

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 14 April 2010 at 10.00 am**

**Present:** Councillor TW Hunt (Chairman)  
Councillor RV Stockton (Vice Chairman)

Councillors: PA Andrews, ACR Chappell, PGH Cutter, GFM Dawe, PJ Edwards, JHR Goodwin, DW Greenow, JW Hope MBE, B Hunt, RC Hunt, G Lucas, AT Oliver, JE Pemberton, WJ Walling, PJ Watts, JB Williams and JD Woodward

**In attendance:** Councillors JA Hyde, PM Morgan and AM Toon

**108. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors H Davies, KS Guthrie, RI Matthews, AP Taylor, and DC Taylor.

**109. NAMED SUBSTITUTES (IF ANY)**

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor PA Andrews was a substitute member for Councillor AP Taylor; Councillor PJ Edwards was a substitute member for Councillor RI Matthews; Councillor JHR Goodwin was a substitute member for Councillor KS Guthrie; Councillor JB Williams was a substitute member for Councillor DC Taylor; and Councillor AT Oliver was a substitute member for H Davies.

**110. DECLARATIONS OF INTEREST**

9. DMNE/100188/F - HOE FARM, MATHON ROAD, COLWALL, MALVERN, HEREFORDSHIRE, WR13 6EP.

Councillor RV Stockton, Personal and Prejudicial.

11. DMNE/100235/F - LEADON COURT, FROMES HILL, HEREFORDSHIRE, HR8 1HT.

Councillor PM Morgan, Prejudicial, Councillor Morgan left the meeting prior to the application being determined.

13. DMSE/093151/F - CARADOC, SELLACK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LS.

Councillor JA Hyde, Personal.

15. DMNC/100481/CD and DMNC/100482/L - GRANGE COURT, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NL.

Councillor RC Hunt, Personal.

**111. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 17 March 2010 be approved as a correct record and signed by the Chairman.

**112. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman advised members of the public in respect of the public speaking procedure. He also advised the Committee that Agenda items 1-9 would be dealt with before lunch with the remaining items determined when the meeting was reconvened at 2pm.

**113. UNITARY DEVELOPMENT PLAN - SAVED POLICIES**

The Planning Policy Manager advised Members that the Unitary Development Plan had been adopted three years ago and that there was now a requirement to save a number of policies prior to the adoption of the Local Development Framework.

The Planning Policy Manager drew Members' attention to paragraph 4 of the report which confirmed that the Secretary of State had now issued the necessary direction and that the list of policies which had been saved was included in the appendix to the report. The report also stated that the full text of the saved policies and the Secretary of State's direction had now been published on the Council's website and that the effect was that the saved policies were still part of the Council's Policy Framework (as defined in the Constitution) and were still part of the Development Plan. He added that consequently regard must be had to the saved policies in the determination of planning applications.

In response to a question, the Planning Policy Manager advised that the policies that would not be saved were the ones that had been covered by other national policies.

**RESOLVED**

**THAT Committee note the decision of the Secretary of State and continue to apply the Saved Policies accordingly.**

**114. DMCE/091754/F AND DMCE/091755/L - NEW INN, BARTESTREE, HEREFORD, HR1 4BX**

*Erection of free standing timber deck to front of Public House, deck to include ambulant stepped access. Provision of satellite dish to building frontage.*

The Senior Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

She added that a representation had been received from Bartestree Parish Council after the updates sheet had been produced. This representation reiterated the Parish Council's stance in respect of the application and raised no new material planning considerations.

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

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor DW Greenow, the local ward member, commented on a number of issues, including:

- The Parish Council had met on Tuesday and were therefore unable to register to speak, Chairman should allow late registration of speakers in these circumstances.
- The applicant had addressed all of the issues raised at the previous meeting including landscaping, colour, disabled access, and ensuring that the decking was free standing and not attached to the original building.

- Landscaping needed further discussion as oak and cherry were not ideal materials for screening, this could be addressed through a suitable condition.
- The applicant had proved that the decking had been beneficial to the trade of the public house and the application should be granted.
- The applicants were happy to move the satellite dish from the front to the side of the building.

Members opened the debate by stating that in their opinion public houses needed to remain the heart of the community, they were therefore sympathetic to the needs of the applicant in the current financial climate. They did however note the concerns raised in respect of the application and questioned whether the decking could be relocated to the side of the public house. Members also voiced their concerns in respect of the proposed screening. They felt that Oak and Cherry were not suitable materials for screening the decking but felt that this matter could be rectified through an appropriate condition.

Some members questioned the merit of the application and noted that there was a large garden area to the rear of the public house that could be used for seating. They felt that the decking was inappropriate for a grade 2 listed building and agreed with the case officer that granting the application would result in an unacceptable impact on the visual amenity of neighbouring properties.

In response to a number of questions from members, the Senior Planning Officer advised Members that there was not currently a disabled access into the premises and that the applicant had stated that the proposed ramp would ensure an easy access into the building. She added that she could not confirm if there had been an increase in trade since the decking had been in situ and she also advised Members that concerns had been raised by the Traffic Manager in respect of the vehicular access to the site.

During the debate Members noted that English Heritage had not objected to the application and that a number of other public houses throughout Hereford benefitted from exterior decking. They also raised concerns in respect of the number of public houses currently closed throughout the county.

The Development Control Manager advised Members that the Planning Department supported the need to keep public houses as a vital part of the community. He noted that the application was retrospective and that a number of the concerns could have been addressed if the applicant had consulted with the Planning Department prior to erecting the decking. In summing up he advised Members that the application was contrary to Policies HBA1 and HBA4 of the Unitary Development Plan and that it should therefore be refused in line with the Officer's recommendation.

Councillor Greenow was given the opportunity to close the debate in accordance with the Council's Constitution. He reiterated the issues raised in his opening statement and also made a number of addition points, including:

- Temporary permission could be granted.
- The decking could not be located on either side of the public house as there would be an impact on neighbouring residents.
- The decking overlooks the children's play area and enables parents to eat their meal outside whilst supervising their children.

A motion to refuse the application failed. Members were then advised by the Locum Lawyer and the Democratic Services Officer in respect of section 4.8.10.2 of the Council's Constitution regarding the Further Information Report process. The Development Control Manager and the Locum lawyer, representing the Monitoring Officer, both felt that there were critical policy issues at stake and therefore felt that a

Further Information Report would be required and the determination of the application would have to be deferred until the next meeting of the Planning Committee.

Members voiced their concerns in respect of the Further Information Report process as currently set out in the Council's Constitution.

**RESOLVED:**

**That consideration of planning application DMCE/091754/F be deferred for further information.**

**115. DMNE/092736/F - HAZLE MILL, HAZLE FARM, DYMOCK ROAD, LEDBURY, HEREFORD, HR8 2HT**

*Proposed conversion of redundant mill to form live/work unit.*

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mr Harding spoke on behalf of the Town Council, and Mr Lewis, the applicant, spoke in support of his application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PJ Watts, the local ward member, commented on a number of issues, including:

- The topography of the site had not been considered in the flood risk assessment.
- Evidence proved that there was no risk of flood with the floor level 1.45 metres above flood level.
- There had been a mill on the site as far back as 1066.
- Restoration of the building had been required due to a fire in the 1950's.
- The production of charcoal required 24 hour supervision.
- There was an identified local housing need.
- There had been no reported accidents on the access road.
- The business plan should be viewed as an indication of the applicant's plans and not set in stone.
- The canal route did enter the site but the application site itself was not on the canal route

Some members felt that the Council had a responsibility for shaping and supporting rural enterprises and should strive to accommodate young people in the countryside. They felt that it was imperative that the proposed dwelling be tied to the farm with an appropriate condition. It was noted that there had previously been a scrap metal yard on the site and that the entrance to the site had been historically used with no reports of any accidents. Members noted that in their opinion the application was in accordance with the government guidance in relation to sustainable development (PPS1) and also accorded with national policies PPS4, PPS7, PPS9, and UDP policy H8.

Other Members agreed that the Council should support rural enterprises and recommended that the applicant contact the Council's Economic Development team who could offer guidance and advice. They also voiced concerns regarding the profitability of the enterprise and felt that the application should be refused in accordance with the Officer's recommendation. It was noted that the Committee were not trying to prevent the applicant from pursuing his career but that temporary accommodation could provide the solution to any possible functional need for a dwelling on the site.

In response to a number of points raised by Members the Principal Planning Officer advised that local and national planning policies aimed to encourage rural enterprise and that the applicant's proposed live/work unit was divorced from the woodland. He added that the functional need to live on the site could be provided through temporary accommodation. Finally he advised Members that the proposed woodland planting outlined in the application would take a number of years to mature and that there was no alternative source of timber near to the proposed dwelling.

Members went on to discuss a number of issues in respect of the application including possible funding for woodland enterprises through English Nature; the support for live/work units as outlined in Council planning policy; the fact that the applicant had access to alternative woodland; the support being offered by the family in respect of the application and the benefit to the environment and wildlife of the proposed nine and a half acres of planting.

One Member noted that there were currently 5000 – 6000 people on the waiting list for housing in Herefordshire. He proposed that permission for the application be granted subject to the following three conditions; the removal of permitted development rights; the use of the site to be limited to a rural enterprise; a large percentage of willow be proposed for the planting to provide an earlier source of material.

The Planning Policy Manager noted that live/work sites had been mentioned in Ross on Wye but confirmed that these were on an allocated site. He advised members that planning policy did not stop the applicant pursuing his career but did not justify a permanent residential unit on the site.

The Principal Planning Officer suggested possible conditions that could be incorporated into any approval decision in order to ensure that the dwelling was only occupied by someone employed solely in the woodland industry.

Councillor Watts was given the opportunity to close the debate in accordance with the Council's Constitution. He reiterated the issues raised in his opening statement and also made a number of addition points, including:

- The applicant has access to 40 acres of woodland prior to the proposed planting scheme coming to maturity.
- The existing building could be easily converted.
- Members should be positive and encourage the acceptance of the application.

The Chairman noted that the committee were minded to approve the application contrary to the Officer's recommendation and requested guidance from the Locum lawyer in respect of the Further Information Report process.

Both the Locum Lawyer, representing the Monitoring Officer, and the Development Control Manager felt that a further information report was required due to the critical policy issues at stake and due to the fact that granting the application could leave the authority open to judicial challenge. The Locum Lawyer noted that there was a need for a functional and economical test for the application; he noted that the economical test had been met but in his opinion the functional need test had not.

Members were advised that the Constitution did not permit them to take a vote against Officer's recommendation where a Further Information Report had been requested and therefore the motion had to be withdrawn. The substantive motion to refuse the application was voted on and failed resulting in the determination of the application being deferred pending a further information report.

Members felt that a vote should be taken contrary to the Officer's recommendation. The Democratic Services Officer read out the relevant section of the Constitution to clarify the issues resulting from the Further Information Report.

**RESOLVED:**

**That consideration of planning application DMCE/091754/F be deferred for further information.**

**116. DMNE/100188/F - HOE FARM, MATHON ROAD, COLWALL, MALVERN, HEREFORDSHIRE, WR13 6EP**

*Proposed erection of new linked building/extension to joinery workshop.*

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

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

Members discussed the application and noted the concerns of the neighbouring residents; they also noted that neither the Traffic Manager nor the local Parish Council had objected to the application. They applauded the applicant for the quality of work produced in the workshop and supported the application. They did however have some concerns in respect of possible noise disturbances to the neighbouring premises as well as concerns about the proposed screening. Members also noted the concerns in respect of external ventilation and asked for clarification as to whether the ventilation units could be moved inside the building.

The Principal Planning Officer advised Members that mature screening could be negotiated and added that consideration should be given to the density of the screening rather than the height. In reference to the possibility of relocating the extraction units to the inside of the building, the Principal Planning Officer confirmed that this would not be possible however there were no extraction units proposed on the elevation nearest to the neighbouring dwelling. He added that condition 6 addressed any concerns of noise.

In response to a question in relation to the number of objections received regarding the application, the Principal Planning Officer confirmed that objections had been received from 40 people from as far away as Malvern. It was noted that there were only two residential dwellings in the proximity of the application site.

Members praised the applicant and the neighbouring resident for their willingness to work together to overcome any issues. They added that there seemed to be a question mark over the ownership of the dividing fence and questioned whether the applicant would be willing to get the fence repaired as a gesture of goodwill if the application was approved. They also noted that there had been a breach of conditions on the site and requested that the site be monitored closely to ensure compliance.

In response to a question regarding the hours of operation, the Principal Planning Officer advised that the existing building was permitted for use until 8pm and could not be restricted to a 6pm terminal hour. It was therefore reasonable to allow the new unit the same hours of operation.

**RESOLVED**

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

- 1 **A01 Time limit for commencement (full permission)**
- 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 including a colour chart and the appropriate British Standard Paint number of the paint colours to be used on the wall and roof materials**

**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 **Prior to the first use of the extension hereby permitted, its south western elevation shall be constructed in full accordance with the recommendations as set out in the Noise Assessment dated 22 January 2010 and shall include the further specified noise insulations measures comprising 60mm Kingspan composite plus 18mm ply to the walls and 80 mm Kingspan Composite plus 15 mm plasterboard to the roof unless otherwise agreed in writing by the local planning authority. Thereafter the noise insulation measures shall remain in-situ and be maintained to the satisfaction of the Local Planning Authority;**

**Reason: To safeguard the amenities of the occupiers of the dwelling currently known as Hoe Farm to the south-west.**

- 4 **No additional doors, windows, openings or voids of any kind shall be inserted, placed or formed in the south-western elevation of the building hereby permitted without the prior written consent of the Local Planning Authority;**

**Reason: To safeguard the amenities of the occupiers of the dwelling currently known as Hoe Farm to the south-west.**

- 5 **Prior to the first use of the new building hereby permitted the dust extraction units upon the existing workshop building shall be sound proofed in accordance with the scheme detailed upon the relevant drawing received on 29 January 2010 and shall thereafter be maintained to the satisfaction of the Local Planning Authority.**

**Reason: To safeguard the amenities of the occupiers of the dwelling currently known as Hoe Farm to the south-west.**

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

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

**Nor at any time on Sundays, Bank or Public Holidays.**

**Reason: To safeguard the amenities of the occupiers of the dwelling known as Hoe Farm and 'Fox Grove'.**

- 7 The resultant building shall be used for the manufacture and finishing of furniture and as a joiners workshop only (including any other purpose in Class B2 of the Town and Country Planning (Use Classes Order) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).**

**Reasons:**

- a) To safeguard the occupiers of the dwelling currently known as Hoe Farm to the south-west; and**
- b) To ensure that the level of parking provision is sufficient and that the local highway network is adequate to cater with the level and type of vehicular movements.**

- 8 Prior to the first use of the building hereby permitted the vehicle parking, turning and manoeuvring areas for vehicles shall be laid out with appropriate markings and fully implemented. Thereafter these areas shall be kept available for such use.**

**Reason: In the interests of highway safety.**

- 9 Prior to the first use of the building hereby permitted the new septic tank detailed in the application submission shall be installed and thereafter maintained.**

**Reason: To ensure adequate non-mains sewerage arrangements.**

- 10 There shall no open storage outside the confines of the building:**

**Reasons:**

- a) To safeguard the visual appearance of the area; and**
- b) To ensure that the occupiers of the dwelling currently known as Hoe Farm to the south-west do not suffer an undue loss of amenity.**

- 11 The landscaping shown upon the approved plans shall be fully implemented in the first planting season following completion or first use of the building hereby permitted (whichever is the sooner). Any trees or plants which within a period of five years from 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.**

- 12 B01 - Development in accordance with approved plans**

**INFORMATIVES:**

- 1 N19 Avoidance of doubt - Approved Plans**



## 2 N15 Reason(s) for the Grant of PP

### 117. DMNE/092262/F - FREEMAN'S PADDOCK, BROMTREES HALL, BISHOP'S FROME, HEREFORDSHIRE, WR6 3BY

*Change of use of land from agricultural to family travellers site, plus retrospective application for construction of barn and new access.*

The Senior Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mr. Field spoke on behalf of Bishop Frome Parish Council, Mr. Mann spoke in objection to the application and Mr. Baines spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PM Morgan, the local ward member, commented on a number of issues, including:

- There were genuine local concerns about the proposal which needed to be taken seriously and in the context of the Unitary Development Plan policies.
- Referring to policies S1 (Sustainable Development), DR1 (Design) and LA2 (Landscape Character and Area Least Resilient to Change), concerns were expressed about the sustainability of the proposal and its impact upon the appearance and distinctive character of the area.
- Local residents disputed the comment of the Conservation Manager that '...there were limited views into the site from public vantage points...' and they did not consider that the proposal would safeguard landscape quality and visual amenity. It was questioned whether the proposed landscaping scheme would adequately screen the structures, particularly in winter. Landscape quality was described as the county's most valuable asset and high standards of sustainability and design should be required.
- Referring to policies H7 (Housing in the Countryside Outside Settlements) and H12 (Gypsy and Other Travellers), Councillor Morgan noted the need for sites to be in sustainable locations, with access to services and facilities. It was not considered that a case had been made for an exception site in this open countryside location. She felt that it was likely that the occupants would need to use vehicles given the distance to Bishops Frome and lack of footpaths.
- Councillor Morgan questioned the comment in the report that 'Compared to Bosbury, the applicants' current residence, Bishops Frome offers more services, facilities and is a more sustainable location to be based'. She compared the two locations and was of the opinion that Bosbury met better the infrastructure considerations identified in Circular 1/2006 (Planning for Gypsy and Traveller Caravan Sites).
- Councillor Morgan disagreed with the comment in the report that 'The agricultural building is considered of a size and scale commensurate with the landholding and agricultural activities taking place' and felt that the dimensions of the barn could conflict with policy E13 (Agricultural and Forestry Development). It was noted that Circular 1/2006 suggested that consideration be given to separate sites for residential and for business purposes if a mixed site was not practicable.
- Councillor Morgan felt that the application failed on a number of fronts and was contrary to adopted planning policies, particularly S1, LA2, H12 and E13.

Councillor JD Woodward noted that the site was outside the village settlement boundary and, referring to business case requirements in respect of live/work units, did not consider that the case had been made for this development. She noted problems with affordability but said that the acquisition of land did not necessarily mean that planning permission would follow. The sustainability of the agricultural enterprise, particularly if the occupants were employed elsewhere, was questioned. The ability of the authority to control the occupation of the site was also questioned. The Senior Planning Officer advised that the proposal had been designed as a small-scale family site and drew attention to recommended condition 16 which set out the restrictions on occupation. He also advised that Bishops Frome was a main village and, as such, was considered a sustainable location.

Councillor B Hunt made a number of comments, including:

- There were difficulties with this type of application and strong reservations were expressed about national guidance in this area.
- The relevant departments should resolve any problems experienced on Council owned sites.
- It was noted that the Parish Council, local residents and the CPRE had raised numerous objections to the proposal.
- There was concern about the lack of information about access to utility services for the development.
- It was questioned whether the controls to limit the development to two caravans and prevent further expansion were adequate or enforceable.
- Concern was expressed about the comment in the report that ‘...as with choice based letting in respect of social housing, someone should not be forced to live somewhere because there are vacancies’ given that the high levels of demand for any form of social housing in the county.
- He questioned the employment opportunities available in the immediate vicinity of the site and disagreed that public transport provided regular access between Bishops Frome and the market towns.
- He supported the views of the local ward member that Bosbury was a more sustainable location, despite the main village designation of Bishops Frome, and that the agricultural building was not commensurate with the landholding.
- He felt that the application should be refused as being contrary to policies S1, LA2, H12 and H13.

The Head of Planning and Transportation advised that the committee needed to give appropriate weight to national guidance and local planning policies which gave a degree of priority to traveller sites. It was for the committee to conclude whether all the other material planning considerations outweighed the policy considerations. He also emphasised the need to focus on this particular application.

Councillor ACR Chappell felt that there was a need to apologise to the applicants for any perceived prejudice in the comments of others. Referring to an example in his own ward, he noted that Council owned sites could be problematic and recognised the applicant's desire to live in the traditional manner. In response to questions, the Senior Planning Officer confirmed that any covenants on the land were civil and not planning matters and said that the fact that the applicant lived on a Council owned site inferred that the status requirements had been met. Councillor Chappell noted that there was a long history of travellers in Herefordshire, particularly associated with agricultural activities. He said that, as in all communities, there was only a small minority of people

that behaved anti-socially and there was no reason to believe that this site would result in any problems. Therefore, he supported the application.

Councillor DW Greenow noted the difficulties associated with identifying suitable pitches in rural locations to enable travellers to live in a traditional manner. He added that, whether close to a village or more remote, travellers often ran up against the general problem of prejudice against such developments. Although he supported the principle of the application and felt that this was a suitable site, he did consider that there needed to be proper justification for the size of agricultural building and for appropriate conditions to control its use.

In response to questions, the Head of Planning and Transportation outlined national guidance and criteria considerations and re-iterated that it was for the committee to make a judgement about the acceptability of the application given the material planning considerations.

Councillor PGH Cutter said that the committee could only consider the planning issues relevant to the determination of this application. Referring to comments about the limited amenities in the village, he noted that the occupants of dwellings in the locality managed despite the issues identified. He commented on the importance and relevance of the 'No Prejudice in HEREFordshire' campaign. He also commented that, as with any development, the authority expected developers to comply with the conditions on any planning permission granted.

Councillor B Hunt re-iterated his view that the application should be refused.

The Locum Lawyer explained the relevance of the policy considerations and commented on the authority's obligations under the Race Relations Act. In response to a comment by Councillor B Hunt, the Locum Lawyer said that there was a duty on the authority to promote good race relations.

Councillor JE Pemberton said that there was a need to respect lifestyle choices and noted that times change for all communities.

Councillor Morgan was given the opportunity to close the debate in accordance with the Council's Constitution. She commented that Bishops Frome had been a significant hop growing area historically and had a long tradition of good relations with travellers. She emphasised that the concerns of local residents related to the planning policies, including S1, DR1, DR2, H13, LA2 and E13. Given the concerns about sustainability, landscape impact and access to services and facilities, Councillor Morgan did not consider that the case for an exception site in this location had been made.

A motion to approve the application failed. Attention was drawn to section 4.8.10.2 of the Council's Constitution regarding the Further Information Report process. The Locum Lawyer, representing the Monitoring Officer, said that the policy considerations and recent circulars compelled closer examination and the Head of Planning and Transportation said that the detailed wording of potential reasons for refusal needed to be assessed. Consequently, a Further Information Report would be required and the determination of the application would have to be deferred until the next meeting of the Planning Committee.

**RESOLVED:**

**That consideration of planning application DMNE/092262/F be deferred for a Further Information Report.**

**118. DMNE/100235/F - LEADON COURT, FROMES HILL, HEREFORDSHIRE, HR8 1HT**

*Erection of 11 kW masted wind turbine.*

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes. Following the receipt of the comments of the Environmental Health Protection Manager, the recommendation was amended accordingly.

**RESOLVED:**

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

- 1 A01 Time limit for commencement (full permission)**
- 2 An annual report detailing any bat or bird fatalities associated with the domestic wind turbine hereby permitted shall be submitted to the Local Planning Authority for a period of three years after the installation of the wind turbine. Monthly checks shall be made from 1 May to 31 October in each calendar year as a minimum and the report shall include dates, times, location and condition (dead or injured, and type of injury where identified) of all bats and birds found within a 5 metre radius of the domestic wind turbines.**

**The landowner shall afford access at all reasonable times to any ecologist nominated by the Local Planning Authority for monitoring purposes, between May and September each calendar year for a period of 3 years from completion of installation.**

**Reason: To provide information on bats and birds affected by domestic wind turbines to Herefordshire Council for research purposes, in the interests of biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006. To comply with Herefordshire Council's UDP Policies NC5 and NC6 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.**

- 3 The wind turbine hereby permitted shall be removed from the land within six months of it no longer being required for harnessing wind energy or no longer fulfilling its purpose due to it having reached the end of its useful life.**

**Reason: To safeguard the open countryside from structures that no longer have a useful function/purpose.**

**INFORMATIVES:**

- 1 N15 Reason(s) for the Grant of PP/LBC/CAC**
- 2 N11A Wildlife and Countryside Act 1981 (as amended) – Birds**
- 3 N11B Wildlife & Countryside Act 1981 (as amended) & Cons (Nat. Hab Bat)**

**119. DMCW/100454/FH - 8 LEIGH STREET, HEREFORD, HEREFORDSHIRE, HR4 9PD**

*Single storey extension, new bay windows and hipped slate roof to replace existing flat roof.*

The Development Control Manager gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes. Following the receipt of the comments from Welsh Water, an additional informative note was recommended and it was noted that a copy of the plan from Welsh Water would be attached to the decision notice.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PA Andrews, a local ward member, commented that there had been reservations about design elements of a previous submission [DMCW/093174/FH refers] but the local ward members had no objections in principle to this application.

**RESOLVED:**

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

- 1 A01 Time limit for commencement (full permission).**
- 2 B01 Development in accordance with the approved plans (drawing nos. RAC/1, RAC/2, RAC/3).**
- 3 C03 Matching external materials (general).**
- 4 I16 Restriction of hours during construction.**

**Informatives:**

- 1 NC01 Alterations to submitted/approved plans.**
- 2 N15 Reason(s) for the Grant of PP/LBC/CAC.**

**120. DMSE/093151/F - CARADOC, SELLACK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LS**

*Erection of six detached houses (Amendment to SH940997PF).*

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes. He added that, since the updates sheet had been produced, two further letters had been received from a planning consultant acting on behalf of an adjacent landowner and the contents were summarised. In addition, a petition containing 318 signatures had been received.

In accordance with the criteria for public speaking, Mr. Harvey spoke in objection to the application and Mr. Baume spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor JA Hyde, the local ward member, commented on a number of issues, including:

- The site was in a sensitive location where new residential development would not be contemplated ordinarily and there was sympathy for the views expressed by local residents and interested bodies. Nevertheless, as detailed in the Officer's Appraisal, the application derived from an approved enabling scheme to finance the restoration of Caradoc Court. Consequently, the applicant was free to implement the planning permission from 1995.
- Attention was drawn to paragraph 6.10 of the report which concluded that '...the financial evidence available confirms that the current proposal is no more profitable than the extant scheme...'
- Benefits arising from the current application included enhancements in terms of design and mitigating impact on protected trees. In respect of access and parking arrangements, it was noted that both schemes involved the use of the bridleway and it was not considered that the new proposal would generate more traffic.
- The officer's report was commended for thoroughness and the detailed background information provided. The concerns of local residents were noted but the extant planning permission remained a key factor in the determination of the current application.

Councillor PJ Watts commented on the level of investment in the restoration of Caradoc Court, that architectural design had moved on since 1995, and he did not consider that a site inspection was necessary given the extant planning permission.

Councillor ACR Chappell said that the principle of development had been established in 1995 and the Planning Committee needed to consider the comparative merits of the schemes. He concurred with the assessment regarding traffic impact, particularly given the property types proposed. Given the applicant's fallback position, he supported the recommendation of approval.

Councillor PJ Edwards noted the need for adequate consideration of the material planning considerations, particularly as development in this location was contrary to a number of adopted planning policies. Some reservations were expressed about the change of design from cottage to executive style dwellings and about the means of access for emergency, routine services and refuse collection vehicles.

In response to questions and comments:

- ♦ The Principal Planning Officer advised that dressing rooms in some of the extant scheme house types would be capable of modification to provide 4 bedrooms; it was noted that overall gross floor area was identical in both schemes. He acknowledged the concerns about vehicular access but the extant planning permission was considered a decisive factor.
- ♦ The Locum Lawyer explained the role of the local planning authority in controlling development, with particular reference to Section 55 of the Town and Country Planning Act 1990.

Councillor PGH Cutter said that local residents' concerns were understandable but the fact remained that the approved scheme could be implemented at any time. It was noted that enabling development had been considered necessary by South Herefordshire District Council to secure the restoration of Caradoc Court and the investment made had not been realised yet. He said that the case in support of the application had been well made by the local ward member and in the officer's report.

Councillor Hyde was given the opportunity to close the debate in accordance with the Council's Constitution. She reiterated the issues mentioned her opening statements,

with emphasis on the extant planning permission, and considered the current application to be more acceptable in aesthetic terms.

**RESOLVED:**

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

- 1 A01 Time limit for commencement (full permission)**
- 2 B03 Amended plans**
- 3 B07 Section 106 Agreement**
- 4 C01 Samples of external materials**
- 5 D04 Details of window sections, eaves, verges and barge boards**
- 6 D05 Details of external joinery finishes**
- 7 D10 Specification of guttering and downpipes**
- 8 E03 Site observation – archaeology**
- 9 F14 Removal of permitted development rights**
- 10 I16 Restriction of hours during construction**
- 11 H03 Visibility splays**
- 12 H04 Visibility over frontage**
- 13 H13 Access, turning area and parking**
- 14 H27 Parking for site operatives**
- 15 H29 Secure covered cycle parking provision**
- 16 I18 Scheme of foul drainage disposal**
- 17 G04 Protection of trees/hedgerows that are to be retained**
- 18 G05 Pre-development tree work**
- 19 G06 Remedial works to trees**
- 20 G07 Protection of trees covered by a Tree Preservation Order**
- 21 G09 Details of boundary treatments**
- 22 G10 Landscaping scheme**
- 23 G11 Landscaping scheme – implementation**
- 24 Prior to commencement of the development, a full biodiversity protection and enhancement strategy should be submitted to and approved in writing by the local planning authority. This scheme should incorporate the recommendations as set out in the ecologist's report dated December 2008,**

**with the work implemented as approved and maintained thereafter as such. An appropriately qualified ecological clerk of works should be appointed to oversee the ecological protection and enhancement work.**

- 25 Within 3 months of the date of this planning permission. A management plan for Castlemeadow Wood Special Wildlife Site shall be submitted to the local planning authority for written approval. This shall be implemented as approved.**

**INFORMATIVES:**

- 1 HN01 Mud on highway**
- 2 HN04 Private apparatus within highway**
- 3 HN05 Works within the highway**
- 4 HN28 Highways Design Guide and Specification**
- 5 N11C General**

- 121. DMNW/092650/F - THE HIGHLANDS WORKS, STANSBATCH, LEOMINSTER, HEREFORDSHIRE, HR6 9LL**

*Proposed extension to existing building and change of use from B1 (business use) to live/work unit.*

The Northern Team Leader Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes. He also corrected an error in paragraph 6.7 of the report.

In accordance with the criteria for public speaking, Mr. Edwards spoke on behalf of Titley and District Parish Council and Mrs. Lloyd spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor RJ Phillips, the local ward member, commented on a number of issues, including:

- It was noted that a separate residential building in this location was unlikely to be supported but this proposal would appear as an extension to an existing building and would not have any significant further impact on the landscape character of the area.
- There was genuine functional need to serve the rural enterprise and on the basis of its long term financial viability, particularly as the enterprise supported a number of important local agricultural businesses that required out of hours service. Consequently, Councillor Phillips considered that the proposal complied with policies H7 (Housing in the Countryside Outside Settlements) and H8 (Agricultural and Forestry Dwellings Associated with Rural Businesses).
- Councillor Phillips also considered that the residential element had been carefully sited within the existing unit, with the elevations softened by timber cladding, and complied with policies DR1 (Design) and LA2 (Landscape Character and Areas Least Resilient to Change).
- If members were minded to grant planning permission, he suggested that officers, in consultation with the Chairman and the local ward member, be authorised to issue planning permission subject to conditions considered



necessary by officers, to include a condition linking the residential element to the business.

A number of members spoke in support of the application, comments included:

- The live / work elements of this particular rural enterprise were closely linked.
- The enterprise supported other agricultural businesses both locally and further afield; it was noted that communication with international customers would necessarily require extended working hours.
- The proposal was considered a sustainable form of development and delegation to issue planning permission subject to conditions was proposed.
- A concern was expressed about safety for children around the building and it was suggested that this could be addressed through the conditions.
- It was not considered that landscape impact would be so significant as to warrant refusal of planning permission.

Councillor Phillips was given the opportunity to close the debate in accordance with the Council's Constitution. He reiterated the functional and financial justification for the development and considered that the scheme was in accordance with the planning policies.

As members were minded to determine the application contrary to the officer recommendation, attention was drawn to section 4.8.10.2 of the Council's Constitution regarding the Further Information Report process. The Head of Planning and Transportation and the Locum lawyer, representing the Monitoring Officer, both concluded that a Further Information Report would not be required given the committee's assessment of the adopted planning policies.

Councillor PJ Edwards, although supportive of the application, expressed concern about consistency in the application of the Further Information Report process. The Chairman advised that further training was to be arranged for Members and that this would provide the opportunity to clarify the procedure.

**RESOLVED:**

**That officers named in the Scheme of Delegation to Officers, in consultation with the Chairman, Vice-Chairman and the Local Ward Member, be authorised to issue planning permission subject to conditions considered necessary by officers.**

**122. DMNC/100481/CD AND DMNC/100482/L - GRANGE COURT, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NL**

*DMNC/100481/CD - Proposed removal of existing minor extensions, internal alterations and new extension to form offices and community rooms for rent (amendments to previously approved planning application DCNC2009/0435/CD).*

*DMNC/100482/L - Proposed removal of existing minor extensions, internal alterations and new extensions to form offices and community rooms for rent (amendments to previously approved planning permission DCNC2009/0436/L).*

The Northern Team Leader gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes. In response to the additional representations, amendments were suggested to require: obscure

glazing to a toilet window; to increase the height of a boundary wall commensurate with other walls; and to delete a window from the gable.

In accordance with the criteria for public speaking, Mrs. Butler and Mrs. Rulton spoke in objection to the application and Mr. Duckham spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor RC Hunt, a local ward member, commented on a number of issues, including:

- Noting the concerns of the objectors, Councillor Hunt said that communication with local residents about works to Grange Court and its grounds could have been managed better.
- He supported the new drawings and considered some of the design elements to be an improvement on the original scheme, particularly to the central foyer / reception area to define the entrance better.
- He welcomed the suggested amendments to the window and wall treatments to mitigate the impact on residential amenity.
- Concern was expressed about the delay to highway works in the vicinity of the site.

In response to a question from a member, the Northern Team Leader explained that the applications were presented for consideration prior to the expiry of the consultation period given the identified urgency to comply with funding requirements. The Development Control Manager said that delegated authority was sought to approve the application but this would not be exercised if any representations raising substantially new material planning objections were received. He added that listed building consent would need to be referred to the Secretary of State in any case. The Head of Planning and Transportation said that it was regrettable that there was a perception that the scheme had not been managed as well as it could have been and that he would pass the message on to the relevant parties to urge the involvement of local residents to a greater extent.

A number of members supported the applications.

Councillor RC Hunt was given the opportunity to close the debate in accordance with the Council's Constitution. He welcomed the officer comments and commitments.

#### **RESOLVED:**

**In respect of application for planning permission DMNC/100481/CD:**

- a) **Subject to the receipt of no representations raising substantially new issues not previously considered by the end of the statutory consultation period, that the Head of Planning and Transportation be delegated to grant planning permission subject to the following condition:**

- 1 B04 amendment to existing permission**

#### **INFORMATIVES:**

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

**In respect of application for listed building consent DMNC/100482/L:**

**b) That the application for listed building consent is referred to the Secretary of State for the Department of Communities and Local Government with a recommendation that the Council is minded to approve the application subject to the following condition:**

**1 B04 listed building consent**

**INFORMATIVES:**

**1 N15 – Reason(s) for the Grant of Listed Building Consent**

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

**123. DATE OF NEXT MEETING**

Members noted that the next meeting of the Planning Committee would take place on Wednesday 12 May 2010.

**APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES**

The meeting ended at Time Not Specified

**CHAIRMAN**



## SCHEDULE OF COMMITTEE UPDATES

**7 DMCE/091754/F - Erection of free standing timber deck to front of Public House, deck to include ambulant stepped access. Provision of satellite dish to building frontage at New Inn, Bartestree, Hereford, HR1 4BX**

**DMCE/091755/L - Erection of free standing timber deck to front of Public House, deck to include ambulant stepped access. Provision of satellite dish to building frontage at New Inn, Bartestree, Hereford, HR1 4BX**

**For: Ms Bird per Ms Penny Bird, New Inn (Public House), Hagley Hill, Bartestree, Hereford, HR1 4BX**

### ADDITIONAL REPRESENTATIONS

The Historic Building and Conservation Officer has made the following comments on the amended plans:

‘This is a fine Victorian Villa which makes a major contribution to the character of the area. It has many features of historic interest internally including tiles and fireplaces. We advised that the proposal needed consent and suggested an appropriate location. This advice has been ignored. We would still strongly object and recommend refusal. The proposal has increased the impact due to the larger ramp which is now proposed. The proposal would therefore continue to have a major impact on the character of the building as stated previously.

The timber deck has a major detrimental impact on the main façade of this important listed building as it is completely alien, very visually intrusive and damaging to the character of the building. Its domestic, suburban appearance disrupts the entrance and is completely at odds with the high quality materials, detailing and finishing found on the rest of the façade. We therefore believe that the proposal is contrary to the Herefordshire UDP Policy HBA 4 which states that “Development proposals which would adversely affect the setting of a listed building will not normally be permitted.” It would be highlighted that we have discussed the hedge with the landscape team leader. She believes that the hedge mix would be completely out of keeping with the local area and would detract from the setting of the building. We also have major concerns about the principle of the hedge. Either the proposal should be of a high enough quality to preserve and enhance the building or it should be refused. The principle of planting the hedge accepts that this proposal would be detrimental to the appearance of the building and therefore there is a need to hide this extension behind planting. It would be highlighted that the planting could be removed after a relatively short period but the decking would be permanent.

We would strongly object and recommend refusal as the proposal has a most detrimental impact on the appearance and setting of the listed building. The team leader of landscape believes that the hedge mix is completely inappropriate and would make the situation worse rather than better. Therefore the proposal is contrary to policy. Should permission be granted contrary to our advice we would recommend that the hedge mix be changed and that an agreement be signed that the decking is removed if the business ceases to operate’.

### OFFICER COMMENTS

The consultation response from the Council’s Historic Building and Conservation Officer above reinforces the assessment and recommendation contained within the report to Committee.

### NO CHANGE TO RECOMMENDATION

**8 DMNE/092736/F - Proposed conversion of redundant mill to form live/work unit at Hazle Mill, Hazle Farm, Dymock Road, Ledbury, Hereford, HR8 2HT**

**For: Mr Lewis per Nigel Teale, Bramble Farm, Naunton, nr. Upton-upon-Severn, Worcestershire, WR8 0PZ**

## **ADDITIONAL REPRESENTATIONS**

I have received the following consultation response from the Council's County Land Agent:-

"I have looked at the proposals and make the following points:-

### **1. Area**

The area of the woodland at the centre of the proposed business is 9.5 acres and in itself will not produce enough materials to make sufficient profit to come up to the required level of minimum agricultural wage in the foreseeable future. Extra woodland is to be managed/rented, but no details are given.

### **2. Financial**

The proposal is for a permanent dwelling, conversion of an existing building to a live work unit rather than a temporary building, normally applied for at the start of a new business. The cash flows indicate that there is little probability of the business reaching the normally required level of profitability, which is minimum average wage at present £14,630.40, plus cost of capital on the permanent dwelling which is taken at 3% on £120,000 (£3,600) giving a total of £18,230.40.

Under PPS7, Annex A, Para 8 allows for subsistence basis financial acceptance in certain cases for example "encouraging attractive landscapes or wildlife habitats". In my opinion this would not be appropriate in this case. Therefore, in my opinion the financial case is not made.

### **3. Need**

There is no explanation of why there is a "need" to be on site full time, none of the enterprises would appear to demand it, therefore, it would appear to be convenient rather than essential.

### **4. The Business Plan**

Forestry report is lacking in substance/contents. There are no details of where the markets are, nor price nor cost of production, for any of the products.

There are no details of where the timber/coppice is to come from, which will start the business up and allow it to continue for the first 7 years.

There is a general shortage of necessary information with firm facts and figures.

### **Summary**

In my opinion the report leaves too many gaps for a proper opinion of the long term viability of the enterprise to be made. In my opinion a full report/business plan is required for a fully resourced opinion to be given."

## **OFFICER COMMENTS**

The consultation response above re-enforces the assessment and recommendation contained within the report to Committee.

## **NO CHANGE TO RECOMMENDATION**

**10 DMNE/092262/F - Change of use of land from agricultural to family travellers site, plus retrospective application for construction of barn and new access at Freeman's Paddock, Bromtrees Hall, Bishop's Frome, Herefordshire, WR6 3BY**

**For: Mr Michael Freeman, 6 Tinkers Corner Caravan Site, Bosbury, Herefordshire, HR8 1HZ**

#### **ADDITIONAL REPRESENTATIONS**

A further letter of representation has been received from Mr Glazzard, who is acting on behalf of an unspecified local resident. The letter further reemphasises the objector's opinion that the application should not have been validated given the 'poor technical quality' of the submission. The letter also goes on to emphasise the 'strength of feeling against the application' and that if approval is granted a legal challenge could follow.

#### **OFFICER COMMENTS**

The application was registered and validated, with additional information obtained from the applicant via their agent. This additional information was made public and an extra consultation period provided. The plans are to scale and accurate, and the Local Planning Authority considers that if approval is granted, the submitted plans are sufficient to ensure the recommended conditions can be enforced.

#### **NO CHANGE TO RECOMMENDATION**

**11 DMNE/100235/F - Erection of 11 KW masted wind turbine at Leadon Court, Fromes Hill, Herefordshire, HR8 1HT**

**For: Mr Morgan per Mr Julian Morgan, Leadon Court, Fromes Hill, Herefordshire, HR8 1HT**

#### **ADDITIONAL REPRESENTATIONS**

The Environmental Health Protection Manager advises:-

"I can confirm that I have had opportunity to look at the application for a Gaia 11kw wind turbine on land at Leadon Court Fromes Hill. The turbine is proposed to be located in a field north of the residential development known as the Uplands.

The noise data provided with the application follows the advice given in the British Wind Energy Association Small Wind Turbine Performance and Safety Standard (Feb 2008). Having considered the likely noise emissions as experienced at the nearest dwelling using the methodology of appendix A of the aforementioned standard I have formed the opinion that there is no reason to object to this proposal on the grounds of unacceptable noise levels."

#### **OFFICER COMMENTS**

#### **CHANGE TO RECOMMENDATION**

Amend to:-

Planning Permission be granted subject to conditions:

**12 DMCW/100454/FH - Single storey extension, new bay windows and hipped slate roof to replace existing flat roof at 8 Leigh Street, Hereford, Herefordshire, HR4 9PD**

**For: Mr R Cheasley, 8 Leigh Street, Westfields, Hereford, HR4 9PD**

#### **ADDITIONAL REPRESENTATIONS**

Welsh Water – advise that the proposed development site is crossed by a public sewer and that no development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line.

#### **OFFICER COMMENTS**

It appears that the line of the public sewer passes close the proposed bay windows at the front of the house. It is recommended that the applicant be informed of Welsh Water's response by the inclusion of an informative note and a copy of Welsh Water's plan.

#### **NO CHANGE TO RECOMMENDATION**

Add Informative Note I39 and attach copy of the plan from Welsh Water to the decision notice

**13 DMSE/093151/F - Erection of six detached houses (Amendment to SH940997PF) at Caradoc, Sellack, Ross-on-Wye, Herefordshire, HR9 6LS**

**For: Mr H Bramer per Mr D F Baume, 41 Widemarsh Street, Hereford, HR1 9EA**

#### **ADDITIONAL REPRESENTATIONS**

6 further letters of objection from existing correspondents have been received. Issues raised are covered in the officer's report at paragraph 5.9 but focus upon the following:

- Concern that the proposed parking and access arrangements are unsatisfactory given the potential intensification of use when compared to the 1995 permission;
- Concern that the current proposal is more valuable to the developer than the 1995 permission, which would be contrary to guidance on enabling development;
- Concern at the impact of the proposal upon protected trees around the site periphery;
- The conditions of the listed building consent for the restoration of the Court have been breached, bringing into question the validity of the enabling development as a principle.

A further letter has been received from the applicant's consultant Arboriculturalist. He contends that the current application improves the situation in relation to the trees. There are no obligations upon the developer to use no-dig construction methods in implementing the extant scheme, whereas the current proposal would be subject to more control via planning conditions. He accepts that the "situation here is not ideal with regard to arboricultural impact" but considers that the present proposal does represent a significant improvement.

#### **NO CHANGE TO RECOMMENDATION**



**14 DMNW/092650/F - Proposed extension to existing building and change of use from B1 (Business use) to Live/Work unit at The Highlands Works, Stansbatch, Leominster, Herefordshire, HR6 9LL**

**For: Mr Lloyd per Mr C Campbell, 141 Bargates, Leominster, Herefordshire HR6 8QS**

#### **ADDITIONAL REPRESENTATIONS**

An objection has been received from A&T Thorpe Highland, Stansbatch, Leominster, on the following grounds: - No need to live on site, the applicant does not have to live so far away at Tenbury and there have been a number of houses for sale locally.

#### **OFFICER COMMENTS**

No further comment.

#### **NO CHANGE TO RECOMMENDATION**

**15 DMNC/100481/CD - Proposed removal of existing minor extensions, internal alterations and new extension to form offices and community rooms for rent (Amendments to previously approved planning application DCNC2009/0435/CD) at Grange Court, Pinsley Road, Leominster, Herefordshire, HR6 8NL**

**DMNC/100482/L - Proposed removal of existing minor extensions, internal alterations and new extensions to form offices and community rooms for rent (Amendments to previously approved planning permission DCNC2009/0436/L)**

**For: Mr Williams per Mr Frederick Gibson, 14 The Tything, Worcester, WR1 1HD**

#### **ADDITIONAL REPRESENTATIONS**

Transportation Manager – Raises concern about apparent use of the rear entrance onto Pinsley Road due to its poor visibility and insufficient manoeuvring space within the entrance. Numerical analysis shows that insufficient parking spaces are provided but the close proximity to Etnam Street and Bridge Street car parks as alternatives is acknowledged. Finally the comments advise that a temporary Traffic Regulation Order (TRO) has been proposed to create a temporary one way system along Pinsley Road/Church Street.

The Conservation Manager advises that provided the same conditions are imposed as previously there are no further comments.

Public Rights of Way Manager raises no objection.

Leominster Town Council – Recommends approval but asks that consideration is given to replacing the hedge bordering the southern office block.

3 letters of support has been received from  
Mr & Mrs Wingrave, 80 Etnam Street, Leominster  
Bill Jackson, Chairman of LARC.  
The Revd Michael Kneen team vicar

Seven letters expressing concern about the applications have been received from:  
 Ms F Butler, Tamarisk House, 2 Pinsley Road, Leominster  
 Mr J Gaunt, Pentwyn, Green Lane, Leominster  
 Mrs M Howells, Pilgrims Inn, 12 Pinsley Rd.  
 Mrs W Rulton, 20 Pinsley Rd.  
 Mrs V Smith, Holly Cottage, 1 Pinsley Rd.  
 Duncan James 37 High St Leominster.  
 Peter Draper Associates on behalf Mr I Gaskin.

In summary the points raised are as follows:

- Continued concern about increased traffic movements along Pinsley Road.
- The plans are detrimental to the setting of Grange Court.
- The need for additional community facilities is questioned.
- An alternative scheme to convert Grange Court to residential apartments or other uses should be considered.
- The accuracy of the information provided on the application form is queried.
- Plans appear to show that the ridge height of part of the north elevation is to be lifted. If so this is considered to be a major structural alteration affecting the integrity of the Grade II\* listed building.
- The main change is in the roof alteration making it higher and a long window overlooking the garden of No2. Pinsley Rd.
- The plans still show vehicular access off Pinsley Rd, with no mention of the proposed new one way system.
- There are 24 empty offices in Leominster, who will use it?
- Loss of trees resulting in detriment to both the setting and views of Grange Court.
- Additionally there are objections which relate to the original principles of the first application and the ignoring of advice of statutory consultees in the earlier decision.
- Loss of privacy due to window in end of south wing, although at high level its appearance over wall is invasive. Mr Gaskin requests that this end of the wing be amended to a hipped end with no window.

## **OFFICER COMMENTS**

The principle of Grange Court being converted and extended has been established through the earlier planning permission and listed building consent. Concerns raised about the principle of the development have already been carefully considered and addressed, particularly in respect of increased traffic movements along Pinsley Road, in terms of the impact upon the setting of Grange Court as a Grade II\* listed building and on the grounds of community need. The issue of alternative uses is not material to this proposal as the application simply requires the Council to consider the acceptability of the proposals before it.

The use of the rear access onto Pinsley Road is dealt with through the conditions recommended that advise the applicant that the proposal is an amendment to the original planning permission and all of the previously imposed conditions remain relevant. Condition 18 of planning permission NC09/0435/CD requires that the access is used only by pedestrians.

The changes proposed to the two single storey wings do not include an increase in their height. The increase in height relates to the parapet of the foyer element of the new build.

Since the plan was submitted the first floor window in the north elevation has been relocated to the east to avoid any chance of overlooking no2. Pinsley Rd.

The element referred to in the final bullet point has previously been approved and shows no amendment. Since this is a high level window providing additional light only if Members share the concern of the neighbour a condition can be added to require this window to be deleted from the gable.

## **NO CHANGE TO RECOMMENDATION**