

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford, HR1 1SH on Wednesday, 28th February, 2007 at 2.00 p.m.

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

Councillors: B.F. Ashton, R.B.A. Burke, P.J. Dauncey, Mrs. J.P. French, J.H.R. Goodwin, P.E. Harling, B. Hunt, T.W. Hunt, T.M. James, Brig. P. Jones CBE, R.M. Manning, R. Mills, D.W. Rule MBE, R.V. Stockton, J. Stone, J.P. Thomas and J.B. Williams

149. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs LO Barnett and WLS Bowen.

150. DECLARATIONS OF INTEREST

Councillor JP Thomas declared a prejudicial interest in item 8, (minute No.156) - DCNC2007/0044/F erection of 14 affordable dwellings, associated highway and external works at land on Middlemarsh, Leominster and left the meeting for the duration of this item.

151. MINUTES

RESOLVED: That the Minutes of the meeting held on 31st January, 2007 be approved as a correct record and signed by the Chairman, subject to the inclusion of the words "including confirmation of the need for affordable housing" in the resolution of minute No 143 - DCNC2006/3893/F - demolition of redundant racing stables and erection of 4 no. 3 bed houses (low cost market) together with 8 parking spaces at Risbury Racing Stables, Risbury, Leominster.

152. ITEM FOR INFORMATION - APPEALS

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

153. 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.

154. **DCNC2006/3283/F - USE OF LAND FOR SITING MOBILE HOMES BY THE DELETION OF CONDITION 2 IN THE CONSENT WHICH STATES NO CARAVAN SHALL BE USED AS PERMANENT RESIDENTIAL ACCOMMODATION ON LAND AT MEADOW BANK, HAMNISH, LEOMINSTER, HEREFORDSHIRE, HR6 0QN.**

Councillor JP Thomas, one of the Local Ward Members noted that the site was well laid out and maintained but he had a number of concerns about the application and the fact that the use of the units for residential accommodation had existed for some time without the necessary authorisation. He also noted the contents of the information provided by the applicant about the site licence and recognised that this may have created a misunderstanding on her part. He also felt that it would be helpful to have the results of investigation by the Environment Agency about discharge from the site into the holly brook. He did not want a situation arising where occupants could lose their homes but felt that if permission was granted, there would need to be assurances that no more land was used for residential accommodation and that units should not be replaced when they reached the end of their lives. Councillor RBA Burke, one of the Local Ward Members Had concerns about potential traffic problems in the narrow lanes around the site. Councillor TM James said that if approval was granted there could be similar situations arising on other sites where holiday units were gradually replaced by residential occupation. He felt that problems could be created for enforcement because it was not easy to prove or disprove that units had been occupied for residential to qualify for an established use. Councillor BF Ashton was of the view that the application was based on a number of unknown factors and that there was a danger of creeping urbanisation taking place. He also felt that there was a danger that if consent was granted, planning conditions may be ignored or prove difficult to enforce and that residential occupation could be established by default with the passage of time.

The Sub-Committee discussed the merits of the application and whether residential accommodation should be permitted in the location. They considered the advice offered by the officers but concluded that there were a number of disadvantages in granting planning permission and that it should be refused

RESOLVED:

- That (i) The Northern Area Planning Sub-Committee is minded to refuse the application because it is contrary to policies A40 and A58 of the Leominster District Local Plan and subject to any further reasons felt to be necessary by the Development Control Manager, provided that the Head of Planning Services does not refer the application to the Planning Committee;**
- (ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to the reasons 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.]

155. **DCNC2006/3379/F - USE OF LAND FOR SITING MOBILE HOMES BY THE DELETION OF CONDITION 2 IN THE CONSENT REF. NC2002/1416/F WHICH STATES "THE CARAVANS SHALL BE USED FOR HOLIDAY PURPOSES ONLY AND SHALL NOT AT ANY TIME BE USED AS THE SOLE PRIMARY RESIDENCE" AT MEADOW BANK, HAMNISH, LEOMINSTER, HEREFORDSHIRE, HR6 0QN.**

The debate on the previous item set out in Minute No 154 also related to this item.

- That (i) **The Northern Area Planning Sub-Committee is minded to refuse the application because it is contrary to policies A40 and A58 of the Leominster District Local Plan and subject to any further reasons felt to be necessary by the Development Control Manager, provided that the Head of Planning Services does not refer the application to the Planning Committee;**
- (iii) **If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to the reasons 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.]

156. **DCNC2007/0044/F - ERECTION OF 14 AFFORDABLE DWELLINGS, ASSOCIATED HIGHWAY AND EXTERNAL WORKS AT LAND ON MIDDLEMARSH, LEOMINSTER, HEREFORDSHIRE, HR6 9NF**

Councillor Mrs JP French, one of the Local Ward Members felt that the scheme was an innovative design good layout but that she would like to see some traffic calming measures in the approach roads. She enquired about the flood warning scheme and the Development Control Manager said that this would be by way of an automated telephone call system to the residents. The Sub-Committee concurred with the view of Councillor Mrs French that the Chairman and the Local Ward Members should be consulted about the terms to be set out in the planning obligation.

RESOLVED

That the Head of Legal and Democratic 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 appropriated, in consultation with the Chairman and Local Ward Members.

Upon completion of the aforementioned planning obligation, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission, subject to the following conditions:

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

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

- 2 - **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 consider the impact of any further development on the flood plain.

4 - F48 (Details of slab levels)

Reason: In order to define the permission and ensure that the development takes account of the flood risk associated with the site.

5 - G02 (Landscaping scheme (housing development))

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

6 - G03 (Landscaping scheme (housing development) - implementation)

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

7 - 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.

8 - W01 (Foul/surface water drainage)

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

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

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

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

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

11 - No development shall commence until the Developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been agreed in writing by the Local Planning Authority in liaison with Dwr Cymru Welsh Water's Network Development Consultant.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - N19 - Avoidance of doubt
- 3 - 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.

157. DCNE2007/0178/F - ERECTION OF PALISADE FENCING & GATES AT BRADFORD BUILDING SUPPLIES, HEREFORD ROAD, LEDBURY, HEREFORDSHIRE, HR8 2PR

Councillor DW Rule, one of the Local Ward Members was happy with the application but noted that Ledbury Town Council was opposed to it. Councillor BF Ashton, another of the Local Ward Members, noted that fencing was already in place within the site and could not see the need to extend it around the roadside boundary of the premises. He felt that the proposal would create a situation where the car park would be used for storage and vehicles would be displaced onto a busy road. He was of the opinion that the applicants could achieve a better layout by simply installing gates on the existing fence. He therefore proposed that it should be refused.

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

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 development details of the proposed finish for the approved palisade fence and gates shall be submitted to and approved in writing by the local planning authority. The finishes so approved shall not thereafter be changed without the prior written approval of the local planning authority.**

Reason: In the interests of a satisfactory form of development.

- H04 (Visibility over frontage)

Reason: In the interests of highway safety.

- 4 - H16 (Parking/unloading provision - submission of details)

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

Informatives:

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

158. DATE OF NEXT MEETING

28th March, 2007.

The meeting ended at 3.20 pm

CHAIRMAN