

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 12 March 2008 at 2.00 p.m.

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

Councillors: LO Barnett, WLS Bowen, ME Cooper, JP French,
JHR Goodwin, KG Grumbley, B Hunt, TW Hunt, TM James, R Mills,
A Seldon, J Stone and PJ Watts

161. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RBA Burke, P Jones CBE, RJ Phillips, RV Stockton and JK Swinburne.

162. DECLARATIONS OF INTEREST

There were no declarations of interest made.

163. MINUTES

RESOLVED: That the minutes of the meeting held on 13th February, 2008 be approved as a correct record and signed by the Chairman

164. ITEM FOR INFORMATION - APPEALS

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

165. DCNC2008/0002/F & DCNC2008/0003/C - PINSLEY MILL, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NX [AGENDA ITEM 5]

Proposed demolition and conversion of mill, construction of glass link and new works to form three-storey double block and to create nine apartments and all associated works.

Mr Pritchard, the applicant's agent, had registered to speak and was present at the meeting, but decided not to speak.

Councillor JP French expressed concerns similar to those of Leominster Town Council and the Leominster Civic Society outlined in the report, that the plans submitted in respect of the application were very unclear and possibly confusing for the public. She added that no community facilities were included in the plans and this was not in keeping with other developments in the area. She felt that there was merit in inspecting the site, on the grounds that the character and appearance of the development was a fundamental planning consideration, and the setting and surroundings of the building were fundamental to the determination of the application.

RESOLVED: that consideration of the application be deferred for a site inspection, and in order to obtain improved plans.

166. DCNE2007/3842/F - THE DOWNS SCHOOL, BROCKHILL ROAD, MALVERN, HEREFORDSHIRE, WR13 6EY [AGENDA ITEM 6]

Provision of new sports hall facility incorporating classrooms, parking, landscaping and highway improvements to the junction of Brockhill Road and Church Road.

In accordance with the criteria for public speaking, Mr Ashton spoke on behalf of the parish council. Mr Stevens and Mr Humphreys spoke in objection to the application and Mr Beese spoke in support.

The Principal Planning Officer stated that the proposed school improvement and highway upgrade were linked and that the application, which involved the introduction of a one-way traffic flow system, would secure significant improvements in highway safety. The Area Engineer (Development Control) reported that alternative road systems has been assessed (for example, traffic lights or a roundabout), and that the current proposal presented the optimum solution in terms of accommodating the existing road network, road safety, simplicity and cost.

Councillor TM James questioned the proposal to allow a vehicle to use the verge as a passing place and was assured by the planning officer that the part of the road in question was on highway land, and there was no legal issue.

In response to a further question by Councillor R Mills, the Principal Planning Officer said that there was some debate over the ownership of the grassed area to the south of the map, but that the application would have no notable impact upon it. He also said that the installation of a roundabout would be inappropriate because there was not enough space, and the Highways Department were satisfied with the plans.

Having considered all the information surrounding the application, members felt that sufficient steps would be taken to ensure the safety of road users around the development, and agreed that planning permission should be granted.

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

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

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

2 - No development shall commence until an arrangement, through an appropriate legal mechanism, has been made to secure the community use of the indoor sports hall and associated changing rooms hereby permitted.

Reason: To ensure satisfactory quantity, quality and accessibility of compensatory provision, which secures community, use in accordance with Planning Policy Guidance Note 17.

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

- Written details and samples of all external materials
- Written details and samples of all surfacing materials in relation to the vehicular means of access, turning / manoeuvring areas and car parking areas

The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved details and thereafter maintained as such.

Reason: To ensure a satisfactory appearance to the development within the Conservation Area and the Area of Outstanding Natural Beauty in accordance with policies DR1, LA1 and HBA6 of the Herefordshire Unitary Development Plan 2007.

- 4 - Prior to commencement of the development hereby permitted full written details of the proposed boundary treatments (if any) shall be submitted to the Local Planning Authority for their written approval. The approved boundary treatments shall be fully implemented prior to the first use of the building hereby permitted and thereafter maintained as such.

Reason: - To ensure a satisfactory appearance to the development within the Conservation Area and the Area of Outstanding Natural Beauty in accordance with policies DR1, LA1 and HBA6 of the Herefordshire Unitary Development Plan 2007.

- 5 - No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping using indigenous species. The submitted scheme of landscaping must detail the location of all planting, the species, their size and the density of planting.

Reason: To ensure that the development is satisfactorily integrated into the locality in accordance with policies LA1 and HBA6 of the Herefordshire Unitary Development Plan 2007.

- 6 - All planting, seeding and turfing in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first use of the building hereby permitted or the completion of the development (whichever is the sooner). Any trees or plants which within a period of five years from the first use of the building or completion of the development (whichever is the sooner), die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the development is satisfactorily integrated into the locality in accordance with policies LA1 and HBA6 of the Herefordshire Unitary Development Plan 2007.

- 7 - Prior to the first use of the building hereby permitted or completion of the development (whichever is the sooner) the highway works detailed upon drawing number 207479/34a (Scale 1:500) received 12th February 2008 and the traffic management measures shown in drawing number 207479/22a within the Transport Assessment received 6th December 2007 shall be fully implemented.

Reason: - To ensure that the highway design is satisfactory to cater with the additional traffic generated by the proposed development.

- 8 - Prior to the first use of the building hereby permitted the motor vehicle parking, turning and manoeuvring areas and secure cycle parking facilities together with the refuse storage facilities shown upon the approved documents shall be fully implemented. Thereafter these areas and facilities shall be kept available for such use.**

Reason: - In the interests of highway safety and to encourage the use of modes of transport other than the private motor vehicle.

- 9 - Prior to commencement of the development hereby permitted full written details of all external lighting (if any) shall be submitted to the Local Planning Authority for their written approval. The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved details and thereafter no other external lighting shall be installed without the prior written consent of the Local Planning Authority.**

Reason: To safeguard the character and appearance of the Conservation Area and the Area of Outstanding Natural Beauty in accordance with policies LA1 and HBA6 of the Herefordshire Unitary Development Plan 2007.

- 10 - The School Travel Plan prepared by Boreham Consulting Engineers Ltd (Ref: - R/207479SM Sep 07) as amended by the letter dated 27th February 2008 from Waterman Boreham Transport Planning shall be fully implemented.**

Reason: To encourage the use of modes of transport other than the private motor vehicle.

- 11 - Prior to commencement of the development hereby permitted the Deodar Cedar upon the site frontage shall be protected by fencing of at least 1.2 metres in height comprising vertical and horizontal framework of scaffolding (well braced to withstand impacts) supporting either chestnut cleft fencing or chain link fencing in accordance with figure 2 on page 13 of BS5837: 2005. This protective fencing shall be erected in the position shown upon drawing number NPA/10256 D 001 Rev C received 12 February 2008. Once these protective measures have been erected but prior to commencement of the development a suitably qualified arboricultural consultant shall inspect the site and write to the Local Planning Authority to confirm that the protective measures are in-situ. Upon confirmation of receipt of that letter by the Local Planning Authority the development may commence but the tree protection measures must remain in-situ until completion of the development.**

Reason: To safeguard the Deodar Cedar upon the site frontage that makes a significant visual contribution to the Conservation Area in accordance with policies LA5 and HBA6 of the Herefordshire Unitary Development Plan 2007.

- 12 - Prior to commencement of the development hereby permitted a Sports Development Plan/Programme (including timescales for its implementation) shall be submitted to the Local Planning Authority for**

their written approval. The development shall not commence until the Local Planning Authority has given such written approval. The Sports Development Plan/Programme shall be fully implemented in accordance with the approved details.

Reason: To secure sufficient benefits to the development of sport and to accord with Planning Policy Guidance Note 17.

Informative(s):

- 1 - With regard the provisions of condition 2 above, the applicant is informed that, in the opinion of the Local Planning Authority, the most appropriate legal mechanism would be the subject of a Community Use Legal Agreement as detailed at: -

http://www.sportengland.org/kitbag_cua.doc

- 2 - The highway works required by way of condition 7 will; require the completion of a Section 278 Agreement under the Highways Act that shall assess the detailed design of these works. There is a design check fee associated with the Agreement.

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

- 4 - N19 - Avoidance of doubt
For the avoidance of any doubt the plans for the development hereby approved are as follows:-

- Topographical Survey - Drawing number SSL: 11485-3:200:1:1 (Scale 1:200) received 21st September 2007;
- External Realm Design - Drawing number NPA/10256 D 002 (Scale 1:200) received 12th February 2008;
- Existing Site and Location Plan - Drawing number A-5-001 (Scales 1:1250 & 1:200) received 6th December 2007;
- Ground Floor Plan - Drawing number A-5-020 (Scale 1:100) received 6th December 2007;
- First Floor Plan - Drawing number A-05-021 (Scale 1:100) received 6th December 2007;
- Roof Plan - Drawing number A-05-022 (Scale 1:100) received 6th December 2007;
- Sections - Drawing number A-05-40 (Scale 1:100) received 6th December 2007;
- Clerestory Window Plan - Drawing number A-05-023 (Scale 1:100) received 14th December 2007;
- Elevations Sheet 1 - Drawing number A-05-30 (Scale 1:100) received 6th December 2007;
- Elevations Sheet 2 - Drawing number A-05-31 (Scale 1:100) received 6th December 2007;
- Context Elevations Sheet 1 - Drawing number A-5-35 (Scale 1:150) received 6th December 2007;
- Context Elevations and Section Sheet 2 - Drawing number A-05-36 (Scale 1:150) received 6th December 2007;
- Tree Removal & Protection Plan - Drawing number NPA/10256 D 001 Rev C received 12th February 2008;
- Amended Junction Layout - Drawing number 207479/34a (Scale 1:500) received 12th February 2008;

- One Way Option: AutoTrack of a Refuse Vehicle Accessing Brockhill Road - Drawing number 207479/34b (Scale 1:500) received 12th February 21008;
- One Way Option: AutoTrack of a Coach Accessing Brockhill Road - Drawing number 207479/34c (Scale 1: 500) received 12th February 2008;
- Proposed Cycle Shelter - Drawing number NPA/10256D 003 received 12th February 2008;
- School Travel Plan prepared by Boreham Consulting Engineers Ltd (Ref: - R/207479SM Sep 07) as amended by the letter dated 27th February 2008 Waterman Boreham Transport Planning.
- Transport Assessment prepared by Boreham Consulting Engineers Ltd received 6th December 2007.

5. - Advice with regard to Sports Development Plans/Programmes is available on the Sport England website.

167. DCNE2008/0179/F - 2 WOODSIDE LODGES, FALCON LANE, LEDBURY, HEREFORDSHIRE, HR8 2JN [AGENDA ITEM 7]

Proposed implements store incorporating bunkhouse accommodation at first floor level with ablutions, drying and common room on the ground floor.

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

The Principal Planning Officer emphasised that the development had the full endorsement of the Cultural Services Manager because it provided a unique facility for walkers and cyclists.

The Local Ward Member, Councillor PJ Watts, asked if the original building was different in size to the one in the plans and the Principal Planning Officer said that the original building was slightly smaller, and single-storey. In response to a further question from Councillor Watts, the Principal Planning Officer confirmed that Condition 1 of the recommendation was reasonable in respect of the amount of days a person or group were allowed to occupy the accommodation. Councillor Watts requested that the length of stay for an individual or group be cut from 28 to 14 consecutive days, and that in any one calendar year, they may occupy the accommodation for 100 instead of 156 days. The Legal Practice Manager confirmed that this was a reasonable amendment.

In response to a question from another Local Ward Member, Councillor ME Cooper, the Principal Planning Officer assured the committee that enforcement officers would monitor the site carefully to ensure that the conditions were adhered to.

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

- 1 - **The bunkhouse accommodation hereby permitted shall only be used for holiday purposes by tourists. No person or group of persons shall occupy the accommodation for more than 14 days consecutive days at a time and shall not occupy the accommodation for more than 100 days in any one calendar year.**

The owners/operators of the site shall maintain an up-to-date register of the names of all occupiers of the bunkhouse accommodation and of their

main home address (i.e. place of residence) and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the development hereby permitted is used for the specific use applied for.

- 2 - Within three months from the date of this permission full details of secure cycle parking storage facilities in accordance with the Herefordshire Council's 'Highway Design Guide for New Developments' shall be submitted to the Local Planning Authority for their written approval. The bunkhouse accommodation hereby permitted shall not be first occupied until such written approval has been obtained and the secure cycle parking storage facilities provided. Thereafter the secure cycle storage facilities shall be maintained.

Reason: To ensure satisfactory access to modes of transport other than the private motor vehicle

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- 1 - That part of the development that is used for the storage of machinery required to maintain the grounds of the holiday park is considered to comply with the provisions of the Development Plan. The bunkhouse accommodation is permitted contrary to the provisions of the Development Plan due to the identified need for such accommodation together with its excellent location. The building itself is considered to be visually acceptable in accordance with the provisions of the Development Plan.
- 2 - The applicant is advised that approval is required under the Building Regulations.
- 3 - For the avoidance of doubt the plans to which this decision relate are:
- Application Site Plan (Scale 1:5000) received 18th January 2008; and Block Plan (Scale

168. DCNW2008/0284/F & DCNW2008/0285/L - LITTLE QUEBB FARM, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6LP [AGENDA ITEM 8]

Proposed change in use from ancillary accommodation into two self contained holiday units and installation of solar panels

The Senior Planning Officer updated the Committee that Eardisley Parish Council had responded in support of the applications. In response to questions from some members, he said that officers had recommended refusal of the applications on two grounds, and in relation to the proposed solar panels on the roof, the Conservation Officer had advised that they would be detrimental to the setting of the Listed Building. He added, however, that a refusal would also conflict with policies in respect of sustainability and energy conservation, and said that the Sub-Committee should consider both the need to protect listed buildings and the environmental policy surrounding the promotion of solar energy.

Local Ward Member, Councillor JW Hope said that he did not agree with the recommendation that the application should also be refused because the access was below the recommended standard. He was of the opinion that the visibility at

the junction was much clearer than stated in the report.

Councillor JP French said that the Sub-Committee should approve the applications because the environmental benefits of the solar panels outweighed the negative impact on the building's appearance.

Having considered all the information surrounding the applications, members agreed that planning permission be granted because they felt that both the access arrangements and the siting of the solar panels were insufficient reasons for refusal.

RESOLVED:

- That**
- (i) The Northern Area Planning Sub-Committee is minded to approve the applications, subject to any conditions and agreements considered necessary by officers, provided that the Head of Planning Services does not refer the applications to the Planning Committee;**
 - (ii) If the Head of Planning Services does not refer the applications to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the applications, subject to such conditions and agreements referred to above.**

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

169. DCNW2008/0030/F - THE JOLLY FROG, TODDINGS, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LX [AGENDA ITEM 9]

Proposed wood burning oven, flue and replacement roof lights (retrospectively)

The Senior Planning Officer reported the following updates:

- The applicant has submitted amended plans indicating an increase in height of the flue pipe by 1 metre. The Council's Environmental Health Manager considers that this increase in height will disperse odours to a sufficient extent that there would be no objection on environmental health grounds.
- The increase in height will make the chimney more conspicuous at the rear of the main building, but this impacts primarily on private rather than public views. Revised conditions are proposed to ensure the implementation of the revised scheme and a suitable matt colour finish to the flue.

The Senior Planning Officer said that, following the receipt of the above information, the recommendation would be amended as follows:

- Planning permission be granted subject to the following conditions:
 1. The flue hereby permitted shall be installed in accordance with the amended plans received on 11th March 2008 and condition 2 below within 30 days of the date of this decision notice, unless otherwise previously agreed in writing by the local planning authority.
 2. The flue pipe to be installed shall be finished in a matt colour to be approved beforehand in writing by the local planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted

Development) Order 1995 (as amended) (or any order amending and re-enacting that Order with or without modifications) the flue shall not be painted in a different colour or finish from that approved under this condition.

In accordance with the criteria for public speaking, Mr Hopkinson spoke in objection to the application, and Mr Jolly spoke in support.

The Local Ward Member, Councillor LO Barnett, expressed concern that the test carried out by the Environmental Health Department may not have considered the prevailing wind direction on the day in question.

The Senior Planning Officer said that the Environmental Health Officer, with reference to the amended plans, was completely satisfied that the flue would not cause the release of excessive emissions to surrounding properties.

In response to further questioning, the Senior Planning Officer confirmed that the wood burner in question had capacity for only two logs, and so was unlikely to produce significant amounts of smoke.

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

1 - The flue hereby permitted shall be installed in accordance with the amended plans received on 11th March 2008 and condition 2 below within 30 days of the date of this decision notice, unless otherwise previously agreed in writing by the local planning authority.

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

2 - The flue pipe to be installed shall be finished in a matt colour to be approved beforehand in writing by the local planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order amending and re-enacting that Order with or without modifications) the flue shall not be painted in a different colour or finish from that approved under this condition.

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

Informatives:

1 - N15 - Reason(s) for the Grant of Planning Permission

2 - N19 - Avoidance of doubt

170. DATES OF FORTHCOMING MEETINGS

9th April 2008; 7th May 2008.

The meeting ended at 3.33 p.m.

CHAIRMAN