

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday 14 January 2009**

Time: **2.00 p.m.**

Place: **The Council Chamber, Brockington, 35
Hafod Road, Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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Herefordshire Council

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

To: Councillor JW Hope MBE (Chairman)
Councillor PJ Watts (Vice-Chairman)

Councillors LO Barnett, WLS Bowen, ME Cooper, JP French, JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt, TM James, P Jones CBE, PJ McCaull, R Mills, PM Morgan, RJ Phillips, A Seldon, RV Stockton, J Stone and JK Swinburne

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS	
The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.	
A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.	
Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.	
3. MINUTES	1 - 4
To approve and sign the Minutes of the meeting held on 17 December 2008.	
4. ITEM FOR INFORMATION - APPEALS	5 - 6
To be noted.	
5. ITEM FOR INFORMATION - SECTION 106 AGREEMENTS DETERMINED UNDER DELEGATED POWERS	7 - 8
To be noted.	

APPLICATIONS RECEIVED

To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning and Transportation to impose any additional and varied conditions and reasons considered to be necessary.

Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.

6. DCNW2008/2075/F - LEMORE MANOR, EARDISLEY, HEREFORD, HR3 6LR 9 - 18

Change of use from Nursing Home to multi use venue, occasional erection of up to 10 marguees and variation of previous condition to allow occupation of The Coach House.

7. DATE OF NEXT MEETING

11 February 2009

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- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 17 December 2008 at 2.00 p.m.

Present: Councillor JW Hope MBE (Chairman)
Councillor PJ Watts (Vice Chairman)

Councillors: WLS Bowen, ME Cooper, JP French, JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt, P Jones CBE, PJ McCaull, R Mills, PM Morgan, A Seldon, RV Stockton, J Stone and JK Swinburne

82. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors LO Barnett and RJ Phillips.

83. DECLARATIONS OF INTEREST

No declarations of interest were made.

84. MINUTES

RESOLVED: that the minutes of the meeting held on 19 November 2008 be approved as a correct record and signed by the Chairman.

85. ITEM FOR INFORMATION - APPEALS

The sub-committee noted the Council's position in respect of appeals for the northern area of Herefordshire.

Members congratulated officers on the success rate for the defending of appeals in the area.

86. DCNC2008/2213/F - LAND AT JUNCTION OF WINSLOW ROAD AND DAMSON TREE CLOSE, BROMYARD, HEREFORDSHIRE, HR7 4UQ.

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

Councillor B Hunt, one of the Local Ward Members, commented that the proposed development was modest in size and he felt it was appropriate for the site. He said that there have been long running issues with drainage capacity in the town of Bromyard, particularly concerning the safe removal of foul drainage water. He felt that as this application made provision to divert storm water away from mains drainage, it would result in no overall increase of water in the system. He added that neighbouring properties' drains would be adjusted to take advantage of the storm water soakaways installed at the proposed development. Overall, he said, the mains drainage capacity should be unaffected by the proposed development. He added that he was pleased that proposed condition nine had been included in the recommendations as this would ensure adequate drainage was in place before the houses were occupied. He supported the application.

In response to Councillor B Hunt's statement, The Northern Team Leader said that Welsh Water had accepted the development would not cause extra water to be added to the drainage system, but remained concerned at the potential for public health problems as a result of foul drainage leakage in the future.

Councillor A Seldon, the other Local Ward Member, said that he felt this was a difficult decision especially considering that the sub-committee had granted permission for an additional 18 dwellings yet to be constructed. He worried that this may lead to further foul drainage leakage and moved refusal.

Councillor JP French said that proposed conditions 9 to 13 in the report were adequate to ensure that the potential for drain overload was minimised and seconded Councillor B Hunt's proposal to approve the development.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2 B01 (Development in accordance with the approved plans)

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

3 C01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

4 F14 (Removal of permitted development rights)

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

5 G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

6 G11 (Landscaping scheme - implementation)

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

7 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

8 H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

9 None of the dwellings shall be occupied until works for the disposal of sewage and surface water have been provided on the site to serve the development hereby permitted, in accordance with the approved drainage details and plans date stamped 26th August 2008.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

10. No development shall commence until the developer has secured the necessary right/ permission to connect the foul water system from the development to the mains connection of the Sewage Treatment Works. Written confirmation of this shall be provided to the local planning authority in advance of commencement of works on site.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy DR4 of the Herefordshire Unitary Development Plan 2007

11 I16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

12 L02 (No surface water to connect to public system)

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

13 L03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

14 B07 (Section 106 Agreement)

Reason: In order to provide enhanced sustainable transport infrastructure, educational facilities, improved play space, in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

Informatives:

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

2 N19 - Avoidance of doubt - Approved Plans

3 HN01 - Mud on highway

- 4 HN04 - Private apparatus within highway**
- 5 HN05 - Works within the highway**
- 6 HN10 - No drainage to discharge to highway**
- 7 HN28 - Highways Design Guide and Specification**

87. DATE OF NEXT MEETING

14 January 2008

The meeting ended at 2.20 p.m.

CHAIRMAN

4 ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCNW2008/1742/L**

- The appeal was received on 4 December 2008
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by JR Homes Ltd
- The site is located at Old Wesleyan Chapel, Harpyard, High Street, Kington, Herefordshire, HR5 3BJ
- The development proposed is Proposed conversion into nine apartments, including new stair tower.
- The appeal is to be heard by Written Representations

Case Officer: Julia Shields on 01432 383088

Application No. DCNW2008/1741/F

- The appeal was received on 4 December 2008
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by JR Homes Ltd
- The site is located at Old Wesleyan Chapel, Harpyard, High Street, Kington, Herefordshire, HR5 3BJ
- The development proposed is Proposed conversion into nine apartments, including new stair tower.
- The appeal is to be heard by Written Representations

Case Officer: Julia Shields on 01432 383088

Application No. DCNE2008/1843/F

- The appeal was received on 27 November 2008
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr PJ Young
- The site is located at Mathon House, -, Mathon, Malvern, Herefordshire, WR13 5PW
- The development proposed is Proposed single storey extension.
- The appeal is to be heard by Written Representations

Case Officer: Rebecca Jenman on 01432 261961

APPEALS DETERMINED

Application No. DCNC2007/3712/F

- The appeal was received on 29 July 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mrs S Davies
- The site is located at The Riddle, -, Eyton, Leominster, Herefordshire, HR6 0BZ
- The application, dated 30 November 2007, was refused on 25 January 2008
- The development proposed was Change of use for the recreational keeping and exercising of horses/ponies with ancillary use of existing buildings.
- The main issue is the effect of removing the conditions on highway safety and the living conditions of nearby residential occupiers with particular regard to noise and disturbance.

Decision: This application was approved under Delegated Powers on 25 January 2008.
The appeal was **ALLOWED** on 3 December 2008

Case Officer: Julia Shields on 01432 383088

If members wish to see the full text of decision letters copies can be provided.

5 ITEM FOR INFORMATION – SECTION 106 AGREEMENTS DETERMINED UNDER DELEGATED POWERS
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Planning Ref: DCNC2008/1443/O

Address: Elmsfield House, Laundry Lane, Leominster

Proposal: Two building plots

Date Approved: 23 July 2008

Summary of Contributions:

Amount	Purpose
	Highways
£634	Open space
£1,343	Sport England
	Community
£2,107	Education/Young People

Case Officer: Julia Shields on 01432 383088

Planning Ref: DCNC2008/1261/F

Address: Unit 5, Southern Avenue, Leominster

Proposal: 9 units for B2 and B8 use

Date Approved: 1 August 2008

Summary of Contributions:

Amount	Purpose
£28,144	Highways
	Open space
	Sport England
	Community
	Education/Young People

Case Officer: Andrew Banks on 01432 383085

Planning Ref: DCNC2008/1363/F

Address: Cantilever Lodge, Stoke Prior

Proposal: New house

Date Approved: 6 August 2008

Summary of Contributions:

Amount	Purpose
£2,952	Highways
£317	Open space
	Sport England
	Community
£2,932	Education/Young People

Case Officer: Andrew Banks on 01432 383085

Further information on the subject of this report is available from the relevant Case Officer

Planning Ref: DCNW2008/1601/F
Address: Manor Farm, Monkland
Proposal: Four houses and car park
Date Approved: 1 September 2008
Summary of Contributions:

Amount	Purpose
£1,570	Highways
	Open space
£2,628	Sport England
£744	Community
£5,788	Education/Young People
£115	2% for monitoring

Case Officer: Philip Mullineux on 01432 261808

Planning Ref: DCNE2008/1970/F
Address: White House Farm, Ashperton
Proposal: Barn conversion to dwelling
Date Approved: 23 September 2008
Summary of Contributions:

Amount	Purpose
£3,690	Highways
£989	Open space
	Sport England
	Community
£2,951	Education/Young People
£153	2% for monitoring

Case Officer: Carl Brace on 01432 261795

Planning Ref: DCNC2008/1773/O
Address: Oldfields Cranes Lane, Leominster
Proposal: 3 detached houses
Date Approved: 1 September 2008
Summary of Contributions:

Amount	Purpose
£4,307	Highways
£634	Open space
£1,339	Sport England
£594	Community
£2,104	Education/Young People
£180	2% for monitoring

Case Officer: Andrew Banks on 01432 383085

If members wish to see the full text of decision letters copies can be provided.

Further information on the subject of this report is available from the relevant Case Officer

6 DCNW2008/2075/F - CHANGE OF USE FROM NURSING HOME TO MULTI USE VENUE, OCCASIONAL ERECTION OF UP TO 10 MARQUEES AND VARIATION OF PREVIOUS CONDITION TO ALLOW OCCUPATION OF THE COACH HOUSE AT LEMORE MANOR, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6LR.

For: Mrs M Owen, Address as above

Date Received: 8th August 2008 Ward: Castle

Grid Ref: 30981, 51662

Expiry Date: 3rd October 2008

Local Member: Councillor JW Hope MBE

1. Site Description and Proposal

- 1.1 Lemore Manor lies in open countryside, approximately 2 miles north of Eardisley, on the east side of the A4111. It is a large detached property, with converted coach house just to the west. The application site also includes two fields to the south and east of the manor.
- 1.2 Immediately to the west of the coach house is a dwelling, Kimberley, outside of the control of the applicant. Furthermore there is another property, Lemore Bungalow approximately 70m back along the drive. New House Farm lies approximately 540m north of Lemore Manor, New House Farm is on the opposite side of the road. Holywell Cottage lies approx. 400m to the south. Properties at Questmore Cottage/Farm lies approx 560m to the north. After this the next nearest properties lie in excess of 600m away.
- 1.3 The Proposal includes the change of use of the Manor from a nursing home to a property that can be let for various purposes to both individuals and businesses for recreational/function purposes, together with the ability to erect a marquee in one of the fields on up to 10 occasions per year. The coach house is currently subject to a condition restricting its occupation to person(s) solely or mainly employed in the nursing home, then known as Campbell Manor. A variation of this condition is sought to permit the coach house to be occupied either by the owners as their home, or an overspill accommodation from the manor.
- 1.4 Public footpath EE13 passes along the access drive from the junction onto the A4111, and has been advertised accordingly.
- 1.5 Within 190m to the south of the house lies a special wildlife site, Holywell Dingle.

2. Policies

2.1 Unitary Development Plan Policies

HBA12	-	Reuse of Rural Buildings
HBA13	-	Reuse of Rural Buildings for Residential Purposes
RST12	-	Visitor Accommodation

RST13	-	Rural and Farm Tourism Development
S1	-	Sustainable Development
S8	-	Recreation, Sport & Tourism
DR2	-	Land use & Activity
DR3	-	Movement
DR13	-	Noise
NC4	-	Sites of Local Importance

2.2 Government Policy

PPG4	-	Industrial & Commercial Development of Small Farms
PPS7	-	Sustainable Development in Rural Areas
PPG21	-	Tourism

3. Planning History

- 3.1 NW03/1344/F, conversion of stable building to management accommodation, (subject to occupancy condition required to be varied). Approved 18th June 2003.
- 3.2 NW03/1334/F, removal of condition 2 attached to P.P 93-524A, approved 17th June 2003. Kimberley, Eardisley.
- 3.3 98/0033/N, Removal of condition 2 of permission 93/524. (New dwelling & Lemore Manor not to be sold separately). Refused 10th March 1998.
- 3.4 93/524, Barn conversion to dwelling. Approved 23rd November 1993. (This dwelling now known as Kimberley)
- 3.5 89/628, Change of use to nursing home, Lemore Manor. Approved 27th November 1989.

4. Consultation Summary

Statutory Consultations

4.1 Ramblers Association

This development doesn't appear to have any impact upon the adjacent Public Right of Way, Eardisley EE13, which follows the driveway from the A4111 and past Lemore Manor. One point I would like to make is with regard to vehicular movement along the driveway and would request that appropriate notices warning of pedestrians in the vicinity are erected at suitable points.

I ask you to ensure that the developer is aware that there is a legal requirement to maintain and keep clear a Public Right of Way at all times.

- 4.2 Hereford & Worcester Nature Trust - No response at time of preparation of report.

Internal Council Consultees

4.2 Transportation Manager

Visibility at road is below standards but access is existing, and significant intensification of traffic unlikely. Recommends Conditions.

4.3 P.R.O.W

The proposed change of use from nursing home to a multi use venue will affect public footpath EE13, which passes along the access road from the public road.

It is unfortunate that reference has not been made to the existence of this public right of way in the application papers.

Considering the change in the profile of visitors from its former use as a care home, signs warning drivers of the presence of pedestrians, and asking them to give way to pedestrians should be erect at each end of the driveway.

I have visited the site and the reference to 3 passing places was not clearly evident on the ground. It would be useful if these passing places could be marked on an approved plan, and marked on site as 'passing places'.

At present there are no speed humps, other than a rather significant pothole, and again considering the changed profile of visitors, some speed humps would benefit the safety of anyone walking along this path.

Parking should not be permitted on any part of the legal width of the footpath, which extends between the hedge/fence lines on each side of the path shown on the attached plan. This will ensure pedestrians can access the full length of grass verges when vehicles are passing.

These suggestions would help the proposal comply with UDP Policies DR3 and T6.

The following should also be noted:-

The applicants should note that because the right of way has footpath status it will only be maintained by the highway authority to a standard suitable for use by pedestrians.

4.4 Environmental Health

The Environmental Health Department has received seven complaints regarding noise from this location since the site has been used for multi-use purposes. No information has been provided in the application regarding the potential for noise nuisance and how this is to be managed on the site. Also noted that although the accompanying design and access statement indicates that a maximum of 10 marquees will be used in any one year, the application reads as asking for up to ten at any time.

External music

The use of temporary structures like marquees to house live and recorded music is more likely to give rise to noise complaints than the use of permanent buildings due to the reduction in noise attenuation that these structures provide. The rural nature of this site would indicate that the background noise levels in this area would be quite low and I have concerns that a noise disturbance would be likely if music was played from a marquee on site. I believe that noise would be particularly a problem during the evening and night when background levels are at their lowest. Numerous complaints were received from nearby residents following an event held on the site on Saturday 19th July 2008 which features a marquee and music and I therefore believe conditions should be attached to the permission to protect the noise environment of the area.

I would recommend that a scheme of noise attenuating measures be submitted to the planning authority before live or recorded music is played at the application site. Ideally, I would advise that a noise limiter be fitted at the venue, which would monitor the noise levels and cut the power to the music system when the preset decibel level is breached. (This level would need to be agreed with the planning and Environmental Health Department prior to use). This type of system should hopefully eliminate complaints if the level is set correctly and the limiter properly set up, however the applicant would need to investigate if this type of system is workable at this site and for marquees. Other noise attenuating measure may be suitable then/or in addition to the limiter or other physical measures including management techniques. The applicant should identify what measure are most suitable at this site and submit an appropriate scheme.

Clay pigeon shooting

I have serious concerns regarding this site being used for clay pigeon shooting due to the close proximity of residential properties. The Guidance on the Control of Noise from Clay Target Shooting which was published by the Chartered Institute of Environmental Health in 2003 identifies the need for a minimum safety zone of 275m (300yds) from the front of each shooting position in the general direction in which shooting will take place. From the information and plans provided, the site is approximately 225m, which is not long enough to provide the minimum safety distance recommended. The closest property to the site, Kimberley is adjacent to the site and within 50m of the likely shooting position and there are at least 4 other properties that are likely to be within a 275m safety zone.

In addition to the safety zone, the guidance recommends a buffer zone to protect noise sensitive premises and area in close proximity to the shoot. The size of the buffer zone depends on local circumstances and the level of shooting noise transmitted to noise sensitive properties. The guidance states that a buffer zone of 1.5km in the general direction of shooting and a 1km rearward arc is advisable but shooting should not take place with a buffer zone of less than 1km except in very exceptional circumstances, which have been discussed and agreed with the local authority and affected residents. There are numerous properties who would be within a 1km buffer and significantly more with 1.5km and therefore this site is some distance from being able to maintain the minimum 1km buffer zone recommended in the guidance. I find it highly unlikely that an agreement would ever be reached between the applicant, neighbouring residents and the local authority to be able to operate under this recommended distance.

The application also provides no information regarding the location(s) of where shooting will take place, the intended duration of use and the management of noise issues from this activity. Without more detailed information of this nature I am unable to determine where the safety and buffer zones will be located and properly assess the noise impact. I would therefore comment that this site appears unsuitable for the operation of a Clay Pigeon Shoot as neither the safety or buffer zones can be maintained at the recommended CIEH guideline distances. This department has already received complaints from neighbouring residents regarding the level of noise from the site and clay pigeon shooting has been reported as a noise concern.

Fireworks

The use of fireworks is likely to cause noise disturbance to nearby residents and there is also the potential for this activity to cause distress to animals. I therefore have concerns regarding noise from this activity being carried out on a regular basis and would advise that restrictions be placed upon the number of times that fireworks are permitted during a calendar year. The Fireworks Act 2004 already places restrictions on the letting off of fireworks after 11pm, with only certain dates (related to certain celebrations and religious festivals) being exempt, I believe this legislation is sufficient to not warrant restricting times of use at this site. I would advise that this legislation is enforced by the Police.

4.5 Ecologist - No response

5. Representations

5.1 Eardisley Parish Council

Local resident have objected to this application, please see their correspondence.

5.2 Letters of objection have been received from the following:

Ms A Sayce, Kimberley
 R Woodbridge & R Peace, Holywell Cottage
 Mr & Mrs Glyn-Jones, Newhouse Farm
 Questmore Farm
 Mrs G Bedford, JS & GS Bedford, 4 Newhouse Farm
 B Whittle, 2 Newhouse Farm

The objections are summarised below:

1. Disturbance from noise and activities; including clay pigeon shooting and late night music, boot camp use
2. Property not staffed or managed overnight - lack of supervision
3. Drunken and other offensive behaviour of guests using coach house
4. Extent of Kimberley drive not shown properly on plan, and trespass of this driveway
5. Parties spilling out onto lawn 10m from Kimberley, music until 3-4am in morning
6. Secluded retreat dramatically changed, infringement of privacy, continual disturbance
7. Impose severe restrictions upon business and does not allow coach house to be used for client accommodation
8. Lead shot from clay pigeon shooting can contaminate organic land (Newhouse Farm)
9. Detrimental to neighbours, environment, wildlife and livestock, impact on Holywell Dingle Nature Reserve
10. Description of development ambiguous
11. Lifting condition on coach house would allow extension of venue for party use by up to 8 further guests
12. Questions the position regarding alcohol/music
13. Use of marquees, up to 10, would cause unacceptable noise/light pollution
14. Minimal employment benefit

In support of their application the applicants state:

Purchased Lemore Manor in 2007, previously nursing home (Campbell Manor), had been vacant for 5 years, was run down required great deal of money on restoration.

There is huge demand for this type of private hire accommodation, with 90% occupancy since November 2007. We provide business to a large number of local suppliers and companies. If permission is not granted this will have a detrimental effect on a large number of businesses. For reference we have terminated our previous contract with The Boot Camp Ltd at a cost to us of one 70K.

The Design & Access Statement accompanying the application sets out the business in more details. It is summarised below:

1. Offer 5 star accommodation for private self catering use, holidays, business breaks, weddings celebrations
2. Accommodation up to 30-35 in the Manor
3. 11 Acres gardens/fields
4. Staff travel plan
5. Employ 10 people locally - 4 full time
6. 6-8 Guest in Coach House if required
7. Marquee - Currently only one per year - wish to offer up to 10 times

A subsequent letter from the applicants agent advises that they are prepared to accept a condition restricting clay pigeon shooting to their private use only, not part of commercial letting element.

The terms and conditions of the letting are available on the website. This includes no pets, no amplified music on grounds after midnight, 4-week notice to be given of use of fire works, and not permitted after 9.30pm.

- 5.3 Letters of support have been received from the following business' who benefit from the operation of the site.

Rococo Catering - Whitney on Wye
Drover Holidays - Hay on Wye
Consuming Passion - Leominster
Room of Beauty - Lyonshall
Hop Pocket Wine Co - Bishops Frome

- 5.4 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 Concerns have been raised about activities, which have previously taken place at Lemore Manor which have caused nuisance and distress to local residents. It appears that this has been when the owners have not been present on site themselves. It is now the intention that the owners remain in residence in the coach house, with the exception of when this is required for additional accommodation. On these occasions I am advised that the owner would then utilise the basement accommodation within the Manor. When the owners are themselves away, other staff would be resident on site.
- 6.2 The use of this building for such purposes is broadly supported by Policy, on the provision that residential amenity of neighbours is protected. It is considered that the presence of the owner on site during lets and the offer not to undertake clay pigeon

shooting will go a long way to ensuring that issues previously raised do not reoccur. The use of land for shooting for up to 14 days is permitted development, so a condition removing this right in terms of lettings offers protection not otherwise available.

- 6.3 To date no responses have been received in relation to the proximity of the special wildlife site. However it is considered that the protection of residential amenity will also serve to protect wildlife interests.
- 6.4 A number of the proposed uses of the property would not themselves require planning permission. For instance the letting of a private house for holidays is not development. The application provides an opportunity to control this under uses of the premises in order to safeguard residential amenity.
- 6.5 It is therefore considered that with appropriate conditions the proposal is acceptable.

RECOMMENDATION

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. H29 (Secure covered 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 and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

3. H30 (Travel plans)

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

4. Notwithstanding the contents of Schedule 2 Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995, any order revoking and re-enabling that order, there shall be no clay pigeon shooting associated with the letting of Lemoor Manor.

Reason: In order to protect the amenity of nearby residents in accordance with Policy DR2 of this Herefordshire Unitary Development Plan.

5. The property shall only be let during periods where there is a management presence on site.

Reason: In order to protect the amenity of nearby residents in accordance with Policy DR2 of this Herefordshire Unitary Development Plan.

6. F02 (Restriction on hours of delivery)

Reason: To safeguard the amenities of the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

7. F14 (Removal of permitted development rights)

Reason 1 - For barn conversions - To ensure the character of the original conversion scheme is maintained and to comply with Policy HBA12 of Herefordshire Unitary Development Plan.

Reason 2 - For new houses - In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

8. Scheme of noise attenuation for external music

Reason: In the interests of the amenities of existing residential property in the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

INFORMATIVES:

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

2. N19 - Avoidance of doubt - Approved Plans

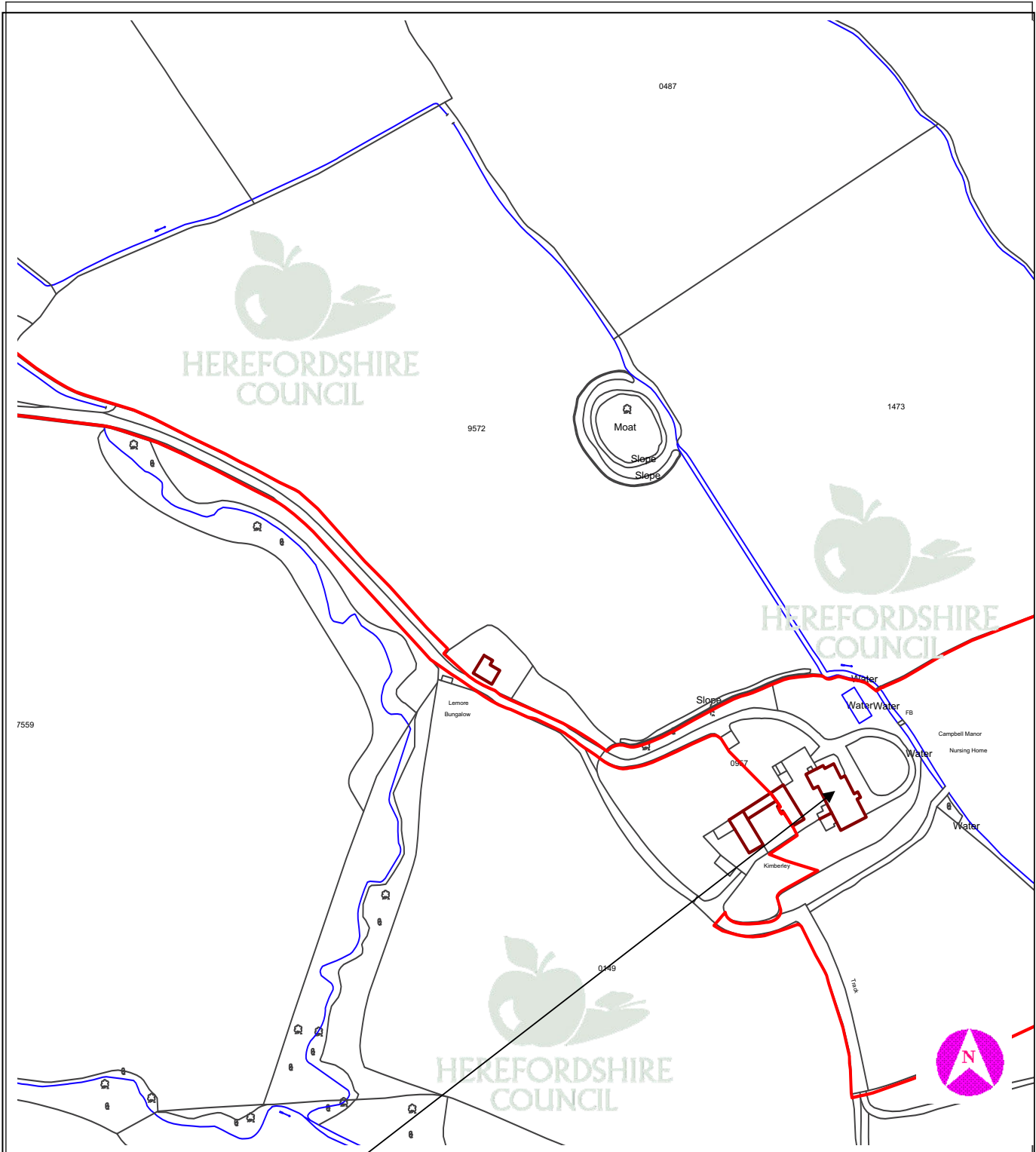
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2008/2075/F

SCALE : 1 : 2500

SITE ADDRESS : Lomore Manor, Eardisley, Hereford, Herefordshire, HR3 6LR

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