

**MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 22nd August, 2007 at 2.00 p.m.**

**Present:** Councillor JW Hope MBE (Chairman)

**Councillors:** LO Barnett, WLS Bowen, RBA Burke, ME Cooper, JP French, JHR Goodwin, KG Grumbley, B 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:** Councillor JE Pemberton

**65. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Mrs PM Morgan and RC Hunt.

**66. DECLARATIONS OF INTEREST**

Councillor Mrs K Swinburne declared a personal interest in respect of planning application **DCNE2007/1703/F - provision of a rooftop flagpole telecommunications installation, 3 no. ground based equipment cabinets and ancillary development at Bt Exchange, Walwyn Road, Colwall Stone, Malvern, Worcs, WR13 6ED**

**67. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 27th June, 2007 be approved as a correct record and signed by the Chairman.

**68. ITEM FOR INFORMATION - APPEALS**

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

**69. 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.

**70. DCNC2007/1809/O - DEMOLISH EXISTING BUNGALOW AND SITE FOR NEW TERRACE BLOCK AT 104 BRIDGE STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DZ.**

The Principal Planning Officer said that consideration of the application had been deferred at the previous meeting to enable Welsh Water to be formally consulted on the proposed development arising on concerns raised by adjoining residents about

foul and surface water disposal. Welsh Water had recommended that any planning permission granted should include conditions and advisory notes relating to foul and surface water discharges. On this basis the Sub-Committee decided that planning permission could be granted as recommended.

**RESOLVED**

**That outline planning permission be granted 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 - A03 (Time limit for commencement (outline permission))**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

**3 - A04 (Approval of reserved matters)**

**Reason: To enable the local planning authority to exercise proper control over these aspects of the development.**

**4 - A05 (Plans and particulars of reserved matters)**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

**5 - D01 (Site investigation - archaeology)**

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

**6 - 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.**

**7 – Notwithstanding the provisions of Condition 6, each individual parking space shall measure 4.8 metres by 2.4 metres, unless otherwise first agreed in writing by the local planning authority**

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

**8 - H08 (Access closure)**

**Reason: To ensure the safe and free flow of traffic using the adjoining County highway.**

**9 – No windows shall be provided in either of the first floor northwest or southeast facing end elevations of the proposed terrace, without the prior written permission of the local planning authority.**

**Reason: In the interest of privacy and amenity.**

**10 - W01 – (Foul/surface water drainage)**

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

**11 - 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.**

**12 - W03 – (No drainage run-off to public system)**

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

**Informatives:**

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 2 - N03 - Adjoining property rights**
- 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**
- 8 - The applicant should be aware that this outline planning permission does not override 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 applicant is 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.**
- 9 - N14 - Party Wall Act 1996**
- 10 - This outline application is granted on the understanding that the eaves and ridge levels of the building hereby approved will not be higher than those of the adjacent terrace of houses, adjacent to the site on its north west side (i.e. those levels at the south east end of the terrace).**
- 11 - N19 - Avoidance of doubt**
- 12 - N16 - Welsh Water Informative**

71. **DCNC2007/1981/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 LAND AT MEADOW BANK, HAMNISH, LEOMINSTER, HEREFORDSHIRE. HR6 0GN.**

The Principal Planning Officer presented the following updates:

Miss A Cann, who is listed as being in support of the application, has asked that her letter be considered as an objection. As a resident on the site, she is concerned at the manner in which the site has been run and refers to a number of disputes that she has had with her landlady. She also feels that the site has not been properly checked by the Council.

Two further e-mail correspondence have been received. One is submitted on behalf of the residents of Meadow Bank. The points raised are as follows and are considered to demonstrate that the park has been used for residential purposes for some time:

1. Many occupants of the site are there as a sole place of residence and are registered with the Post Office.
2. All are registered with local dentists and doctors, and one with a local school.
3. All are on the electoral register.
4. The majority have BT land lines
5. The majority of residents have bank accounts, pay Income Tax and National Insurance.
6. Several residents are Hungarian Nationals and have been granted work permits by the Home Office.

None of this would be possible if the site was not considered to have permanent residential status.

The second is from Mr K Fello who is also a resident on the site. He comments as follows:

Meadow Bank Park was established as a holiday caravan site during the 1960's and in 1998 was given a Certificate of Lawfulness for 5 homes when it was known that 11 existed on that section. Since 2003 the park has operated as 'Residential' with people buying homes intending to spend a peaceful retirement and leaving city living and the crimes that plague our cities far behind. Indeed my research has shown that over the past 5 years only 5 crimes have been recorded in the whole of the Hamnish area, 2 crimes of theft of motor vehicles, 1 a caravan from storage at Meadow Bank in 2002. and, 3 of burglary from non domestic dwellings, in that 5 years I understand that 14 other incidents were attended covering an area from the A44 to Kimbolton. Some residents have had grants to better insulate their home and add pitched roofs. Some also maintain gardens which also adds to the pleasant views and creates a mutual interest in the general appearance around our homes. New residents are vetted by Miss Moore which has resulted in very good close knit multi racial community where everyone gets on together.

In accordance with the criteria for public speaking, Mr Boghurst the agent acting for the applicants spoke in favour of the application.

The Sub-Committee discussed the merits of the application and whether residential

accommodation should be permitted in the location. Councillor RBA Burke, one of the Local Ward Members Had concerns about potential traffic problems in the narrow lanes around the site and expressed the view that the application should be refused. Councillor WLS Bowen on the other hand was of the view that because of the way residential occupation had evolved over a number of years, it would be difficult to sustain a refusal. Councillor J Stone felt that little had changed since the previous application was refused and he shared the concerns of Kimbolton Parish Council regarding overdevelopment, amenity value, vehicular access and sewage disposal

The Principal Planning Officer said that because of the planning history of the site; the mix of residential and holiday accommodation; and Certificate of Lawful Use, the officers had taken a pragmatic approach and had felt that it would be better for a permission to be granted which allowed permanent residential occupancy. This would then require the site to comply with the residential site licence and afford officers a greater degree of control.

At this juncture the Sub-Committee decided to withdraw from the public arena to seek advice about some of the legal aspects associated with the site. The Sub-Committee then returned.

Having considered all the facts regarding the application and the advice offered by the officers, the Sub-Committee still had some concerns about the situation but on balance decided the approval should be granted.

#### **RESOLVED**

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

1. **G04 - Landscaping scheme (general)**

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

2. **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**

72. **DCNC2007/1986/F - USE OF LAND FOR SITING MOBILE HOMES BY THE DELETION OF CONDITION 2 IN THE CONSENT REF 92C42 WHICH STATES NO CARAVAN SHALL BE USED AS PERMANENT RESIDENTIAL ACCOMMODATION AT LAND AT MEADOW BANK, HAMNISH, LEOMINSTER, HEREFORDSHIRE. HR6 0GN.**

The debate set out in the previous minute also relates to this application.

#### **RESOLVED**

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

1. **G04 - Landscaping scheme (general)**

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

2. 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**

**73. DCNC2007/2153/F - RELOCATION OF PERIMETER FENCE AT ALEXANDER & DUNCAN LTD, SOUTHERN AVENUE, LEOMINSTER, HEREFORDSHIRE, HR6 0QB.**

The Principal Planning Officer said that the Ramblers Association had raised no objections to the proposal on the basis that it would not impact upon an adjacent footpath.

In accordance with the criteria for public speaking Mr Amos the applicant spoke in favour of the application.

Having considered the details about the application, the Sub-Committee felt that approval would not be detrimental to the area and would give much more flexibility to the applicant in developing his business. It was therefore considered that despite the contrary advice from the officers, it should be approved.

**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 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 approve the application in consultation with the Local Ward Members and subject to such conditions referred to above.**

[Note: Following the vote on this application, the Development Control Manager said that he would not refer the application to the Head of Planning Services]

**74. DCNE2007/1183/F - PROPOSED 3 BEDROOM DWELLING INCORPORATING STABLES AND ASSOCIATED LANDSCAPE WORKS TO REPLACE EXISTING AGRICULTURAL SHEDS AT LAND FORMING PART OF PERRYCROFT LODGE ESTATE, JUBILEE DRIVE, UPPER COLWALL, MALVERN, WORCESTERSHIRE, WR13 6DN.**

In accordance with the criteria for public speaking, Mr Browning of Colwall Parish Council and Mr Jolly, the Agent acting for the applicants, spoke in favour of the application.

The Principal Planning Officer explained that the officers were in favour of the application because the proposal was for a dwelling which would be exceptional in respect of its design and eco-friendly attributes. The Development Control Manager said that although the proposal was for a new dwelling in the open countryside and

contrary to some policies, it was acceptable by virtue of its exceptional quality and innovative design. He felt that it would enhance the setting of the neighbouring listed buildings and landscape. The Sub-Committee concurred with the view of the officers.

**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 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 to the dwelling**
- **Written details and samples of the surfacing materials to the driveway**
- **Full details of the fenestration system**

**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 maintained as such;**

**Reason: - To ensure a satisfactory appearance to the development, to safeguard the setting of the neighbouring listed buildings and to safeguard the character of the Area of Outstanding Natural Beauty.**

**3 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), no development normally permitted by that Order shall be carried out without the express consent of the Local Planning Authority.**

**Reason: To safeguard the architectural integrity of the dwelling hereby permitted, to safeguard the setting of the neighbouring listed buildings and to safeguard the character of the Area of Outstanding Natural Beauty.**

**4 - 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 the dwelling hereby permitted or the completion of the development (whichever is the sooner). Any trees or plants which within a period of ten years from 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 a satisfactory setting to the building hereby permitted and to enhance the Area of Outstanding Natural Beauty.**

**5 - Prior to the first occupation of the dwelling hereby permitted the new driveway, integral garaging and turning / manoeuvring area(s) for motor**

vehicles and secure cycle storage facilities shown upon the approved plans shall be implemented. Thereafter these areas and facilities will be kept available for such use.

**Reason:** In the interests of highway safety and to safeguard the setting of the building hereby permitted, the neighbouring listed buildings and the Area of Outstanding Natural Beauty.

- 6 -** The buildings shown upon the approved plans to be demolished shall be demolished and all resultant materials removed from the land prior to the first occupation of the dwelling hereby permitted.

**Reason:** To safeguard the architectural integrity of the dwelling hereby permitted, to safeguard the setting of the neighbouring listed buildings and to safeguard the character of the Area of Outstanding Natural Beauty.

- 7 -** The demolition referred to in condition 6. above shall not take place between 1st March and 31st August (inclusive) in any calendar year, unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To ensure that the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 and policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

- 8 -** Prior to commencement of the development hereby permitted the following matter shall be submitted to the Local Planning Authority for their written approval:-

Full details of a habitat creation scheme (to include details of boxes for nesting birds and bats).

The development shall not commence until the Local Planning Authority has given such written approval. The approved details shall be fully implemented prior to the first occupation of the dwelling hereby permitted and shall thereafter be maintained as such;

**Reason:** To ensure that the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 and policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

- 9 -** Prior to the first occupation of the dwelling house hereby permitted the development shall be carried out in full accordance with the EcoHomes 2006 Pre-assessment Report BREAM dated 05/04/2007 prepared by Scott-Wilson received 23<sup>rd</sup> April 2007 and thereafter be maintained as such;

**Reason:-** To ensure that the sustainable building credentials of the development which represent one of the reasons for granting this planning permission are both provided and maintained.

- 10 -** Prior to commencement of the development hereby permitted, full details of all external lighting to be installed upon the site (including upon the external elevations of the building), if any, shall be submitted to the Local Planning Authority for their written approval. No external lighting shall be installed upon the site (including upon the external elevations of the building) without the prior written consent of the Local Planning



**Authority.** The approved external lighting (including upon the external elevations of the building) shall be installed in full accordance with the approved details and thereafter maintained in accordance with those details.

**Reason:** To safeguard the character and appearance of the countryside which hereabouts is designated as an Area of Outstanding Natural Beauty and to safeguard the architectural integrity of the development.

**Informatives:**

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - The reason for the granting of this planning permission contrary to the provisions of the Development Plan is that the scheme is considered to comply with paragraph 11 of Planning Policy Statement 7.
- 3 - N19 - Avoidance of doubt

**75. DCNE2007/1703/F - PROVISION OF A ROOFTOP FLAGPOLE TELECOMMUNICATIONS INSTALLATION, 3 NO. GROUND BASED EQUIPMENT CABINETS AND ANCILLARY DEVELOPMENT AT BT EXCHANGE, WALWYN ROAD, COLWALL STONE, MALVERN, WORCS, WR13 6ED.**

The Principal Planning Officer said that a further three letters of objection had been received from residents in the vicinity.

In accordance with the criteria for public speaking, Mr Browning of Colwall Parish Council spoke in favour, Mr MacGregor an objector spoke against and Mr Waugh the agent acting for the applicants spoke in favour of the application.

Having considered all the details about the application, the Sub-Committee did not feel that there were sufficient grounds to refuse it because of health concerns that had been raised, and was of the view that the proposal was well designed to have a minimum impact on the surrounding area.

**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 flagpole and equipment cabins shall be finished in a colour agreed in writing by the Local Planning Authority prior to the commencement of development. The mast and equipment cabins shall be coloured in accordance with the approved details and maintained in perpetuity.

**Reason:** To minimise the visual impact of the development in an area designated as an Area of Outstanding Natural Beauty.

**Informative(s):**

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

**76. DCNW2007/1832/N - PROPOSED BIOMASS FUEL POWER PLANT IN A PURPOSE BUILT BUILDING ON THE SITE OF AN OLD QUARRY AT LOWER WOODSIDE, KNILL, PRESTEIGNE, HEREFORDSHIRE, LD8 2PR.**

The Senior Planning Officer said that the Head of Environmental Health and Trading Standards had requested an additional condition about noise attenuation to cover areas not controlled by a PPC permit. The Committee was agreeable to this request.

Councillor RJ Phillips the Local Ward Member said that the public meeting held about the application in June had been particularly helpful to explain details of the application for the benefit of local residents and the parish council. He felt that the applicants had made strenuous efforts to ensure that the application met the Council's policies and conditions about noise control, pollution control, bio-diversity and sustainability.

**RESOLVED**

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

- 1 - A01 (Time limit for commencement (full permission)) (5 years – Special Circumstances)**  
**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 - No combustor unit or other energy-generating equipment shall be installed at the site other than that specified in sections 4, 5 and 6 (pp 10-16) of the submitted 'Description of the project' dated April 2007.**  
**Reason: Because any other type of such equipment would require further consideration by the local planning authority.**
- 4 - 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, extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to 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 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: To ensure any potential soil contamination is satisfactorily dealt with before the development takes place, in accordance with HUDP policies DR4 and DR10.**

- 5 - On completion of the remediation scheme specified in condition 4, 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: To ensure any potential soil contamination is satisfactory dealt with before the development takes place, in accordance with HUDP policies DR4 and DR10.**

- 6 - No development shall take place until a Site Waste Management Plan for the construction phases has been implemented in accordance with details which have first been submitted to and approved in writing by the local planning authority. (Please see informative note 1).**

**Reason: In the interests of pollution prevention and waste minimisation and management, in accordance with the Waste Hierarchy and HUDP policies S10, W11 and DR4.**

- 7 - No development shall take place until a method statement detailing proposed wildlife habitat management including post-development aftercare has been submitted to and approved in writing by the local planning authority. The recommendations for nesting birds and habitat enhancement outlined in section 4 of the submitted Ecological Report should be followed and the method statement should include an extended Phase 1 survey of the whole site and identify those areas where no development shall take place, which should include the quarry face. The method statement should be implemented as approved unless otherwise agreed in writing in advance with the local planning authority. (Please see informative note 2).**

**Reason: To ensure compliance with protected species legislation, to conserve and protect scarce and protected habitats and to maintain foraging areas for protected species, to comply with HUDP policies NC1, NC5, NC6, NC7, NC8 and NC9.**

- 8 - No development shall take place until a scheme for the provision and implementation of a surface water regulation system, including the use of Sustainable Urban Drainage Systems as described in the submitted Flood Risk Assessment dated April 2007, 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 runoff rate for the site (10 litres/sec/ha). The scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing in advance with the local planning authority in consultation with the Environment Agency.

**Reason:** To prevent increasing any risk of flooding and provide water quality benefits by ensuring a satisfactory means of surface water disposal, and to comply with HUDP policies DR6 and DR7.

- 9. F06 (restriction on noise levels)**

**Reason:** to protect the amenities of nearby properties.

- 10 - G04 (Landscaping scheme (general)) (in accordance with HUDP policies LA2, LA5 and LA6).**

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

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

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

- 12 - F16 (Restriction of hours during construction)( Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays) and to comply with HUDP policy DR13.**

**Reason:** To protect the amenity of local residents.

- 13 - F41 (No burning of materials/substances during construction phase )**

**Reason:** To safeguard residential amenity and prevent pollution and ensure compliance with HUDP policies DR4 and DR9.

- 14 - E10 (Use restricted to biomass energy generation and agriculture)**

**Reason:** For the avoidance of doubt and to suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to safeguard the amenity of the area and because any other use could have adverse environmental effects requiring further consideration by the local planning authority.

- 15 - No waste, chicken litter, biomass, forestry waste, dry wood pellets or other feedstock/fuel materials shall be stored or stockpiled outside the proposed building unless otherwise agreed in writing in advance by the local planning authority.**

**Reason:** To protect the amenity of the local area and prevent any pollution or nuisance on the overall site, in accordance with HUDP policies S2 DR4 and DR9.

- 16 - No wastes or waste materials other than those specified in this application shall be received at the application site unless otherwise agreed in writing in advance by the local planning authority.**

**Reason:** To prevent any pollution or nuisance on the overall site, in accordance with HUDP policies S2, DR4 and DR9 and because any

**other type of waste materials could raise environmental and amenity issues that would require further consideration by the local planning authority.**

- 17 - E02 (Restriction on hours of delivery) of [07.00 to 18.00] Mondays to Fridays and [07.00 to 13.00] on Saturdays nor at any time on Sundays, Bank or Public Holidays.**

**Reason: To safeguard the amenity of the area in accordance with the HUDP policies DR9 and DR13.**

- 18 - All materials brought into or out from the site shall be transported in securely covered or enclosed vehicles.**

**Reason: In the interests of road safety and to prevent pollution or nuisance in accordance with Hereford Unitary Development Plan policies S2 and DR4.**

- 19 - F40 (No burning on site other than within the plant hereby permitted)**

**Reason: To safeguard residential amenity and prevent pollution in accordance with HUDP policy DR9.**

- 20 - F22 (No surface water to public sewer)**

**Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding in accordance with the HUDP policy DR6.**

- 21 - F28 (No discharge of foul/contaminated drainage)**

**Reason: To prevent pollution of the water environment, and to comply with HUDP policy DR6.**

- 22 - The site shall not be used for any retail sales.**

**Reason: In the interests of road safety and the amenity of the area and to prevent development that would be contrary to development plan policies.**

- 23 - F32 (Details of external lighting)**

**Reason: To safeguard local amenities and to comply with the HUDP policy DR14.**

- 24 - In connection with the development approved by this permission, all buildings shall be kept in good decorative order and all plant, machinery and equipment shall be maintained in accordance with manufacturers' specifications.**

**Reason: In the interests of the amenity of the area and to ensure a satisfactory form of development.**

- 25 - In the event of the cessation of the operations hereby permitted for a period exceeding 12 months, all plant, equipment and machinery shall be removed within a further 6 months unless otherwise agreed in writing, by the local planning authority.**

**Reason:** To ensure the timely removal of redundant equipment in the event that operations permanently cease.

**Informatives:**

- 1 - In connection with condition 6 above, advice on Site Waste Management Plans is freely available on [www.netregs.gov.uk](http://www.netregs.gov.uk), [www.envirowise.gov.uk](http://www.envirowise.gov.uk), or [www.wrap.org.uk](http://www.wrap.org.uk). The plan should include in particular:
  - a) The appointment of a person in charge;
  - b) How construction waste will be segregated and managed;
  - c) Proposals for re-using, recovering and recycling materials and equipment wherever possible;
  - d) Measures for procurement efficiency;
  - e) Details of a secure compound for materials and equipment, including proposals for the protection of this area and its access from compaction, and its restoration on completion;
  - f) How the plan will be implemented.
- 2 - The biodiversity method statement required by condition 7 shall include details of:
  - a) Results of the extended Phase 1 ecological survey;
  - b) Pools and shallow scrapes to be created and maintained in the interests of biodiversity enhancement;
  - c) Retention of the poor-nutrient soil currently present on site, and the minimisation of importing topsoil;
  - d) Provision for bat roosting and bird nesting including provision for swallows;
  - e) Plans showing identified areas that will be protected from development, including measures to protect the existing quarry face from damage;
  - f) Retention of stone and log piles already on site;
  - g) Measures for ensuring continued monitoring and maintenance of all the above.
- 3 - HN01 - Mud on highway
- 4 - In the interests of road safety and visibility you are advised to keep vegetation at the site access well trimmed.
- 5 - The Highway Authority reserves the right to take action to open up the legal route of the public footpath at any time, and the applicant should note that the footpath could be diverted using the provisions of S119 of the Highways Act 1980. More information on path diversion orders is

available from the Public Rights of Way office on 01432 261721.

- 6 - **N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 7 - **For the avoidance of any doubt the plans for the development hereby approved are as follows:-**

**77. DCNW2007/2110/F - PROPOSED RESIDENTIAL DEVELOPMENT AT ST. ANTHONY'S, YARPOLE, LEOMINSTER, HR6 0BA.**

The Principal Planning Officer said that the Head of Environmental Health and Trading Standards had requested an additional condition regarding the times that machinery was operated on site and deliveries were made.

In accordance with the criteria for public speaking, Mr Hughes the agent acting for the applicants spoke in favour of 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 - **B01 (Samples of external materials)**  
**Reason: To ensure that the materials harmonise with the surroundings.**
- 3 - **Foul water and surface water discharges shall be drained separately from the site.**  
**Reason: To protect the integrity of the public sewerage system.**
- 4 - **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.**
- 5 - **Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.**  
**Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.**
- 6 - **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 has been submitted to and approved in writing by the Local Planning Authority. 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 by ensuring the provision of a satisfactory means of surface water disposal.**

- 7 - No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. 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) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).**
  - d) 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.**
  - e) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).**
  - f) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).**
  - g) the timing of the various phases of the works or development in the context of the tree protection measures.**

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

- 8 - No works or development shall take place until a specification of all proposed tree planting has been approved in writing by the Local Planning Authority. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted. 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).**

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



9 – GO1 (Details of boundary treatments)

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

- 10 - 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.

Reason: In order to protect the visual amenity of the surrounding area.

11- E16 (Removal of permitted development rights)

Reason: In order to preserve the setting of the surrounding Conservation Area and amenity of surrounding dwellings.

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

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

13. F06 (restriction on noise levels)

Reason: to protect the amenities of nearby properties.

14 - 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.

**INFORMATIVES**

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

- 2 - N19 - Avoidance of doubt

78. DCNW2007/2132/F - PROPOSED CHANGE OF USE OF LAND TO EXTEND EXISTING HOLIDAY HOME PARK TO SITE 8 NEW MOBILE HOMES AT COMPASSES HOTEL, FORD STREET, WIGMORE, LEOMINSTER, HEREFORDSHIRE, HR6 9UN.

The Sub-Committee was agreeable to the application subject to condition No.4 being worded as set out below:

**RESOLVED**

That planning permission be granted subject to the following conditions:

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

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

- 2 - B01 (Samples of external materials)**

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

- 3 - E31 (Use as holiday accommodation)**

**Reason: The local planning authority are not prepared to allow the introduction of separate units of residential accommodation, due to the site being outside a recognised development boundary in accordance with the Herefordshire Unitary Development Plan.**

- 4 - No holiday unit on site shall be occupied by the same person for more than three calendar months and that same person shall not reoccupy part of the site within 6 weeks of the last date of occupation.**

**Reason: To prevent the establishment of a residential use of the site, which is located outside of a recognised development boundary in accordance with the Herefordshire Unitary Development Plan.**

- 5 - A record of names and addresses of all occupants of the holiday units hereby approved will be maintained by the applicants, or their successors in title and produced to the Local Planning Authority when requested.**

**Reason: To prevent the establishment of a residential use of the site, which is located outside of a recognised development boundary in accordance with the Herefordshire Unitary Development Plan.**

- 6 - During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday - Friday 7.00 am - 6.00 pm, Saturday 8.00 am - 1.00 pm nor at any time on Sundays, Bank or Public Holidays.**

**Reason: To protect the amenity of local residents.**

- 7 - G10 (Retention of trees)**

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

- 8 - F20 (Scheme of surface water drainage)**

**Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.**

- 9 - F23 (Improvement of existing sewerage system)**

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

- 10 - The entire mobile holiday park and the adjacent public house known as the Compass Hotel shall not be sold separately from each other.**

**Reason: To ensure unrestricted access from the site to the public highway.**

- 11 - Prior to any development of site full details will be submitted to and**

approved in writing by the Local Planning Authority of the site layout, additional landscaping, size and colour of the mobile units to be placed on site.

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

**Informatives:**

- 1 - The applicants or successors in title are reminded that the site is served by land drainage that also affects adjoining land to the application site and that all necessary precautions must be undertaken to fully allow for continued use of this land drainage system.
- 2 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 3 - N19 - Avoidance of doubt

**79. DCNW2007/2136/F - PROPOSED CONVERSION OF ATTACHED STORE TO PROVIDE ADDITIONAL LOUNGE ACCOMMODATION AT HAYWAIN, WOONTON, HEREFORDSHIRE, HR3 6QN.**

In accordance with the criteria for public speaking Mr Walters the agent acting for the applicants spoke in favour of the application.

The Sub-Committee discussed the details of the application and felt that the proposal would considerably enhance the dwelling and setting, and be preferable to the existing breezeblock and zinc structure which they felt had no architectural merit. They therefore felt that the application should be approved

**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 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 approve the application in consultation with the Local Ward Members and subject to such conditions referred to above.

[Note: Following the vote on this application, the Development Control Manager said that he would not refer the application to the Head of Planning Services]

**80. DCNW2007/2326/F - PROPOSED AREA FOR THE DISPLAY OF DECORATIVE GARDEN PRODUCTS AT THE OAKS, MARSTON, PEMBRIDGE, HEREFORDSHIRE HR6 9HZ**

The Principal Planning Officer presented the following updates:

Pembridge Parish Council consider that any previous reasons for refusal had been addressed in the submitted Design and Access Statement and therefore has no objections to this application.

Letter of objection received signed by residents of 13 local households in and around Marston. Letter raises objections to the proposed development on grounds of impact on the natural environment, highway infrastructure, impact on local community and represents incremental and unsustainable development. The proposal is no different to that previously refused. Concerns are also raised about a list of persons who indicated no objection to the proposed development. This list was submitted as part of the application, the letter of objection stating that most are not local residents to the application site, unlike the signatories to the letter of objection.

Landscape Manager has stated that the application site is within Wet Pasture Meadow in Landscape type in accordance with the Council's Landscape Character Assessment and that a decision to refuse the application in relation to Policies LA2 and LA6 of the UDP would be justified.

In accordance with the criteria for public speaking Mr Hughes the agent acting for the applicants spoke in favour.

Councillor RJ Phillips the Local Ward Member said that there were four passing bays on the road approaching the site and that given that the majority of the applicants business was conducted on an appointment basis, he did not feel that there would be a highway safety problem. He suggested that a temporary three-year planning consent could be granted with appropriate conditions which would enable any problems to be identified. The Sub-Committee agreed with this view and felt that consent should be granted subject to the Chairman and Local Ward Member being first consulted.

**RESOLVED:**

- that (i) **The Northern Area Planning Sub-Committee is minded to approve the application subject to approval being granted in consultation with the Chairman and Local Ward Member, the following conditions and any further conditions 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.**
- 1. Temporary permission for three years**
  - 2. Use, sales, opening hours, delivery times, noise and light pollution**
  - 3. Landscaping**
  - 4. Access**
  - 5. Land to be reinstated if use ceases**
- (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 in consultation with the Local Ward Members and subject to such conditions referred to above.**

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