

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 10th August, 2005 at 2.00 p.m.

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

Councillors: B.F. Ashton, Mrs. L.O. Barnett, W.L.S. Bowen,
R.B.A. Burke, P.J. Dauncey, Mrs. J.P. French, J.H.R. Goodwin,
P.E. Harling, B. Hunt, T.W. Hunt, T.M. James, Brig. P. Jones CBE and
J.P. Thomas

In attendance: Councillors P.J. Edwards

53. APOLOGIES FOR ABSENCE

RM Manning, RJ Phillips, DW Rule, RV Stockton, J Stone.

54. DECLARATIONS OF INTEREST

Councillor J.P. Thomas declared a prejudicial interest in respect of Agenda item No 9 - DCNW2005/1288/F - proposed 2 single storey extensions, change of use of ground floor to restaurant and new vehicular access at The Old Vicarage, Aymestrey, Leominster, Herefordshire, HR6 9SU - and left the meeting for the duration of this item.

55. MINUTES

The Committee Manager explained that when the minutes of the meeting 18 May 2005 were approved, minute number 12 – DCNE2005/1008/F – Land at rear of the former Plough Hotel, 74 The Homend, Ledbury, was inaccurate. He requested that the Committee consider amending it.

RESOLVED THAT

- i). That the minutes of the meeting held on 13 July 2005 be approved as a correct record, subject to the replacement of Item 25 - DCNW2005/1542/O - demolition of existing dwelling, garage and outbuildings. site for construction of a residential development of six dwellings at Burnside, High Street, Leintwardine, Craven Arms with DCNW2005/1288/F - proposed 2 single storey extensions, change of use of ground floor to restaurant and new vehicular access at The Old Vicarage, Aymestrey in minute 23; and
- ii). That the words “not to tie the dwelling to the existing property and” be deleted from minute 12 – DCNE2005/1008/F – 74 The Homend, Ledbury.

56. CHAIRMAN'S ANNOUNCEMENTS

The were no Chairman's Announcements

57. ITEM FOR INFORMATION - APPEALS

The Sub-Committee noted the Council's current position in respect of Planning Appeals for the Northern Area of Herefordshire.

58. REPORTS BY THE HEAD OF PLANNING SERVICES

The Sub-Committee considered the following Planning Applications received for the Northern Area of Herefordshire and authorised the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.

59. DCNW2004/3784/O - SITE FOR RESIDENTIAL DEVELOPMENT ADJOINING OVERTON FARM ORLETON LUDLOW SY8 4HZ

The Principal Planning Officer read out the main contents of a letter received from the Agent acting on behalf of the applicant.

In accordance with the criteria for public speaking Mr Lewis spoke in favour of his application.

The Principal Planning Officer said that the application was contrary to Unitary Development Plan Policy H20 and that it would have an adverse effect on the Conservation Area.

Councillor WLS Bowen, the Local Ward Member said that although the application was contrary to a number of the Council's Planning Policies, it did have certain merit that could enable an exception to be made. Councillor JP Thomas was of the view that there should be further negotiations between the applicant and the Council's Strategic Housing Department before the application was determined.

RESOLVED THAT:

Consideration of the application be deferred pending further discussions with the Council's Strategic Housing Department and possibly a Housing Association in respect of the proposed development of low cost housing on the site.

60. DCNW2004/3790/O - SITE FOR NEW FARM SHOP WITH RESTAURANT FACILITY, LAND OPPOSITE OVERTON FARM, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HZ

The Principal Planning Officer said that the application was contrary to Unitary Development Plan Policy H20 and that it would have an adverse effect on the Conservation Area.

In accordance with the criteria for public speaking Mr Lewis spoke in favour of his application.

Councillor WLS Bowen said that although the application was against several of the Councils Planning Policies the location was well sited in a dell, that it was a sustainable proposal and that it would help with local tourism and employment provision. He felt that Policies E10 and E11 of the Hereford Unitary Development Plan had sufficient scope to enable the application to be approved. Councillor R Mills said that such applications in open countryside should not be granted and Councillor BF Ashton felt that the development should take place on the existing site and not relocated in a paddock. The Sub-Committee considered that because the application was linked to the previous one, there was merit in deferring its consideration.

RESOLVED THAT:

Consideration of the application be deferred for further information.

61. DCNW2005/1288/F - PROPOSED 2 SINGLE STOREY EXTENSIONS, CHANGE OF USE OF GROUND FLOOR TO RESTAURANT AND NEW VEHICULAR ACCESS AT THE OLD VICARAGE, AYMESTREY, LEOMINSTER, HEREFORDSHIRE, HR6 9SU

The receipt of letter of objection from the Aymestrey Parish Council, adjoining neighbours and Trustees of the car park were reported. The Principal Planning Officer said that an application had been made for the listing of the adjoining Porch House and that because of this the Council was obliged to treat the application as though the building had already been listed and to refuse it.

The Committee considered details about the application and had serious reservations about the proposed method of gaining vehicular access and agreed with the views of the Principal Planning Officer that it would have an adverse impact upon the setting of Porch House. The Principal Planning Officer said that the application was also contrary to Unitary Development Plan Policy H20 and that it would have an adverse effect on the Conservation Area.

RESOLVED THAT:

The Planning Application be refused on the following grounds:-

- (i) the use of the proposed access for commercial purposes in such close proximity to Porch House would have a detrimental impact on the character of it and on the amenities currently enjoyed by the occupiers of the dwelling. As such the proposal would conflict with Policies A1 and A54 of the Leominster District Local Plan;**
- (ii) At the time of making this decision, the dwelling known as Porch House was the subject of an application for listing. As such the dwelling has been considered as listed at this time; and**
- (iii) The proposed access drive by reason of its close proximity and relationship to Porch House would have a detrimental impact on the setting of the potentially listed building. As such it would be contrary to Policy A18 of the Leominster District Local Plan**

62. [A] DCNC2004/3030/F AND [B] DCNC2004/2831/C - DEMOLITION OF A SINGLE DWELLING AND THE ERECTION OF 5 NO. DWELLINGS AT 25 NEW STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DR

The receipt of the observations of the Traffic Manager, a letter from Leominster Properties Limited and a letter from the agent acting on behalf of the applicant was reported.

Councillor JE Thomas, the Local Ward Member had a number of concerns about the application, particularly that only three car parking spaces would be provided for five properties. He also had reservations about the overlooking of adjoining properties and the density of the proposed development.

RESOLVED THAT

The Northern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below and any further reasons for refusal 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 proposal represents an overdevelopment of the site so as to have a detrimental impact on the character and appearance of the Leominster Conservation Area. Accordingly the proposal conflicts with Policy A21 of the Leominster District Local Plan (Herefordshire).

If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to such reasons for refusal referred to above.

(Note: The Central Team Leader said that given that the Sub-Committee had considered the planning policy issues, he would not refer the matter to the Head of Planning Services.)

63. DCNW2005/0688/F - RESIDENTIAL DEVELOPMENT SCHEME OF 14 NO HOUSES, INCORPORATING 2/3 AND 4 BEDROOM SEMI-DETACHED TWO STOREY DWELLINGS OFF A4110, LAND ADJACENT TO KINGSMEADOW WIGMORE

Councillor Mrs LO Barnett expressed her appreciation for the hard work that had been undertaken by the Principal Planning Officer with the applicants in respect of the application. She felt that there was merit in the Sub-Committee undertaking a site inspection and the Sub-Committee was agreeable to her request.

RESOLVED THAT:

Consideration of the application be deferred pending a site inspection on the following grounds:

- (a) the character or appearance of the development itself is a fundamental planning consideration;**

- (b) a judgement is required on visual impact; and
- (c) the setting and surroundings are fundamental to the determination or to the conditions being considered.

64. [A] DCNW2005/1217/F AND [B] DCNW2005/1219/C - PROPOSED ALTERATIONS TO EXISTING VEHICULAR ACCESS, ERECTION OF TWO DWELLINGS AND ANCILLARY STUDIO BUILDING AND GARAGES ON LAND ADJACENT THE OLD CORNER HOUSE, BROAD STREET, WEOBLEY, HEREFORD, HEREFORDSHIRE, HR4 8SA

The Principal Planning Officer said that an additional condition would need to be included in a Permission to insure that the retention of hedgerows which formed the boundary including the hedge between Wild Goose Chase and the site.

In accordance with the criteria for public speaking, Mr Anthony spoke against the application and Mr Kilvert spoke in favour of his application.

RESOLVED THAT:

That planning permission be granted with the following conditions and a further condition for the retention of hedgerows as outlined above:

DCNW2005/1217/F

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 - B01 (Samples of external materials)

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

4 - C05 (Details of external joinery finishes)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

5 - C10 (Details of rooflights)

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

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

Reason: To protect the integrity of the Public Sewerage System.

7 - No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

Reasons: 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.

- 8 - No land drainage run-off will be permitted, either directly or in-directly, to discharge into the public sewerage system.**

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

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

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

- 10 - H13 (Access, turning area and parking)**

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

- 11 - F16 (Restriction of hours during construction)**

Reason: To protect the amenity of local residents.

- 12. No existing trees and/or hedgerows on the site (other than those on the approved plans) to be removed, destroyed, felled, lopped or pruned without the prior consent in writing of the local planning authority.**

Reason: To safeguard the amenity of the area.

- 13. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping.**

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

- 14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the 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. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.**

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

NW2005/1219/C

That conservation area consent be granted with the following conditions:

- 1 - C01 (Time limit for commencement (Conservation Area Consent))**

Reason: Required to be imposed by Section 18(1) of the Conservation Areas Act 1990.

Informatives:

- 1 - HN01 - Mud on highway
- 2 - N03 - Adjoining property rights
- 3 - N14 - Party Wall Act 1996
- 4 - N15 - Reason(s) for the Grant of PP/LBC/CAC

65. DCNW2005/1888/F - REMOVAL OF CONDITION 9 ATTACHED TO APPEAL DECISION (PLANNING REF 94/0672/C AND 95/0053/C) SITING OF CARAVANS, ARROW BANK CARAVAN PARK, EARDISLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9BG

The receipt of seven further letters of objection from local residents and a letter from the CPRE reiterating concerns about the impact on the environment of the uncontrolled siting of caravans was reported.

In accordance with the criteria for public speaking Dr Ruth Brintan-Bivand spoke against the application on behalf of Eardisland Parish Council, Mr Vernon spoke in objection to the application and Mr Middleton, the Agent acting on behalf of the applicants spoke in favour of the application.

Councillor JHR Goodwin, the Local Ward Member had grave concerns about the removal of Condition 9 of the appeal decision because it had been imposed by the Planning Inspector following the Public Inquiry, to impose conditions on the location and number of caravans on the site. The Principal Planning Officer said that the application had been made following negotiations between the officers and the owners of the site following the receipt of complaints about the siting and number of caravans in April of this year. Her view was that the proposals put forward within the report were satisfactory and she explained why she considered that Condition number 9 could be varied. Notwithstanding the views of the Principal Planning Officer, the Sub-Committee had a number of concerns about the application.

RESOLVED THAT:

The Northern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below and any further reasons for refusal 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 Local Planning Authority wish to maintain control over the siting of individual caravans in the interest of protecting the visual amenities, character and appearance of the surrounding area. Relaxation of this control would lead to the unrestricted siting of caravans that would be detrimental to the character of the surrounding rural area contrary to Policies A1, A19, A24 and A39 of the Leominster District Local Plan.

If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to such reasons for refusal referred to above.

(Note: The Central Team Leader said that, given that the Sub-Committee had considered the planning policy issues, he would not refer the matter to the Head of Planning Services.)

66. DCNW2005/2258/F - ERECTION OF DWELLING WITH INTEGRAL GARAGE AT THE BIRCHES, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6LQ

The receipt of six letters of objection was reported. The contents of a letter received from the Almley Parish Council were read out by the Senior Planning Officer. He advised the Sub-Committee that he had considered all of the concerns raised by the objectors and by the Parish Council and that they had been fully addressed within his Report. He requested that he be given delegated powers to amend the conditions imposed on any Permission that was granted, as appropriate.

In accordance with the criteria for public speaking Mr Battenti spoke against the application and Mrs Reed, the Agent acting on behalf of the applicant spoke in favour.

RESOLVED THAT:

That the Officers named in the Scheme of delegation to Officers be delegated to grant planning permission subject to the following conditions and any additional appropriate conditions considered to be necessary by the 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 - 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 - C04 (Details of window sections, eaves, verges and barge boards)

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

5 - C05 (Details of external joinery finishes)

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

6 - C10 (Details of rooflights)

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

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

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

8 - E16 (Removal of permitted development rights)

Reason: In order that the Local Planning Authority can control any future development in this sensitive location.

9 - G04 (Landscaping scheme (general))

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

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

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

11 - Foul water and surface water discharging must be drained separately from the site

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

12 - No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

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

13 - No land drainage run-off will be permitted, either directly or indirectly to discharge into the public sewerage system.

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

Informatives:

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

67. DCNC2005/1870/F - TWO STOREY EXTENSION TO CREATE 2 X ONE BEDROOM FLATS AT 5 OLD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4BQ

The receipt of a fax from Bromyard and Winslow Town Council was reported.

In accordance with the criteria for public speaking Mr Cave of Bromyard and Winslow Town Council spoke against the application.

Councillor PJ Dauncey, one of the Local Ward Members, had concerns that the level of traffic use of Old Road, particularly to the adjoining factory estate and the supermarket would make it extremely dangerous for the proposed development to take place. He considered the proposal to be an overdevelopment of the site with inadequate access. Councillor B Hunt, the other Local Ward Member had concerns that the number of car parking spaces within the town had reduced considerably resulting in on-street car parking creating difficulties through the narrow streets. He was also of the view that the application constituted overdevelopment linked to highway safety issues and that it would create further traffic congestion problems in the vicinity.

RESOLVED THAT:

The Northern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below and any further reasons for refusal 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: -

Overdevelopment and highway safety issues

If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to such reasons for refusal referred to above.

(Note: The Central Team Leader said that, given that the Sub-Committee had considered the planning policy issues, he would not refer the matter to the Head of Planning Services.)

68. DCNC2005/0529/F - CONVERSION OF FARM BUILDINGS TO 6 DWELLINGS AT THORNBURY COURT, THORNBURY, BROMYARD, HEREFORDSHIRE, HR7 4NJ

RESOLVED THAT:

planning permission be granted subject to the following conditions:

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

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

- 2 - A06 (Development in accordance with approved plans) (received and date stamped 21 February 2005)

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

- 3 - E16 (Removal of permitted development rights)

Reason: [Special Reason].

- 4 - F18 (Scheme of foul drainage disposal)

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

- 5 - G08 (Retention of trees/hedgerows (outline applications))

Reason: To safeguard the amenity of the area.

Informative:

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

69. DCNC2005/1774/F - FIRST FLOOR EXTENSION AT 67 SOUTH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8JH

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 - A09 (Amended plans) (21st July, 2005)

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

- 3 - B02 (Matching external materials (extension))

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

- 4 - E17 (No windows in side elevation of extension) (no windows or dormer windows in the north elevation of the extension)

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

Informative:

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

70. DCNC2005/1817/F - T-MOBILE SHARE ON 5M EXTENSION OF THE EXISTING 25M TELECOMMS TOWER. TO INCLUDE 3 NEW OPCS ANTENNAE AND 3 NEW OPCS DISHES, 2 NEW T-MOBILE ANTENNAE, 1 NEW T-MOBILE DISH AND A NEW T-MOBILE CABINET AT UPPER EDGLEY FARM, STOKES LANE, STOKE LACY, BROMYARD, HEREFORDSHIRE, HR7 4HD

RESOLVED THAT:

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 - Before development commences the colour and finish of the lattice tower equipment cabinets and fencing shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with those details.

Reason: In the interests of visual amenity.

Informative:

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

- 71. DCNC2005/1854/F - ERECTION OF DETACHED GARAGE AND DETACHED OUTBUILDING FOR WORKSHOP/STORAGE ANCILLARY TO THE DWELLING AT LOWER BROCK, HAMNISH, LEOMINSTER, HEREFORDSHIRE, HR6 0QS**

RESOLVED THAT:

Consideration of the application be deferred pending a site inspection on the following grounds:

- (a) the character or appearance of the development itself is a fundamental planning consideration;**
- (b) a judgement is required on visual impact; and**
- (c) the setting and surroundings are fundamental to the determination or to the conditions being considered.**

72. DATE OF NEXT MEETING

07 September 2005

The meeting ended at 4.35 p.m.

CHAIRMAN