

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday, 29th May, 2007 at 2.00 p.m.

Present: Councillor JW Hope MBE (Chairman)
Councillor PM Morgan (Vice Chairman)

Councillors: RBA Burke, ME Cooper, JP French, JHR Goodwin,
KG Grumbley, B Hunt, TW Hunt, TM James, R Mills, A Seldon,
RV Stockton, J Stone, K Swinburne and PJ Watts

In attendance: Councillors JE Pemberton

1. ELECTION OF CHAIRMAN FOR THE ENSUING YEAR.

It was noted that Councillor JW Hope had been elected Chairman for the ensuing year

2. APPOINTMENT OF VICE-CHAIRMAN

It was noted that Councillor Mrs PM Morgan had been appointed Vice-Chairman for the ensuing year

3. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs LO Barnett, WLS Bowen, P. Jones and RJ Phillips.

4. DECLARATIONS OF INTEREST

Councillor	Item	Interest
RBA Burke	Agenda item 21, Minute 203 DCNC2007/0506/F & DCNC2007/0507/C - change of use to A4 (drinking establishment). demolition of single storey rear extension and out-building and new rear extension former Post Office Counters Ltd, Corn Square, Leominster	Declared a prejudicial interest and left the meeting for the duration of the item.
A Seldon	Agenda Item 19, Minute 202 DCNC2007/0952/F - proposed single storey extension to provide additional bedroom accommodation at The Forbury Residential Home, Church Street, Leominster	Declared a personal interest.

5. MINUTES

RESOLVED: That the Minutes of the meeting held on 24th April, 2007 be approved as a correct record and signed by the Chairman.

6. ITEM FOR INFORMATION - APPEALS

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

7. APPLICATIONS RECEIVED

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

8. DCNC2007/0715/F - CHANGE OF USE FROM STABLES TO DOG KENNELS FOR ANIMAL RESCUE CHARITY AT MEADOW BANK RIDING CENTRE, HAMNISH, LEOMINSTER, HEREFORDSHIRE, HR6 0QN

In accordance with the criteria for public speaking, Mrs Barden spoke in favour of the application.

Councillor R Mills noted the concerns which had been raised by objectors to the application and expressed the view that the application should be granted for a trial period of twelve months so that the impact of the facility on the amenity of neighbouring properties could be fully assessed. The Sub-Committee was agreeable to permission being granted with appropriate conditions on this basis.

That planning permission be granted subject to the following conditions:

1 - E20 (Temporary permission) for a period of 12 months

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 - E15 (Restriction on separate sale)

Reason: It would be contrary to the policy of the local planning authority to grant consent for a separate dwelling in this location.

3 - F02 (Scheme of measures for controlling noise)

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

4 - The kennels shall accommodate a maximum of 12 dogs at any one time.

Reason: To define the terms of the permission and in the interests of residential amenity.

Informatives:

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

9. **DCNW2007/0744/F - DEMOLITION OF RESIDENTIAL CARE FACILITY AND THE ERECTION OF 12 AFFORDABLE HOUSING UNITS, ASSOCIATED CAR PARKING AND LANDSCAPING AND ALTERATIONS OF EXISTING ACCESS AT KINGSWOOD HALL, KINGSWOOD ROAD, KINGTON, HEREFORDSHIRE, HR5 3HE**

The Principal Planning Officer reported the following updates:-

Parks and Countryside Manager on the amended plans:

We have already agreed that the onsite provision will be fenced with seating and bins to provide informal play space for younger children with no formal play equipment as they offer little in play value.

The Sport England contribution will be used towards leisure and recreational improvements at Lady Hawkins Leisure Centre in Kington.

I had discussed with the applicant's client the possibility of the applicant maintaining the open space. I note that this is not mentioned in the letter to you dated 10th May 2007. The Council would not wish to adopt the site, as it will not be cost effect, as there is no other land in the vicinity, which we maintain. Given that the applicant has not been asked to provide play equipment I would expect this to be a reasonable request.

The Conservation Manager (landscape) on the amended plans:

The revised layout is as per my discussions with Chris Still (Savills) and addresses the importance of protecting the mature Black Pines to the west of the site. Naturally the older the tree the more sensitive it is to change and impact from development. They will also have more defects and potentially present a greater 'risk' and are harder to replace (visually). The negotiated revised layout **increases** the amount of space afforded to these trees. However, in order to achieve the improved layout it has been necessary to sacrifice a number of smaller, less significant trees also covered by a TPO (1 Silver Birch, 1 Cypress, 1 Holly, 4 Maples & 1 Ginko). Only the Birch is a visually significant tree, the other trees also exhibit a number of significant defects.

Grant of planning permission supersedes the protection afforded by the TPO; however, the requirement to replant suitable replacement trees remains. If you have attached a condition requiring the submission of a landscaping scheme then replacement trees should be indicated, otherwise this should be negotiated separately with this office.

It should also be noted that the revised layout allows for the play area to be located away from trees, the front of the site and away from the road

Kington Town Council comments on the amended plans:

If these trees do have to be removed to accommodate these amendments that replacements should be considered.

The Town Council is pleased that the amendments address and meet the comments made to South Shropshire Housing about this application in their pre-submission stage.

The amendments are accepted and the application is recommended for approval.

letter from Mr and Mrs S Jones of a nearby property:

As an immediate neighbour and owner they have the strongest possible objection to the moving of the entrance. If this was to go ahead it would be directly opposite our existing driveway where the road is narrow and close to a blind bend thus making the entrance and exit to our property very dangerous indeed even if a speed limit was imposed.

Strongly object to the planting of trees as the growth at Kingswood Hall over the last few years has been considerable and caused a loss of light. More trees would increase this loss of light.

Section 106 Agreement

A Draft 106 agreement has been submitted which sets out the financial contributions and the affordable housing provision. In particular it should be noted that the affordable housing be allocated to 'local' persons in the first instance. The criterion for this is set out in the agreement.

The Section 106 agreement / Heads of Terms should have also made reference to contributing towards the alteration to the 30MPH zone to beyond the application site.

Officers Comments

In response to the concerns of the Councils Ecologist an ecological survey of the buildings and site has been commissioned. This will be undertaken over the next two weeks to a programme that has been agreed with the Councils Ecologist.

Councillor TM James the Local Ward Member said that there were a number of issues connected with the site, its relationship with the surrounding area and the proposed access which merited a site inspection. The Sub-Committee concurred with this view.

RESOLVED:

That a site inspection be held for the following reasons:

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

In accordance with the criteria for public speaking, Mrs Newman of Kington Town Council and Mrs Pugh of South Shropshire Housing Association spoke in favour of the application. Mrs Jones an objector decided to defer her right to speak until the application came back to the Sub-Committee.

- 10. DCNW2007/0773/F - EXTENSION TO FORM SINGLE GARAGE (SUBSEQUENT TO PLANNING PERMISSION DCNW/2004/3925/F) ON LAND ADJACENT TO EAST COTTAGE, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6LF**

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 - E08 (Domestic use only of garage)

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.

Informatives:**1 - N15 - Reason(s) for the Grant of PP/LBC/CAC****2 - N14 - Party Wall Act 1996****3 - N19 - Avoidance of doubt****11. DCNW2007/0972/F - PROPOSED CHANGE OF USE FROM RESIDENTIAL OUTBUILDING FOR BUSINESS USE (OUTSIDE CATERING FOR A TEMPORARY PERIOD OF TWO YEARS) AT THE RED HOUSE, DILWYN, HEREFORD, HEREFORDSHIRE, HR4 8JS**

The Principal Planning Officer reported the receipt of a letter of support and the following response from the applicant to the recommendation and conditions:

1. Noted: Environmental Health Department has received no complaints.
2. Re: deep fat frying. This does not take place at the premises nor will it.
3. We have requested quotes from a local builders to install a new driveway/access to avoid having to pass over a shared drive. We have written approval and conditions from Highways for this.
4. We have removed any potential noise nuisance of refrigerated vehicles by siting a power socket at the rear of our property – away from neighbours, as advised.

EO1 - Restriction on hours of working

Mon to Fri – 7am – 6pm

Saturday 7am to 1pm – this is Wedding Day – we occasionally need to leave or return outside these specified hours.

Sundays – we occasionally have events on Sundays eg Christenings but more often than not we are washing up!

No working on Bank/public holidays

E02 – Restriction on hours of delivery

We will happily ask that our suppliers comply with this though we can only exert limited authority on this.

Occasionally, to meet Food Hygiene regulations we will have to refrigerate a returning van before it can be emptied the next morning.

E06 – Restriction on use

“The premises shall be used for the preparation, cooking and packing of food goods for the purposes of outside catering and retail.” As explained to Miss Brimson.

E15 – Restriction on separate sale

Noted

E25 – Personal and time limited permission

We seek two years time limit – assume this is a typo.

F03 – Restriction on specified activities

Noted

F38 – Details of flues or extractors

Noted

F40 – No burning of materials/substances

Noted

The Principal Planning Officer said that this implied that the applicant would not be able to comply with the conditions and if this was the case, permission could not be granted and enforcement action was likely. She also felt that if the applicant was not be able to operate within these limitations he should seek alternative accommodation.

In accordance with the criteria for public speaking, Mr Bailey spoke in favour of his application and said that he would meet all the conditions stipulated by the Officers if planning permission was granted.

Councillor JHR Goodwin the Local Ward Member was of the view that it was important for permission to be granted with the proposed conditions to regulate the business for the protection of the amenity of adjoining properties. He considered that the two year temporary permission applied for would give time for the situation to be properly assessed.

RESOLVED

That planning permission be approved subject to the following conditions:

1 - E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

2 - E02 (Restriction on hours of delivery)

Reason: To safeguard the amenities of the locality.

3 - E06 (Restriction on Use)

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

4 - E15 (Restriction on separate sale)

Reason: It would be contrary to the policy of the local planning authority to grant consent for a separate dwelling in this location.

5 - E25 (Personal and time limited permission) Mr S Bailey, one year

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.

6 - F03 (Restriction on specified activities)

Reason: To protect the amenities of nearby properties.

7 - F38 (Details of flues or extractors)

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

8 - F40 (No burning of material/substances)

Reason: To safeguard residential amenity and prevent pollution.

9 - Within one month of the date of this permission, a plan detailing the existing and proposed car parking spaces within the application site shall be submitted to and approved in writing by the local planning authority. These spaces shall be provided within 2 months of the date of this permission and kept free for the parking of vehicles only until the expiry of the permission.

Reason: To ensure the provision of car parking provision for staff and delivery vehicles within the application site in the interests of highway safety.

Informatives:

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

2 - N19 - Avoidance of doubt

12. DCNW2006/3986/O - SITE FOR RESIDENTIAL DEVELOPMENT OF 46 DWELLINGS AT LAND WEST OF OLD EARDISLEY ROAD, KINGTON, HEREFORDSHIRE

RESOLVED:

That a site inspection be held for the following reasons:

- iv. The character or appearance of the development itself is a fundamental

planning consideration;

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

In accordance with the criteria for public speaking, Mrs Newman of Kington Town Council and Mr Joyce an objector spoke against the application. Mrs Spreckley the agent acting for the applicant decided to defer his right to speak until the application came back to the Sub-Committee.

13. DCNW2007/0603/F - PROPOSED ERECTION OF 12 DWELLING UNITS AND ANCILLARY GARAGES AT LAND ADJACENT TO WEOBLEY METHODIST CHAPEL WEOBLEY.

The Senior Planning Officer reported the receipt of the following comments from Weobley Parish Council:

Note that location and type of affordable housing to be provided is as requested. Also note that there is now access to a garage at the rear of the barn adjoining the site on its north-western edge. Although the garage is marked as not part of this application, we have some concerns that this access may possibly allow future development at the rear of the barn and adjoining properties. In conclusion, our original comments regarding this application still stand, our main objection (and that of local residents), being the access to the site through Chapel Orchard.

RESOLVED:

That a site inspection be held for the following reasons:

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

In accordance with the criteria for public speaking, Mrs Parsons of Weobley Parish Council and Mrs McGill an objector spoke against the application.

14. DCNW2007/1277/F - PROPOSED FIRST FLOOR EXTENSION, NEW FRONT PORCH AND ALTERATIONS AT DUNELM, WEST STREET, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9DX

The Senior Planning Officer reported the following comments from Pembridge Parish Council:

No objections to proposed development, however does have some concern about large scale of proposed extension.

In answer to a question from Councillor Mrs JP French, The Senior Planning Officer outlined the dimensions of the additional floor space which he did not consider to be excessive.

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 - B02 (Matching external materials (extension))

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

3 - Notwithstanding the approved plans no approval is given to the construction detail and design of the windows. Full details of the window design and construction materials will be submitted to the local planning authority and approved in writing prior to any development on site.

Reason: In the interests of the surrounding Conservation Area and setting of adjacent listed buildings.

4 - H12 (Parking and turning - single house)(Curtilages)(3)

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

Informatives:

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

2 - N19 - Avoidance of doubt

15. **DCNC2007/0586/O - SITE FOR DWELLING FOR A RURAL ENTERPRISE AT THE OLD BLACKSMITH'S SHOP, DOCKLOW, LEOMINSTER, HEREFORDSHIRE**

The Principal Planning Officer reported the receipt of the following comments from the agent acting on behalf of the applicant:

There are no objections from the Parish Council or the Highways Authority and twelve letters of support have been submitted.

In accordance with the criteria for public speaking, Mr Hanson of Docklow & Hampton Wafer Parish Council and Mr Hill the applicant, spoke in favour of the application.

Councillor KG Grumbley the Local Ward Member said that the applicant ran a twenty-four hour breakdown service to deal with the problems which were encountered by the local agricultural community with their farming equipment. He needed to be on site in order to respond quickly to emergencies and at present he had to travel from Pembridge to his workshop to collect tools and replacement parts, and then onto a client. This often involved a round-trip of over forty miles and during times of heavy demand such as harvesting, this was proving to be increasingly difficult. The applicant also had stated that he needed a permanent presence on site to receive parts deliveries, security for the storage of those parts and to have an on-site office which was currently lacking. Councillor Grumbley felt that there was flexibility within Policy H8 of the Herefordshire Unitary Development Plan (UDP) to

help with assisting small but essential agricultural businesses such as this one. He also felt that the point had been reached where there was a danger of losing the business if permission was refused and that this would be to the considerable detriment of the agricultural community. Granting the application would enable the applicant to achieve greater security and allow modest growth of the business.

Several Members of the Sub-Committee concurred with the views of the Local Ward Member and felt that there were sufficient material considerations for the application to be granted. Councillor R Mills had some sympathy with the applicant but felt that there were several issues set out in the report which contradicted the grounds suggested for granting permission. The Principal Planning Officer said that planning permission was refused in 2001 and lost on appeal and that in the view of the officers the circumstances had not changed to merit permission being granted. The Development Control Manager also drew attention to the fact that a fundamental aim of the UDP was to protect the open countryside from unnecessary development. The exceptional circumstances set out in Policy H8 included a clear need for accommodation for persons employed in agriculture, forestry, horticulture or other rural businesses but not the type of the applicant. Notwithstanding these views the Sub-Committee was of the view that there was sufficient scope for permission to be granted.

RESOLVED:

- That (i) The Northern Area Planning Sub-Committee is minded to approve the application under the provisions of Policy H8 of the Herefordshire Unitary Development Plan subject to any conditions felt to be necessary by the Development Control Manager, provided that the Head of Planning Services does not refer the application to the Planning Committee.**
- (ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application in consultation with the Local Ward Members and subject to such conditions referred to above.**

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

16. DCNC2007/0656/F - ERECTION OF DWELLING HOUSE & GARAGE/GARDEN STORE (AMENDMENTS TO PREVIOUS APPROVAL NC2004/0778/RM) AT PLOT 3, LAND ADJACENT VILLAGE HALL, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE

The Principal Planning Officer reported the receipt of the following comments from a local resident:

Query from Mr Bromley regarding a Walnut tree which is within the garden of Belmont and what consideration has been given to the impact of the development upon it. Mr Bromley mistakenly believed that it was covered by a Tree Preservation Order. Is concerned that its roots could be damaged by the creation of the drive. The Principal Planning Officer said that the tree is not covered by a TPO and its existence and proximity to the site boundary is not considered to be of such significance to warrant the refusal of the application.

In accordance with the criteria for public speaking, Mr Owen of Stoke Prior Parish Council spoke against the application.

Councillor KG Grumbley the Local Ward Member was of the view that the application was contrary to Policy H6 of the UDP. The estate had been planned in consultation with local people and the properties had a balance with one another which would be lost by increasing the size or position of any one property. Councillor Mrs J French was also against the application, pointing out that there had been a site inspection and lengthy consultation resulting in the present layout. The Sub –Committee was of the view that the proposal was larger than the approved plans and considered it to be over-development and increase over-looking of adjoining properties.

RESOLVED:

That (i) 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:

1. design and scale.

(iii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application in consultation with the Local Ward Member, subject to the reason for refusal referred to above.

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

17. DCNC2007/0667/O - SITE FOR THE ERECTION OF AN ADDITIONAL BUILDING FOR PROVISION OF CARE TO THE ELDERLY MENTALLY INFIRM AT PENCOMBE HALL, PENCOMBE, BROMYARD, HEREFORDSHIRE, HR7 4RL

The Principal Planning Officer reported the receipt of the following:

Four letters of support referring to the high level of care that is already provided at Pencombe Hall, the shortage of EMI nursing beds in Herefordshire and the benefit to the local economy that would result if planning permission is granted for this proposal.

In accordance with the criteria for public speaking, Mr Tilling and Mr Potter spoke against the application. Mr Jolly the agent acting for the applicants decided to defer his right to speak until the application came back to the Sub-Committee.

RESOLVED:

That a site inspection be held for the following reasons:

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

In accordance with the criteria for public speaking, Mrs Smith the applicant decided to defer her right to speak until the application came back to the Sub-Committee.

18. **DCNC2007/0807/F - NEW DWELLING AND GARAGES. SITE ADJACENT TO LUSTON COURT, LUSTON, LEOMINSTER, HEREFORDSHIRE, HR6 0DU**

RESOLVED:

That a site inspection be held for the following reasons:

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

In accordance with the criteria for public speaking, Mrs Morris of Luston Parish Council, Mr Shepherd an objector and Mrs Jones the applicant decided to defer their right to speak until the application came back to the Sub-Committee.

19. **DCNC2007/0952/F - RETENTION OF TWO COLD STORAGE UNITS AND SOUND REDUCING SCREEN AT TROUGHLES FINE FOOD LTD, UNIT 12 CLINTON ROAD, LEOMINSTER, HEREFORDSHIRE HR6 0RJ**

RESOLVED

That planning permission be granted subject to the following conditions:

- 1 - **E20 (Temporary permission) (29 May 2010)**

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 - **F01 (Scheme of noise attenuating measures)**

Reason: To safeguard the amenity of the area.

- 3 - **F03 (Restriction on specified activities)**

Reason: To protect the amenities of nearby properties.

Informatives:

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

20. **DCNC2007/0506/F AND 21 - DCNC2007/0507/C - CHANGE OF USE TO A4 (DRINKING ESTABLISHMENT). DEMOLITION OF SINGLE STOREY REAR EXTENSION AND OUT-BUILDING AND NEW REAR EXTENSION. FORMER POST OFFICE COUNTERS LTD, CORN SQUARE, LEOMINSTER, HEREFORDSHIRE**

RESOLVED:

That a site inspection be held for the following reasons:

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

In accordance with the criteria for public speaking, Ms Griffiths the agent acting on behalf of the applicants spoke in favour of the application. Mr Thomas of Leominster Town Council and Mr Everett an objector decided to defer their right to speak until the application came back to the Sub-Committee.

The meeting ended at 4.15 p.m.

CHAIRMAN