

# AGENDA

## Northern Area Planning Sub-Committee

Date: **Wednesday 23 September 2009**

---

Time: **2.00 pm**

---

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:

**Ricky Clarke, Democratic Services Officer**

Tel: 01432 261885

Email: [rclarke@herefordshire.gov.uk](mailto:rclarke@herefordshire.gov.uk)

---

If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail [rclarke@herefordshire.gov.uk](mailto:rclarke@herefordshire.gov.uk) in advance of the meeting.

# Agenda for the Meeting of the Northern Area Planning Sub-Committee

## Membership

<b>Chairman</b>	<b>Councillor JW Hope MBE</b>
<b>Vice-Chairman</b>	<b>Councillor PJ Watts</b>
	<b>Councillor LO Barnett</b>
	<b>Councillor WLS Bowen</b>
	<b>Councillor ME Cooper</b>
	<b>Councillor JP French</b>
	<b>Councillor JHR Goodwin</b>
	<b>Councillor KG Grumbley</b>
	<b>Councillor B Hunt</b>
	<b>Councillor RC Hunt</b>
	<b>Councillor TW Hunt</b>
	<b>Councillor TM James</b>
	<b>Councillor P Jones CBE</b>
	<b>Councillor PJ McCaull</b>
	<b>Councillor R Mills</b>
	<b>Councillor PM Morgan</b>
	<b>Councillor RJ Phillips</b>
	<b>Councillor A Seldon</b>
	<b>Councillor RV Stockton</b>
	<b>Councillor J Stone</b>
	<b>Councillor JK Swinburne</b>

## **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. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

## AGENDA

	Pages
<p><b>1. APOLOGIES FOR ABSENCE</b> To receive apologies for absence.</p>	
<p><b>2. DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p><b>3. MINUTES</b> To approve and sign the Minutes of the meeting held on 26 August 2009.</p>	1 - 12
<p><b>4. ITEM FOR INFORMATION - APPEALS</b> To be noted.</p>	13 - 16
<p><b>APPLICATIONS RECEIVED</b></p> <p>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.</p> <p>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.</p>	
<p><b>5. DCNC2009/0748/F - THE PADDOCKS, NORMANS LANE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LQ.</b> Change of use of land from agriculture to a one family traveller site, including stationing of one mobile home, two touring caravans and day/washroom - part retrospective</p>	17 - 22
<p><b>6. DATE OF NEXT MEETING</b> 21 October 2009 18 November 2009</p>	



# **The Public's Rights to Information and Attendance at Meetings**

## **YOU HAVE A RIGHT TO: -**

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- 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.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

## **Public Transport Links**

- Public transport access can be gained to Brockington via the service runs approximately every 20 minutes from the City bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

## **HEREFORDSHIRE COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

### **FIRE AND EMERGENCY EVACUATION PROCEDURE**

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.



Where possible this agenda is printed on paper made from 100% Post-Consumer waste. De-inked without bleaching and free from optical brightening agents (OBA). Awarded the Nordic Swan for low emissions during production and the Blue Angel environmental label

HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 26 August 2009 at 2.00 pm**

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

**Councillors:** ME Cooper, JHR Goodwin, B Hunt, RC Hunt, TW Hunt, TM James, Brig P Jones CBE, PJ McCaull, R Mills, RJ Phillips, A Seldon and RV Stockton

**32. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors LO Barnett, WLS Bowen, JP French, KG Grumbley, PM Morgan, J Stone and JK Swinburne.

**33. DECLARATIONS OF INTEREST**

8. DCNC2009/0872/F - BUCKFIELD HOUSE, BARONS CROSS ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8QX.

Mark Tansley, Northern Team Leader; Prejudicial; Reason: acquaintance of objector, as co-governor at Leominster Infant School.

**34. MINUTES**

**RESOLVED**

**That the Minutes of the meeting held on 29 July 2009 be approved as a correct record and signed by the Chairman subject to the inclusion of Councillor PJ McCaull on the list of apologies.**

**35. ITEM FOR INFORMATION - APPEALS**

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

**36. DCNW0009/1365/F - 15 BURTON WOOD, WEOBLEY, HEREFORD, HEREFORDSHIRE, HR4 8SU.**

*Proposed new dwelling.*

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

Councillor JHR Goodwin, the Local Ward Member, said that he shared the concerns of the local Parish Council regarding access and the proximity of Weobley High School but could not see any feasible alternatives for accessing the proposed dwelling. He requested that a condition requiring double yellow lines be added as he hoped this would mitigate parking issues. He also expressed concern for the safety of pupils whose view of the road may be obstructed by parked cars.

The Northern Team Leader advised that a road traffic order would need to be made for double yellow lines and this could not be achieved through a condition. He did point out that, with the recommended conditions, , the road should not be made any more dangerous as a result of the development.

Councillor RJ Phillips commented on the necessity of the developer contributions as the money would be used to improve the safety of the route into the school.

## **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 B07 (Section 106 Agreement)**

**Reason: In order to provide enhanced sustainable transport infrastructure, enhanced educational facilities, recreational space/sports provision to comply with Policy DR3 of Herefordshire Unitary Development Plan 2007.**

**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 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.**

**5 G02 (Retention of trees and hedgerows)**

**Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.**

**6 G09 (Details of boundary treatments)**

**Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.**

**7 H05 (Access gates)**

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

**8 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.**



**9 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.

**INFORMATIVES:**

- 1 N15 - Reason(s) for the Grant of Planning Permission**
- 2 HN01 - Mud on highway**
- 3 HN04 - Private apparatus within highway**
- 4 HN05 - Works within the highway**
- 5 HN10 - No drainage to discharge to highway**
- 6 HN28 - Highways Design Guide and Specification**
- 7 N19 - Avoidance of doubt - Approved Plans**

**37. DCNE0009/1137/F - LITTLE RUNDLE END, MATHON, MALVERN, WORCESTERSHIRE, WR13 5PW.**

*Demolition of various buildings and erection of a one storey 'green' office building and R and D facility. Change of use from builder's yard and workshops to business use facility (B1)*

In accordance with the criteria for public speaking, Mr Jolly, the applicant's agent, and Mr McCullough, the applicant, spoke in support of the application.

Councillor RV Stockton, one of the Local Ward Members said that he felt local residents were not supportive of the proposed development, partly because of the site's history as a builder's yard that initially operated without planning permission. He added that he felt the access arrangements were adequate for a development of this size and nature and was pleased to note that drainage issues would be addressed as a large area of hardstanding would be removed. He noted concerns that there may be excessive noise from the site and that the local community would not benefit from the development. However, on balance, he did not consider that there were any material planning reasons to warrant refusal.

Councillor R Mills, the other Local Ward Member, said that he was familiar with the site and welcomed its redevelopment.

Councillor RJ Phillips said that he also welcomed the development but added that he would like to see great care taken so that the development was appropriately designed to a high quality.

**RESOLVED**

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

- 1 A01 (Time limit for commencement (full permission)) – 12 months**

**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:-**

**- A written schedule and samples of all external materials to be used in the construction of the building**

**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.**

- 3 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 density of planting.**

**Reason: To ensure that the development hereby permitted is satisfactorily integrated into the landscape.**

- 4 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 occupation 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 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 landscape.**

- 5 No development shall begin until an Order has been confirmed to allow the existing public footpath crossing the site (MA18) to be diverted.**

**Reason: To ensure that the public right of way is not obstructed.**

- 6 No external lighting shall be installed on the site (including upon the building) without the prior written consent of the Local Planning Authority.**

**Reason: To ensure that the character and appearance of the landscape is not compromised by light pollution.**

- 7 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 use of the building hereby permitted and thereafter maintained as such.**

**Reason: To secure boundary treatments/means of enclosure appropriate in appearance to this rural area.**

- 8 Prior to the first use of the building hereby permitted all of the existing on-site buildings shown upon the approved plans to be demolished shall be demolished and all resultant materials removed from the site.

Reason: To safeguard the character and appearance of the locality.

- 9 Prior to the first use of the building hereby permitted the vehicular means of access, car parking, turning / manoeuvring area(s) for vehicles and cycle parking shall be fully implemented. Thereafter these areas shall be kept available for such use.

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

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development normally permitted by Class B, Part 2, Schedule 2, Article 3 shall be carried out without the express consent of the Local Planning Authority.

Reason: To ensure that the use of the entirety of the building is restricted to a business use (i.e. B1 use as defined in the Town and Country Planning Use Classes Order 1987 as amended), to safeguard the amenities of the occupiers of neighbouring dwellings and in the interests of highway safety.

- 11 No deliveries shall be taken at or despatched from the site outside the hours of:

- 08.00 hours to 18.00 hours Mondays to Fridays
- 08.00 hours to 13.00 hours Saturdays

nor at any time on Sundays, Bank or Public Holidays

Reason: To safeguard the amenities of the occupiers of numbers 1-3 Rundlemead (inclusive).

#### **INFORMATIVES:**

- 1 Because development works, in particular demolition of an existing structure, will endanger members of the public using public footpath MA18, a temporary closure order must be applied for from the Public Rights of Way Manager, Herefordshire Council, Queenswood Country Park, Dinmore Hill, Leominster HR6 0PY (Tel:- 01432-260572), at least 6 weeks in advance of work starting.
- 2 For the avoidance of any doubt the plans for the development hereby approved are as follows:

For the avoidance of any doubt the plans to which this decision relates are:

- Application Site Plan (Scale 1:1250) received 20 May 2009;
- Topographical Survey of Existing - Drawing number MSM0697A Rev. C (Scale 1:200) received 21 April 2009;
- Plan of Existing Arrangements / Current Finishes - Drawing number MSM0697B Rev. DC received 21 April 2009;

- Site of Proposed Arrangement / Layout - Drawing number MSM0697C Rev. D received 6 August 2009;
- Proposed Floor Plan - Drawing number MSM0697D Rev. C received 20 May 2009;
- Sections and Plan for Layout Proposal - drawing number MSM0697H Rev. C received 21 April 2009;
- Elevations - Drawing number MSM0697F Rev. C received 21 April 2009;
- Perspective views - Drawing number MSM0697E Rev. c received 21 April 2009;
- Elevation Sections in Landscape - drawing number MSM0697G Rev. C received 21 April 2009.

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

#### 38. DCNE0009/1088/F & DCNE0009/1089/L - 4 HIGH STREET, LEDBURY, HEREFORDSHIRE, HR8 1DY.

*Conversion of redundant upper floor accommodation to create two self contained residential dwelling apartments, with associated external staircase.*

*Alterations and re-ordering to existing upper floor residential accommodation fronting onto high street above bank premises.*

In accordance with the criteria for public speaking, Mr Cowan, a neighbouring resident, spoke in objection to the development.

Councillor PJ Watts, one of the Local Ward Members, said that he had visited the site and noted the objector's concerns regarding the etched glass screens to the balconies. However, he said that this type of glass had worked well at another site that he had knowledge of and was confident it would have the same affect at the application site. He said that parking on the site was adequate for the number of dwellings proposed and was happy to give his support to the application.

The Principal Planning Officer clarified that the etched screen would be above normal eye level and was designed to allow light through it. He said that the application would be conditioned to insist that the local planning authority approves the etched screen before installation and to ensure that it was maintained in the long term.

Councillor ME Cooper, one of the other Local Ward Members said that she supported the proposal as she felt there was a need for further residential accommodation in Ledbury. She said that she supported the mixed residential and business use.

In response to a further question from a Member, the Principal Planning Officer said that the purpose of the etched screen was to safeguard privacy and to prevent loss of amenity by maintaining the light into the neighbouring property's kitchen. He also said that the use of the area to the rear for parking had been established for some time

#### **RESOLVED**

**A) That Planning Permission (DCNE0009/1088/F) be granted subject to the following conditions:**

**1 A01 (Time limit for commencement (full permission)) – 12 months**

**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 of the materials to be used to surface the car parking and manoeuvring areas together with surface water drainage arrangements if an impermeable surface is proposed;
  - A sample of the etched glass to be used in the glazed screen on the southern elevations of the balconies;
  - Written details and samples of all external materials;
  - Large scale drawings of all internal and external joinery together with written details as to their finishes;
  - Written details of all rainwater goods;
  - The location and design of cycle parking facilities

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 plans.

Reasons:

- 1) To ensure that the special character and appearance of the listed building is conserved;
  - 2) To safeguard the character and appearance of the Conservation Area;
  - 3) To safeguard the setting of the listed building;
  - 4) To ensure adequate cycle parking provision;
  - 5) To ensure that the glazing is sufficiently etched to safeguard the privacy of the occupiers of the dwelling known as 'The Long House'.
- 3 Prior to the first occupation of any of the dwellings hereby permitted the approved car parking areas, turning manoeuvring area(s) and cycle parking provision shall be fully implemented. Thereafter these areas shall be maintained and kept available for such use.

Reasons: To ensure satisfactory vehicle and cycle parking facilities.

- 4 Prior to the first occupation of any of the dwellings hereby permitted the balconies shall be provided with the etched glazed screens as detailed upon the approved plans. Thereafter these glazed screens shall remain in-situ and be maintained to the satisfaction of the Local Planning Authority.

Reason: To safeguard the privacy of the occupiers of the dwelling house to the south known as 'The Long House'.

**INFORMATIVES:**

- 1 N15 - Reasons for the Grant of Planning Permission
- 2 N19 - Avoidance of doubt - Approved Plans; and

B) That Listed Building Consent (DCNE0009/1089/L) be GRANTED subject to the following conditions:

- 1 B01 (Time limit for commencement (Listed Building Consent))

**2 Prior to commencement of the works 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;**
- **Large scale drawings of all internal and external joinery together with written details as to their finishes;**
- **Written details of all rainwater goods**

**The works shall not commence until the Local Planning Authority has given such written approval. The works shall be carried out in strict accordance with the approved plans.**

**Reason: To ensure that the special character and appearance of the listed building is conserved.**

**INFORMATIVES:**

**1 N15 - Reasons for the Grant of Listed Building Consent**

**2 N19 - Avoidance of doubt - Approved Plans**

**39. DCNC2009/0872/F - BUCKFIELD HOUSE, BARONS CROSS ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8QX.**

*Change of use from residential to C3 care home.*

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

Councillor P Jones CBE said he supported the provision of such a facility but felt that the site was inappropriate because of the surrounding levels of traffic. He said that as the Town Council raised no objection he was minded to support the application.

Councillor RC Hunt added his support to the application saying that this was a badly needed facility.

Councillor PJ McCaull said that he also supported the development saying that he felt there was ample room on the site for such a development.

Councillor RV Stockton commented on a similar development in the county which had failed, perhaps in part due to the inaccessibility of the site. However, he considered this proposal to be in a sustainable location.

**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 use of the property hereby permitted shall be restricted to a maximum of five residents at any one time.**

**Reason: To ensure that the use is not so intense so as to create an undue loss of amenity by way of noise and general disturbance to the occupiers of neighbouring dwelling houses.**

- 3 Prior to commencement of the development hereby permitted a scheme of noise attenuating measures for the former doorway on the half-leading of the rear (former servants) stairway of 'Buckfield House' which is presently filled with a stud partition wall 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 approved noise attenuation measures shall be fully implemented prior to the first use of the premises for the purposes hereby approved and shall thereafter be maintained as such.**

**Reason: To ensure that the occupiers of 'Buckfield Keep' do not suffer an undue loss of amenity by way of noise within their property.**

- 4 Prior to commencement of the development hereby permitted a metric scaled plan detailing the provision of eight on-site car parking spaces together with on-site turning / manoeuvring areas such that motor vehicles can enter and exit the site in a forward direction 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 approved car parking, turning / manoeuvring areas shall be fully implemented prior to the first use of the premises for the purposes hereby approved and shall thereafter be maintained and kept available for the parking, turning / manoeuvring of motor vehicles.**

**Reason: To ensure satisfactory on-site vehicle parking provision, in the interests of highway safety.**

- 5 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.**

- 6 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.**

#### **INFORMATIVES**

- 1 N15 - Reason(s) for the Grant of PP/LBC/CAC**
  - 2 Any additional hardsurfacing required by virtue of condition 4 above should be permeable.**
  - 3 N19 - Avoidance of doubt - Approved Plans**
- 40. DCNE0009/1213/F - 16 NEW MILLS COMMUNITY CENTRE, FROME BROOK ROAD, LEDBURY, HEREFORDSHIRE, HR8 2FH.**

*Proposed change of use to a dwelling.*

The Senior Planning Officer reported that a further letter of objection had been received from a neighbouring resident reiterating comments regarding public access rights. Attention was drawn to the recommended informative note on this matter.

Councillor PJ Watts, one of the Local Ward Members, said that since its construction the existing community centre had not been used to its full potential and he welcomed the development as an alternative to allowing the building to fall into a state of disrepair.

Councillor ME Cooper, another of the Local Ward Members, agreed that the building had not been used to its full potential and she had not witnessed its occupation since a local nursery group stopped meeting there.

Councillor RJ Phillips said that whilst he respected the knowledge of the Local Ward Members, he was reluctant to support the closure of such a community facility. He said that community cohesion was vital and that in future, there may be the need for such a facility.

Councillor A Seldon pointed out that of the letters received from neighbouring residents, none related to the loss of community facilities. Nevertheless, he felt such centres were important to the communities they served.

Councillor R Mills said that Ledbury had experienced a similar problem when another nearby estate was constructed with a shop which was intended to serve the community. He added that the shop closed down very quickly as it was not profitable because the community did not use it enough. He said that he felt the population of Ledbury was not big enough to justify several community centres so saw merit in supporting the application.

Councillor TM James said that a similar facility existed in his own ward and questioned why this site was not fit for purpose. He said that such facilities were necessary for vibrant small communities.

In response to Members' concerns, the Senior Planning Officer said that planning officers always try to keep community facilities where possible as they were aware of their value to communities. However he also said that several alternative uses were suggested by local developers but all were considered to be unsuitable due to the size, location and other limitations of the site. He said that for a community hall, the site was not large enough so would be unable to accommodate activities such as sports, which is one of the reasons for its unpopularity.

The Principal Planning Officer said that a new informative could be added to ensure that it was made clear that the loss of community facilities was normally contrary to existing policy but the specific circumstances of this site were unique. He added that this would address the concern that a precedent might be set.

Members agreed that the loss of such a community facility was regrettable but because of its size, lack of parking and under use were minded to grant planning permission.

**RESOLVED**

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

- 1. A01 (Time limit for commencement (full permission)) - 12 Months**



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

**2. 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 H18 of Herefordshire Unitary Development Plan.**

**INFORMATIVES:**

- 1. N15 - Reason(s) for the Grant of Planning Permission**
- 2. N19 - Avoidance of doubt - Approved Plans**
- 3. The existing civil legal rights enjoyed by the owner/occupiers of adjacent residential properties in respect of maintenance and access must be respected.**
- 4. The reasons why the Local Planning Authority have granted permission are summarised as follows:-**
  - The existing community hall facility is not “fit for purpose” – it is too small not suitable for a range and has very limited parking provision;**
  - The existing community hall facility is in such close proximity to neighbouring dwellings it is only suitable for a very limited range of activities;**
  - The existing community hall facility is not adaptable or easily extendable;**
  - Whilst not a planning matter the existing community hall facility is privately owned;**
  - There are other community hall facilities within Ledbury that are readily accessible from the New Mills estate;**
  - There is continuing evidence that the facility is no longer required or that there is a demand or need for such a facility in this location.**

**As such the proposed development was considered to comply with policy CF6 (1 & 3).**

**41. DATE OF NEXT MEETING**

23 September 2009

The meeting ended at 3.15 pm

**CHAIRMAN**



<b>ITEM FOR INFORMATION - APPEALS</b>
---------------------------------------

**APPEALS RECEIVED****Application No. DCNC2009/0453/F**

- The appeal was received on 10 August 2009
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against non-determination of a planning application within the specified timeframe
- The appeal is brought by Prof P Witting
- The site is located at 35 Pinsley Road, Leominster, Herefordshire, HR6 8NW
- The development proposed is Erection of an amateur radio antenna of commercial design (Hustler 6BTV)
- The appeal is to be heard by Written Representations

**Case Officer: Andrew Banks on 01432 383085****Application No. DCNW2009/0468/F**

- The appeal was received on 11 August 2009
- 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 J Hegarty
- The site is located at Huntington Park, Mahollem, Kington, Herefordshire, HR5 3PT
- The development proposed is three-storey addition to existing house
- The appeal is to be heard by Written Representations

**Case Officer: Philip Mullineux on 01432 261808****Application No. DCNW2009/0056/F**

- The appeal was received on 28 August 2009
- 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 Ms J Grosvenor
- The site is located at Valentine's Barn, Comberton, Orleton, Ludlow
- The development proposed is Proposed conversion of farm building to form one dwelling
- The appeal is to be heard by Written Representations

**Case Officer: Philip Mullineux on 01432 261808****Application No. DCNE2009/0253/F**

- The appeal was received on 2 September 2009
- 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 R Cole
- The site is located at Hall House Farm, Gloucester Road, Ledbury, Herefordshire, HR8 2JE
- The development proposed is Proposed two, three-storey extensions and re-modelling
- The appeal is to be heard by Written Representations

**Case Officer: Carl Brace on 01432 261795**


---

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

**APPEALS DETERMINED****Application No. DCNW2008/2597/F**

- The appeal was received on 4 February 2009
- 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 Mr S Flook
- The site is located at Granary Stables, DOWNWOOD FARM, Shobdon, Leominster, Herefordshire, HR6 9NH
- The application, dated 13 October 2008, was refused on 8 December 2008
- The development proposed was a proposed owners/managers dwelling
- The main issues are:
  - (i) Whether the proposal provides the special justification that is required for a new dwelling in the countryside
  - (ii) The effect of the proposal on the character and appearance of the countryside

**Decision:** The application was refused under Delegated Powers on 8 December 2008  
The appeal was ALLOWED on 18 June 2009

**Case Officer: Philip Mullineux on 01432 261808**

**Application No. DCNC2008/2085/F**

- The appeal was received on 26 March 2009
- 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 Abbey Funeral Services
- The site is located at 2-4 New Street, Leominster, Herefordshire, HR6 8DP
- The application, dated 22 July 2008, was refused on 26 September 2008
- The development proposed was Proposed residential development of 8 dwellings
- The main issues are:
  1. The effect of the proposed development on the character and appearance of the surrounding area.
  2. Whether satisfactory living conditions would be provided for future occupants in relation to private amenity space.
  3. The effect on the living conditions of existing households in relation to overlooking and loss of privacy.

**Decision:** The application was refused under Delegated Powers on 26 September 2008  
The appeal was DISMISSED on 3 August 2009

**Case Officer: Andrew Banks 01432 383085**

**Application No. DCNC2008/2757/O**

- The appeal was received on 29 April 2009
- 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 Mr & Mrs J & O White
- The site is located at Whites Roofing, Risbury, Leominster, Herefordshire, HR6 0NH
- The application, dated 17 July 2008, was refused on 9 December 2008
- The development proposed was Site for part demolition of an existing office/store and construction of a single storey dwelling
- The main issue is whether the proposed dwelling is necessary to meet the essential needs of the appellants business

**Decision:** The application was refused under Delegated Powers on 9 December 2008  
The appeal was DISMISSED on 4 August 2009

**Case Officer: Andrew Banks on 01432 383085**

**Enforcement Notice EN2009/0038/ZZ**

- The appeal was received on 18th May 2009
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by L Llewelin & T Hickin
- The site is located at Cosy Cottage, Green Lane, Lower Eggleton, Herefordshire, HR8 2UH
- The breach of planning control alleged in this notice is:  
*Without Planning Permission, the siting of a mobile home for residential purposes*
- The requirements of the notice are:  
*Remove the mobile home from the land and permanently cease the residential use of the land.*
- The main issue is the effect of the unauthorised development on the character and appearance of the area

**Decision:** The appeal was WITHDRAWN on 26 August 2009

**Case Officer: Roland Close on 01432 261803**

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



**5 DCNC2009/0748/F - CHANGE OF USE OF LAND FROM AGRICULTURE TO A ONE FAMILY TRAVELLER SITE, INCLUDING STATIONING OF ONE MOBILE HOME, TWO TOURING CARAVANS AND DAY/WASHROOM - PART RETROSPECTIVE AT THE PADDOCKS, NORMANS LANE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LQ.**

**For: Mr C Brant as above.**

**Date Received: 31 March 2009**  
**Expiry Date: 26 May 2009**

**Ward: Hampton Court**

**Grid Ref: 52271, 56281**

Local Member: Councillor KG Grumbley

This application was reported to the sub-committee on 29 July 2009 who resolved to defer determination to allow for further investigation and clarification with respect to the nearby public right of way i.e. to its extent and exact route.

### **1. Site Description and Proposal**

- 1.1 The application site lies off Norman's Lane in Stoke Prior, approximately 250m south of the junction with the C1110 road which runs through the village. The site measuring approximately 40m x 45m is part of a larger field of around 1 hectare.
- 1.2 The proposal, which is in part retrospective, is to provide a traveller site, including one static style mobile home, two tourers and retention of the day/wash room, which has been erected on a lean-to against a previously approved agricultural building.
- 1.3 There is an existing access to the site of Norman's Lane and a fenced off parking area in the north west corner.
- 1.4 In the field adjoining the site the applicant keeps a number of chickens and horses, together with assorted pens and shelters. The whole field is bounded by mature hedgerows.

### **2. Policies**

Unitary Development Policy

H12 - Gypsies and other travellers

LA2 - Landscape Character and areas least resilient to change.

Circular 01/06 Planning for Gypsy and Traveller Sites

### **3. Planning History**

- 3.1 NC2006/1105/F Retention of Agricultural Building refused June 2006 - allowed on appeal February 2007.

#### 4. Consultation Summary

##### Statutory Consultations

None

##### Internal Council Advice

- 4.1 Transportation Manager - no objection.
- 4.2 Environmental Protection Manager - The Sub-Regional Housing Needs Assessment has identified a substantial shortfall in traveller sites in Herefordshire. The applicant is not known to the Traveller Service. Environmental Protection team has no objection.
- 4.3 The Council's Public Rights of Way Manager - advises that there appears to be an anomaly on the Council's "Definitive Map" with respect to the track to the west of the site. The Definitive Map shows an existing bridleway (no. SP12) extending along the track but stopping short of the site at Normans Farm further to the south. However, research has clarified that the Council has been maintaining the whole of the lane/track and will continue to do so, including that section not shown as a public right of way on the Definitive Map. It is, therefore, fair to assume that the bridleway runs along the track past the application site and onto the Class III road (C1110). There is no reason for the right of way to have stopped at Normans Farm, which is the point at which the anomaly occurs. The public right of way (bridleway No. SP12) does not cross any part of the planning application site. It should be noted that the Council will only maintain the track to bridleway standards and not to motor vehicle standards. Persons using the track for vehicular access could be held responsible for any damage to the surface which renders it unsuitable for walkers and horseriders. The applicant should ensure that he holds lawful authority to drive a motor vehicle along the bridleway/public right of way.

#### 5. Representations

- 5.1 Ford & Stoke Prior Parish Council - The Parish Council recommends that the planning application be refused on the grounds that the development would be outside the envelope for residential development. The Parish Council regards as most important that the existing envelope should not be breached by development, such a breach would create a precedent. In the event that permission none the less granted the Parish Council recommends the following conditions be imposed:-
- Concerning the change of use it is not from agricultural to residential or any other designation but remains for agricultural residents only.
  - The Northern Area Planning Committee should be assured by enquiring that the specific conditions relating to travellers are being correctly applied in this application
  - The Consent would apply only to the applicant and his immediate family, as described, for the duration of their residence after which point the permission will no longer apply.
  - No other person or persons may reside at the site and no other mobile homes or caravans may be brought onto the site.
  - Any such consent should be construed as being a temporary measure only.
- 5.2 A letter was also received dated 8 June via the Environmental Protection Manager asking questions about the definition of a gypsy/traveller. A response was sent 18 June

---

Further information on the subject of this report is available from Mr N Banning on 01432 383093



5.3 29 letters of objection have been received from 24 different addresses in Stoke Prior.

The objections are summarised below:-

1. The proposal is contrary to Policy H8, since this would not be a viable agricultural business and the applicant has previously managed to run it whilst living elsewhere.
2. There are currently vacancies at Council run gypsy/traveller sites.
3. Not convinced that the applicant is a gypsy/traveller.
4. Retrospective applications do not accord with the advice in Circular 1/06.
5. The proposal is contrary to Policy H11 - residential caravans.
6. The site lies outside the settlement boundary and would set a precedent encouraging others to move onto small parcels of land.
7. Traffic safety.
8. Amenity problems.
9. Out of keeping with the village
10. The site is visible from the Risbury Road currently and would be more so in winter. It is insufficiently screened.
11. The development would fracture the village and give rise to problems of security and law and order.

5.4 9 letters of support have been received from 9 addresses in Stoke Prior.

5.5 One letter refers to private bore hole water supply restructuring which make it unsuitable for domestic use. Limited to 30 cubic metres per annum or 18 gallons per day for livestock purposes.

5.6 Another suggest a personal, time limit condition.

5.7 In support of the application a statement has been submitted setting out the circumstances of the applicant, policy matters and other material considerations

5.8 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 Circular 1/06 defines gypsies/travellers as follows:-

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such."

- 6.2 Consideration of the applicant's statement above and a discussion with him on site leads officers to conclude that the applicant falls within the definition set out above. As a consequence the proposal falls to be considered against Policy H7 of the Unitary Development Plan.
- 6.3 In this case, references to Policies H8 and H11 can be discounted. The current shortfall of pitches within the County as assessed in the Housing Needs Assessment is currently around 83 pitches. This figure took account of any vacancies that there were at the time of preparation of that assessment. Consequently, any current vacancies on Council sites have little bearing on the overall need.
- 6.4 Reference is made by objectors to Circular 1/06 and the retrospective nature of the application. Paragraph 59 advises that gypsies and travellers consult with local planning authorities before buying land. The failure to do so, however, cannot be regarded as a reason to refuse the application. Whether retrospective or not the application should be determined on its merits.
- 6.5 The main intention of the Circular appears in paragraph 12 of that document, and in summary, is to significantly increase the number of pitches available in appropriate locations.
- 6.6 Whilst the site may be visible from a limited number of locations, generally it is well screened from immediate views within the village. Since the proposal amounts to the creation of a single pitch it is not considered that the nature of Norman's Lane presents any overriding traffic safety issues, nor any unreasonable amenity issues for neighbours.
- 6.7 The issue of the water supply is a private matter constrained by covenant.
- 6.8 In terms of visual amenity, highway safety and general amenity issues, the site is considered to be appropriate as a gypsy site for 1 pitch. On that basis there would be no sustainable justification for either a personal or time limited permission.
- 6.9 The applicant, his partner and their three children intend to live on the site and, as far as the local planning authority are aware, these are the only people currently living on the site.
- 6.10 It is noted that there are other small buildings on the land e.g. a small greenhouse and a stable building (the latter being outside the planning application site). Whether or not these buildings require planning permission is a matter which can be investigated separately by the Council.
- 6.11 The Council's Public Rights of Way Manager has confirmed that the bridleway no. SP12, although not shown on the Definitive Map, clearly, in their opinion, runs along the track i.e. past Normans Farm, past the application site and ends on the Class III road which runs through the village of Stoke Prior. The bridleway does not cross any part of the planning application site. The Council maintains the track to bridleway status and no part of the said track crosses the application site. The applicant needs to ensure that he has lawful authority to drive a motor vehicle along the bridleway.

## **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 - Non Standard (Non Standard Condition)**

---

Further information on the subject of this report is available from Mr N Banning on 01432 383093

The use of the site shall be limited to a single mobile home and up to two touring caravans to be occupied by a person or persons comprising a single family unit and being recognised as being of genuine gypsy or other traveller status, as defined by Circular 1/2006 - Planning for Gypsy and Traveller Caravan Sites. Evidence of such status shall be submitted to and approved in writing by the local planning authority prior to the occupation of the site by any persons other than the current applicant.

Reason: The nature of the development is such that it is only considered to be acceptable in this location as a Gypsy or Traveller Site in accordance with Policy H12 of the Herefordshire Unitary Development Plan.

**INFORMATIVES:**

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - N19 - Avoidance of doubt - Approved Plans
- 3 - The Council’s Public Rights of Way Manager advises that the track serving the site is most likely a public right of way i.e. bridleway no. SP12. In this event the applicant should ensure that he holds a lawful authority to drive a motor vehicle along the track. Lawful authority to drive over a public footpath/bridleway is normally granted by the owner of the land over which the right of way passes and is often included in the Title Deeds. Independent legal advice should be sought to ensure there is no doubt about private vehicle access rights along the track. Complaints about motor vehicles being driven along public footpaths/bridleways are investigated by the Police, not the highway authority. In addition, the local authority will only maintain this track to bridleway standards, which will not be of a standard suitable for motor vehicles. Persons using the track for vehicular access could be held responsible for any damage caused to the surface, which would render it unsuitable for walkers and horseriders. Should anyone wish to change the nature of the surface in any way then they would need the written permission of the Council’s Public Rights of Way Manager, which may or may not be granted, depending on the nature of the intended materials.

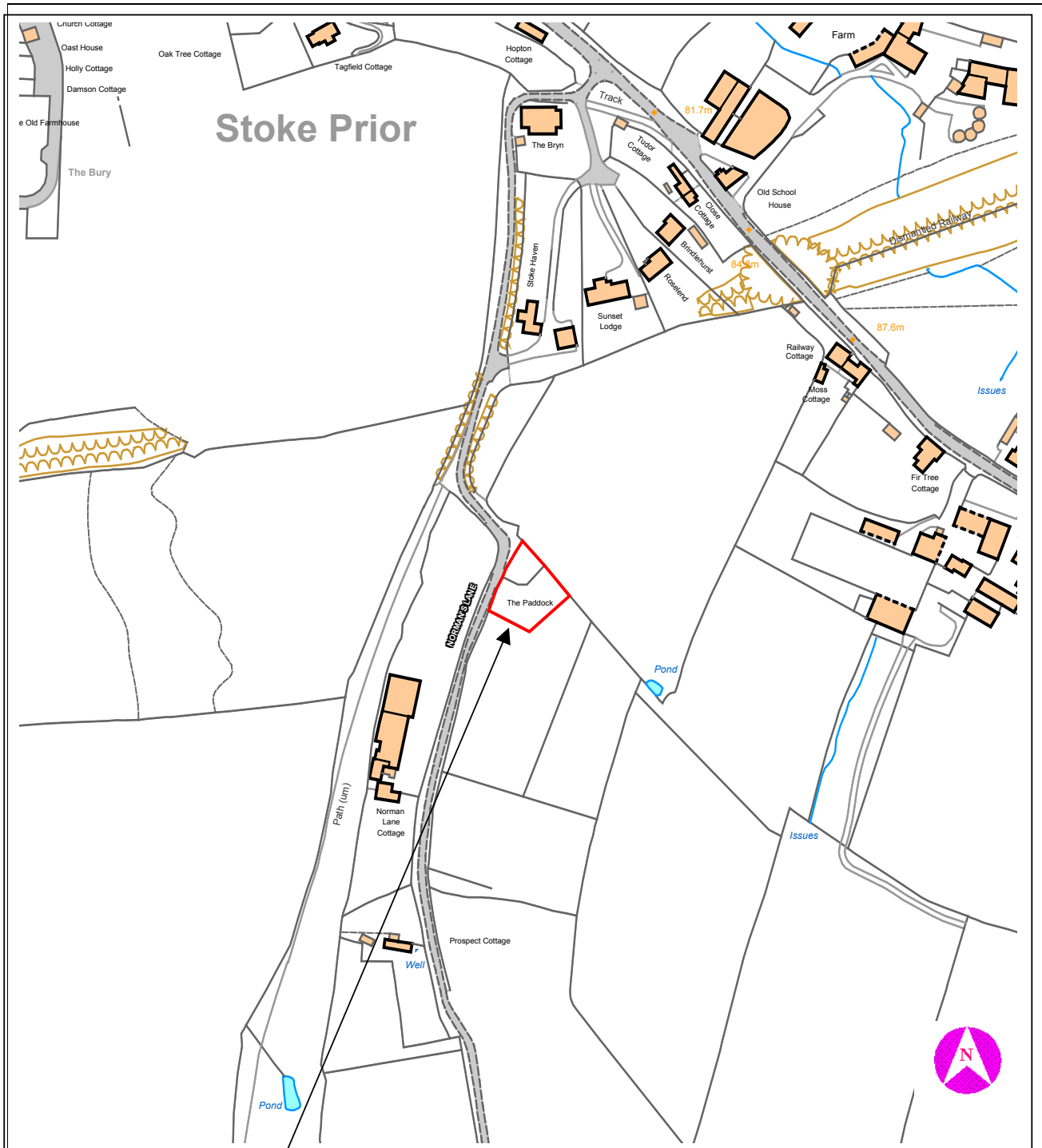
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** DCNC2009/0748/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** The Paddocks, Normans Lane, Stoke Prior, Leominster, Herefordshire HR6 0LQ

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005