

**MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 14th November, 2007 at 2.00 p.m.**

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

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

**In attendance:** Councillors

**106. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors LO Barnett and RJ Phillips.

**107. DECLARATIONS OF INTEREST**

Councillor	Item	Interest
WLS Bowen RBA Burke RC Hunt	Agenda item 10, Minute 115 <b>DCNC2007/2672/F - change of use to A4. refurbishment of single storey extension at rear. demolish outbuilding and new rear extension at former Post Office, Corn Square, Leominster</b>	Declared a prejudicial interest and left the meeting for the duration of the item
PJones JHR Goodwin	Agenda item 10, Minute 115 <b>DCNC2007/2672/F - change of use to A4. refurbishment of single storey extension at rear. demolish outbuilding and new rear extension at former Post Office, Corn Square, Leominster</b>	Declared a personal interest.
K Swinburne	Agenda Item 6, Minute 111 <b>DCNE2007/2801/F - erection of 10 stainless steel storage silos for fruit juice at Orchard Business Park, Bromyard Road, Ledbury</b>	Declared a personal interest.

**108. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 17th October, 2007 be approved as a correct record and signed by the Chairman.

**109. ITEM FOR INFORMATION - APPEALS**

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

**110. 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.

**111. DCNE2007/2801/F - ORCHARD BUSINESS PARK, BROMYARD ROAD,  
LEDBURY, HEREFORDSHIRE, HR8 1LG**

The Senior Planning Officer presented the following updates:

A further letter has been received from Collins Engineering Ltd the Company employed to paint and reinstate the tanks. They make the following comments:

- The tanks in question are second hand and not immaculate and by painting them it is hoped that they will blend into the countryside.
- The tanks are stainless steel and because of their age the material has been significantly dulled.
- From a practical point of view they are very difficult to paint whilst they are laid on ground and also whilst standing up as they are so close together.
- Health and Safety implications have to be considered.

The tanks whilst high are not in a particularly prominent position so we beg you to reconsider the matter and allow them to be erected in their natural state.

The Senior Planning Officer said that the Officers had no objection to the silos remaining unpainted and that condition No 2 in the recommendation of the report could therefore be deleted. The Sub-Committee was agreeable to this.

Councillor ME Cooper one of the Local Ward Members was in favour of the application, feeling that the silos would not be too obtrusive in the landscape and that such applications should be encouraged on employment land.

**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. Within 6 months of the date of this decision notice, a landscaping scheme for the eastern boundary of the application site shall be submitted for approval by the Local Planning Authority and thereafter maintained as such.**

**Reason: To ensure a satisfactory appearance to the site, in accordance with Herefordshire Unitary Development Plan (adopted 2007) policies DR1 and E8.**

**3. G05 (Implementation of landscaping scheme (general)).**

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

**Informatives:**

- 1. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 2. N19 - Avoidance of doubt.**
- 3. The bund, located on the eastern boundary of the site, does not form part of this planning permission.**

**112. DCNE2007/2910/F - LAND AT FROME VALLEY HAULAGE DEPOT, BISHOPS FROME, WR6 5BZ**

In accordance with the criteria for public speaking, Mr Shave of Bishops Frome Parish Council, and Mr Plumer an objector acting on behalf of local residents, spoke against the application.

The Sub Committee discussed the application and noted the concerns raised by the parish council and local residents about the proposed density, car parking and lack of provision for pedestrians crossing a busy road. Councillor PM Morgan the Local Ward Member noted that the applicants had tried to meet the requirements of the Council regarding these issues since the refusal of the original application in July. Although the density was still fairly high, the scheme complied with the planning requirements and the applicants had increased the car parking provision within the scheme. Councillor WLS Bowen still had reservations about the proposed density and the safe access for children from the site to the play area elsewhere in the village. Councillor KG Grumbley felt that the contribution by the developer within the planning obligation was rather low and that the developer could do more by providing safe footways from the site and traffic calming to the northern gateway of the village. The Northern Team Leader said that it would not be practicable to provide a footpath from the site because there was no suitable land available. He also said that it would be difficult on planning grounds to link the site to the north of the village for traffic calming.

Councillor P Watts asked whether the applicants could be obliged to provide street lighting and the Area Engineer (Development Control) said that there was no highways requirement for it and that in many cases local people did not want street lighting in the villages because of light pollution. If it was required, the first step would be for the parish council to submit a formal request to the Council. Councillor K Swinburne shared the concerns of the parish council and felt that the needs of the villagers should be met through providing street lighting and safe crossings. The Northern Team Leader said the scheme was for the provision of much needed affordable housing and that any further requirements could have an adverse effect on this. Councillor TW Hunt was of the opinion that there was good visibility in both directions and that although there were plusses and minuses to the proposal, on balance it should be approved. Having carefully considered all the aspects regarding the application, the Sub-Committee concurred with this view.

**RESOLVED:**

1. That the Head of Legal and Democratic Services be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990, as set out in the draft Heads of Terms in the report of the Head of Planning Services, and deal with other any other appropriate and incidental terms, matters or issues;

2. Upon completion of the abovementioned planning obligation, Officers named in the Scheme of delegation be authorised to issue planning permission subject to the following conditions:-

3. A01 (Time limit for commencement (full permission)).

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

4. Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-

- Written details and samples of all external materials;
- Large scale drawings of all external joinery;
- Written details and samples of all surfacing materials in relation to the vehicular means of access, turning/manoeuvring areas and car parking areas; and
- Details of the rooflights.

5. The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved details and thereafter maintained as such

6. Reason: To ensure a satisfactory appearance to the development and to safeguard the setting of the listed buildings in the immediate vicinity.

7. Prior to commencement of the development hereby permitted full written details of the proposed boundary treatments (including written details and samples of materials together with a schedule or repairs / works to the eastern boundary wall) shall be submitted to the Local Planning Authority for their written approval. The approved boundary treatments shall be fully implemented prior to the first occupation of any of the dwellings hereby permitted and thereafter maintained as such.

Reason: To ensure a satisfactory appearance to the development, to safeguard the setting of the listed buildings in the vicinity, to safeguard the privacy of occupiers of neighbouring dwellings, to safeguard the privacy of future occupiers of the dwellings hereby permitted and to ensure a satisfactory appearance in the street scene.

8. Notwithstanding the provisions of condition 3 above the existing eastern boundary shall remain in-situ at its current height unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the privacy of the occupiers of the dwelling known

as 'Vicarage Cottage' to the east.

9. All of the buildings hereby permitted shall be constructed in full accordance with the ground floor finished floor levels specified upon drawing number 100 Rev E received 14th September, 2007.

Reason: To ensure a satisfactory appearance to the development in the street scene and to safeguard the amenities of the occupiers of neighbouring dwellings.

10. Notwithstanding the provisions of condition 5 above the eaves level of Units 15 and 16 hereby permitted shall not exceed the height (above ordnance datum level) of the eastern boundary wall directly parallel.

Reason: To safeguard the amenities of the occupiers of the dwelling known as 'Vicarage Cottage'.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development normally permitted by Classes A, E and F of Part 1 and Class A of Part 2, Schedule 2, Article 3 shall be carried out without the express consent of the Local Planning Authority.

Reason: To prevent an overdevelopment of the site, to ensure that the occupiers of the dwellings hereby permitted enjoy a satisfactory rear garden area(s) and to safeguard the setting of the listed Parsonage Farmhouse.

12. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping using indigenous species. The submitted scheme of landscaping must detail the location of all planting, the species, their size and the density of planting.

Reason: To ensure that the development is satisfactorily integrated into the locality.

13. All planting, seeding and turfing in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings hereby permitted or the completion of the development (whichever is the sooner). Any trees or plants which within a period of five 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.

Reason: To ensure that the development is satisfactorily integrated into the locality.

14. Prior to the first occupation of any of the dwellings hereby permitted the vehicular means of access, car parking, turning/manoeuvring areas for vehicles and secure cycle storage facilities shown upon the approved plans shall be implemented. Thereafter these areas and facilities shall be kept available for such use.

**Reason: In the interests of highway safety and to encourage the use of modes of transport other than the private motor vehicle.**

- 15. Prior to the first occupation of any of the dwellings hereby permitted the refuse storage facilities shown upon the approved plans shall be fully implemented. Thereafter these facilities shall be kept available for such use.**

**Reason: To ensure that the development has adequate refuse storage facilities and to safeguard the amenities of the locality.**

- 16. No development shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:-**

- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice**
- b) if the risk assessment in a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and as assessment or risk to be identified receptors**
- c) if the risk assessment in b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.**

**Reason: In the interests of human health and to ensure that the proposed development will not cause pollution of controlled waters.**

- 17. The Remediation Scheme, as approved pursuant to condition no. 12) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the local planning authority in advance of works being undertaken.**

**Reason: In the interests of human health and to ensure that the proposed development will not cause pollution of controlled waters.**

- 18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.**

**Reason: To ensure that the proposed development will not cause pollution of controlled waters.**

- 19. No infiltration of surface water drainage into the ground is permitted other than the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.**

**Reason: To prevent pollution of the water environment.**

- 20. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the local planning authority.**

**Reason: To prevent pollution of the water environment.**

- 21. Foul water and surface water discharges shall be drained separately from the site.**

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

- 22. No surface water shall be allowed to connect (either directly or indirectly) to 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.**

- 23. Land drainage run-off shall not be permitted to discharge, either directly or in-directly, into the Public Sewerage System.**

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

- 24. No development shall take place until a scheme to remove the surface water from the public combined sewerage system has been submitted to and agreed in writing by the Local Planning Authority.**

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

- 25. Prior to commencement of the development hereby permitted full details of all external lighting shall be submitted to the Local Planning Authority for their written approval. The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved details and thereafter no other external lighting shall be installed without the prior written consent of the Local Planning Authority.**

**Reason: To safeguard the rural character of the area.**

**Informatives:**

1. N15 - Reason(s) for the Grant of PP/LBC/CAC.
2. N19 - Avoidance of doubt.
3. The Environment Agency recommends that developers should:
  - 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination when dealing with land affected by contamination.
  - 2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The local Authority can advise on risk to other receptors, e.g human health.
  - 3) Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Recovery and disposal operations require waste management licence or Pollution Prevention Control permit. If contaminated soil is to be re-used on-site as part of a soil recovery operation then whether a waste management licence will be required or the Applicant will need to register an exemption to licensing with the Environment Agency. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt the Environment Agency should be contacted for advice at an early stage to avoid any delays.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- 1) Duty of Care Regulations 1991
- 2) Hazardous Waste (England and Wales) Regulations 2005
- 3) Waste Management Licensing Regulations 1994 (as amended)
- 4) Pollution Prevention and Control Regulations (England and Wales) 2000
- 5) Landfill (England and Wales) Regulations 2002

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off-site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

4. If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.

**113. DCNC2007/2604/F - ROSEMAUND FARM, ROSEMAUND DRIVE, PRESTON  
WYNNE, HEREFORDSHIRE, HR1 3PG**

The Principal Planning Officer presented the following updates:

The Council's Archaeological Advisor raises no objection to the proposal on the basis of the now complete archaeological report.

One further letter of objection has been received from a local resident and a petition containing 29 signatories. Both refer to concerns about increased traffic movements and highway safety.

A detailed summary of a meeting of residents of Felton and Preston Wynne has also been received. It again refers to matters of highway safety and traffic movements, but also questions the accuracy of the information provided by the applicant.

Reference is also made to a visitors centre and comparisons made to the centre at Weston's Cider Visitor Centre at Much Marcle which attracts 45,000 visitors per year.

The summary also refers to the potential for further development of the site.

**Officer's Comments**

Matters relating to highway safety and traffic movement have been referred to at some length in the original report and there is no additional comment to make in this respect.

The accuracy of the information is not a matter previously raised. It remains the opinion of Officers that the size of this proposal is self-limiting. The perceived levels of traffic suggested by the objectors are not substantiated and do not appear to be based on the information contained within the application. For example, the applicant advises of production levels of 3,600 bottles per week, yet the objectors surmise that it will generate movements of cars, vans and articulated lorries.

The application does not include the provision of a visitors centre and this would have to be the subject of a separate planning application that would, of course be considered on its own merits. As stated in the report, the concerns relating to traffic movement seem to be based on the notion that the site will be developed further.

**Conclusion**

No change to the recommendation

In accordance with the criteria for public speaking, Mr Roby of Felton Parish Council and Mr Westoby an objector acting on behalf of local residents spoke against the application; and Mr Baxter spoke in favour on behalf of the applicants.

Councillors B Hunt and A Seldon felt that there was merit in holding a site inspection to gain a greater appreciation of the approach routes to the site. The Sub-Committee agreed to this proposal.

**RESOLVED:**

**That a site inspection be held for the following reasons:**

- i. the character or appearance of the development itself is a fundamental planning consideration; and**
- ii. the setting and surroundings are fundamental to the determination or to the conditions being considered.**

**114. DCNC2007/2669/O - LYNCROFT, BADLEY WOOD, WHITBOURNE, WORCESTER, WR6 5SJ**

Councillor TW Hunt, the Local Ward Member, had concerns that there were a number of issues raised in the report about the application which required answering before it could be given proper consideration. He therefore proposed that consideration of the application be deferred to enable all the facts to be obtained including further information regarding labour requirements and audited accounts. The Sub-Committee concurred with this view.

**RESOLVED: That consideration of the application be deferred pending the receipt of the outstanding information about it from the applicants as set out above.**

**115. DCNC2007/2672/F - FORMER POST OFFICE, CORN SQUARE, LEOMINSTER, HEREFORDSHIRE, HR6 8LR**

In accordance with the criteria for public speaking, Mr Ayling spoke against the application and Mr Rimell the agent acting for the applicants, and Mr Goody a supporter, spoke in favour.

Councillor P Jones was of the view that the revised scheme which incorporated the existing buildings would prove to be a considerable asset to the town but he had some concerns about the narrow access road to the rear of the premises which he felt to be unsuitable for delivery vehicles. He therefore wondered if conditions could be imposed to require deliveries to be made from Corn Square. The Sub-Committee discussed this aspect and the Development Control Manager said that it would be difficult to impose such a condition because the access road was not in the ownership of the applicants. He suggested that attempts be made to negotiate a voluntary agreement and the Sub-Committee was in favour of this approach.

**RESOLVED**

**That planning permission be granted subject to the following conditions, and that the Officers named in the Scheme of Delegation to Officers be instructed to conclude if possible, a voluntary agreement with the applicants not to use the rear access road for deliveries:-**

- 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. Before any work commences on site drawings showing the east and west elevations of the new development at its western end shall first be submitted to and be subject to the prior written approval of the local planning authority.

Reason: To ensure the development is satisfactory in appearance due to these elevations at that end not being submitted.

4. Before any work commences on site details of the proposed boundary and surface treatments and also any parking/turning and landscaped areas within the site shall first be submitted to and be subject to the prior written approval of the local planning authority.

Reason: To protect the visual amenities of the area.

5. No customer access to or from the site shall be allowed via the rear access track onto Church Street.

Reason: To define the terms to which this planning permission relates and to protect the residential amenities of nearby dwellings.

6. F02 (Scheme of measures for controlling noise).

Reason: In order to protect the amenity of occupiers of nearby properties.

7. Before any additional fixed ventilation, refrigeration or other noise penetrating plant is used on the premises, the applicant shall submit for the prior approval of the local planning authority a scheme of noise attenuating measures. The approved scheme shall be implemented before the first use of the development to which it relates commences and shall be retained for the duration of use.

Reason: To safeguard amenity of the area.

8. The utilisation of any outdoor areas for customer drinking and dining use shall not be permitted without the prior written approval of the local planning authority.

Reason: To safeguard the residential amenity of the area.

9. F37 (Scheme of odour and fume control).

Reason: In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality.

10. F38 (Details of flues or extractors).

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

11. F41 (No burning of materials/substances during construction phase).

Reason: To safeguard residential amenity and prevent pollution.

12. All machinery and plant shall be operated and maintained in accordance with BS5228:1997 "noise control of construction and open sites".

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

13. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

14. The open yard area at the eastern end of the site shall be used for deliveries only and not for staff or customer parking.

Reason: To define the terms to which this planning permission relates.

15. E02 (Restriction on hours of delivery).

Reason: To safeguard the amenities of the locality.

16. 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.

17. H30 (Travel Plans).

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.

### Informatives

1. N15 - Reason(s) for the grant of PP/LBC/CAC.
2. N03 - Adjoining property rights.
3. N14 - Party Wall Act 1996.
4. The applicants should be aware that this planning permission does not over-ride any civil/legal rights enjoyed by adjacent property owners and that any development which physically affects or encroaches onto any adjoining property may well affect these rights. As such, the applicants are advised to contact the owners of adjacent properties where these rights may be affected and seek legal advice on the matter prior to undertaking any building work.
5. The applicants are advised to contact the Commercial Team of the Environmental Health Department at Herefordshire Council to discuss the Food Safety and Hygiene implications of the proposed development to ensure they comply with the legislative requirements of the Food Safety Act 1990 and related regulations.

The applicant is also advised to contact the Licensing Team of the Environmental Health Department at Herefordshire Council to discuss any issues of compliance with the Licensing Act 2003 and related legislation.

6. HN25 - Travel plans.
7. N19 - Avoidance of doubt.

116. DCNC2007/2841/F - THE BARN, GREEN FARM, TEDSTONE WAFRE,  
BROMYARD, HEREFORDSHIRE, HR7 4PP

**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. Notwithstanding the details shown on the approved drawing and unless otherwise first agreed in writing by the Local Planning Authority the building shall be constructed in accordance with the following details:

- (a) The roof tiles shall be new double cambered clay tiles with hogs back ridges.
- (b) The timber frame shall be in oak and left a natural colour with off white lime washed lime rendered panels.
- (c) All new external doors and windows be made of oak.
- (d) The new skylights shall be conservation roof lights ie flush with the tiles with slender metal frames.
- (e) Rainwater goods shall be black cast iron or cast aluminium.
- (f) All new stone work shall be natural local stone laid in a traditional style similar to that on the existing building.
- (g) The existing slab/sub structure not proposed to be covered by the approved new building shall be removed as well as the whole of the existing red brick surround/base.

Reason: To safeguard the character, appearance and setting of this group of Listed Buildings.

3. E16 (Removal of permitted development rights).

Reason: To ensure the character, appearance and spirit of the original conversion scheme is maintained.

4. 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.

5. G04 (Landscaping scheme (general)).

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.

**Informatives:**

1. N15 - Reason(s) for the Grant of PP.
2. N03 - Adjoining property rights.
3. N14 - Party Wall Act 1996.
4. 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
5. N19 - Avoidance of doubt.

In respect of application no DCNC2007/2843/L that listed building consent be granted subject to the following conditions:

1. C01
2. Notwithstanding the details shown on the approved drawing and unless otherwise first agreed in writing by the Local Planning Authority the building shall be constructed in accordance with the following details:
  - (a) The roof tiles shall be new double cambered clay tiles with hogs back ridges.
  - (b) The timber frame shall be in oak and left a natural colour with off white lime washed lime rendered panels.
  - (c) All new external doors and windows be made of oak.
  - (d) The new skylights shall be conservation roof lights ie flush with the tiles with slender metal frames.
  - (e) Rainwater goods shall be black cast iron or cast aluminium.
  - (f) All new stone work shall be natural local stone laid in a traditional style similar to that on the existing building.
  - (g) The existing slab/sub structure not proposed to be covered by the approved new building shall be removed as well as the whole of the existing red brick surround/base.

Reason: To safeguard the character, appearance and setting of this group of Listed Buildings.

**Informatives:**

1. N15 - Reason(s) for the Grant of LBC.
2. N19 - Avoidance of doubt.

117. **DCNC2007/3045/O - LAND SOUTH EAST OF THE LODGE, HATFIELD,  
LEOMINSTER, HEREFORDSHIRE**

The Principal Planning Officer presented the following updates:

Additional comments have been received from the Council's Public Rights of Way Officer reinforcing the concerns relating to the proximity of the building to the public bridleway. A request is made that the building and ancillary structures should be a minimum of 10 metres from the centre line of the bridleway.

Officer's Comment

There is scope for the position of the building to be amended in order that it is further away from the bridleway. It is considered that it could be moved by 5 metres and this would leave its rear elevation in the region of 10 metres from the bridleway as requested. Any further would begin to compromise the landscape impact of the building as the benefit that the contours of the land offer would be lost to a degree.

Conclusion

That a condition is added relating to the slab level of the building (F48)

In accordance with the criteria for public speaking, Mr Miles spoke against the application.

**RESOLVED**

**That the Officers named in the Scheme of Delegation to Officers be authorised to approve the application, subject to the location of the building being moved a further five metres from the public bridleway 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. **B08 (Dark roof colouring (agricultural buildings)).**

**Reason: To protect the visual amenities of the area.**

3. **B10 (Details of cladding (agricultural and industrial buildings)).**

**Reason: To minimise the visual impact of the development.**

4. **Details of the colour and specification of the feed bins shall be submitted to and agreed in writing by the local planning authority before development commences.**

**Reason: To minimise the visual impact of the development.**

5. **F18 (Scheme of foul drainage disposal).**

**Reason: In order to ensure that satisfactory drainage arrangements are**

provided.

6. F32 (Details of floodlighting/external lighting).

Reason: To safeguard local amenities.

7. F48 (Slab levels)

Reason: to define the permission and ensure the development is appropriate to the site.

8. Prior to the commencement of development, a scheme for the disposal of dead birds shall be submitted to and approved in writing by the local planning authority. The scheme approved shall be subsequently implemented and permanently retained unless otherwise agreed in writing by the local planning authority. The details to be included in the scheme will relate to:

specification and details of manufacturer of any incinerator

Location of any incinerator

Hours of use of incinerator

Details of the storage of fallen stock/ prior to incineration or collection

Reason: To protect the amenity of nearby properties and prevent pollution.

8. Prior to the commencement of development, a scheme for the disposal of poultry litter and waste shall be submitted to and approved in writing by the local planning authority. The scheme approved shall be subsequently implemented and permanently retained unless otherwise agreed in writing by the local planning authority.

Reason: To protect the amenity of nearby properties and prevent pollution.

9. The loading or unloading of delivery/collection vehicles together with their arrival and departure from the site shall not take place outside the hours of 7:00 am and 9:00 pm.

Reason: To safeguard the amenities of the locality.

10. Prior to its installation and first use of the building hereby granted details of the ventilation equipment, including noise levels, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details so approved.

Reason: To protect the residential amenities of the area.

11. F39 (Scheme of refuse storage).

Reason: In the interests of amenity.

12. F40 (No burning of material/substances).

Reason: To safeguard residential amenity and prevent pollution.

13. H01 (Single access - not footway).

Reason: In the interests of highway safety.

14. H05 (Access gates).

Reason: In the interests of highway safety.

15. H08 (Access closure).

Reason: To ensure the safe and free flow of traffic using the adjoining County 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. G01 (Details of boundary treatments).

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

18. G04 (Landscaping scheme (general)).

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

19. G05 (Implementation of landscaping scheme (general)).

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

20. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details should include proposed finished levels or contours and gradients; means of enclosure; car parking layout; vehicle and pedestrian access; field boundary alongside public highway; hard surfacing materials, proposed functional services above and below ground e.g. drainage power, communications, cables, pipelines etc.

Reason: In the interests of visual amenity.

**Informatives:**

1. N15 - Reason(s) for the Grant of PP/LBC/CAC.
2. N19 - Avoidance of doubt.
3. HN01 - Mud on highway.
4. HN04 - Private apparatus within highway.
5. HN05 - Works within the highway.
6. HN10 - No drainage to discharge to highway.
7. HN22 - Works adjoining highway.

**118. DATES OF FORTHCOMING MEETINGS**

12th December, 2007

16th January, 2008

13th February, 2008

12th March, 2008

9th April, 2008

7th May, 2008

The meeting ended at 3.50 p.m.

**CHAIRMAN**