

APPENDIX

Note: To further the efficient transaction of business, the Chairman agreed that Agenda Item 5, Ref. 14 (DCNC2003/1895/N – Wharton Court) would be considered first. The remainder of the business was conducted in the order as published in the agenda.

Ref. 1
STAUNTON-ON-WYE
DCNW2004/0080/O

Site for the building of a replacement primary school on land belonging to:

BLISS HALL FARM, STAUNTON-ON-WYE. (OS: 3625/4505)

For: Governors of Staunton-on-Wye Primary School per Property Services Manager, Herefordshire Council Property Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB

The Northern Divisional Planning Officer reported that one member of the public who would be entitled to speak had not been notified. In view of this, members agreed to defer the application to enable sufficient notice to be given.

RESOLVED: That consideration of the application be deferred to enable sufficient notice to be given to Public Speakers.

Ref. 2
KIMBOLTON
DCNC2004/0107/F

Proposed extensions to existing storage facility to form bulk storage and general purpose grading area at:

LARKSFIELD, KIMBOLTON, HEREFORDSHIRE

For: HVR Smith & Co. per Mr P Dunham Dunham Associates 19 Townsend Soham Cambridgeshire CB7 5DD

The Principal Planning Officer reported that a representative from the Environment Agency had inspected the site and had indicated that it was operating satisfactorily. She also reported that the applicants had proposed to face both buildings with Yorkshire Boarding so that they blended in with the surroundings.

In accordance with the criteria for public speaking, Mr Smith, the applicant, spoke in support of the application.

Members noted local residents' concerns in respect of traffic issues and the scale of the development. They felt, however, that the proposal should be supported on balance because the applicant had addressed a significant amount of additional concerns, including those expressed by the Parish Council.

RESOLVED: That planning permission be granted subject to the following conditions, and to any further 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 - A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

3 - B10 (Details of cladding (agricultural and industrial buildings)

Reason: To minimise the visual impact of the development.

4. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the local planning authority. The scheme shall include alternative measures for limitation of flows and details of pollution control together with an agreed programme of maintenance and inspection. The drainage scheme shall be implemented before the first use of the development hereby approved and details of any remedial works shall be agreed in writing with the local planning authority and implemented in accordance with an agreed timetable.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to prevent pollution of the water environment.

5 - F28 (No discharge of foul/contaminated drainage)

Reason: To prevent pollution of the water environment.

6 - F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

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 - G06 (Scope of landscaping scheme)

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

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

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

12 - H21 (Wheel washing)

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

13 - F26 (Interception of surface water run off)

Reason: To prevent pollution of the water environment.

14 - Collection of roof water and connection via downpipes into the existing surface water drainage system shall take place upon completion of the roof structure and external cladding and prior to the buildings first being brought into use.

Reason: In the interest of proper drainage of the site and to prevent the risk of flooding.

15 - Prior to the building first being brought into use a scheme for the regular inspection and maintenance programme for the drainage system shall be submitted to and approved in writing by the local planning authority.

Reason: In the interest of proper drainage of the site and to prevent the risk of flooding.

Informative:

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

Ref. 3
BROMYARD
DCNC2004/0628/O

Site for one new dwelling adjoining at:

17 LOWER WESTFIELDS, BROMYARD, HEREFORDSHIRE, HR7 4EN

For: Mr R Clinton per Gurney Storer & Associates The Stables Martley Worcestershire WR6 6QB

Receipt of one further letter from Mrs Foot was reported. In addition, the Transportation Manager had commented that the application would not be detrimental to highway safety in his view.

Some members felt that the application should be refused because it constituted overdevelopment of the area. The Northern Divisional Planning Officer stated that the application was for one dwelling only, and that this would be made clear in the description of the application.

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)(delete means of access)

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)(delete means of access)

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

- 5 - B01 (Samples of external materials)

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

Informatives:

- 1 - HN02 - Public rights of way affected
2 - HN05 - Works within the highway
3 - No development should commence until such time as an order to divert the Public Footpath has been confirmed.
4 - N15 - Reason(s) for the Grant of PP/LBC/CAC

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Change of use to residential 3 no. Apartments, 3 no. Houses, garages and parking spaces and associated drainage at:

STRETTON GRANGE RETIREMENT HOME, STRETTON GRANDISON, LEDBURY, HEREFORDSHIRE, HR8 2TS

For: KMH Property Developments Ltd. Development Design Partnership
Sandford House 6 & 7 Lower High Street Stourbridge West Midlands DY8 1TE

The Northern Divisional Planning Officer reported on some minor changes to the report, and the receipt of the following:

Ref. 4
**STRETTON
GRANDISON**
DCNE2003/3706/F

- An email/facsimile from Mr Prestman of Stretton Court Farmhouse, containing no new material planning considerations, and seeking assurance that the application would not cause erosion to his embankment, which bordered the application site. Mr Prestman also commented on sunlight/daylight, electricity and water supplies, traffic, drainage, and tree protection.
- The observations of the applicant's arboriculturalist.

In accordance with the criteria for public speaking, Mr Nicholson of Stretton Grandison Parish Council, and Mr Brock, spoke in support of the proposal.

The Local Member, Councillor R. Manning, outlined the planning history of the site, and read excerpts of a letter from Herefordshire Council's Chief Executive to Bill Wiggin, MP. Councillor Manning felt that the application should be approved for the following reasons:

- It afforded protection for most of the trees on site. He added that the trees, many being mature and a significant enhancement to the area, were of great importance to the local surroundings and to residents.
- The proposal would enhance the surrounding Conservation Area more than the extant planning permission.
- It might provide affordable and sought-after family homes.
- The proposal provided an improved sewerage system.
- It had the full support of local residents.

The Northern Divisional Planning Officer confirmed the following in response to questions:

- He would research the site's planning history, and clarify information about the application being delegated to officers to refuse, in accordance with the Councils Scheme of Delegation
- The Council's Tree Officer had studied the application, and had made recommendations based on all of the information available.
- If the application was approved, the extant planning permission would not be implemented.
- There was no element of affordability in the proposal.
- The barn behind Stretton Grange was the only listed property on the site.

Other members expressed concern that the application would set an unwelcome precedent for residential development in open countryside.

Having considered all of the issues surrounding the application, members felt that their reasons for approval outweighed the planning considerations. The Principal Lawyer (Planning, Environment and Transport) reminded members of the Council's referral procedure, applicable in instances when members were minded to make a decision against officer advice.

RESOLVED: That

- (i) **The Northern Area Planning Sub-Committee is minded to**

approve the application, subject to any conditions felt to be necessary by the Head of Planning Services, provided that the Head of Planning Services does not refer the application to the Planning Committee; and

- (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: The Northern Divisional Planning Officer said that, given that there were crucial policies at stake he would refer the application to the Head of Planning Services.)

Ref. 5
WELLINGTON
HEATH
DCNE2003/3874/F

Demolition of existing dwelling and erection of three new dwellings at:

**OAK TREE COTTAGE, WELLINGTON HEATH, LEDBURY,
HEREFORDSHIRE, HR8 1NA**

For: Miton Ltd per Ian Guest & Associates, 3 Juniper Way, Malvern Wells, Worcestershire, WR14 4XG

The Northern Divisional Planning Officer reported that Wellington Heath Parish Council had submitted its additional representations after publication of the agenda. The Parish Council had stressed the importance of ensuring that the application would not cause detriment to the oak tree on the site, and had felt that the application should be refused unless the yew tree on the site would be preserved. It had suggested moving plots 1 and 2 closer to the road, and if approved, adding Conditions 6, 7, 8, 9, and 11 from the previous outline planning permission.

The applicant's agent had submitted additional information in response to the Parish Council's comments.

The Northern Divisional Planning Officer said that standard condition G01 would be included in the planning permission, along with Conditions 6 and 8 from the previous outline planning application. The applicant's Permitted Development Rights would also be removed, and additional wording would be added to Conditions 10 and 12 on the current planning application. He added that he would discuss the issue of the trees with the applicant.

RESOLVED: That officers named in the Scheme of Delegation to Officer be authorised to grant planning permission, subject to the following conditions, and to any further conditions considered necessary by officers, including G01, Conditions 6 and 8 from the outline planning application, and the removal of Permitted Development Rights:

- 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.

3 - B01 (Samples of external materials)

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

4 - H01 (Single access - not footway)(5 metres)

Reason: In the interests of highway safety.

5 - H03 (Visibility splays)(2 x 33 metres)

Reason: In the interests of highway safety.

6 - H09 (Driveway gradient)

Reason: In the interests of highway safety.

7 - H12 (Parking and turning - single house)(3 cars per house)

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

8 - H26 (Access location)(The Common)

Reason: In the interests of highway safety.

9 - No development shall take place until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the landscape character of the site.

10 - No development shall be commenced on the site or machinery or materials brought onto the site for the purpose of development until adequate measures have been taken to prevent damage to those trees which are to be retained. The details of those measures are to be submitted in writing to and approved by the Local Planning Authority prior to commencement of any work. Measures to protect those trees shown must include:

(a) Fencing, of a type and form agreed in writing with the local planning authority, must be erected around each tree or group of trees. This fencing must be at least 1.25 metres high and at a radius from the trunk defined by the canopy spread.

(b) No excavations, site works, trenches, channels, pipes, services, temporary buildings used in connection with the development or areas for the deposit of soil or waste or for the storage of construction materials, equipment or fuel or other deleterious liquids shall be sited within the crown spread of any tree without the prior written consent of the local planning authority.

(c) No burning of any materials shall take place within 6 metres of the furthest extent of the canopy of any tree or tree groups to be retained.

(d) There shall be no alteration of soil levels under the crown spread of any tree or group of trees to be retained.

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 - G19 - Existing trees which are to be retained

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

12 - Any damage caused to any tree which it has been agreed shall be retained shall immediately be notified to the local planning authority and any such remedial work as is advised by the Authority shall be undertaken immediately. As soon as possible thereafter such further work as is necessary to secure the preservation of the tree shall be undertaken in accordance with BS 3998:1989 Tree Work. The details of any such works are to be submitted in writing to and approved by the Local Planning Authority prior to commencement of any work.

Reason: The trees form an integral part of the visual environment and this condition is imposed to preserve the character and amenities of the area.

13 - Details of any excavations or trenches beneath the canopy of any trees to be retained shall be submitted to and agreed in writing with the local planning authority. Where excavations are carried out beneath the canopy of any tree to be retained on land or on adjoining land, no roots of those trees of a diameter of 2.5 cm or more shall be severed, without the agreement of the local planning authority. In order to achieve this requirement all excavations shall be carried out by hand tools. The excavations shall be backfilled with sub-soil and a minimum depth of 600 mm good quality stone free loamy top soil of

similar p.h. to the original. Any subsequent settlement shall be made good with similar top soil.

Reason: To prevent the unnecessary damage to or loss of trees.

- 14 - The existing dwelling known as Oak Tree Cottage shall be demolished prior to work commencing on the construction of the new dwellings hereby permitted.

Reason: To clarify the terms of this permission.

Informatives:

- 1 - HN1
- 2 - HN4
- 3 - HN5
- 4 - HN10
- 5 - HN13
- 6 - HN22
- 7 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Ref. 6
LEDBURY
DCNE2004/0241/F

Removal of condition 7 of planning consent mh92/1564 at:

SOMERFIELD STORES LTD, NEW STREET, LEDBURY, HEREFORDSHIRE, HR8 2EZ

For: Somerfield Stores Ltd per Edmund Kirby India Buildings Water Street Liverpool L2 0TZ

Members noted some minor amendments to the report.

In accordance with the criteria for public speaking, Mr Baker spoke in objection to the report.

In response to a question, the Principal Planning Officer reported that the Environmental Health Officer had investigated previous complaints relating to noise emanating from the site, and had found that it fell within acceptable levels for the time of day. He confirmed that the Environmental Health Officer was awaiting further information from the applicant.

The Sub-Committee felt that further information was required in respect of the history of noise complaints on the site, prior to determination.

RESOLVED: That consideration of the application be deferred for further information.

Ref. 7
BISHOPS FROME
DCNE2004/0863/F

Removal of agricultural occupancy restriction. (condition 3 of planning permission mh93/1468) at:

THE FARM, PAUNTON, BISHOPS FROME, WORCESTER, WR6 5BJ

For: Mr R Fowler per Mr C J Didlick, Bwthyn, Snead Common, Abberley, Worcester, WR6 6AF

The Principal Planning Officer reported that the County Land Agent had reviewed the price at which the property had been offered for sale, and had concluded that it had been within acceptable levels.

RESOLVED: That planning permission be granted.

Ref. 8
CANON FROME
DCNE2004/0951/O

Site for detached dwelling at:

FORGE COURTYARD, CANON FROME, LEDBURY, HEREFORDSHIRE, HR8 2TG

For: Canon Frome Developments C A Masefield Building Design Services
66-67 Ashperton Road Munsley Ledbury Herefordshire HR8 2RY

Members felt that the site should be inspected.

RESOLVED: That consideration of the application be deferred for a site inspection on the following grounds:

- **A judgment is required on visual impact;**
- **The setting and surroundings are fundamental to the determination or to the conditions being considered.**

Ref. 9 & 10
BROMYARD
DCNC2004/0101/F
AND
DCNC2004/0102/C

Construction of 3 no. 1 bed cottages and 2 no. 2 bed flats at site at:

JUNCTION OF PUMP STREET AND LITTLE HEREFORD STREET, BROMYARD, HEREFORDSHIRE

Demolition of walls at:

SAME ADDRESS

For: Rocrest Limited per Linton Design Group 27 High Street Bromyard Herefordshire HR7 4AA

Receipt of further correspondence from the applicant was reported, clarifying what changes had been made to the application in relation to a previous planning application.

In accordance with the criteria for public speaking, Natasha Oliver spoke in objection to the application.

The Sub-Committee noted that the applicant had addressed most of the actions suggested by officers, and felt that, although there had been some local concern over parking arrangements, these were insufficient grounds to refuse the

application. Members requested that an additional note be placed on the planning permission, informing prospective purchasers of the limited parking on the site.

RESOLVED: That

NC2004/0101/F

That subject to the receipt of satisfactorily amended drawings planning permission be granted subject to the following conditions, and to the addition of an informative note drawing attention to the limited parking on the site:

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 - A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

3 - No development shall take place on the site until details of the colour finish and materials of the proposed windows shall have been submitted to and agreed in writing by the Local Planning Authority. The proposed work shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the development is carried out in accordance with the amended plans.

4 - H27 (Parking for site operatives) (delete 'within the application site')

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

5 - Notwithstanding any details to the contrary on the approved drawings, no doors fronting onto Little Hereford Street or Pump Street shall have steps outside the building line.

Reason: In the interest of the safety of pedestrians using the adjacent footpath.

6 - B01 (Samples of external materials)

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

7 - D01 (Site investigation - archaeology)

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

8 - None of the units hereby approved shall be occupied until
a) the cycle provision and
b) the bin storage facilities
have been provided on site and thereafter retained as approved.

Reason: To secure properly planned development.

9 - E16 (Removal of permitted development rights)

Reason: To safeguard the character of the area and amenities of nearby residents.

10 - G01 (Details of boundary treatments)

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

11 - G04 (Landscaping scheme (general))

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

12 - G05 (Implementation of landscaping scheme (general))

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

13 - F17 (Scheme of foul drainage disposal)

Reason: In order to ensure that satisfactory drainage arrangements are provided.

14 - F16 (Restriction of hours during construction) (substitute 8.00am for 7.00pm Monday to Friday, and 9.00am for 8.00am on Saturdays)

Reason: To protect the amenity of local residents.

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

Reason: To safeguard residential amenity and prevent pollution.

16 - F48 (Details of slab levels) (insert 'to include details of external ramped accesses and changes of level to rear of development')

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

Informatives:

- 1 - HN01 - Mud on highway
- 2 - HN04 - Private apparatus within highway
- 3 - HN05 - Works within the highway
- 4 - HN07 - Section 278 Agreement
- 5 - HN10 - No drainage to discharge to highway
- 6 - N15 - Reason(s) for the Grant of PP

NC2004/0102/C

That Conservation Area Consent be granted subject to the following conditions:

- 1 - C01 (Time limit for commencement (Listed Building Consent))

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation areas) Act 1990.

- 2 - C14 (Signing of contract before demolition) (delete 'building', insert 'wall')

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation areas) Act 1990.

Informative:

1. N15 (reasons for the grant of Conservation Area Consent)

Ref. 11
BROMYARD
DCNC2004/0614/F

Conversion of existing building to create 4 one-bedroomed and 4 two-bedroomed residential units at:

19 PUMP STREET, BROMYARD, HEREFORDSHIRE, HR7 4BY

For: Morpheus Construction Ltd, Linton Design Group, 27 High Street, Bromyard, Herefordshire. HR7 4AA

The Senior Planning Officer reported the receipt of amended plans, which confirmed that the development was "car free", in accordance with the Transportation Manager's comments. He confirmed that the area would be tarmaced with a reduced entrance to prevent vehicular access, and that a cycle rack would be installed. In response to a question, the Senior Planning Officer confirmed that the trees to be removed were deemed to be of no intrinsic value.

Members felt strongly that some parking provision should be included in the development on the grounds that alternative means of transport were limited. The Northern Divisional Planning Officer confirmed that it would be possible to include some on-site parking.

RESOLVED: That officers named in the Scheme of Delegation to Officers be authorised to issue planning permission, subject to consultation with the Local Member and Chairman, and subject to the following conditions

and any additional conditions considered necessary by officers, and subject to the inclusion of a condition to provide some parking provision on the site:

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 - H08 (Access closure)

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

3 - 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.

Informatives:

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

Ref. 12
STOKE PRIOR
DCNC2004/0778/RM

Residential development for approval of reserved matters under outline planning permission ref NC2000/3426/O at:

**LAND ADJOINING BELMONT, STOKE PRIOR, LEOMINSTER
HEREFORDSHIRE PARCEL NO. 1754**

For: Mr & Mrs B Shaw per Mr P.H. Bainbridge Stone Cottage Duke Street Withington Hereford HR1 3QD

In accordance with the criteria for public speaking, Mr Shaw, the applicant, spoke in support of the proposal.

In response to a question, the Senior Planning Officer confirmed that the proposed drainage extended to the junction with the main road.

RESOLVED: That approval of Reserved Matters be granted subject to the following conditions:

1 - B01 (Samples of external materials)

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

2 - H04 (Visibility over frontage)(2 metres)

Reason: In the interests of highway safety.

3 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

4 - H08 (Access closure)

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

5 - H09 (Driveway gradient)

Reason: In the interests of highway safety.

6 - 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.

7 - H17 (Junction improvement/off site works)(replace works with suitable pedestrian footway across the frontage of the site)

Reason: To ensure the safe and free flow of traffic on the highway.

8 - H27 (Parking for site operatives)

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

9 - H28 (Public rights of way)

Reason: To ensure the public right of way is not obstructed.

Informatives:

- 1 - HN01 - Mud on highway
- 2 - HN02 - Public rights of way affected
- 3 - HN05 - Works within the highway
- 4 - HN04 - Private apparatus within highway
- 5 - HN13 - Protection of visibility splays on private land
- 6 - HN19 - Disabled needs
- 7 - HN22 - Works adjoining highway
- 8 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Ref. 13
ELMS GREEN
DCNC2004/0877/F

Extension of industrial parking area (retrospective application) at:

LONGMEAD, ELMS GREEN, LEOMINSTER, HEREFORDSHIRE, HR6 0NS

For: John Ruck Construction per David Taylor Consultants The

Wheelwright's Shop Pudleston Leominster Herefordshire HR6 0RE

The Principal Planning Officer confirmed that the applicant had proposed to include additional planting to the front of the site, and that the application would therefore be subject to the receipt of suitably amended plans.

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

1 - A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

2 - G03 (Landscaping scheme (housing development) - implementation) (shown on approved plan)

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

Informative:

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

Ref. 14
WHARTON
DCNC2003/1895/N

Pilot plant for accelerated composting of organic material for 5 years at:

WHARTON COURT, WHARTON, LEOMINSTER, HEREFORDSHIRE, HR6 0NX

For: Bioganix Ltd at above address.

The Local Member, Council J.P. Thomas, requested that the application be deferred for the following reasons:

- He felt that further clarification was required in respect of the proposed agreement with English Heritage, outlined in Paragraph 4.6.
- Further information was required on the implications of DEFRA's temporary licensing of the plant, referred to in Paragraph 6.3.
- He could find no record of the Town Council being consulted in respect of a previous planning application for the site (NC2000/0673/F refers), and he wished for clarification on this point.

The Principal Officer (Minerals and Waste) confirmed that it would be necessary to impose further conditions on any planning permission granted in the light of English Heritage's comments. He advised that these would be finalised in consultation with the Conservation Officer, and that it was unnecessary to defer the application. The Sub-Committee felt, however, that the application should be deferred to await further information.

In accordance with the criteria for public speaking, Mr Eley, of Leominster Town Council (and on behalf of Humber, Ford and Stoke Prior Parish Council), and Mr Helme, the applicant were present at the meeting, and reserved their right to speak on the application when it came back before the Sub-Committee for consideration.

In accordance with the criteria for public speaking, Mr Bravery spoke in objection to the proposal.

RESOLVED: That consideration of the application be deferred for further information.

Ref. 15
AYMESTRY
DCNW2004/0645/F

Retrospective application for residential gypsy site for one residential caravan, dayroom and car parking at:

SMOKEY QUARRY, LOWER LYE, AYMESTREY, LEOMINSTER, HEREFORDSHIRE HR6 9TA

For: Mr W J Price of same address

The Principal Planning Officer reported on some minor amendments to Condition 2, which would be included in the recommendation.

In accordance with the criteria for public speaking, Mr Price, the applicant and Mr Baines, the agent, spoke in support of the application.

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

1 - E27 (Personal condition)(William John Price)

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

2 - When the caravan and day room cease to be occupied by Mr William John Price or at the end of 3 years, or on him ceasing to be an itinerant worker, whichever shall first occur, the use hereby permitted shall cease and the caravan, day room, composting toilet and all other materials and equipment brought onto the site in connection with the use shall be permanently removed.

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

3 - Within one month of the date of this permission, the caravan shall be relocated to a position within the application site to be approved in writing by the local planning authority and it shall thereafter be

retained in the agreed position until the cessation of the use.

Reason: In order to define the terms of this permission.

- 4 - In accordance with the approved plans, this permission relates to the citing of one residential caravan and day room. No other unit(s) of accommodation shall be brought onto or occupied on the site.

Reason: In order to define the terms of this permission.

- 5 - F18 (Scheme of foul drainage disposal)

Reason: In order to ensure that satisfactory drainage arrangements are provided.

Informatives:

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

2 The applicant is advised that this temporary permission is granted in order to enable him to maintain his way of life until he reached retirement age. It is considered that all opportunities to establish a more settled way of life should be considered during this time since the local planning authority is unlikely to support a permanent site for a retired traveller.

Ref. 16
KINNERSLEY
DCNW2004/0695/F

Proposed change of use of timber yard and builders merchant to refurbishing, jetting and vacuum treatment to tanker lorries, and hires and sales of the same at:

FORMER KEEBLE TIMBER YARD, KINNERSLEY, HEREFORDSHIRE HR3 6QE

For: Messrs Betts & Evans per Mr D Walters,
27 Elizabeth Road, Kington, Herefordshire. HR5 3DB

Members noted that some of the conditions had been reproduced twice in the recommendation, and would therefore be deleted. He added that, if the application were approved, some minor issues relating to access would be addressed.

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. No metal fabrication, maintenance, construction or repair of vehicles

and associated parts shall occur before 0700 on weekdays and Saturdays nor after 1900 on weekdays and 1300 on Saturdays, nor at anytime on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality.

3. E06 – Restriction on Use (the refurbishment, jetting and vacuum treatment of tanker lorries and their hire and sales) (Class B2).

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.

4. There shall be no open-air operation of plant, machinery or equipment within the application site with the exception of certain activities, which shall be agreed in writing together with the equipment required for these purposes, prior to the commencement of the use hereby approved. The use shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the amenities of the locality.

5. Prior to the commencement of the use hereby approved, details of all plant and machinery to be used within the application site shall be supplied together with a scheme of associated sound attenuation as required. The approved scheme shall be implemented in accordance with these details and thereafter retained.

Reason: To safeguard the amenities of the location.

6. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is a multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, garages and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

7. Development shall not commence until a scheme to deal with the contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include a desktop study and site investigation to identify the extent of contamination and the measures taken to avoid risk to the

environment. The agreed method statement shall include a report to demonstrate that the required remediation has been fully met and future monitoring proposals. Development shall be carried out in accordance with the details so approved.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard.

8. 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.

Ref. 17
BOLLINGHAM
DCNW2004/0746/F

Agricultural worker's dwelling and attached garage at:

LAND AT QUEBB, BOLLINGHAM, KINGTON HEREFORD

For: Mr J P Raymond per Mr A Last Brookside Cottage Knapton Birley Herefordshire HR4 8ER

The receipt of a letter of objection from Mr Grant of Bollingham House was reported.

In accordance with the criteria for public speaking, Mr Raymond, the applicant, spoke in support of the application.

Members felt that the application should be approved on the grounds that an agricultural worker's dwelling was essential to the effective running of the farm business.

The Senior Planning Officer confirmed that the need for the dwelling was not in question, and that the proposed size was acceptable. He added, however, that the application did not constitute design excellence, and that the opinion of the three officers who had been involved with the application, was that the current design was unacceptable. He added that affordability was also an issue to be considered with this application.

The Northern Divisional Planning Officer stated that, if the application was approved, it would need to be subject to a Section 106 Obligation and the original outline planning permission would need to be revoked voluntarily.

The Sub-Committee was minded to approve the application, subject to the above, and subject to further negotiations to secure an improved design. The Principal Lawyer (Planning, Environment and Transport) reminded members of the Council's referral procedure, applicable in instances when members were minded to make a decision against officer advice.

RESOLVED: That

- (ii) The Northern Area Planning Sub-Committee is minded to approve the application, subject to the following conditions, and to any conditions felt to be necessary by the Head of Planning Services, provided that the Head of Planning Services does not refer the application to the Planning Committee:
- The applicant's voluntary agreement to revoke the original outline planning permission;
 - Any appropriate Section 106 obligations;
 - Appropriate conditions relating to materials;
 - Further negotiations to secure an improved design.
- (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: The Northern Divisional Planning Officer said that he would not refer the application to the Head of Planning Services. The application was therefore APPROVED.)

Ref. 18
LYONSHALL
DCNW2004/0750/F

Proposed detached garage on land adjoining:

LITTLEBROOK COTTAGE, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3JP

For: Mr & Mrs S Williams per Mr A Last, Brookside Cottage, Knapton, Birley, Herefordshire, HR4 8ER

The Principal Planning Officer reported the receipt of one further letter from the Parish Council, in respect of issues already raised in the report, and stating that the application would obscure light and views to the listed Tan House.

In accordance with the criteria for public speaking, Mrs Hussey spoke in objection to 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 - 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

Ref. 19
KINGSLAND
DCNW2004/0759/F

Construction of all weather corral for associated equestrian use at:

MILLFIELD, KINGSLAND, LEOMINSTER, HEREFORDSHIRE

For: Mr C.S. French per Mr P Titley New Cottage Upper Common Eyton Leominster HR6 OAQ

The Sub-Committee noted slight amendments to the wording of Condition 3. He added that temporary land use rights were permissible for 28 days in any year. Time limits would be finalised by 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 - A07 (Development in accordance with approved plans)(site/location plan received on 1st March 2004 omitting the gantry lights from the proposal)

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

3 - The use of the all-weather corral shall be restricted to 0900 hours to 1900 hours Mondays to Saturdays between 1st March and 30th September in any calendar year and shall not be used at any time on Sundays unless otherwise agreed in writing by the local planning authority, subject to discussion with the applicant.

Reason: To safeguard the amenities of the locality.

4 - There shall be no means or artificial illumination and the use of public address systems or any amplified sound is specifically precluded from any activities associated with the all weather corral hereby approved.

Reason: To safeguard the amenities of the locality.

5 - G01 (Details of boundary treatments)

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

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - The applicant is advised that this permission is granted in connection with the approved use of the land and buildings at Millfield as livery stables. It does not infer any right to hold organised equestrian related events for which separate planning permission would be required.

Ref. 20
CRAVEN ARMS
DCNW2004/0885/F

Two storey extension at:

FOREST LODGE, DARK LANE, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LJ

For: Mr & Mrs K Ellis per Mr D R Davies 23 Charlton Rise Ludlow Shropshire SY8 1ND

In accordance with the criteria for public speaking, Mr Davies, the applicant, spoke in support of the application. The local member, Councillor Mrs L.O. Barnett, requested that further discussions took place with officers, the applicant, the Chairman and herself, to address issues relating to design.

RESOLVED: That planning permission be granted subject to the following conditions, and subject to further negotiations with officers, the Chairman and the local member, to address design issues:

- 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 - B02 (Matching external materials (extension))

Reason: To ensure the external materials harmonise with the existing building.

Informatives:

- 1 - N03 - Adjoining property rights

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