

**MINUTES of the meeting of Central Area Planning Sub-Committee held at Council Chamber, Brockington on Wednesday, 29th October, 2003 at 2.00 p.m.**

**Present:** Councillor D.J. Fleet (Chairman)  
Councillor R. Preece (Vice Chairman)

**Councillors:** Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell, Mrs. S.J. Robertson, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams and R.M. Wilson

**In attendance:** Councillors T.W. Hunt and J.B. Williams

**36. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors G.V. Hyde and D.C. Short MBE.

**37. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

<b>Councillor</b>	<b>Item</b>	<b>Interest</b>
R.M. Wilson	Ref. No. 3 – DCCW2003/1716/F Change of use from agricultural land to village playing field at: <b>FIELD TO THE NORTH OF STALLS FARM AND TO THE SOUTH OF THE A438, BARTESTREE, HEREFORD</b>	Declared a personal interest, spoke as Ward Member but left the meeting for the remainder of the discussion on this item.
Mrs. S.J. Robertson	Ref. No. 5 – DCCE2003/2639/F Convert existing outbuildings to annex apartment at: <b>15 JUDGES CLOSE, HEREFORD, HR1 2TW</b>	Declared a prejudicial interest and left the meeting for the remainder of the meeting.
D.J. Fleet and Mrs. A.M. Toon	Ref. No. 8 – DCCW2003/2113/O Site for construction of new high school and associated playing fields at: <b>LAND OFF THREE ELMS ROAD AND TO THE REAR OF BININGTON DRIVE, HEREFORD.</b>	Both Members declared personal interests and remained in the meeting.

**38. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 1st October, 2003 be approved as a correct record and signed by the Chairman.

**39. ITEM FOR INFORMATION - APPEALS**

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

**40. HEAD OF PLANNING SERVICES REPORT**

The report of the Head of Planning services was presented in respect of planning applications received for the central area.

**RESOLVED: That the planning applications be determined as set out in the appendix to these Minutes.**

**EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED: That under section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.**

**SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION**

**41. ITEM FOR INFORMATION - ENFORCEMENT**

The Sub-Committee received an information report about enforcement matters served within the central area.

- 12) Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:**
- (a) any legal proceedings by or against the authority, or**
  - (b) the determination of any matter affecting the authority**
- (whether, in each case, proceedings have been commenced or are in completion)**
- 14) Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.**

**CHAIRMAN**

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## APPENDIX

Ref. 1  
**BUSH BANK**  
CW2003/2321/F

Erection of 1.62 ha of spanish polytunnels (23 tunnels in total) retrospective - table top method of growing at:

**LAND ADJACENT TO BRICK HOUSE, BUSH BANK, HEREFORD, HR4 8PH**

For: **MR. POWELL PER MISS FOGGO, ANTONY ASPBURY ASSOCIATES, 34 CARLTON BUSINESS CENTRE, CARLTON, NOTTINGHAM, NG4 3AA**

The Central Divisional Planning Officer reported the receipt of further correspondence from the occupants of Well Cottage.

In accordance with the criteria for public speaking, Mr. and Mrs. Eady spoke in objection to the application and Miss Foggo, the applicant's agent, spoke in support.

Councillor J.C. Mayson, the Local Member, noted the importance of agriculture to the local economy and felt that this application, with the recommended conditions, would regularise the situation.

A number of other Members commented on the need to ensure that agriculture remained viable and supported the application.

**RESOLVED:**

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

1. **The structures hereby permitted shall be removed and the land restored to its former condition on or before 29th October 2009 in accordance with a scheme of work to be submitted to and approved by the local planning authority.**

**Reason: To enable the local planning authority to give further consideration to the acceptability of the development. Permanent permission of this nature would not be appropriate having regard to potential future changes in agricultural production methods.**

2. **The polythene covering shall only be applied for a period of seven months per calendar year unless otherwise agreed in writing by the local planning authority.**

**Reason: In the interests of visual amenity having regard to the specific requirements of the growing season.**

3. **G22 (Tree planting).**

**Reason: To ensure the environment of the development is improved and enhanced.**

4. **G25 (Scope of tree planting).**

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

**5. G23 (Replacement of dead trees) (Five years).**

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

Ref. 2  
**MARDEN**  
CW2003/2313/F

Proposed conservatory on rear of property at:

**FOURACRES (PLOT 3), LOWER CROFT, MARDEN, HEREFORD, HR1 3EW**

For: **MR. J.M. CARD OF THE SAME ADDRESS**

Councillor J.G.S. Guthrie, the Local Member, noted that Marden Parish Council had raised no objections to the application and, therefore, he supported the application.

**RESOLVED:**

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

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

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

**2. A06 (Development in accordance with approved plans).**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**

Ref. 3  
**BARTESTREE**  
CE2003/1716/F

Change of use from agricultural land to village playing field at:

**FIELD TO THE NORTH OF STALLS FARM & TO THE SOUTH OF THE A438, BARTESTREE, HEREFORD.**

For: **BARTESTREE WITH LUGWARDINE GROUP PARISH COUNCIL**

The Central Divisional Planning Officer reported receipt of a further letter of objection from the occupants of Hagley Croft reiterating concerns expressed in previous correspondence.

In accordance with the criteria for public speaking, Mr Shore of Bartestree with Lugwardine Parish Council spoke in support of the application.

Councillor R.M. Wilson, the Local Member, spoke in support of the application. In response to a question, the Central Divisional Planning Officer advised Members that the playing field would be permitted to be moved within a defined 'buffer zone' to mitigate wear and tear. Having declared an interest, Councillor Wilson then left the meeting for the

remainder of this item.

A number of Members spoke in support of the application.

In response to questions, the Central Divisional Planning Officer drew attention to condition 10 which stated that no floodlighting would be permitted and advised that the existing car parking provided around the village hall was considered adequate; it was noted that a condition would require the provision of cycle parking.

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

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

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

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

**4 G01 (Details of boundary treatments)**

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

**5 No works shall take place on the site or use commenced until the overhead electric lines crossing the site have been put under ground in accordance with the specification to be submitted to and approved in writing by the local planning authority.**

**Reason: In the interests of public safety.**

**6 No development approved by this permission shall be commenced until a scheme detailing the position of formal sports pitches have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved plans and the position of the approved pitches shall not be moved unless otherwise agreed in writing by the local planning authority or additional pitches added.**

**Reason: In order to protect the visual amenity of the area and to ensure that adjoining dwellings have satisfactory privacy.**

**7 No hard surfaces shall be provided on the application site nor shall the application site be used for the parking of any vehicles at any time.**

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

- 8 No development approved by this permission shall be commenced until pedestrian access and maintenance access points to the application site have been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details and remain as approved thereafter.**

**Reason: To ensure adjoining dwellings have satisfactory privacy and in the interests of highway safety.**

- 9 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.**

- 10 No floodlighting or external lighting shall be provided on the site at any time.**

**Reason: To safeguard local amenities.**

**Notes to Applicant:**

- 1 HN01 - Mud on highway**
- 2 N03 - Adjoining property rights**
- 3 N04 - Rights of way**
- 4 N11 - Wildlife and Countryside Act 1981**

Ref. 4  
**PORTWAY**  
CE2003/2041/F

Erection of new dwelling with garage/garden store at:

**PORTWAY, GRAFTON LANE, NR. HEREFORD**

For: **LEOMINSTER DRYLINING LTD, JOSAN, NEWLANDS DRIVE, LEOMINSTER, HEREFORDSHIRE, HR6 8PR**

The Central Divisional Planning Officer advised Members that an additional condition should be added to any planning permission granted to deal with issues in respect of the layby and footpath.

In response to a question by Councillor W.J.S. Thomas, the Local Member, the Central Divisional Planning Officer advised the Sub-Committee that condition 11 would ensure that the drainage arrangements were adequate.

**RESOLVED:**

**That subject to the receipt of suitably amended plans, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions**



considered necessary by officers:

- 1 **A01 (Time limit for commencement (full permission))**  
**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
- 2 **A07 (Development in accordance with approved plans)**  
**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**
- 3 **B01 (Samples of external materials)**  
**Reason: To ensure that the materials harmonise with the surroundings.**
- 4 **H01 (Single access - not footway)**  
**Reason: In the interests of highway safety.**
- 5 **H03 (Visibility splays)**  
**Reason: In the interests of highway safety.**
- 6 **H05 (Access gates)**  
**Reason: In the interests of highway safety.**
- 7 **H06 (Vehicular access construction)**  
**Reason: In the interests of highway safety.**
- 8 **H10 (Parking - single house)**  
**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.**
- 9 **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.**
- 10 **E17 (No windows in side elevation of extension)**  
**Reason: In order to protect the residential amenity of adjacent properties.**
- 11 **No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been approved by the local planning authority. The scheme shall be implemented in accordance with the approved details.**  
**Reason: To prevent pollution of the water environment.**
- 12 **G04 (Landscaping scheme (general))**

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

- 13 **G05 (Implementation of landscaping scheme (general))**  
Reason: In order to protect the visual amenities of the area.

14. Prior to the first occupation of the dwelling hereby approved, the layby and footpath shall be completed to a specification submitted to and approved in writing by the local planning authority.

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

**Notes to Applicant:**

- 1 **HN01 - Mud on highway**
- 2 **HN04 - Private apparatus within highway**
- 3 **HN05 - Works within the highway**
- 4 **If connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water Development Consultants on tel: 01443 331155.**
- 5 **N14 - Party Wall Act 1996**
- 6 **The application falls outside areas of known problems for septic tank drainage. However, to comply with DETR Circular 3/99 and BS 6297:1983 the applicant should ensure that the following criteria are met:**
  - a) **The septic tank and soakaway system are designed to meet the requirements of BS 6297:1983; and**
  - b) **There is no connection to any watercourse or land drainage system and no part of the soakaway system is situated within 10m of any ditch or watercourse; and**
  - c) **Porosity tests are carried out to the satisfaction of the local planning authority to demonstrate that suitable subsoil and adequate land area is available for the soakaway (BS 6297:1983).**

Ref. 5  
**HEREFORD**  
CE2003/2639/F

Convert existing outbuildings to annex apartment at:

**15 JUDGES CLOSE, HEREFORD, HEREFORDSHIRE, HR1 2TW**

For: **MR. & MRS. DEVERILL, PER MR. J.E. SMITH, PARKWEST, LONGWORTH, LUGWARDINE, HEREFORD**

The Central Divisional Planning Officer reported the receipt of further correspondence from the applicant's agent.

Councillor D.B. Wilcox, the Local Member, felt that Members would benefit from seeing the site and proposed that a site inspection be held based on all three grounds as defined in Paragraph 14 of the Code of

Conduct for Councillors and Officers Dealing with Planning Matters. Councillor A.L. Williams, the other Local Member, also felt the need for a site inspection.

**RESOLVED:**

**That consideration of planning application CE2003/2639/F be deferred for a site inspection.**

Ref. 6  
**HOLME LACY**  
CE2003/2800/F

Proposed new dwelling at:

**LAND ADJOINING STONEY YELD, HOLME LACY,  
HEREFORDSHIRE**

For: **MR. G. DYER, PER MR. N. LA BARRE, 38 SOUTH STREET,  
LEOMINSTER, HEREFORDSHIRE, HR6 8JG**

The Central Divisional Planning Officer reported the receipt of a further letter of objection from the occupants of 1 River View reiterating concerns raised in previous correspondence.

Councillor W.J.S. Thomas, the Local Member, concurred with the Officer's Appraisal and welcomed the application.

**RESOLVED:**

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

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

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

**2 A07 (Development in accordance with approved plans)**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**

**3 B01 (Samples of external materials)**

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

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

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

**5 F22 (No surface water to public sewer)**

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

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

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

**7 F48 (Details of slab levels)**

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

**8 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 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.**

**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.**

**Notes to Applicant:**

**1 HN01 - Mud on highway**

**2 HN05 - Works within the highway**

**3 There are no foul/surface water sewers in the immediate vicinity. It is therefore likely that off-site sewers will be required to connect to the public sewerage system. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on 01443 31155.**

Ref. 7  
**HEREFORD**  
CE2003/2471/F

Proposed loft conversion and rear extension at:

**80 LICHFIELD AVENUE, HEREFORD, HEREFORDSHIRE, HR1 2RL**

For: **MS. R. HAYNES, PER MR. I. WILLIAMS, TUPSLEY COURT COTTAGE, TUPSLEY COURT, HEREFORD, HR1 1UX**

**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.**

**3 E19 (Obscure glazing to windows)**

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

Ref 8  
**HEREFORD**  
CW2003/2113/O

Site for construction of new high school and associated playing fields at:

**LAND OFF THREE ELMS ROAD AND TO THE REAR OF BONINGTON DRIVE, HEREFORD**

For: **HEREFORDSHIRE COUNCIL PER PROPERTY SERVICES, HEREFORDSHIRE COUNCIL, FRANKLIN HOUSE, 4 COMMERCIAL ROAD, HEREFORD, HR1 2BB**

The Director of Environment advised the Sub-Committee that this outline planning application was being considered as a matter of urgency given the identified need for a new high school and because of constraints with the project timetable resulting from delays in receiving advice from external consultees.

The Chief Development Control Officer advised that, as a 'departure' application involving development by the local planning authority, the application would need to be referred to the Secretary of State for the Office of the Deputy Prime Minister if the Sub-Committee was minded to approve the proposal. As a consequence of this, a revised recommendation was outlined. Referring to paragraph 4.10 of the report, the Chief Development Control Officer noted that further information had been provided to the Head of Engineering and Transportation. He reminded the Sub-Committee that, as the proposal had been submitted in outline form, all matters were reserved for future consideration.

Councillor Mrs. P.A. Andrews, a Local Member, noted the need for a replacement school but expressed disappointment that the Education Department had not kept Local Members informed about the proposal. Councillor Mrs. Andrews felt that the Education Department should have utilised the expertise of the Planning Department at the earliest possible opportunity and should have put pressure on external consultees to respond more speedily.

Councillor Mrs. Andrews urged the Education Department to arrange a number of public meetings prior to the submission of the reserved matters application to respond to the numerous concerns. She suggested that a site inspection should be held for Members in due course and that a site tour should be arranged for local residents.

Councillor Ms. A.M. Toon, a Local Member, noted that lack of communication had resulted in people misunderstanding elements of the proposal. Councillor Mrs. S.P.A. Daniels, the other Local Member,

said that she had been inundated with questions but had no information with which to respond. Both Members endorsed the approach suggested by Councillor Mrs. Andrews.

Councillor R.I. Matthews welcomed the proposal and commented on flood risk issues.

Councillor P.J. Edwards noted that this application site had been identified as a proposal in the Unitary Development Plan (Deposit Draft) and noted the opportunities for public inspection of the Plan. He felt that consultees had ample time to comment on the application.

Councillor Mrs. E.M. Bew noted that a public meeting on the proposal had been held in Whitecross and commented that progress had been hindered by difficulties with consultants.

Councillor Mrs. M.D. Lloyd-Hayes felt that there would be many benefits if more information about such proposals was made available on the internet.

**RESOLVED:**

**That:**

- i) the application is notified to the Secretary of State at the Government Office for the West Midlands;**
- ii) subject to the Secretary of State confirming that he does not intend to call it in Planning Permission be granted subject to any conditions considered necessary by officers.**