

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 22nd February, 2006 at 2.00 p.m.

Present: Councillor J.W. Hope MBE (Chairman)

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

In attendance: Councillors P.J. Edwards

194. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors W.L.S. Bowen, K.G. Grumbley and P.E. Harling.

195. DECLARATIONS OF INTEREST

The following declarations of interests were made:

Councillor	Item	Interest
R.M. Manning and R. Mills	Agenda Item 6, Minute 199 DCNE2005/3887/F Furrows Farm, Bishops Frome, Herefordshire	Declared personal interests
J.P. Thomas	Agenda Item 13, Minute 206 DCNW2005/3811/F The Old Vicarage, Aymestry, Leominster, Herefordshire, HR6 9SU	Declared a prejudicial interest and left the meeting for the duration of the item.
R.B.A. Burke	Agenda Item 21, Minute 214 DCNC2006/0067/F 73 Etnam Street, Leominster, Herefordshire, HR6 8AE	Declared a prejudicial interest and left the meeting for the duration of the item.

196. MINUTES

Councillor R.J. Phillips noted that Minute 188, page 16, condition 2 f), should refer to 'Cycle and car parking provision at school'.

RESOLVED:

That, subject to the above amendment, the Minutes of the meeting held on 25th January, 2006 be approved as a correct record and signed by the Chairman.

197. ITEM FOR INFORMATION - APPEALS

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

198. DCNC2005/3751/F - FORMER BUS DEPOT SITE, ETNAM STREET, LEOMINSTER, HEREFORDSHIRE [AGENDA ITEM 5]

Proposed development for 8 dwellings.

Councillor J.P. Thomas, a Local Ward Member, questioned whether the conditions would address concerns regarding highway safety and loss of privacy. In response, the Northern Team Leader advised that conditions 12 to 15 would address the access issues and condition 11 would control boundary treatments.

Councillor R.B.A. Burke, the other Local Ward Member, noted that the value of the site inspection that had been undertaken.

In response to a question, the Northern Team Leader confirmed that the introduction of chimneys to the design would be for appearance only.

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).

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 - C04 (Details of window sections, eaves, verges and barge boards).

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

5 - C05 (Details of external joinery finishes).

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

6 - E16 (Removal of permitted development rights).

Reason: In order that the local planning authority can assess any future additions to the dwellings hereby approved.

7 - F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

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

Reason: To safeguard residential amenity and prevent pollution.

- 9 - D01 (Site investigation - archaeology).

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

- 10 - F17 (Scheme of foul drainage disposal).

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

- 11 - G01 (Details of boundary treatments).

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

- 12 - H01 (Single access - not footway).

Reason: In the interests of highway safety.

- 13 - H04 (Visibility over frontage).

Reason: In the interests of highway safety.

- 14 - 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.

- 15 - 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.

- 16 - Notwithstanding the plans hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority to show the provision of chimneys. Development shall be carried out in accordance with the approved details.

Reason: In order to create a visual break in the ridge lines of each of the accommodation blocks.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC.
- 2 - HN01 - Mud on highway.
- 3 - HN04 - Private apparatus within highway.

- 4 - HN05 - Works within the highway.
- 5 - HN10 - No drainage to discharge to highway.
- 6 - HN13 - Protection of visibility splays on private land.
- 7 - HN23 - Vehicular use of public rights of way.

**199. DCNE2005/3887/F - FURROWS FARM, BISHOPS FROME, HEREFORDSHIRE
[AGENDA ITEM 6]**

Conversion of barn to dwelling, new detached garage with studio/workshop over and new vehicle access.

The Planning Officer reported the receipt of letters of objection from Mr. A.W. Panners, the National Farmers' Union, the Country Land and Business Association, and Mrs. G. Davis. He advised that the recommended refusal reason should read 'consider' and not 'is concerned' and refer to the 'west' of the site and not the 'east', as detailed in the report.

Councillor R.M. Manning, the Local Ward Member, noted the value of the site inspection that had been held.

A number of Members concurred with the report and felt that the proximity of the proposal to a working farm would be problematic; examples were given of similar conflicting uses elsewhere in the County.

Councillor Mrs. J.P. French noted that a number of reasons for refusal [planning application NE2003/3462/F refers] had been addressed and suggested that the studio/workshop element of the conversion could be considered to be rural diversification. In response, the Northern Team Leader commented that the residential use was the key issue and the potential conflict of uses remained.

Councillor Manning commented on the efforts of the applicant to address the concerns about the previous application but felt that the proposal would still have adverse affects. In particular, he noted that the Head of Environmental Health and Trading Standards considered that '...the planting of trees does not have any significant effect on the reduction of noise'.

RESOLVED:

That planning permission be refused for the following reason:

The Local Planning Authority consider that the proposed residential use would be adversely affected by the proximity of the existing farm immediately to the west of the site. As such the proposal is contrary to Conservation Policy 12(F) of the Malvern Hills District Local Plan.

**200. DCNE2005/4163/F - 3 FALCON LANE, LEDBURY, HEREFORDSHIRE, HR8 2JP
[AGENDA ITEM 7]**

Extension to first floor over existing ground floor extension.

The Northern Team Leader advised that the statutory consultation period had expired and, therefore, the application could be refused by the Sub-Committee if so minded rather than be delegated to officers to refuse.

In accordance with the criteria for public speaking, Mr. Watts spoke on behalf of Ledbury Town Council and Mrs. McAlindin (the applicant) spoke in support of the application.

Councillor B.F. Ashton, a Local Ward Member, felt unable to support the officers' recommendation of refusal in this instance as he did not consider the property to be of exceptional architectural merit or particularly unique. He noted that there were other properties nearby that had extensions of similar scale and felt that this application should be approved.

Councillor D.W. Rule M.B.E., also a Local Ward Member, supported the comments of the speakers.

The Northern Team Leader advised that officers considered that the proposal would detract from the original dwelling which was an attractive inter-war building.

A number of Members spoke in support of the proposal.

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:

(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: Following the vote on this application, the Development Control Manager advised that he would not refer the decision to the Head of Planning Services.]

201. DCNW2005/3472/F - MAYFIELD, RUSHOCK, NR KINGTON, HEREFORDSHIRE [AGENDA ITEM 8]

Proposed change of use to business use and storage outbuildings.

The Principal Planning Officer reported the receipt of amended plans which illustrated the existing and revised access arrangements.

In accordance with the criteria for public speaking, Mrs. Jones had registered to speak on behalf of Kington Rural and Lower Harpton Parish Council but was not present at the meeting and Mr. Morris (the applicant) spoke in support of the application.

Councillor T.M. James, the Local Ward Member, explained the history of the site and noted that, on the basis of the information provided, the proposal was considered acceptable.

RESOLVED:

That planning permission be granted subject to the following conditions:

1 - E10 (Use restricted to that specified in application) (the storage of outside

bar and catering equipment).

Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to assess the impact on highway safety for alternative uses.

2 - E27 (Personal condition).

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 - G04 (Landscaping scheme (general)) (in relation to the revised access).

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

4 - G05 (Implementation of landscaping scheme (general)).

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

5 - H05 (Access gates) (10 m).

Reason: In the interests of highway safety.

6 - Prior to the first use of the site, a detailed plan showing the improved access and visibility splay shall be submitted to and approved in writing by the local planning authority. Works shall be carried out prior to the first use of the site in accordance with the approved plan.

Reason: In the interests of highway safety.

202. DCNW2006/0030/N - HATTON GARDENS INDUSTRIAL ESTATE, KINGTON, HEREFORDSHIRE, HR5 3DE [AGENDA ITEM 9]

Renewal of permission for household waste site, (previous permission NW00/1991/N).

The Senior Planning Officer (Minerals and Waste) reported that page 55, paragraph 6.13, of the report should refer to 23rd August and not 31st August. She reported the verbal response of the Head of Environmental Health and Trading Standards confirming that the proposal was still included in the latest waste strategy. She also reported the receipt of a letter of objection from Mr. Eddington and Miss Roddy.

Councillor T.M. James, the Local Ward Member, expressed his surprise at this application given that negotiations between the landowner and contractor were apparently at a standstill and there had been no exploration of other potential locations. He felt that the site was constrained and that the case for the material changes had not been made.

In response, the Senior Planning Officer (Minerals and Waste) commented that she did not know the motives of the applicant but Severn Waste had confirmed that they wanted the renewal of the permission. The Development Control Manager advised that the person who made the application was not a material planning consideration and that the key issue here was the potential impact of the proposal on the locality. He commented that the location of the site was considered acceptable given that it was at the end of an industrial estate and next to a sewage works. He

acknowledged that there were minor layout changes but did not feel that a refusal reason based on that ground could be sustained.

Councillor James maintained his view that the application should be refused as he felt that the proposal was contrary to Local Plan policies A27 and A28. He also drew attention to the fact that vehicles accessed the industrial estate via a residential road.

A number of Members felt that, on balance, there were no valid planning reasons to warrant refusal given the identified need for the facility and the previous permission granted.

A motion to refuse the application failed and the resolution below was then agreed.

RESOLVED:

That planning permission be approved subject to the following conditions:

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

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

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

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development in accordance with Policy A1 of the Leominster District Local Plan.

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

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

- 4 - **F32 (Details of floodlighting/external lighting).**

Reason: To safeguard local amenities to comply with Policy A13 of the Leominster District Local Plan.

- 5 - **F34 (Restriction on level of illuminance of lighting).**

Reason: To minimise the impact of the lights and to protect the residential amenity of nearby dwellings to comply with Policy A13 of the Leominster District Local Plan.

- 6 - **F35 (Details of shields to prevent light pollution).**

Reason: To minimise light overspill and to protect the amenity of neighbouring properties to comply with Policy A13 of the Leominster District Local Plan.

- 7 - **F44 (Investigation of contaminated land).**

Reason: To ensure that potential contamination of the site is satisfactorily assessed to comply with Policy A17 of the Leominster District Local Plan.

- 8 - **F45 (Contents of scheme to deal with contaminated land).**

Reason: To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority to comply with Policy A17 of the Leominster District Local Plan.

- 9 - F46 (Implementation of measures to deal with contaminated land).**

Reason: To ensure contamination of the site is removed or contained.

- 10 - G02 (Landscaping scheme).**

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment in accordance with Policy A12 of the Leominster District Local Plan.

- 11 - G03 (Landscaping scheme implementation).**

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment in accordance with Policy A12 of the Leominster District Local Plan.

- 12 - G13 (Landscape design proposals).**

Reason: In the interests of visual amenity.

- 13 - G14 (Soft landscaping works).**

Reason: In the interests of visual amenity.

- 14 - No materials whatever shall be sold to the public from this site other than bagged, composted green waste processed and produced by the operator.**

Reason: In order to define the permission and because retail sales of other materials would give rise to environmental concerns that would necessitate further consideration.

- 15 - Notwithstanding the submitted plans, none of the works hereby permitted shall be undertaken until a proposal for the construction and maintenance throughout the use of the site as a Household Waste Site, a 1.2 metre high close-boarded timber fence along the ramp adjoining the south-western and north-western corners of the site have been submitted to and approved in writing by the local planning authority. The fence shall be erected in accordance with the approved scheme and shall be additional to the proposed 2.1 metre high perimeter security fence detailed in the submission.**

Reason: In the interests of public safety and to protect the amenity of local residents and other users of the site.

- 16 - F02 (Scheme of measures for controlling noise).**

Reason: In order to protect the amenity of occupiers of nearby properties.

- 17 - There shall be no storage or stockpiling whatever of waste or any other materials on or around the site other than in the designated containers,**

skips, bins and enclosures provided for the purpose.

Reason: To prevent pollution and nuisance in the interests of the amenity of local residents in accordance with Policy A13 of the Leominster District Local Plan.

18 - F25 (Bunding facilities for oils/fuels/chemicals).

Reason: To prevent pollution of the water environment in accordance with Policy A13 of the Leominster District Local Plan.

19 - F26 (Interception of surface water run off).

Reason: To prevent pollution of the water environment in accordance with Policy A13 of Leominster District Local Plan.

20 - F28 (No discharge of foul/contaminated drainage).

Reason: To prevent pollution of the water environment in accordance with Policy A13 of the Leominster District Local Plan.

21 - E02 (Restriction on hours of delivery).

Reason: To safeguard the amenities of the locality.

22 - E04 (Restriction on hours of opening).

Reason: To safeguard the amenities of the locality.

Informatives:

1 - Lighting installations should comply with BS5489 regarding light levels or the relevant CIBSE code. Flood lights should be asymmetric beam type so the front face can be mounted as close to the horizontal as possible to minimise light spill. Light trespass should be limited so that levels of illuminance do not exceed 1.0 lux (vertical) on any windows of any adjacent residential properties or 5 lux (horizontal) on any adjacent highways. Where possible a light curfew should be imposed, depending on operating hours and need.

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

203. DCNW2006/0033/F - THE FOUNDRY, HATTON GARDENS INDUSTRIAL ESTATE, KINGTON, HEREFORDSHIRE, HR5 3DE [AGENDA ITEM 10]

Renewal of permission for industrial storage shed for continued B2 general industrial use (previous permission NW00/1992/F).

Councillor T.M. James, the Local Ward Member, felt that there were no valid material planning grounds to warrant refusal of this application in this instance.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

- 2 - A07 (Development in accordance with approved plans).

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

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

Reason: To minimise the visual impact of the development to comply with Policy A24 of the Leominster District Local Plan.

- 4 - F25 (Bunding facilities for oils/fuels/chemicals).

Reason: To prevent pollution of the water environment to comply with Policy A13 of the Leominster District Local Plan.

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

Reason: To prevent pollution of the water environment to comply with Policy A13 of the Leominster District Local Plan.

- 6 - F40 (No burning of material/substances).

Reason: To safeguard residential amenity and prevent pollution to comply with Policy A13 of the Leominster District Local Plan.

- 7 - G09 (Retention of trees/hedgerows).

Reason: To safeguard the amenity of the area to comply with Policy A28 of the Leominster District Local Plan.

- 8 - G18 (Protection of trees).

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area to comply with Policy A28 of the Leominster District Local Plan.

- 9 - G33 (Details of walls/fences).

Reason: In the interests of residential and visual amenity.

- 10 - F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

Informative:

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

204. DCNE2005/4153/F - 1 FROME BROOK ROAD, LEDBURY, HEREFORDSHIRE, HR8 2FH [AGENDA ITEM 11]

Retrospective application for temporary structure, children's climbing frame in rear

garden.

The Planning Officer reported the receipt of a letter from the applicant and summarised its contents.

Councillor B.F. Ashton, a Local Ward Member, noted that this proposal had received substantial coverage in the media and felt it regrettable that officers had been portrayed in a bad light. He felt that the application was temporarily acceptable but felt that there was a need to screen the structure as much as possible.

The Development Control Manager noted that advice provided by officers was sometimes misunderstood or misinterpreted but felt that it would be a negative step if officers provided no pre-application advice. He commented that, if the application was not retrospective, planning permission could have been granted as long as measures were taken to prevent overlooking. He felt that a temporary permission was an acceptable compromise and sought Members' views about the length of time allowed.

Councillor D.W. Rule M.B.E., also a Local Ward Member, noted that the applicant had a young family and suggested that the permission should be for more than a year.

Councillor Mrs. J.P. French proposed that a temporary permission for five years would be acceptable, subject to the introduction of mature planting to effectively screen the structure before the summer. Councillor Ashton commented that leylandii should not be permitted.

RESOLVED:

That planning permission be granted subject to the following condition:

- 1 - This permission shall expire on 22nd February, 2011. Unless further permission is granted in writing by the local planning authority prior to the end of that period, the use hereby approved shall permanently cease.**

Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.

- 2 - Within one month of the date of this permission a detailed landscaping scheme showing the species, number and location of the proposed planting shall be submitted to and approved in writing by the Local Planning Authority. Work shall be carried out in accordance with the approved details during the current planting season.**

Reason: In the interests of securing additional privacy to adjoining properties and in order to mitigate the impact of the development in the wider street scene.

- 3 - 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.

Informative:

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

205. DCNE2006/0047/F - RIDGEWAY FARM COTTAGE, BROMYARD ROAD, CRADLEY, MALVERN, WORCESTERSHIRE, WR13 5JW [AGENDA ITEM 12]

Proposed two storey rear extension and single storey side annex. Demolition of sun room and storage building.

In accordance with the criteria for public speaking, Mr. Ashton (applicant's agent) had registered to speak in support of the application but was not in attendance at the start of the item. However, the Chairman allowed Mr. Ashton to speak upon his arrival during the debate on the item.

Councillor R.M. Manning, the Local Ward Member, noted the personal circumstances of the applicant's family and the lack of suitable accommodation.

Councillor Mrs. L.O. Barnett commented that the Council encouraged the provision of care for elderly relatives and felt that the application should be supported.

Councillor B.F. Ashton acknowledged the personal circumstances but felt that the proposal was excessive and would be detrimental to the character of the existing cottage.

A number of Members felt that the scale and design was acceptable given the specific needs that had been identified and given the removal of the sun room and the demolition of a storage building.

The Planning Officer explained the recommended reasons for refusal and emphasised that the removal of the sun room did not mitigate the concerns about the size, scale, form and design of the proposal.

In response to Members' observations, the Northern Team Leader advised that the size and scale of the original cottage was a material planning consideration, commented on pre-application advice, and drew attention to the Council's planning policies.

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:**
- (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: Following the vote on this application, the Development Control Manager advised that he would not refer the decision to the Head of Planning Services.

Councillor Mrs. J.P. French commented on the need for consideration to be given to planning policies given the increasing percentage of elderly persons in the Herefordshire population.]

206. DCNW2005/3811/F - THE OLD VICARAGE, AYMESTRY, LEOMINSTER, HEREFORDSHIRE, HR6 9SU [AGENDA ITEM 13]

Erection of single storey extensions and installation of LPG storage tank (retrospective).

In accordance with the criteria for public speaking, Mr. Purse spoke on behalf of Aymestry Parish Council.

Councillor Mrs. L.O. Barnett, the Local Ward Member, noted the concerns of the Parish Council and the considerations outlined in the Officers' Appraisal. She felt that the application was acceptable on balance but stressed the need for a meeting to be convened of all relevant parties to explore further the applicant's intentions for the site. The Development Control Manager said that such a meeting could be arranged.

RESOLVED:

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

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

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

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

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

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

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

4 - G04 (Landscaping scheme (general)).

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

5 - G05 (Implementation of landscaping scheme (general)).

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

Informative:

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

207. DCNW2005/3951/F - DOWNWOOD, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9NH [AGENDA ITEM 14]

Retrospective application for 2 no. feed silos.

RESOLVED:

That consideration of planning application DCNW2005/3951/F be deferred for a site inspection for the following reasons:

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

208. DCNW2005/4103/F - FORMER GARAGE PREMISES, LAND ADJACENT TO NO. 2 VICTORIA ROAD, KINGTON, HEREFORDSHIRE, HR5 3BX [AGENDA ITEM 15]

Erection of 11 no. apartments and associated garaging.

RESOLVED:

That consideration of planning application DCNW2005/4103/F be deferred for a site inspection for the following reasons:

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

209. DCNW2005/4147/F AND DCNW2005/4148/L - YE OLD HOUSE, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HN [AGENDA ITEM 16]

Two storey extension to rear.

RESOLVED:

That consideration of planning applications DCNW2005/4147/F and DCNW2005/4148/L be deferred for a site inspection for the following reasons:

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

210. DCNW2005/4158/F - 7 MILLSTREAM GARDENS, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6NR [AGENDA ITEM 17]

Retrospective planning application for conservatory to rear.

In accordance with the criteria for public speaking, Dr. Spencer spoke against the application and Mr. Walters (the applicant) spoke in support of the application.

The Northern Team Leader explained that the conservatory would have been considered permitted development if it had been 1.3m shorter in length.

The Chairman, in his capacity as Local Ward Member, drew attention to the comments of Eardisley Parish Council.

Some Members felt that the company that made the conservatory should have investigated the planning regulations prior to erection.

In response to a question, the Development Control Manager advised that the type of lighting within the conservatory could not be controlled through conditions as it was considered to be a normal habitable room.

RESOLVED:

That planning permission be approved.

Informative:

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

211. DCNW2006/0071/F - THE VALLETS, RICHARDS CASTLE, LUDLOW, SHROPSHIRE, SY8 4ET [AGENDA ITEM 18]

New/replacement farm house.

RESOLVED:

That consideration of planning application DCNW2006/0071/F be deferred for a site inspection for the following reasons:

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

212. DCNC2005/4002/F AND DCNC2005/4003/L - MASONIC HALL, 40/42 SOUTH STREET, LEOMINSTER, HEREFORDSHIRE [AGENDA ITEM 19]

Change of use and conversion to 2 studio, 6 one bed and 1 two bed flats and 1 two bed maisonette.

The Northern Team Leader advised that the words 'and any other conditions considered appropriate' should be added to the second paragraph of the recommendation at page 120 and page 122 of the report and that the third paragraph of the recommendation on page 122 should be deleted.

In accordance with the criteria for public speaking, Dr. Channon spoke in support of the application.

Councillor J.P. Thomas, a Local Ward Member, felt that the lack on site parking could result in parking problems elsewhere and noted Leominster Town Council's concerns about overdevelopment and design. However, the contributions that had

been identified towards infrastructure improvements and lighting at the Sydonia Open Space were welcomed.

In response to questions, the Northern Team Leader advised that an archway shown in the plans was not part of the application site and that the mechanical ventilation of kitchens was acceptable.

Councillor R.B.A. Burke, the other Local Ward Member, felt that the lack of parking would result in unauthorised parking and congestion in the area. He also expressed concern that the Local Ward Members had not been consulted or informed about the contributions towards open space prior to the publication of the agenda.

The Development Control Manager advised that the Parks and Countryside department had been asked to identify an appropriate contribution in lieu of the provision of open space. He also advised that there was no parking provision because of the town centre position of the application site.

Some Members felt that car free developments were unrealistic in rural market towns.

Councillor Mrs. J.P. French noted that the Leominster Ward Members' met regularly and suggested that this would be a useful forum for officers to discuss local needs and the level of contributions required. Councillor Thomas proposed that the recommendation be altered to include consultation with the Leominster Ward Members. The Development Control Manager acknowledged this suggestion but reminded the Sub-Committee of the limited timescales involved.

RESOLVED:

DCNC2005/4002/F:

- 1) That the Leominster Ward Members be consulted regarding the Section 106 Agreement;**
- 2) Once done, the Legal Practice Manager, be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990;**
- 2) Upon completion of the aforementioned planning obligation that the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered appropriate:**

- 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 - H29 (Secure cycle parking provision) (12 cycles).**

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.

- 4 - C04 (Details of window sections, eaves, verges and barge boards) (door and window details and sections including heads and sills).

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

- 5 - C07 (Painted finish to windows/doors) (colour to be agreed).

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

- 6 - C08 (Repairs to external brickwork).

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

- 7 - C09 (External repointing).

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

- 8 - C10 (Details of rooflights) (investigation).

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.

- 9 - C11 (Specification of guttering and downpipes).

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

- 10 - C13 (Repairs in situ).

Reason: In order to preserve the integrity of the structure of the buildings, the conservation of which constitutes the reason for allowing the development where a new building would be contrary to policy.

- 11 - C15 (Salvage recording).

Reason: To enable a record to be made of this building of historical and/or architectural interest.

- 12 - E16 (Removal of permitted development rights).

Reason: To enable the local planning authority to regulate any future proposals in this building of historic interest.

- 13 - F17 (Scheme of foul drainage disposal).

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

Informatives:

- 1 - NC01 - Alterations to submitted/approved plans.
- 2 - HN01 - Mud on highway.
- 3 - HN04 - Private apparatus within highway.
- 4 - HN05 - Works within the highway.
- 5 - HN10 - No drainage to discharge to highway.
- 6 - HN22 - Works adjoining highway.
- 7 - This permission is granted pursuant to an agreement under Section 106 of the Town and Country Planning Act 1990.
- 8 - N15 - Reason(s) for the Grant of PP/LBC/CAC.

DCNC2005/4003/L:

Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue listed building consent subject to the following conditions and any other conditions considered appropriate:

- 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 - A09 (Amended plans).

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

- 3 - C04 (Details of window sections, eaves, verges and barge boards) (door and window details and sections including heads and sills).

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

- 4 - C07 (Painted finish to windows/doors) (colour to be agreed).

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

- 5 - C08 (Repairs to external brickwork).

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

- 6 - C09 (External repointing)

Reason: To safeguard the character and appearance of this building of

historical interest.

7 - C10 (Details of rooflights) (investigation).

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 historical interest.

8 - C11 (Specification of guttering and downpipes).

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

9 - C13 (Repairs in situ).

Reason: In order to preserve the integrity of the structure of the buildings, the conservation of which constitutes the reason for allowing the development where a new building would be contrary to policy.

10 - C15 (Salvage recording).

Reason: To enable a record to be made of this building of historical and/or architectural interest.

Informatives:

1 - NC01 - Alterations to submitted/approved plans.

2 - This permission is granted pursuant to an agreement under Section 106 of the Town and Country Planning Act 1990.

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

213. DCNC2005/3861/F - CAWLEY VILLAGE HALL, EYE LANE, LUSTON, LEOMINSTER, HEREFORDSHIRE, HR6 0DS [AGENDA ITEM 20]

Alterations & extension to village hall.

In accordance with the criteria for public speaking, Mrs. Adams spoke in support of the application.

Councillor J. Stone, the Local Ward Member, concurred with the speaker that the proposal would improve this facility for the benefit of the local community. He acknowledged the concerns of the occupier of the adjacent property but noted that the Village Hall would be double glazed and insulated. He also noted that the potential for disturbance outside the building existed already. He commented that the licensing conditions and the recommended planning conditions would ensure that the facility was managed properly.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

Reason: Required to be imposed by Section 91 of the Town and Country

Planning Act 1990.

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

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

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

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

Informative:

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

214. DCNC2006/0067/F - 73 ETNAM STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8AE [AGENDA ITEM 21]

Change of use to A3 (restaurants and cafés) between hours of 8.00am - 21.00pm Monday to Saturday.

The Northern Team Leader reported two letters of objection from 75 and 81 Etنام Street, Leominster. He confirmed that sale of hot food would be restricted by the use class.

Councillor J.P. Thomas, a Local Ward Member, noted the concerns of local residents that the premises should not become a fast food outlet and felt that recommended condition 2 should be closely monitored. He commented that the extension of hours to 21.00 hours was acceptable but noted that there could be problems if it was open any later.

The Northern Team Leader proposed an additional informative note to clarify the restrictions regarding the use class.

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 sale of hot food shall be restricted to snack food only by shallow frying. There shall be no sale of deep fat fried food.

Reason: In the interests of residential amenity.

- 3 - The use hereby permitted shall only be open to customers between the hours of 8.00am and 9.00pm Monday to Saturday only, and not at any time on Sundays, Bank or public holidays.

Reason: In the interests of the amenities of existing residential property in the locality.

Informative:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC.
- 2 - The applicant is reminded that this permission does not authorise the use of the premises as a hot food takeaway.

215. DCNC2006/0079/F - LAXTON BARN, BODENHAM, HEREFORD, HEREFORDSHIRE, HR1 3HS [AGENDA ITEM 22]

Change of use from agriculture to domestic garden.

Councillor Brig. P. Jones CBE, on behalf of the Local Ward Member, commended the report and noted the importance of recommended condition 2.

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 - E16 (Removal of permitted development rights) (delete 'dormer windows') (Incl. Part 2).

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

Informative:

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

The meeting ended at 4.12 p.m.

CHAIRMAN