

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 8 April 2009 at 2.00 pm

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

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

106. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors KG Grumbley, RJ Phillips and RV Stockton

107. DECLARATIONS OF INTEREST

9. DCNW2009/0093/F - BRILLEY WOOD, BRILLEY, WHITNEY-ON-WYE, HEREFORD, HEREFORDSHIRE, HR3 6JE..
Councillor PM Morgan; Prejudicial.

108. MINUTES

RESOLVED: That the Minutes of the meeting held on 11 March 2009 be approved as a correct rerecord and signed by the Chairman.

109. ITEM FOR INFORMATION - APPEALS

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

The Northern team leader informed Members of some forthcoming changes in the way planning appeals would be administered. He advised that the award of costs could now be made for or against a local authority when dealing with an appealed planning decision made solely on written representations. As well as this, the time taken for householder appeals is being shortened from six months to just twelve weeks.

For appeals heard solely on written representations, planning officers were no longer permitted to submit a written statement of support in each case. Instead, the planning inspector must rely exclusively on the reasons for the decision and the Minutes of the original planning committee.

110. DCNE2008/2976/F - LARKRISE, KNAPP LANE, LEDBURY, HEREFORDSHIRE, HR8 1AN.

Replacement of single storey dwelling with three two storey houses and attached garages.

The Senior Planning Officer updated the Sub-Committee with some points raised following the site visit:

1. The Architect for the applicant does not envisage the amount of excavation / earth movement to be such that disposal off site would be required. He envisages any earth movement to be confined to the site itself.
2. The agent for the applicant has written to confirm that he fully understands Members concerns with regard construction traffic and is willing to limit the times of access between the hours of 10am and 3 pm thus avoiding the peak hours.

This matter has been considered. No condition can be attached that limits the use of the public highway. However, a condition could be attached limiting the hours that deliveries could be taken at or despatched from the site. The potential problem with such a condition is that a delivery driver who arrives early may then attempt to comply with the condition by parking on the highway rather than pull off the highway. Given the requirement of condition 5 to construct the access prior to commencement on the construction of the dwellings, it is considered that this matter is best dealt with by way of an informative note on any planning permission.

3. Similarly the agent for the applicant confirms his client's commitment to make the financial contribution towards works to "upgrade" Knapp Lane (see clause 3 of the Draft Heads of Terms). He states that:-

"The intention is not to set the proposed development apart from the remainder of the town of Ledbury but to be an active part of it. By becoming involved in how the lane might be improved, our client would hope to ensure that services into and out of the site would be dealt with simultaneously with the intended development. In this way the possibilities of disturbance of any newly constructed upgrade would hopefully be minimised"

4. For Members information the most recent traffic flow data available reveals that Knapp Lane hereabouts has a daily average flow (taken over 7 days) of 2,416 movements (1,296 southbound and 1,120 northbound). The proposal would generate an additional 31 trips thus increasing the flows by 1.28% (0.64% uphill & 0.64% downhill assuming the traffic is equally split in both directions). As a consequence it is considered that notwithstanding the constraints of Knapp Lane, the additional traffic generated by the proposed developments is proportionally very small and could adequately be catered for on the highway network. Indeed the increase in flow is below the daily variation in flow along the lane.

The Senior Planning Officer advised Members that it would be necessary to add an eighth informative to the proposed reasons for approval:

8. The developer is requested to ensure that no deliveries during the construction phase are taken at or despatched from the site outside the hours of 10am and 3pm on any day.

Councillor PJ Watts, one of the Local Ward Members, said that he saw no reason to refuse the application as his concerns had been addressed. He felt the environmental impact would be minimal as very few car movements would be generated by the development.

Councillor JK Swinburne, another of the Local Ward Members expressed concern

regarding the access arrangements to the site. She emphasised that there were over two thousand daily vehicle movements along Knapp Lane, an essential route for Ledbury, and felt that the proposed development would increase the traffic flow. She added that local residents and Ledbury Town Council were opposed to the development.

Councillor ME Cooper, the remaining Local Ward Member said that she supported a development on the site and found the designs to be of a high standard. She added that she felt the small scale of the proposed development would have little impact on the traffic flow and therefore supported the application.

In answer to a question from a Member relating to the allocation of s106 monies specifically for highways use, the Northern Team Leader advised that no funds from other categories could be reallocated towards highways. He said that other funds collected for highways use from previous developments could be used in this case.

On balance, Members were satisfied that the development would not have a substantial effect on traffic flow in the Knapp Lane area and to approve the application

RESOLVED

- 1 The Head of Legal Services be authorised to complete a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 as set out in the Draft Heads of Terms Agreement and deal with any other appropriate terms, matters or issues;**
- 2 Upon completion of the above- mentioned Planning Obligation, officers named in the Scheme of Delegation to officers be authorised to issue planning permission 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 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 to be used in the construction of the dwellings;**
 - Written details of all surfacing materials in relation to the vehicular means of access / driveway, turning / manoeuvring areas and car parking together with a full scheme of surface water drainage;**
 - A fully detailed scheme for the permanent closure of the existing eastern-most vehicular means of access.**

The development hereby permitted shall not commence until the Local Planning Authority has given such written approval the development, including the closure of the existing eastern-most vehicular means of access, shall be carried out in full accordance with the approved details prior to the first occupation of any of the dwellings hereby permitted and thereafter maintained as such.

Reasons: - To ensure a satisfactory appearance to the development, to

ensure adequate scheme of land drainage that does not involve discharge onto the public highway and in the interests of highway safety.

- 3 All of the existing on-site buildings (i.e. the bungalow and two outbuildings) shall be demolished and the resultant materials removed from the site prior to the first occupation of any of the dwellings hereby permitted.

Reason: - To ensure a satisfactory appearance to the development.

- 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 development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The approved boundary treatments shall be fully implemented prior to the first occupation of any of the dwellings hereby permitted and thereafter maintained as such.

Reason: - To ensure a satisfactory appearance to the development.

- 5 Prior to commencement of the erection of the dwellings hereby permitted the new vehicular means of access and manoeuvring areas shall be implemented with its sub-base and thereafter maintained as such throughout the construction phase.

Prior to the first occupation of the dwellings themselves the vehicular means of access and manoeuvring areas shall be fully implemented with its finished surface and the garaging / car parking shown upon the approved plans fully implemented. Thereafter these areas shall be kept available for such use.

Reason: - In the interests of highway safety.

- 6 Prior to commencement of the development hereby permitted all those trees shown upon the approved plans to be retained shall be protected by fencing of at least 1.2 metres in height in accordance with Section 9.2 of BS5837: 2005 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 of BS5837:2005. Once these protective measures have been erected but prior to commencement of the development a suitably qualified arboricultural consultant appointed by the developer 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 trees upon the site that are of amenity value.

- 7 H05 (Access gates)

Any new access gates shall be set back 5.5 metres from the adjoining carriageway edge and shall be made to open inwards only.

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

- 8 Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied.

Reason: - To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 9 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 include details as to the location of all planting, the species, size and the density of planting.

Reason: - To ensure that the development is satisfactorily integrated into the locality.

- 10 All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings 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 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.

Reason: - To ensure that the development is satisfactorily integrated into the locality.

- 11 The recommendations set out in the ecologist's report dated January 2009 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a full working method statement and habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved and maintained thereafter.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological work.

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

INFORMATIVES:

1. N15 - Reason(s) for the Grant of Planning Permission
 2. N11A - Wildlife and Countryside Act 1981 (as amended) - Birds
 3. HN01 - Mud on highway
 4. HN04 - Private apparatus within highway
 5. HN05 - Works within the highway
 6. HN28 - Highways Design Guide and Specification
 7. N19 - Avoidance of doubt - Approved Plans
111. DCNW2009/0278/F - PRICES YARD, NEW STREET, LEDBURY, HEREFORDSHIRE, HR8 2EJ.

Change of use from B1 light industrial to B2 general industrial.

The Senior Planning Officer advised that one further letter of objection had been received from a neighbouring resident.

He added that Ledbury Town Council recommended refusal of the application as they were concerned as to the potential impact of a B2 general industrial use upon the occupants of neighbouring properties.

In accordance with the criteria for public speaking, Mr Stephens, a neighbouring resident, spoke in objection to the application and Mr Dawson, the applicant, spoke in support.

Councillor PJ Watts, one of the Local Ward Members said that he was in favour of the application as it would refurbish and enhance a dilapidated building. He added that he felt there would be minimal noise disturbance for neighbouring properties due to the soundproofing proposed for the workshop.

Councillor JK Swinburne, one of the other Local Ward Members added her support to the application as she was confident the proposed conditions would mitigate any perceived noise nuisance.

Councillor ME Cooper, the remaining Local Ward Member, said that she was happy to support a local business, especially considering the difficult economic conditions.

In response to a question, the Senior Planning Officer confirmed that any change of use for the site would require a new planning application.

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 premises shall only be used as a Monumental Mason's Workshop and for no other purpose (including any other purposes in Class B2 of**

the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, or in any statutory instrument revoking and re-enacting that Order with or without modification);

Reason: To safeguard the amenities of the occupiers of dwellings in the immediate vicinity;

- 3 Prior to commencement of the use hereby permitted a fully detailed scheme for the provision of an acoustic enclosure within the existing building shall be submitted to the Local Planning Authority for their written approval. The use hereby permitted shall not commence until the approved acoustic enclosure has been fully implemented. Thereafter the approved acoustic enclosure shall remain in-situ;**

Reason: - To safeguard the amenities of the occupiers of dwellings in the vicinity from excessive noise;

- 4 Power driven tools shall only be used within the acoustic enclosure approved pursuant to condition 3 above and shall not be used elsewhere upon the site;**

Reason: - To safeguard the amenities of the occupiers of dwellings in the vicinity from excessive noise;

- 5 No machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or despatched from the site outside the following times:-**

**8am - 6pm Mondays to Fridays
8am - 1 pm Saturdays**

nor at any time on Sundays, Bank or Public Holidays;

Reason: - To safeguard the amenities of the occupiers of dwellings in the vicinity;

Informatives

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

2 N19 - Avoidance of doubt - Approved Plans

112. DCNW2009/0368/F - ORCHARD BUNGALOW, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6LQ.

The demolition of an existing large bungalow and garage and the erection of a pair of semi detached houses with parking facilities

The Principal Planning Officer advised that a letter had been received from the applicant's agent confirming that the applicants intended commencing work on site within 12 months, in the event of planning approval being granted and therefore withdrew the draft heads of terms of the S106.

He also informed the sub-committee that Almeley Parish Council had responded to

the application stating:

There was general agreement that the existing property is in a poor state of repair and that re-development is desirable. However there were some concerns about the appropriateness of houses, which will be flanked by a bungalow and a cottage.

The Principal Planning Officer recommended that in response to the applicant's agents letter with regards to commencement of works on site and recent changes to the Planning Obligations Supplementary Planning Document, condition number 1 be revised for the time limit for commencement of development to within one year and condition number 2, (in respect of a Section 106 agreement) be deleted. The Sub-Committee was in agreement to these changes.

RESOLVED

That planning permission be granted subject to the following conditions:

1 A01 (Time limit for commencement (full permission)) 12 months from the date of this decision.

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

2 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.

3 D04 (Details of window sections, eaves, verges and barge boards)

Reason: In order to ensure that the work is carried out in accordance with the scale and design of the surrounding built environment and to comply with Policy DR1 of the 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 F15 (No windows in side elevation of extension)

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

6 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.

7 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.

8 H01 (Single access - no footway)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

9 H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

10 H29 (Secure covered cycle parking provision)

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.

11 The specification for any works to the surface of public footpath AB14, providing private vehicle access to the site, must be submitted for written approval by the local planning authority before any development works hereby approved commences on site.

Reason: In the interest of public and highway safety and to comply with Policy DR3 of the Herefordshire Unitary Development Plan.

Note

The applicants should ensure that their contractors are aware that a public footpath runs along the private drive, and that vehicles, materials, debris etc must not be stored on the line of the footpath so as to obstruct the public's right of way.

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. The highway authority will not carry out repairs to the surface caused by vehicle movements, and may seek contributions from landowners using the footpath if re-surfacing for its safe use by pedestrians is required in the future.

Informatives:

- 1 N15 - Reason(s) for the Grant of Planning Permission**
- 2 N19 - Avoidance of doubt – Approved Plans**
- 3 HN01 - Mud on highway**
- 4 HN03 - Access via public right of way**
- 5 HN04 - Private apparatus within highway**
- 6 HN05 - Works within the highway**
- 7 HN10 - No drainage to discharge to highway**

- 8 **HN23 - Vehicular use of public rights of way**
- 9 **HN28 - Highways Design Guide and Specification**
113. **DCNW2009/0302/F AND DCNW2009/0312/L - PLOT 1 BARN, WESTON COURT FARM, WESTON, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9JE.**

New kennels to accommodate 4 no. gun dogs.

The Senior Planning Officer informed Members that an additional condition would be recommended in order to control the specific use of the development once constructed.

In response to a question from Councillor JP French on the height of the proposed kennels, The Senior Planning Officer advised that a height of 3.9 metres was necessary for the kennels to allow dog handlers safe access to the building. She added that the planning permission sought was for four gun dogs only with a resident dog handler.

Councillor WLS Bowen asked for a condition to be added restricting the commercial breeding on the site and said he would be happy to support the application

RESOLVED

In respect of DCNW2009/0302/F:

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 B03 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of 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 The building hereby approved shall only be used as a kennels incidental to the enjoyment of the dwelling house and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The local planning authority wish to control the specific use of the building, and to comply with Policy DR2 of the Herefordshire Unitary Development Plan

Informatives:

- 1 N15 - Reason(s) for the Grant of Planning Permission
- 2 N19 - Avoidance of doubt - Approved Plans

In respect of DCNW2009/0312/L:

- 1 D01 (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.

Informatives:

- 1 N15 - Reason(s) for the Grant of Planning Permission
- 2 N19 - Avoidance of doubt - Approved Plans

114. DCNW2009/0093/F - BRILLEY WOOD, BRILLEY, WHITNEY-ON-WYE, HEREFORD, HEREFORDSHIRE, HR3 6JE.

Proposed agricultural storage building and kennels

The Senior Planning Officer advised that amended plans had been received replacing the proposed septic tank with a cesspit as recommended by the Environmental Agency.

In addition the Senior Planning officer corrected Paragraph 5.2 which stated '42 objections have been received from households in the immediate locality as well as some from outside of the Brilley area'. This should have read '42 objections have been received from 30 households from the immediate locality as well as outside of the Brilley area'.

The Senior Planning Officer informed Members that six further letters had been received from neighbouring properties, four of which from the resident of 'The Salt Box'. Attached to one of the letters were copies of two letters from neighbours to 'Sheepcote' the existing site of the kennels, which made reference to the disturbance in the summer months from the kennels. Another of the letters made detailed comments on the Noise Impact Assessment.

In addition, a letter had been received from Marc Willis (Chartered Town Planner) on behalf of local residents. The letter stated concerns about the Design and Access Statement Submitted, Waste disposal, the possible use of the agricultural building as a 'flesh house', hound numbers and local plan policy.

The Senior Planning officer said that the additional letters raised many issues of concern in relationship to the application. However it was considered that no new material issues of planning consideration were raised.

In the event that members were minded to give delegated authority to the Head of Planning and Transportation to approve the application, the Senior Planning Officer proposed amendments to conditions 3 and 5 to accord with best practice on the use of planning conditions. These amendments were outlined below, together with an additional condition restricting the number of hounds.

Condition 3

The building hereby approved shall only be used as a kennel for hunt hounds and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The local planning authority wish to control the specific use of the premises, in the interest of local amenity and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

Condition 5

When the premises currently known as Brilley Wood, ceases to be occupied by the kennel huntsman in charge of the hounds kennelled in the building hereby permitted, the use of the said building as a kennels to house hunt hounds shall cease and thereafter shall be used only for the purpose of

agricultural storage and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The nature of the development is such that it is only considered acceptable in this location if there is on site supervision for the kennels and to comply with Policy S1 of the Herefordshire Unitary Development Plan

The Senior Planning Officer proposed an additional condition which would limit the building's capacity to kennel no more than 50 hunt hounds at any one time.

In accordance with the criteria for public speaking, Mr Johnson spoke on behalf of the Parish Council, Mrs Morris spoke in objection to the application and Miss Lloyd-Jones spoke in support.

Councillor JW Hope, the Local Ward Member, thanked Members for attending the recently held site visit. He said that he was not opposed to the site being developed, but felt that the application before the Sub-Committee was for an inappropriate use. He proposed refusal of planning permission for the application based on the following reasons: 1) The detrimental affect on the residential amenities, 2) The unacceptable odour from such a development and 3) The character of the surrounding area would be detrimentally affected.

Councillor TM James said that he could not support the application as the kennels were not in the interests of the local community. He observed that any noise from the kennels would be 'funnelled' towards the nearby dwellings creating an unacceptable noise nuisance. He also voiced concerns that the development was proposed so close to residential dwellings.

Councillor WLS Bowen said that hunting hounds were extremely loud and that locating them near to dwellings would create an unacceptable noise level for neighbouring properties. He added that the bad odour produced by such a large number of hounds would be unacceptable for the community.

Councillor A Seldon said that there was no wind information contained within the section of the report concerned with the three day noise study undertaken at the existing Golden Valley hunt site. He was of the opinion that wind direction would play a major part in the distance that noise carries. He felt this would require further investigation and said that he could not support the application.

Councillor PJ McCaul pointed out that the roads surrounding the proposed development were narrow and felt that this would create danger for road users, hunt personnel and the hounds. He said that for this reason he could not support the application.

Councillor TW Hunt said that he understood the concerns raised by objectors and fellow Members, but a similar hunt kennel in his own Ward had never been the subject of complaints from members of the public.

The Northern Team Leader said that the report was written based on existing planning policy and evidence gathered by the case officer and that he had every confidence it was factually correct.

Councillor LO Barnett said that she also could not support the application and

agreed with the concerns expressed by other Members. She said that she felt well informed by the clearly presented report from the case officer.

RESOLVED

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 and Transportation) provided that the Head of Planning and Transportation does not refer the application to the Planning Committee.

- 1. The proposed development would be detrimental to the residential amenity of the surrounding area**
- 2. The odour from the proposed development would be detrimental to the residents of the surrounding residential area**
- 3. The proposed development would be detrimental to the character of the surrounding area.**

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

[Note: following the vote, the Northern Team Leader said he was minded to refer the application to the Head of Planning and Transportation as the cost of risking a lost appeal was too great.]

115. DCNW2009/0316/F - 4 ORCHARD COTTAGES, MARLOW, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0JP.

Proposed two storey extension

In accordance with the criteria for public speaking, the applicant's agent, Mr Davies had registered but decided not to speak.

Councillor LO Barnett, the Local Ward Member said that she appreciated the concerns of the Parish Council but was glad that this development would allow a family to occupy the dwelling.

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. C02 (Matching external materials (extension))

Reason: To ensure the external materials harmonise with the existing building so as to ensure that the development complies with the requirements of Policy H18 of Herefordshire Unitary Development Plan

3. F13 (Restriction on separate sale)

Reason: It would be contrary to the policy of the local planning authority to grant permission for a separate dwelling in this location having regard to Policy H7 of Herefordshire Unitary Development Plan

Informatives:

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

2. N19 - Avoidance of doubt - Approved Plans

116. DCNW2009/0293/F - LEMORE MANOR, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6LR.

Change of use from nursing home to residential dwelling.

The Northern Team Leader corrected an error on the report referring to comments from Eardisley Parish Council. The comments should have been attributed to Almeley Parish Council. Eardisley Parish Council raised no objection.

He added that further comment had been received from objectors requesting Members be provided with details of the Web site details of Lemore Manor which sets out the activities are on offer. Reference was made to other legislation under which the premises and activities undertaken there are controlled. The application should not be considered as a change of use to a residential property but should take into account all the activities that take place.

In response to the additional representations received, the Northern Team Leader said that as the application was for the change of use of the former nursing home to a single dwelling it would be inappropriate for officers to display or provide details of the web site as requested. The application, whatever the ultimate end use may be, must be determined on its merits, not those of an anticipated future application. Members would have been well aware of the activities which formed the source of objection to the previously withdrawn application, and which gave rise to the intention to carry out a sub-committee site visit.

Those are issues for either a subsequent application, or in the absence of such, consideration of the expediency of enforcement action. The applicants' agent was aware of those elements of use which the Local Planning Authority considered to fall outside of the remit of a dwelling.

In accordance with the criteria for public speaking, Mrs Glyn-Jones spoke in objection to the application and Mr Spreckley, the applicant's agent, spoke in support.

Councillor JW Hope, the Local Ward Member, said that he was in support of the change in use and moved approval of the application.

In response to a question on what was permitted in a residential property, the Northern Team Leader advised that a house could be let out and used as a party venue without the need for change of use to be applied for. He said that only when the events are held regularly is a change of use required.

Members were concerned that regular corporate events were already held at Lemore Manor and that these were of a large enough scale to be regarded as commercial.

The Legal Practice Manager reassured Members that if a situation arose where the predominant use of Lemore Manor became commercial event hosting, enforcement action could be considered by the local planning authority.

Councillor JP French added her support to the application saying it was necessary for the community to report any activities that breached planning permission and officers would then take appropriate action.

RESOLVED

That planning permission be granted subject to the following condition:

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

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

Informatives:

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

2 N19 - Avoidance of doubt - Approved Plans

117. DATE OF NEXT MEETING

6 May 2009

The meeting ended at 3.35 pm

CHAIRMAN

