

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

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

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

32. APOLOGIES FOR ABSENCE

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

33. DECLARATIONS OF INTEREST

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

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

34. MINUTES

RESOLVED

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

35. ITEM FOR INFORMATION - APPEALS

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

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

Proposed new dwelling.

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

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

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

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

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2 B07 (Section 106 Agreement)

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

3 C01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

4 F15 (No windows in side elevation of extension)

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

5 G02 (Retention of trees and hedgerows)

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

6 G09 (Details of boundary treatments)

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

7 H05 (Access gates)

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

8 H13 (Access, turning area and parking)

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

9 H29 (Secure covered cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

INFORMATIVES:

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

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

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

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

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

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

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

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

- 2 Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-**

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

The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved details and thereafter maintained as such.

Reason: To ensure a satisfactory appearance to the development.

- 3 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping using indigenous species. The submitted scheme of landscaping must include details as to the location of all planting, the species, size and density of planting.**

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

- 4 All planting, seeding and turfing in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building hereby permitted or the completion of the development (whichever is the sooner). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.**

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

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

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

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

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

- 7 Prior to commencement of the development hereby permitted full written details of the proposed boundary treatments (if any) shall be submitted to the Local Planning Authority for their written approval. The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The approved boundary treatments shall be fully implemented prior to the first use of the building hereby permitted and thereafter maintained as such.**

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

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

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

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

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

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

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

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

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

nor at any time on Sundays, Bank or Public Holidays

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

INFORMATIVES:

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLVED

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

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

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

2 Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-

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

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

Reasons:

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

Reasons: To ensure satisfactory vehicle and cycle parking facilities.

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

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

INFORMATIVES:

1 N15 - Reasons for the Grant of Planning Permission

2 N19 - Avoidance of doubt - Approved Plans; and

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

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

2 Prior to commencement of the works hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-

- **Written details and samples of all external materials;**
- **Large scale drawings of all internal and external joinery together with written details as to their finishes;**
- **Written details of all rainwater goods**

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

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

INFORMATIVES:

1 N15 - Reasons for the Grant of Listed Building Consent

2 N19 - Avoidance of doubt - Approved Plans

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

Change of use from residential to C3 care home.

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

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

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

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

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

RESOLVED

That planning permission be granted subject to the following conditions

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

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

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

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

- 3 Prior to commencement of the development hereby permitted a scheme of noise attenuating measures for the former doorway on the half-leading of the rear (former servants) stairway of 'Buckfield House' which is presently filled with a stud partition wall shall be submitted to the Local Planning Authority for their written approval. The development shall not commence until the Local Planning Authority has given such written approval. The approved noise attenuation measures shall be fully implemented prior to the first use of the premises for the purposes hereby approved and shall thereafter be maintained as such.**

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

- 4 Prior to commencement of the development hereby permitted a metric scaled plan detailing the provision of eight on-site car parking spaces together with on-site turning / manoeuvring areas such that motor vehicles can enter and exit the site in a forward direction shall be submitted to the Local Planning Authority for their written approval. The development shall not commence until the Local Planning Authority has given such written approval. The approved car parking, turning / manoeuvring areas shall be fully implemented prior to the first use of the premises for the purposes hereby approved and shall thereafter be maintained and kept available for the parking, turning / manoeuvring of motor vehicles.**

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

- 5 H29 (Secure covered cycle parking provision)**

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

- 6 H30 (Travel plans)**

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

INFORMATIVES

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

Proposed change of use to a dwelling.

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

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

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

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

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

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

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

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

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

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

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2. F14 (Removal of permitted development rights)

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H18 of Herefordshire Unitary Development Plan.

INFORMATIVES:

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

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

41. DATE OF NEXT MEETING

23 September 2009

The meeting ended at 3.15 pm

CHAIRMAN