

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday, 24th April, 2007 at 2.00 p.m.

Present: Councillor J.W. Hope MBE (Chairman)
Councillor K.G. Grumbley (Vice Chairman)

Councillors: B.F. Ashton, Mrs. L.O. Barnett, P.J. Dauncey, Mrs. J.P. French, J.H.R. Goodwin, P.E. Harling, B. Hunt, T.W. Hunt, Brig. P. Jones CBE, R.M. Manning, R.J. Phillips, D.W. Rule MBE, J. Stone and J.P. Thomas

171. APOLOGIES FOR ABSENCE

Apologies were received from Councillor RBA Burke

172. DECLARATIONS OF INTEREST

| Councillor | Item | Interest |
|-------------------------------|---|---|
| Cllr Mrs LO Barnet | Agenda item 7, Minute 177 DCNW2006/3978/F - steel portal framed production and storage buildings, lorry park, alterations to internal roadways and new access at Kingspan Insulations Ltd, Torvale Industrial Estate, Pembridge | Declared a personal interest and remained in the meeting. |
| Cllrs P Jones and J.P. Thomas | Agenda Item 12, Minute 182 DCNC2007/0861/F - proposed single storey extension to provide additional bedroom accommodation at The Forbury Residential Home, Church Street, Leominster | Declared a prejudicial interest and left the meeting for the duration of this item. |

173. MINUTES

RESOLVED: That the Minutes of the meeting held on 28th March, 2007 be approved as a correct record and signed by the Chairman.

174. ITEM FOR INFORMATION - APPEALS

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

175. TREE PRESERVATION ORDER 529, LARKRISE, KNAPP LANE, LEDBURY

The Senior Landscape Officer presented a report about the representations made in relation to proposals for a Tree Preservation Order (TPO) upon trees in the grounds of Larkrise, Knapp Lane, Ledbury. He said that an objection had been received from the owner of the site who wished to develop it. The objection related to a cherry tree which the owner said had a limited life expectancy of ten to twenty years and that it did not contribute to the future well-being or setting of the other trees within the TPO.

Having considered details of the application and the representations received, the Committee concurred with the views of the Senior Landscape Officer that it should be confirmed.

RESOLVED

THAT Tree Preservation Order no.529 at Larkrise, Knapp Lane, Ledbury be confirmed

176. APPLICATIONS RECEIVED

The Sub-Committee considered the following planning applications received for the Northern Area of Herefordshire and authorised the Head of Planning Services to impose any additional or varied conditions and reasons which he considered to be necessary.

177. DCNW2006/3978/F - STEEL PORTAL FRAMED PRODUCTION AND STORAGE BUILDINGS, LORRY PARK, ALTERATIONS TO INTERNAL ROADWAYS AND NEW ACCESS AT KINGSPAN INSULATIONS LTD, TORVALE INDUSTRIAL ESTATE, PEMBRIDGE, HEREFORDSHIRE

Councillor RJ Phillips the Local Ward Member said that following further negotiations with the applicants, he was satisfied with the proposals put forward in respect of off-street parking to serve the local school.

RESOLVED

- 1) That The Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out heads of agreement) and any additional matters and terms as he considers appropriate.**
- 2) Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:**
- 3) That the officers named in the Scheme of Delegation to Officers be authorised to amend the above conditions as necessary to reflect the terms of the planning obligation.**

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 - A07 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a

satisfactory form of development.

3 - B03 (Matching external materials (general))

Reason: To ensure the satisfactory appearance of the development.

4 - F21 (Scheme of surface water regulation)

Reason: To prevent the increased risk of flooding.

5 - F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

6 - D01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded.

7 - 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.

8 - H17 (Junction improvement/off site works)

Reason: To ensure the safe and free flow of traffic on the highway.

9 - H18 (On site roads - submission of details)

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

10 - H19 (On site roads - phasing)

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

11 - H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

- 3) That the officers named in the Scheme of Delegation to Officers be authorised to amend the above conditions as necessary to reflect the terms of the planning obligation.

Informatives:

1 - HN01 - Mud on highway

2 - HN04 - Private apparatus within highway

3 - HN05 - Works within the highway

4 - HN10 - No drainage to discharge to highway

5 - HN22 - Works adjoining highway

6 - N15 - Reason(s) for the Grant of PP/LBC/CAC**7 - N19 - Avoidance of doubt
Note to Applicant**

This permission is granted pursuant to an agreement under Section 106 of the Town and Country Planning Act 1990.

178. DCNE2006/4018/F - PROPOSED TRACK AND CAR PARK TO ALLOTMENT SITE AT FIELD NO'S 0363 AND 0824 OFF ROSS ROAD, LEDBURY (OPP RUGBY CLUB)

The Principal Planning Officer said that a further letter of representation had been received from the agent for the applicant making the following points:

- the report omitted the applicant's offer to spread a layer of top soil onto the proposed track and to spread grass seed in order to promote the growth of grass and the CPRE view that this would ensure minimal impact on the landscape;
- the report failed to mention Policy CF5 of the Unitary Development Plan that provided support for the provision of community facilities;
- the site was within easy walking distance of a number of houses on the south-western side of town and it was an Officer assumption that users are unlikely to arrive by bus;
- the association was confident that due to the profile of their members at least 50% (and probably higher) of trips to the site would be by means other than car;
- following a survey of allotment association's members, the association was confident that at least 75% of trips to the site would be either by foot or bicycle. The survey only revealed seven members who would travel to the allotments by car;
- a significant proportion of the roadside hedge could be retained;
- the proposed replacement hedge would only take 1 or 2 years to establish itself, not 20 ;
- there was a contradiction in the Council's Landscape Assessment - The Council was attempting to retain a riverside meadow whilst proposing a wet woodland in mitigation;
- the applicant had offered the planting of a hedgerow on the western side of the proposed access track;
- the issue of the requirement for future storage buildings was not a matter under consideration; and
- the report failed to stress the support for the proposal afforded by policies S8 and RST1.

The Principal Planning Officer said that the officer response to these issues is as follows:

- the undertaking to spread soil and grass seed on the proposed track surface is welcomed in principle but unlikely to be successful in practice with the following likely:
 1. if the work was carried out as an autumn sowing, the first winter flooding would wash the material away before establishment,
 2. If the work was carried out as a spring sowing, dry summer conditions would cause the sowing to fail due to drought stress;
- Gilbert & Anderson – Habitat Creation & Management (1998 OUP) explained at some length the difficulties of grassland establishment in non-normal conditions as well as normal. The likelihood of floristic habitat establishment in this situation was low that even should the application be approved, a condition requiring the seeding of this track would be unreasonable;
- Policy CF5 of the Unitary Development Plan related to the provision of community facilities (to the general public) within buildings as opposed to open-air recreational uses. Nevertheless it was accepted that in addition to being a recreational facility the provision of allotments may afford a wider community benefit;
- the allotments would be approximately 520 metres from the Ross Road, approximately 800 metres to the south-west of the Ross Road (A449) and A417 roundabout and approximately one mile from the central parts of the primary residential areas of Ledbury;
- whilst the association surveys may represent the intentions of members, it may be a different matter when actual usage occurs and, particularly some years hence, is measured. There did not appear to have been any survey work relating to existing allotment sites in other locations in terms of distances travelled and modes of transport used. The application drawing showed the provision of 16 car parking spaces, presumed to be based on the applicant's anticipated need;
- the Officer's recollection of the site meeting was different to the Agent - it was clearly demonstrated (sighting between garden canes) that approximately half of the hedge along the 160 metres of visibility splay would need to be removed and a further 10-15m would probably be no longer viable, having been reduced so much as to cause individual plants to fail. This was a significant proportion to be removed and a significant section of it would be required to be removed for the visibility splay to be achieved contrary to policy LA5. Although it was possible to recreate a hedge of the same height in two years, the same maturity of width and density would take a considerably longer period of time;
- landscape character – little could be added other than that the preferred option would be to have a restoration of the floristic value of the riverside meadow. No change in the character of the meadows would be preferred and development should be avoided. If an access track or any other feature was to be approved, then assimilation should be attempted. The Officers did not consider the introduction of the track into the landscape acceptable and that it would have a detrimental impact on the character of the landscape

- grassing over – during the site meeting it was confirmed that agricultural access tracks were an element in most agricultural landscapes. It was pointed out that they are not necessarily a defining element in a landscape and the typically wet conditions in low lying landscapes often discouraged the repeated use of one track.
- whilst the Allotment Association were willing to undertake landscaping, there was insufficient land within their control to secure an appropriate scheme.

In accordance with the criteria for public speaking, Mr Baker spoke in favour of his application.

Councillor DW Rule one of the Local Ward Members said that the Ledbury Allotments Association had been searching for a suitable site for a number of years. The application site had been identified as being the only one available that was within a reasonable distance of the town. He said that there was a strong community need for allotments in the area and the Association had found that the likelihood of finding a more appropriate site closer to the Town at a price that was affordable to them was unlikely. He pointed out that the owner of the land frequently held sales of agricultural vehicles and car boot sales upon it and felt that the existing access was adequate and would not necessitate removal of the hedge.

Councillor BF Ashton another Local Ward Member concurred with the views of Councillor Rule and felt that the access track way and allotments would not be too obtrusive on the landscape. The Principal Planning Officer reiterated the planning and ecological grounds for refusing the application. The Sub-Committee discussed the merits of a site inspection but noted that any further delays could result in the association losing the site. Councillor Mrs JP French felt that if permission was granted there should be careful controls over any sheds that were erected on site. The Northern Team Leader advised that there were no permitted development rights and that planning permission would need to be sought for such facilities.

Having considered all the aspects of the application, the Sub-Committee felt that notwithstanding the advice of the Officers, permission should be granted.

RESOLVED:

- That (i) **The Northern Area Planning Sub-Committee is minded to approve the application subject to any conditions felt to be necessary by the Development Control Manager, provided that the Head of Planning Services does not refer the application to the Planning Committee.**
- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application in consultation with the Local Ward Members and subject to such conditions referred to above.**

[Note: Following the vote on this application, the Development Control Manager advised that he would not refer the application to the Head of Planning Services.]

179. DCNC2007/0623/F - PROPOSED HOUSING DEVELOPMENT TO CREATE SIX DWELLINGS AT THE BUNGALOW, RYELANDS ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8PE

Councillor JP Thomas one of the Local Ward Members had a number of concerns about the application. He felt that the proposal constituted over-development of the site, that there would be an adverse impact on the amenity of neighbours and that the access near to a bend in the road would not be safe for motorists. Councillors Mrs JP French and Bf Ashton shared these concerns and considered that the proposed density whilst possibly appropriate for a large urban area, was completely out of keeping with the character of a market town. The Sub-Committee endorsed the views of the Local Ward Member and considered that the application should be refused.

RESOLVED:

That (i) The Northern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the application to the Planning Committee:

- 1. overdevelopment;**
- 2. vehicular access; and**
- 3. character and design**

(iii) If the Head of Planning Services does not refer the application to the Planning Committee, the Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to the reason for refusal referred to above.

[Note: Following the vote on this application, the Development Control Manager advised that he would not refer the application to the Head of Planning Services.]

180. DCNC2007/0715/F - CHANGE OF USE FROM STABLES TO DOG KENNELS FOR ANIMAL RESCUE CHARITY AT MEADOW BANK RIDING CENTRE, HAMNISH, LEOMINSTER, HEREFORDSHIRE, HR6 0QN

RESOLVED:

That a site inspection be held for the following reasons:

- i. The character or appearance of the development itself is a fundamental planning consideration;**
- ii. A judgement is required on visual impact; and**
- iii. The setting and surroundings are fundamental to the determination or to the conditions being considered.**

In accordance with the criteria for public speaking, Mrs Smith the applicant decided to defer her right to speak until the application came back to the Sub-Committee.

181. DCNC2007/0665/RM - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 6 DWELLINGS AT DOWNES GARAGE, 70A, SOUTH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8JF

The Northern Team Leader said that it would not be necessary to include conditions 2, 6 and 7 set out in the report because these were already part of the original permission.

Councillor JP Thomas one of the Local Ward Members had some concerns about the application because vehicular access was through an existing archway and vehicles leaving the site would do so over a pavement straight onto a busy road and have limited visibility. Whilst acknowledging the concerns of the Local Member, the Sub-Committee noted that the application was one for reserved matters and felt that it would be difficult to sustain a refusal.

RESOLVED

That the application for Reserved Matters be granted subject to the following conditions:

1 - A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

2 - C04 (Details of window sections, eaves, verges and barge boards)

Reason: In the interests of visual amenity.

3 - C05 (Details of external joinery finishes)

Reason: In the interests of visual amenity.

4 - G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

5 - H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety.

6 - Notwithstanding the plans hereby approved and before development commences, details of the provision of secure cycle storage within the curtilage of each dwelling shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that there is adequate provision for secure cycle accommodation for each of the dwellings, encouraging alternative modes of transport in accordance with both local and national planning policy.

Informative:

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

**182. DCNC2007 0861 F THE FORBURY RESIDENTIAL HOME CHURCH ST
LEOMINSTER**

It was reported that the following representations had been received after the report had been produced:

Dr S. M. G. Crosland, Priory Croft, Leominster. Objection summary:

- inappropriate to setting of Listed Building;
- would conflict with Conservation Area;
- inappropriate materials used on drive and parking area for previous extension;
- lighting in and around existing extension causes nuisance and proposal would cause further light pollution;
- garden although reduced from previous extensions provides a pleasant environment; and
- ongoing disturbance of works on property over 12 years.

In accordance with the criteria for public speaking, Dr Crossland spoke against the application.

The Sub-Committee noted the concerns of the applicant and asked for appropriate conditions to be included in the planning permission to minimise the effect of light pollution to her property and that of her neighbour. It was also agreed to add a condition to ensure that provision was made for construction workers to park within the cartilage of the application site and not on adjoining roads.

RESOLVED

That planning permission be granted subject to appropriate conditions to minimise the effect of light pollution to the properties of the objectors, and to the following conditions:

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

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

2 - B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

3 - C05 (Details of external joinery finishes)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

4 - D01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded.

- 5 - E10 (Use restricted to that specified in application)

Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force.

- 6 - E18 (No new windows in specified elevation)

Reason: In order to protect the residential amenity of adjacent properties.

- 7 - F32 Details of floodlighting/external lighting

Reason: To safeguard local amenities.

- 7 - G02 (Landscaping scheme (housing development))

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 8 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

- 9 – H27 (Parking for site operatives)

Reason: to prevent indiscriminate parking in the interests of highway safety.

- 9 - H29 (Secure 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.

- 10 - 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.

INFORMATIVES:

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

- 2 - HN25 - Travel plans

- 3 - N19 - Avoidance of doubt

183. DATE OF NEXT MEETING

29th May, 2007

The meeting ended at 3.15 p.m.

CHAIRMAN