

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 14 January 2009 at 2.00 p.m.

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

Councillors: LO Barnett, WLS Bowen, JHR Goodwin, B Hunt, RC Hunt, TM James, PJ McCaull, PM Morgan, A Seldon, RV Stockton, J Stone and JK Swinburne

88. APOLOGIES FOR ABSENCE

Apologies were received from Councillors ME Cooper, JP French, KG Grumbley, TW Hunt, P Jones CBE, R Mills and RJ Phillips.

89. DECLARATIONS OF INTEREST

6. DCNW2008/2075/F - LEMORE MANOR, EARDISLEY, HEREFORD, HR3 6LR (Agenda Item 6).
Councillor PM Morgan; Personal.

90. MINUTES

RESOLVED: That the Minutes of the meeting held on 17 December 2008 be approved as a correct record and signed by the Chairman.

91. ITEM FOR INFORMATION - APPEALS

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

92. ITEM FOR INFORMATION - SECTION 106 AGREEMENTS DETERMINED UNDER DELEGATED POWERS

The Sub-Committee noted the Council's current position in respect of section 106 agreements determined under delegated powers for the northern area of Herefordshire.

Members discussed Section 106 agreements and expressed their wish to see monies being spent in the vicinity of application sites. They also felt that local ward members should be consulted fully where an application requiring a section 106 agreement fell within their ward.

93. DCNW2008/2075/F - LEMORE MANOR, EARDISLEY, HEREFORD, HR3 6LR (AGENDA ITEM 6)

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

House.

The Northern Team Leader reported the following representation from Herefordshire Nature Trust.

The Trust owns the northern section of Holywell Dingle Nature Reserve situated to the south, only a short distance from Lomore Manor. Concern expressed about previous levels of noise generated impacting upon wildlife, especially fireworks. Nocturnal species such as dormice, badgers bats and roosting birds susceptible to disturbance by spontaneous or prolonged noises and bright lights.

Particularly concerned about affect on lesser horseshoe bats, observed feeding within the dingle and may be summer residents at the manor. Whether successive and prolonged use of fireworks and/or shooting near to a bat roost or their habitat could result on prosecution under the Wildlife Act 1981, CROW Act 2000 or habitats directive is unknown.

Clarification from Natural England should be sought.

Trust recommends that permission should not be granted unless strict conditions can be imposed.

1. prevent use of fireworks outside of normal bonfire night.
2. prevent use of loudspeakers /pa in grounds or marquees.
3. restrictions on loud music within the manor.
4. no clay pigeon shooting.
5. owners to liaise with HNT
6. undertake bat survey at manor.

He also reported the receipt of a further letter signed by a number of local residents making the following additional points:

1. site plan is inaccurate and misleading indicates ownership of track which is not in ownership and omits eco lodges. Also issue about rights over drive.
2. Question whether use is C2 class, consider it to be C1 or sui generis.
3. Question need for licences for music/alcohol.

In reference to the officer appraisal they commented that:

4. noise has been an issue when owners have been resident.
5. The change to condition ref the coach house only increases scope for nuisance and should not be removed.
6. Safe zones for shooting can't be achieved.
7. If approved can condition be imposed to give warning to local residents of firework events.
8. Self imposed 9.30 curfew on fireworks and loud music not observed.

In reference to a noise attenuation scheme they commented that:

9. a noise limiter should be fitted at the venue.
10. 10 marquees will be intrusive probably during spring/summer months when residents more likely to want to have windows open and should be refused as noise cannot be contained sufficiently within.

The Northern Team leader reported the following comments contained within the

committee updates sheet:

In addition to the description above the development also proposes the addition of a pitched roof to an existing stone store building. This has no impact on any local residents and is considered acceptable. It was unfortunately omitted due to the number of characters exceeding the capacity of the computer system.

The Council's ecologist has responded with no objection to the proposal. However in light of yesterday's comments from HNT further advice has been sought. Any further comment will be reported verbally. If it was considered necessary to impose the conditions suggested by HNT the business could not operate as applied for to such an extent that it would be appropriate to refuse the application.

In response to the additional neighbour letter relating to the accuracy of the plan, it is believed to be the plan attached to your report not those submitted by the applicant. The issue will be referred to during the presentation.

Reference to C2 use is the former use of the manor not the proposed use. The development falls into at least 2 classes of use and may even be sui generis, that however does not alter the considerations.

Members will note that condition 4 seeks to prevent shooting associated with the commercial use of the manor. It does not prevent private shooting by the owner. Matters of safety zones etc are covered by other legislation.

The Northern Team Leader advised Members that Newhouse Farm was to the east of the application site and not the north as stated in the committee report. He added that the farm was on both sides of the road. He then drew Members' attention to an error in the recommended conditions contained within the officer's report. He advised that conditions 6 and 7 were old conditions and should be replaced with the current standard conditions relating to noise control, restriction on times for music and restriction on times for fireworks. He also requested that an informative note be added to the recommendation to request that the applicant undertake a bat survey on the site.

He reported the receipt of a further letter of objection from Mrs Morgan of Knapp Cottage which did not raise any new issues.

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

Councillor LO Barnett had a number of concerns regarding the officer's report. She felt that the report did not contain all of the details Members' required before being able to make an informed decision on the application. She felt that the determination of the application should be deferred pending further discussions with all of the interested parties.

Members had concerns regarding noise emanating from the site and causing a disturbance to local residents. They addressed a number of concerns regarding licenseable activities on the site and were advised that these matters would be addressed through the Council's Regulatory Sub-Committee. There was also a question raised in respect of the marquees applied for as part of the application. The Northern Team Leader confirmed that the application was for 1 marquee on up to 10 occasions throughout the year.

Members went on to discuss the conditions recommended in the Officer's report. They felt that the conditions were not clear and needed to be made more stringent. Members also discussed the merits of approving a temporary permission before resolving to defer the application pending further discussions. Members also felt that a site inspection would be beneficial to assess the impact of the application on the neighbouring residents.

RESOLVED

THAT the application be deferred pending further discussions with the applicant and a site inspection on the following grounds:

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

[Following the meeting that applicant withdrew the application and therefore the site inspection was not undertaken]

94. DATE OF NEXT MEETING

11 February 2009.

The meeting ended at 3.00 p.m.

CHAIRMAN