councillors JE Pemberton

81. APOLOGIES FOR ABSENCE

Apologies were received from Councillors KG Grumbley, RC Hunt and RJ Phillips.

82. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

83. MINUTES

RESOLVED: That the Minutes of the meeting held on 22nd August, 2007 be approved as a correct record and signed by the Chairman.

84. ITEM FOR INFORMATION - APPEALS

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

85. 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 which he considered to be necessary.

86. DCNC2007/1062/F - PROPOSED TWO BAY OAK FRAMED CART SHED/GARAGE AT CROFTLANDS BARN, HOPE-UNDER-DINMORE, LEOMINSTER, HEREFORDSHIRE, HR6 0PW

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 - E08 (Domestic use only of garage)

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

3 - The garage building hereby approved and that section of the garage building previously approved to serve the applicant's dwelling under planning permission no DCNC2003/2687/F and Listed Building Consent no DCNC2003/2686/L shall not be implemented in conjunction with each other.

Reason: To define the terms to which this planning permission relates and to prevent a proliferation of buildings on the site, which would conflict with Policy HBA4 of The Herefordshire Unitary Development Plan 2007.

Informatives:

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

2 - N03 - Adjoining property rights

3 - The applicant should be aware that this planning permission does not override any civil/legal rights enjoyed by adjacent property owners and that any development which physically affects any adjoining property may affect these rights. If in doubt the applicant is advised to seek legal advice on the matter prior to undertaking any building work.

4 - N14 - Party Wall Act 1996

5 - N19 - Avoidance of doubt

87. DCNC2007/2352/F - ERECTION OF DETACHED HOUSE AND GARAGE AT REAR OF 34 WEST HILL, BROMYARD, HEREFORDSHIRE, HR7 4EX

The Principal Planning Officer presented the following updates:

The objection raised by Mr Wilmshurst has been withdrawn following confirmation of the fact that there are no windows proposed in the elevation facing his property and that the position of the dwelling would not change without a further application.

Welsh Water have commented on the additional information in relation to surface water treatment and advise that it is acceptable in principle. However they want to be assured that the surface water run-off from 32 and 34 Westhill will be removed from the public sewerage system and re-directed to soakaways.

The Principal Planning Officer said that the comments made by Welsh Water could be addressed through the imposition of an additional condition to ensure that the surface water run-off generated by 34 Westhill was re-directed to a soakaway prior to the first occupation of the new dwelling. He considered that it was unreasonable

and beyond the scope of the application to require that run-off from 32 Westhill was also re-directed, given that it was not in the ownership of the applicant.

Councillor A Seldon one of the Local Ward Members shared the concerns of the Town Council about the foul drainage situation at Bromyard and the Legal Practice Manager said that the matter was being investigated with Welsh Water.

RESOLVED

That planning permission be approved 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 - E18 (No new windows in specified elevation)(north west)

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

4 - F22 (No surface water to public sewer)

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

5 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

6 - F48 (Details of slab levels)

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

7 - H01 (Single access - not footway)

Reason: In the interests of highway safety.

8 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

9 - H05 (Access gates)

Reason: In the interests of highway safety.

10 - H12 (Parking and turning - single house)

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

Informatives:

- 1 - HN01 - Mud on highway
- 2 - HN05 - Works within the highway
- 3 - HN10 - No drainage to discharge to highway
- 4 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 5 - N19 - Avoidance of doubt

88. DCNC2007/2448/F - PROPOSED AGRICULTURAL BUILDING TO STORE HOP GROWING RELATED IMPLEMENTS AND HOPS AT HAWTHORNE HOP YARD, AVENBURY, BROMYARD, HEREFORDSHIRE, HR7 4JZ

In accordance with the criteria for public speaking, Mrs Churchill of Avebury Parish Council spoke against the application.

The Sub-Committee discussed the various aspects of the application and noted the concerns raised by objectors about the narrow vehicular access to the site, removal of some hedgerow, the size and scale of the building. On balance it was felt however that the application should be approved.

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 - B10 (Details of cladding (agricultural and industrial buildings))
Reason: To minimise the visual impact of the development.
- 3 - 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.
- 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 - H05 (Access gates)
Reason: In the interests of highway safety.
- 7 - H06 (Vehicular access construction)
Reason: In the interests of highway safety.

Informatives:

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

89. DCNW2007/2155/F - CHANGE OF USE OF THE WEST PART OF THE NAVE TO SHOP AT ST LEONARD'S CHURCH, GREEN LANE, YARPOLE, HEREFORDSHIRE

The Principal Planning Officer presented the following updates:

A letter received from M G Boulton of Long Fridays, Green Lane, summarised as follows:

- concerned about car parking, deliveries and possible increase in litter around the church;
- when the church is busy with funerals etc. parking in Green Lane is very congested. Any emergency vehicles such as an ambulance or fire engine have great difficulty in getting through. Farm vehicles also have problems;
- the usage of the Church by shop customers will increase the number of cars parked in the lane. The lane is unlit (this is part of the charm of Yarpole) and late afternoons in Winter are dark. With the increased traffic using the shop this has the potential of making the area more hazardous;
- delivery vans would have to remain in Green Lane unless access was granted to enable them to drive up to the Church entrance. This in itself may then cause problems as the vans would be passing very close to the historic Bell Tower with the potential risk for damage. It is intended to have a store at the shop so deliveries would not necessarily be small. Modifications to the entrance off Green Lane would need to be quite substantial, and would also necessitate a turning circle being created near the Church door where, at present, there are grave stones; and
- how would the shop propose to manage its affairs when there was a funeral or other major event taking place at the Church?

Councillor WLS Bowen the Local Ward Member noted the concerns that had been raised by objectors but pointed out that historically churches had been used as meeting places and for commercial activities and felt that the proposal was an imaginative one which would help to revive the vitality of the local community.

The Sub-Committee agreed to a suggestion by the Principal Planning Officer that a condition should be added requiring details of the method of deliveries of goods to the shop being approved in writing by the Council prior to the scheme commencing.

RESOLVED

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

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

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

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

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

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

Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to safeguard the amenity of local residents, highway safety and the setting of the listed buildings.

- 4 - Prior to the use of the proposed shop, details of the method of deliveries of goods to the shop shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety.

INFORMATIVES:-

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

- 2 - Non Standard

- 3 - N19 - Avoidance

90. DCNW2007/2220/F - PROPOSED TWO SEMI-DETACHED DWELLINGS AT DARK LANE, LEINTWARDINE, SY7 0LY

The Principal Planning Officer presented reported the receipt of an e-mail from the resident of 48 The Criffins reiterating points already detailed in the report.

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 - E16 (Removal of permitted development rights)

Reason: In order to protect the residential amenity of surrounding dwellings.

- 4 - E09 (No conversion of garage to habitable accommodation)

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

- 5 - Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed/occupied.

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.

- 6 - H04 (Visibility over frontage)

Reason: In the interests of highway safety.

- 7 - H01 (Single access - not footway)

Reason: In the interests of highway safety.

- 8 - H05 (Access gates)

Reason: In the interests of highway safety.

- 9 - H09 (Driveway gradient)

Reason: In the interests of highway safety.

- 10 - 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.

- 11 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

INFORMATIVES:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 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 - HN21 - Extraordinary maintenance
- 7 - N19 - Avoidance of doubt

91. DCNW2007/2238/F - PROPOSED GARAGE AT THE BRAMLEYS, CHURCH LANE, ORLETON. SY8 4HU

Councillor WLS Bowen the Local Ward Member said that he had received representations from a neighbour about the adverse effect of the proposal on views and amenity. Having looked at the site he felt that the location of the garage was well set back and would not have a detrimental affect.

RESOLVED

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

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

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

2 - B01 (Samples of external materials)

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

3 - G04 (Landscaping scheme (general))

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

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

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

5 - E08 (Domestic use only of garage)

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

INFORMATIVES:-

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

2 - N19 - Avoidance of doubt

92. DCNE2007/2042/F - PROPOSED SINGLE STOREY EXTENSION AT 21 JOHN LEE ROAD, LEDBURY, HEREFORDSHIRE, HR8 2FE

The Senior Planning Officer said that a neighbour had expressed concern that the application involved land over which he gained access to his garage. Investigation revealed however that all of the land within the application site on the submitted plans had been confirmed as belonging to the applicants.

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.

Informatives:

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

2 - N19 - Avoidance of doubt

93. DCNE2007/2216/F - PROPOSED LIVESTOCK SHED AT LAUREL COTTAGE, STORRIDGE, MALVERN, HEREFORDSHIRE, WR13 5HA

The Principal Planning Officer presented the following updates:

a copy of a letter from the applicant to the Environment Agency had been received making the following points:

- the proposed livestock shed will not be used for intensive farming;
- we own 18 acres and the current livestock numbers are the maximum for the holding;
- the livestock shelter will be used for Highland cattle in extremely wet weather, first year calves for halter training for about 4 weeks and ewes during the 4 week lambing period;
- all building and hill water runs into a separate French drain system;
- the livestock building has a 70 mm crushed stone floor over geotextile membrane and will be strawed/hayed to absorb effluent with fresh material added daily;
- the yard has a 70 mm crushed stone floor over geotextile membrane and will also be strawed/hayed to retain effluent;
- the yard and shelter is a level site with a land drain on the downside end connected to the sump shown on the plan. The area has a limited percolation rate;
- the sump overflow is a 100mm land drain which runs for 100m to an open sump which is spring fed at a rate of 4300 litres per day. The ground between the sump and open sump has a percolation rate of 156. Before drawing up the proposal we took on board the Environment Agency's suggestion to collect any possible run off and percolate it through the ground before entering any watercourse; and
- the applicant is asking the Environment Agency to review their comments and advise if the proposed drainage as set out in the application is

acceptable.

A further letter has been received from Mr Humphries, Laburnum Cottage, Birchwood making the following additional points:

- the original drainage system installed when the barn was constructed diverted my private water supply causing part of my land to be come water logged, fruit trees to die and concern that it is backfeeding into my septic tank;
- the applicant installed a secondary drainage system below the barn which discharged into my (by then dry) private water supply. I now only receive run off which becomes a torrent in heavy rain and gets contaminated by livestock in the barn or yard. The Environment agency have only discussed the secondary drainage with the applicant;
- the source of contamination is claimed to have been rectified but I remain sceptical. Livestock in or around the barn in winter will prove whether it has been rectified or not; and
- a possible solution to all run off issues from the barn is to redirect all drainage onto the applicant's own land below the barn. It is unreasonable for other residents to bear the impact of the serious run off issues.

The applicant has responded to these points in a letter addressed to the Environment Agency as follows:

- we understand that the private water supply was via a pipe which was removed in the 1970's, since then the private water supply has only been fed by a drainage sump in the road;
- when the site of the barn and yard was excavated only one land drain was found which ran towards a different drainage sump;
- as per our agreement we disabled the quoted secondary drainage system in April 2007;
- we are not aware of any land drains that feed under the road to Mr Humphries land. All land drains are shown on the plan. They feed the open sump which overflows into a different drainage sump which over flows lower down the hill;
- in the area of the barn and yard there are no land drains; and
- the issue last winter was run off from the corral entering the secondary drainage system. To overcome the problem we moved the livestock to the barn, being enclosed, there was no run off form the barn area.

The Development Control Manager said that the advice of the Environment Agency on the applicant's letter was awaited and that the letter from Mr Humphries had been sent to it for information. In view of the possibility that the Environment Agency may accept the applicant's original drainage proposals as requested in the letter, he suggested the following underlined addition to the recommendation:

Subject to the receipt of a suitably amended drainage scheme or confirmation

from the Environment Agency that they accept the proposals submitted with the application, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions (as set out in the report) and any additional conditions considered necessary.

In accordance with the criteria for public speaking, Mr Greenway an objector spoke against the application.

The Sub-Committee discussed the details of the proposals and noted the concerns of the objector that all the drainage issues needed to be resolved before a decision could be made. It was therefore decided to defer the matter accordingly.

RESOLVED

That consideration of the application be deferred pending the receipt of a suitably amended drainage scheme or confirmation from the Environment Agency that it accepts the proposals submitted with the application

94. DATE OF NEXT MEETING

17th October, 2007

The meeting ended at 3.10 p.m.

CHAIRMAN