

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 16th January, 2008 at 2.00 p.m.

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

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

In attendance: Councillors

131. APOLOGIES FOR ABSENCE

Apologies were received from Councillors LO Barnett, WLS Bowen, ME Cooper, Brig P Jones , RJ Phillips and K Swinburne.

132. DECLARATIONS OF INTEREST

Councillor RBA Burke declared a personal interest Agenda item 9, Minute 139 (DCNC2007/3520/F - erection of offices and dwellings with associated demolitions and site works 40/42 West Street, Leominster)

133. MINUTES

RESOLVED: That the Minutes of the meeting held on 12th November, 2007 be approved as a correct record and signed by the Chairman, subject to the inclusion of "Councillor RV Stockton declared a prejudicial interest Agenda item 5, Minute 123 (Tree Preservation Order No 536, Colwall Cricket Ground) and left the meeting for the duration of the item.

134. ITEM FOR INFORMATION - APPEALS

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

135. REPORTS BY THE HEAD OF PLANNING SERVICES

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.

136. DCNE2007/3286/F - ERECTION OF ONE DWELLING (REVISED PROPOSALS) ON SITE OF ROSE AND COMME COTTAGES, FLOYDS LANE, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1LR

The Senior Planning Officer said that the appeal referred to in his report regarding application NE05/3784/RM had recently been dismissed and he provided the Sub-Committee with the following updates about the drainage issues relating to the application:

One further consultee response to add following the further amended plans and drainage details. Mr Brian Lee, the Council's Land Drainage Engineer makes the following comments, detailed in full, from memorandum dated 4th January 2008:

'As with any site proposing a rainwater utilisation system, the main concern is whether the designed storage will be capable of containing the product of successive storms, particularly when usage is low or the property is unoccupied for long periods.

Information is required comparing rainfall figures and designed storage with the domestic greywater usage, and what factors of safety are included in the design. Also what controls will be put in place to ensure that any overspill is contained without affecting neighbouring properties.

There are no other concerns'.

The Senior Planning Officer said that the view of the Officers was that the proposed rainwater utilisation system has been designed at overcapacity. In addition, there were two x 2000litre storage tanks connected as an 'overflow' from the system designated tank, giving a capacity of 2000 litres for a single storm event. This in connection with the other drainage proposals had satisfied the concerns of the Council's Building Control Surveyor, who had engaged in significant discussions to help rectify the surface water and drainage issues. In light of the comments of the Council's Drainage Engineer, and to ensure that there were no doubts about the suitability of the surface water and drainage proposals, he proposed alterations to condition no.6 which were agreed by the Sub-Committee.

In accordance with the criteria for public speaking, Mr Blundell, an objector, spoke against the application and Mr Tufnell the agent acting on behalf of the applicant, spoke in favour of the application.

Councillor R Mills, the Local Ward Member said that a considerable amount of time had been spent by the Officers and the applicant to arrive at a scheme which would be acceptable on the site and he felt that the proposals were acceptable.

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 - Prior to the commencement of the hereby permitted development full written details and plans detailing the landscaping, boundary treatments and planting scheme, shall be submitted to the Local Planning Authority**

for written approval.

Reason: To ensure the integration of the development within the landscape and locality, in accordance with Herefordshire Unitary Development Plan (adopted 2007) policies DR1 and H13.

- 3 - All planting, seeding and turfing in the approved details of landscaping, boundary treatment, and planting schedule, as approved in respect of Condition 2, shall be carried out in the first planting and seeding season following the occupation of the dwelling or the completion of the dwelling (whichever is the sooner). Any trees or plants which within a 5 year period from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with a replacement of the same species and size, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the integration of the development within the landscape and locality, in accordance with Herefordshire Unitary Development Plan (adopted 2007) policies DR1 and H13.

- 4 - H01 (Single access - not footway)

Reason: In the interests of highway safety.

- 5 - 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.

6. Prior to the commencement of the hereby permitted development, full details and plans of the proposed surface water and drainage scheme detailed in this application, shall be submitted to Herefordshire Council's Building Control team for written approval. The approved surface water and drainage scheme shall be carried out in strict accordance with approved plans and thereafter maintained as such.

Reason: To ensure surface water and land drainage issues are addressed adequately, in accordance with Herefordshire Unitary Development Plan (adopted 2007) policies DR2, DR4, DR7 and H13. The drainage and surface water scheme detailed in the hereby approved development shall be implemented prior to the completion of the development or the occupation of the building, whichever is the sooner

7. Removal of development rights.

Reason: In accordance with Herefordshire Unitary Development Plan (adopted 2007)
Policy H6.

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 - HN22 - Works adjoining highway

137. **DCNW2007/3633/F - CHANGE OF USE FROM AGRICULTURAL LAND TO 6 HOLIDAY LODGES (LODGE STYLE CARAVANS). PARK GATE FARM, LYONSHALL, HEREFORDSHIRE, HR5 3HY**

The Principal Planning Officer reported the receipt of the following:

A letter from the agents was received on the 15th January 2008 noting various points relating to the report. A copy of this letter and enclosures has been sent to each of the NAPSC members.

Further to the letter from Animal Funeral Services, officers have consulted verbally with Environmental Health. On this basis, it is considered that as long as the applicant operates within the legislation and licences that it is currently bound by then the siting of lodges in this location should not affect the incineration / waste transfer business. Separate regulatory bodies and legislation that would react to any breach of this cover this operation.

Councillor RJ Phillips, the Local Ward Member was of the view that the applicant had made a considerable effort to overcome the objections to a previous proposal for twelve lodges and that the revised application for six had led to none being received. The site was in a secluded location and he felt that it would not have an adverse affect on the landscape; it would help with farm diversification; and it would assist with tourism in the area. He did not agree that any of the lodges should be used for residential purposes but felt that holiday lets would be acceptable as long as there were appropriate conditions carefully control occupancy. He also considered that there would need to be conditions imposed by the Officers about design, landscaping, drainage and vehicular access. The Sub-Committee was agreeable to this approach subject to all six of the units being accessible by the disabled.

RESOLVED:

That (i) The Northern Area Planning Sub-Committee is minded to approve the application subject the following conditions and any further conditions felt to be necessary by the Development Control Manager in consultation with the Chairman and Local Ward Member, provided that he does not refer the application to the Head of Planning Services.

- 1. the lodges to be for holiday lets only with any appropriate conditions to limit occupancy and times of opening as determined by the officers.**
- 2. design, landscaping, drainage and vehicular access**
- 3. all six of the units to be accessible by the disabled.**

(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.

NORTHERN AREA PLANNING SUB-COMMITTEE WEDNESDAY, 16TH JANUARY, 2008

[Note: Following the vote on this application, the Development Control Manager advised that he would refer the application to the Head of Planning Services]

138. DCNW2007/3721/F - RESIDENTIAL DEVELOPMENT COMPRISING OF 35 DWELLINGS WITH CAR PARKING, NEW ACCESS ROAD AND LANDSCAPING ON LAND ADJACENT TO THE BIRCHES, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9NQ

The Principal Planning Officer provided the Sub-Committee with the following updates which had been received:-

The Council's Transportation Manager recommended a condition with regards to Travel Plans, (condition number 14), to be attached to any subsequent approval notice issued. On reflection condition number 14 is considered unnecessary and therefore it is recommended that this condition is deleted from the list of recommended conditions.

Section 2 of the Draft Heads of Terms should read as follows:

'The developer or successor in title covenants with Herefordshire Council, to pay Herefordshire Council the sum of £56,000, which sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council towards management and maintenance of the play area'.

Therefore deletion of the wording :

'In lieu of the provision of open space on the land to serve the development to pay.

Amended plans are awaited from the applicants, (who have agreed to the amendment in writing), with regards to re-positioning of the garage on plot 17, alongside the southern elevation of the application site, and revision to first floor windows on the eastern gable elevation, to indicate one opaque glazed non-opening window instead of two separate windows.

The applicants have also in a letter dated 9th January 2008 confirmed that they are prepared to offer the provision of a cycle/pedestrian route in the direction of The Grove, on land outside the application site, as referred to in Section 8 of the attached Heads of Terms. They have also in principle agreed to the payment of £56,000 towards maintenance and management of the on site play area and the obligation with regards to the over head power lines across the site. These latter three issues forming the basis of the refusal notice issued in respect of the previous application for development on site.

The Sub-Committee welcomed the proposals and felt that local people should be given priority in respect of the 'affordable' element of the development. The Sub-Committee agreed to the alterations suggested by the Principle Planning Officer.

RESOLVED

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 in accordance with the Heads of Terms set out in the report of the Head of Planning Services and any additional or amended matters which he considers to be necessary and appropriate.

NORTHERN AREA PLANNING SUB-COMMITTEE WEDNESDAY, 16TH JANUARY, 2008

Upon completion of the above-mentioned planning obligation agreement, officer named in the Scheme of Delegation 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 - **B01 (Samples of external materials)**
Reason: To ensure that the materials harmonise with the surroundings.
- 3 - **C04 (Details of window sections, eaves, verges and barge boards)**
Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.
- 4 - **C05 (Details of external joinery finishes)**
Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.
- 5 - **No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system including the use of sustainable urban drainage systems, as detailed within the Flood Risk Assessment dated September 2007 RJZI/MS/2007-106 submitted in support of the application which includes drawing number 2002-106-ZRA-04 has been submitted to and approved in writing by the Local Planning Authority. Surface water generated from the site shall be limited to the equivalent greenfield run off rate for the site. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority, in consultation with the Environment Agency.**
Reason: To prevent the increased risk of flooding and provide water quality benefits by ensuring the provision of a satisfactory means of surface water disposal.
- 6 - **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 within an overall capacity comparable with the site being drained.**
Reason: To prevent pollution of the water environment.
- 7 - **Foul water and surface water discharges shall be drained separately from the site.**
Reason: To protect the integrity of the public sewerage system.
- 8 - **No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.**

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.

- 9 - Land drainage run-off shall not be permitted to discharge, either directly or indirectly with the public sewerage system.**

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

- 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 - H18 (On site roads - submission of details)**

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 12 - H19 (On site roads - phasing)**

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 13 - H29 (Secure covered cycle parking provision)**

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

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

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

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

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

- 16 - No plant, materials or equipment shall be deposited on site until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the LPA. This scheme shall include:**

- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.**
- b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule.**
- c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational**

reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.

- d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.
 - e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).
 - f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
 - g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).
 - h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).
 - i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.
 - j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
 - k) the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of No-Dig construction.
 - l) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
 - m) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
 - n) the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837).
 - o) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
 - p) the timing of the various phases of the works or development in the context of the tree protection measures.
- 17 - No plant, materials or equipment shall be deposited on site until a

specification of all proposed tree planting has been approved in writing by the LPA. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with that specification and in accordance with BS 3936 (parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS4043, 1989, Transplanting root-balled trees; and BS4428, 1989, Code of practice for general landscape operations (excluding hard surfaces).

- 18 - If within a period of five years from the date of planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.
- 19 - There shall be no further fencing erected alongside the northern boundary of the application site. (Adjacent to the B4362 public highway).

Reason: In the interests of the rural amenity of the surrounding landscape.

- 20 - C10 (Details of rooflights)

Reason: To ensure the rooflights 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.

- 21 - The first floor window in the eastern elevation of the dwelling located on Plot Number 5 as indicated on the Planning layout - drawing number 13045/05/01G will be in opaque glazing and non-opening.

Reason: In order to protect the privacy and amenity of the adjoining dwelling to the application site.

Informatives:

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

139. DCNC2007/3520/F - ERECTION OF OFFICES AND DWELLINGS WITH ASSOCIATED DEMOLITIONS AND SITE WORKS. 40/42 WEST STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8ES

In accordance with the criteria for public speaking, Mr Jones the agent acting on behalf of the applicant, spoke in favour of the application.

RESOLVED

That planning permission be granted subject to:

- 1. The Head of Planning Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out heads of agreement) and any additional matters and terms as he considers appropriate.**
- 2. Upon completion of the afore mentioned planning obligation that the Officers named in the Scheme of Delegation to Officers 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 - B01 (Samples of external materials)**
Reason: To ensure that the materials harmonise with the surroundings.
- 5 - F16 (Restriction of hours during construction)**
Reason: To protect the amenity of local residents.
- 6 - No materials or substances shall be incinerated within the application site during the construction phase.**
Reason: To protect the residential amenities of the neighbouring properties.
- 7 - Prior to the construction of any re-development on site details will be submitted to the Local Planning Authority and approved in writing of additional noise insulation to the bedrooms of units 1, 2 and 3.**
Reason: In order to protect the amenity of residents of these dwellings within close proximity to a licensed premises/pool hall.
- 8 - Prior to development on site details will be submitted to the Local Planning Authority and approved in writing of the office front design and the glazed units as indicated on the approved plans.**
Reason: In the interests of the amenity of the surrounding Conservation Area.
- 9 - Prior to development on site details will be submitted and approved in writing to the Local Planning Authority of treatment of the boundary walls and fencing.**

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

- 10 - No meter boxes will be sited on public facing elevations.**

Reason: In the interests of the amenity of the surrounding Conservation Area.

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

Reason: To safeguard the character and appearance of the surrounding area.

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

Reason: To safeguard the character and appearance of the surrounding area.

- 13 - C10 (Details of rooflights)**

Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of the surrounding area.

- 14 - C11 (Specification of guttering and downpipes)**

Reason: To safeguard the character and appearance of the surrounding area.

- 15 - H21 (Wheel washing)**

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

- 16 - H29 (Secure covered cycle parking provision)**

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

- 17 - E16 (Removal of permitted development rights)**

Reason: To protect the character of the area and ensure any further development of the site is controlled by the local planning authority.

- 18 - Foul water and surface water discharges must be drained separately from the site.**

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

- 19 - 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.

- 20 - 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.

- 21 - No building on the application site shall be brought into beneficial use earlier than April 2008, unless the upgrading of the public sewerage system (which the development shall drain into) has been completed and written confirmation of this has been issued by the Local Planning Authority.**

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

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

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

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

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

- 24 - D01 (Site investigation – archaeology)**

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

- 25 - D04 (Submission of foundation design)**

Reason: The development affects a site on which archaeologically significant remains survive. A design solution is sought to minimise archaeological disturbance through a sympathetic foundation design.

- 26 - Prior to any development on site details will be submitted and approved in writing to the Local Planning Authority of any street furniture and means of artificial lighting within the application site and alongside the eastern side of the application site.**

Reason: In the interests of the amenity of the surrounding Conservation Area.

Informatives:

- 1. If a connection is required to the public sewerage system, the development is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.**
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 3. HN01 - Mud on highway.**
- 4. HN04 - Private apparatus within highway.**
- 5. HN05 - Works within the highway.**

6. HN22 - Works adjoining highway.

7. N19 - Avoidance of doubt

140. DCNC2007/3391/F - PROPOSED SITE FOR 10 DWELLINGS AT FORMER ORPHANS PRESS SITE, LAUNDRY LANE, LEOMINSTER, HEREFORDSHIRE, HR6 8JT

In accordance with the criteria for public speaking, Councillor Thomas of Leominster Town Council spoke against the application.

Councillor RC Hunt, a Local Ward Member shared the concerns which had been raised by Leominster Town Council and local residents regarding highway safety at the junction of Laundry Lane and Hereford Road. There was local residential parking along the latter which was likely to cause visibility problems for motorists exiting Laundry Lane. Also the lane was extremely narrow and he was of the view that the scheme would add to traffic congestion along it. There was also the problem that two-storey dwellings were not in keeping with the area and the drop in levels would lead them to tower over the existing bungalows causing loss of privacy and amenity. Councillor RBA Burke the other Local Ward Member also had reservations about the traffic flow and highway safety issues. Councillor JK Swinburne had some concerns about the proposed housing density and felt that the financial contribution £1,500 seemed low. The Northern Team Leader said that the density was approx 50 dwellings per hectare and the Principal Planning Officer advised that the financial contribution would be towards open space and sports recreational provision.

In view of the concerns which had been raised about the proposals, the Sub-Committee decided to defer consideration of the application and asked the officers to discuss those concerns with the applicants.

RESOLVED

That consideration of the application be deferred for the Officers to discuss the concerns which had been raised with the applicants.

141. DCNC2007/3365/F - CHANGE OF USE OF PROPERTY TO HOUSE OF MULTIPLE OCCUPATION AT SHAW'S HOUSE, 18 OLD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4BQ

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 - H29 (Secure covered cycle parking provision)

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

Informatives:

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

142. DCNC2007/3420/F - PROPOSED 2 SINGLE STOREY EXTENSIONS (AMENDMENT TO PREVIOUS APPROVED APPLICATION NC2006/0428/F) AT ROWDEN MILL STATION, WINSLOW, BROMYARD, HEREFORDSHIRE, HR7 4LS

The Principal Planning Officer provided the Sub-Committee with the following updates which had been received:-

Wacton Parish Council:

General support but a concern was raised with regard to the size of the extension in relation to the original building.

Officer Comments: The issue of the size of the extension and its comparison to the approved scheme is dealt with in the body of the report and the two are comparable.

Councillor TW Hunt the Local Ward Member welcomed the proposals and said that the applicant had developed a prestigious site of considerable local interest. He suggested that a further condition be added to prevent the previous applications from being implemented. Councillor RV Stockton asked that a further condition be added for the vintage postbox to be relocated and preserved so that it was not lost from the area and the Sub-Committee was agreeable to both requests.

RESOLVED

That planning permission be granted subject to planning permission NC06/0428/2006/F - Erection of a single storey extension approved on 10th April 2006 being not implemented, the post box on the site being moved and retained in a different location, and the following conditions:

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

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

- 2 - B01 (Samples of external materials)

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

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

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

- 4 - C05 (Details of external joinery finishes)

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

- 5 - C10 (Details of rooflights)

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

6 - C11 (Specification of guttering and downpipes)

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

Informatives:

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

2 - N19 - Avoidance of doubt

143. DCNC2007/3460/O - SITE FOR PROPOSED VETERINARY CENTRE INCLUDING CAR PARKING AND LANDSCAPING. PLOT 15, LEOMINSTER ENTERPRISE PARK, LEOMINSTER, HEREFORDSHIRE

In accordance with the criteria for public speaking, Mr Devoy, a partner of the applicants, spoke in favour of the application.

Councillor RC Hunt, a Local Ward Member was of the view that because of its unique nature and the service, employment and training which would be provided, an exception could be made to the Council's Planning Policies and permission granted. Councillor RBA Burke the other Local Ward Member concurred with this view and felt that it fulfilled the criteria of the business park by providing employment opportunities. The Principal Planning Officer agreed that employment would be provided but pointed out that the business park was for B1, B2 and B8 use and that it did not fall into any of these classes. The Officers therefore felt that the proposal would not only result in the loss of employment land on the site, but would be a threat to the industrial and commercial nature of the site through the introduction of non B-class uses and as a result would not benefit the employment situation within Leominster.

The Sub-Committee noted the points made by the Officers. Councillor TM James felt that the nature of employment providers had changed since the business park was built and the type of firms originally envisaged to go there had not yet materialised. He therefore felt that the site was ideal for expanding local businesses such as this one and supported the proposal. Councillor Mrs J French pointed out that relocation would enable the business to expand from a restricted town centre location, be more accessible for the public and also provide some thirty jobs, a veterinary hospital and a training centre for veterinary nurses. Taking these factors into consideration, the Sub-Committee felt that there were sufficient material planning considerations to enable an exception to be made to the policies. It was however felt that the application was fairly unique and that a precedent should not be set for any other non B-class uses on the enterprise park.

RESOLVED:

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

- (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 application to the Head of Planning Services]

144. DCNC2007/3639/F - PROPOSED CONVERSION TO 3 BED DWELLING, LINLEY GREEN CHAPEL, LINLEY GREEN, NR BROMYARD, HEREFORDSHIRE

The Principal Planning Officer provided the Sub-Committee with the following updates which had been received:-

E-mail received from neighbour Mrs Allen who has previously objected. She has noted the planning officers recommendation and has stated again her and her husbands objections relating to loss of privacy and also the problems of surface water on the road due to lack of drainage in area which during freezing conditions is a hazard to highway safety.

In accordance with the criteria for public speaking, Mr Lord spoke in favour of his 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 - The new rooflights should be of "conservation type" i.e. flush with the roof slopes and have slender framed metal lights with a glazing bar unless otherwise first agreed in writing by the local planning authority.**

Reason: In the interests of conserving the visual appearance and character of the building.

- 3 - The stained glass windows shall be retained, unless otherwise first agreed in writing by the local planning authority.**

Reason: In the interests of conserving the visual appearance and character of the building.

- 4 - E16 (Removal of permitted development rights)**

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

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

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

- 6 - The recommendations set out in the ecological report by Landscape Science Consultancy Ltd, dated October 2007, shall be followed in full, unless otherwise first agreed in writing by the local planning authority. Prior to development, a full working method statement, to include bat roost enhancement measures, shall be submitted to the local planning authority for prior written approval and implemented as approved. An appropriately qualified and experienced ecological Clerk of Works shall be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

Reason: To ensure all species of bat and their roosts are protected and to conserve/enhance potential habitat and maintain the foraging area for protected species, in accordance with the Wildlife and Countryside Act 1981 and Conservation (Natural Habitats and Conservation) Regulations 1994 (as amended).

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

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

- 8 - H01 (Single access - not footway)**

Reason: In the interests of highway safety.

- 9 - H04 (Visibility over frontage)**

Reason: In the interests of highway safety.

- 10 - H05 (Access gates)**

Reason: In the interests of highway safety.

- 11 - 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.

- 12 - Before the new dwelling is first brought into use, details of the top surface of the new access, parking and turning area shall first be submitted to and be subject to the prior written approval of the local planning authority.**

Reason: In the interests of highway safety and visual amenity.

- 13 - Unless otherwise first agreed in writing by the local planning authority, the existing wall along the road frontage shall be retained in full, except for the section shown to be altered on the approval drawings, which shall match in materials and height the existing wall.**

Reason: In the interests of visual amenity.

Informatives:

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

- 2 - N03 - Adjoining property rights
- 3 - The applicant should be aware that the 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.
- 4 - HN01 - Mud on highway
- 5 - HN04 - Private apparatus within highway
- 6 - HN05 - Works within the highway
- 7 - HN10 - No drainage to discharge to highway
- 8 - N19 - Avoidance of doubt

145. **DCNC2007/3541/F - REDEVELOPMENT OF LAMBOURNES, RYELANDS ROAD COMPRISING 26 DWELLINGS (3 NO 1/BED FLATS. 9 NO 2/BED FLATS, 3 NO 2/BED HOUSES AND 11 NO 3/BED HOUSES. RYELANDS ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NZ**

In accordance with the criteria for public speaking, Mrs Comfort, an objector, spoke against the application and Mr Pearce, the agent acting on behalf of the applicant, spoke in favour of the application.

Councillor RC Hunt, a local Ward Member felt that the application was for an innovative scheme but he shared the concerns of the objector that the pond area should have safeguards to prevent it being a danger to children. The Sub-Committee felt that this could be dealt with by appropriate conditions.

RESOLVED

That planning permission be granted subject appropriate conditions regarding the pond to be determined in consultation with the Local Ward Members and the Chairman, and to the following conditions:

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

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

- 2 - B01 (Samples of external materials)

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

- 3 - E16 (Removal of permitted development rights)

Reason: In order that the local planning authority can assess the impact of any further development on this specifically designed scheme.

- 4 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

- 5 - F48 (Details of slab levels)

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

6 - G01 (Details of boundary treatments)

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

7 - 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 - G13 (Landscape design proposals)

Reason: In the interests of visual amenity.

11 - G18 (Protection of trees)

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

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

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

13 - H11 (Parking - estate development (more than one house))

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

14 - W01 (Foul/surface water drainage)

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

15 - 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.

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

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

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Informative(s):

- 1 - HN07 - Section 278 Agreement**
- 2 - HN10 - No drainage to discharge to highway**
- 3 - HN22 - Works adjoining highway**
- 4 - N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 5 - N19 - Avoidance of doubt**

146. DATES OF FUTURE MEETINGS

13th February, 2008

12th March, 2008

9th April, 2008

7th May, 2008

The meeting ended at 2.20 p.m.

CHAIRMAN