

**MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 5th October, 2005 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, W.L.S. Bowen, R.B.A. Burke, P.J. Dauncey, J.H.R. Goodwin, B. Hunt, T.W. Hunt, T.M. James, Brig. P. Jones CBE, R. Mills, D.W. Rule MBE, R.V. Stockton, J. Stone and J.P. Thomas

**In attendance:** Councillors P.J. Edwards and J.B. Williams

**88. APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors Mrs. J.P. French, P.E. Harling, R.M. Manning and R.J. Phillips.

**89. DECLARATIONS OF INTEREST**

The following declarations of interest were made.

Councillors	Item	Interest
B.F. Ashton and R. Mills	Agenda Item 7, Minute 94 DCNE2005/2041/F <b>The Kitchen Garden, Hope End, Ledbury, Hereford, HR8 1JQ</b>	Declared personal interests.
W.L.S. Bowen and J.H.R. Goodwin Also, Mr. M. Tansley, Northern Team Leader.	Agenda Item 13, Minute 100 DCNC2005/0917/O <b>Barons Cross Camp, Cholstrey Road, Leominster</b>	Declared personal interests.
R.B.A. Burke	Agenda Item 15, Minute 102 DCNC2005/2480/F <b>18 Burgess Street, Leominster, Herefordshire, HR6 8DE</b>	Declared a prejudicial interest and left the meeting for the duration of this item.

**90. MINUTES**

**RESOLVED:**

**That the Minutes of the meeting held on 7th September, 2005 be approved as a correct record, subject to the inclusion of the name of Councillor R.V. Stockton in the list of apologies received.**

**91. ITEM FOR INFORMATION - APPEALS**

The Sub-Committee noted the Council's current position in respect of Planning Appeals for the Northern Area.

**92. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed Naim Younis, Trainee Solicitor, to his first Sub-Committee meeting.

**93. APPLICATIONS RECEIVED**

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

**94. DCNE2005/2041/F - THE KITCHEN GARDEN, HOPE END, LEDBURY, HEREFORD, HR8 1JQ [AGENDA ITEM 7]**

*Erection of a house within walled garden - amendment to planning permission MH97/1452.*

The Planning Officer reported the receipt of an additional letter of objection from Mr. Trafford-Roberts.

Councillor R.V. Stockton, a Local Ward Member, commented that there were many areas of contention, particularly given the recognised importance of the parks and gardens, and felt that the application should be deferred for further discussions. In response to a question from the Northern Team Leader, Councillor Stockton noted that there was a concern as to whether a previous planning permission had been implemented and felt that the legal aspects needed to be explored further.

In accordance with the criteria for public speaking, Mrs. Carless (Colwall Parish Council), Mr. Maiden (objector) and Mr. Arbuthnott (agent) had registered to speak but decided to defer their opportunities to speak until the next time the application was considered.

**RESOLVED: That consideration of application DCNE2005/2041/F be deferred.**

**95. DCNE2005/2297/F - LAND AT BUSH PITCH, HR8 2PX [AGENDA ITEM 8]**

*Change of use to a one family gypsy caravan site.*

In accordance with the criteria for public speaking, Miss Walker (applicant) and Mr. Richardson (agent) spoke in support of the application.

Councillor B.F. Ashton, a Local Ward Member, questioned the definition of a gypsy family and the need for a caravan site of this kind. Councillor D.W. Rule, also a Local Ward Member, questioned whether the proposed conditions could protect the area from any further intrusion of caravans. In response, the Planning Officer drew attention to restrictions under condition 4 and advised that any breach of conditions would be handled in the normal manner through enforcement action. The Northern Team Leader noted that the definition of a gypsy family was a complicated matter but advised that the application was considered acceptable in this instance. He added that it would be difficult to defend refusal of planning permission given the identified shortfall in the provision of traveller sites and having regard to Inspector Decisions in other parts of Herefordshire.

In response to a question, the Planning Officer advised that policy H12 of the deposit draft Unitary Development Plan required that sites be within reasonable distance of local services and facilities and this site complied with the policy as it was within a

mile of Ledbury. The Planning Officer confirmed that the site would have foul drainage, water and electricity provision. The Northern Team Leader commented that this site was much nearer to amenities than other sites that had been granted planning permission.

Councillor Mrs. L.O. Barnett expressed her sympathy for young couples trying to get accommodation in rural areas. Councillor Mrs. Barnett felt that current legislation made it easier for gypsy families to obtain planning permission in the countryside and wished that more could be done to accommodate other families with similar needs.

In response to Members' concerns, the Development Control Manager drew attention to condition 2 which would restrict the use to the applicants and dependants, to condition 4 which would ensure that only a single gypsy family could use the site and to condition 5 which would ensure that no more than two caravans could be stationed and only one of these could afford residential accommodation. He commented that the proposal fell a long way short of erecting a permanent dwelling and that the application had been tailored to the specific circumstances of the applicants. It was noted that the land would need to be restored to its original state once the site was no longer required.

A number of Members noted that recent appeal history on the subject meant that there were no planning reasons for refusal in this instance.

Councillor Ashton felt that the debate by Members and the advice provided by Officers had alleviated some of his concerns but he felt that the policies needed to be tightened to ensure that the planning system was not abused.

**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 - E27 (Personal condition).**

**Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.**

**3 - Notwithstanding the submitted plans, the proposed 1m stone wall shall not be constructed, but should be substituted by a mixed native species hedgerow or fence to be agreed in writing by the local planning authority. Development shall accord with the agreed details.**

**Reason: In order to safeguard the landscape character of the area.**

**4 - The permission hereby approved shall be limited to the use of the site by a single gypsy family. Accommodation shall be restricted to the stationing of a single residential (static) caravan.**

**Reason: In order to define the terms of the permission and safeguard the amenity of neighbouring residents.**

- 5 - At any one time the number of caravans on site should not exceed two (2) as shown on the approved plan. Only one (1) of these shall afford permanent residential accommodation.

Reason: In order to define the terms of the permission and safeguard the amenity of neighbouring residents and the landscape character of the area.

- 6 - F42 (Restriction of open storage).

Reason: To protect the appearance of the locality.

- 7 - F18 (Scheme of foul drainage disposal).

Reason: In order to ensure that satisfactory drainage arrangements are provided.

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

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

- 9 - G12 (Planting of hedgerows which comply with Hedgerow Regulations).

Reason: To ensure that hedges planted are ecologically and environmentally rich and to assist their permanent retention in the landscape.

- 10 - H05 (Access gates).

Reason: In the interests of highway safety.

- 11 - H06 (Vehicular access construction).

Reason: In the interests of highway safety.

**Informatives:**

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC.  
2 - HN05 - Works within the highway.  
3 - N04 - Rights of way.

**96. DCNE2005/2601/F - LAND AT HOMEND CRESCENT, LEDBURY, HEREFORDSHIRE [AGENDA ITEM 9]**

*Proposed dwelling.*

In accordance with the criteria for public speaking, Mr. Thurston spoke against the application.

Councillor D.W. Rule, a Local Ward Member, expressed concern about the comment of the Transportation Manager that parking was 'below standards for spaces and visibility'. Councillor Rule also noted the reservations of the public speaker about the proximity of the proposal to Barnetts Cottage and the possible loss of amenity that may result. In response, the Principal Planning Officer confirmed that the building-to-building relationship was 0.9m at the front but it was 2.2m at the rear. He

commented that the parking arrangements did not meet standard requirements but local circumstances meant that a refusal on highways grounds would be difficult to sustain. He advised that a previous application sought to provide a parking area at the front of the site (NE2005/1562/F) but was withdrawn in response to the concern of the Historic Buildings Officer that a building set back from Homend Crescent would not respect the general form of development which abutted the road.

Councillor B.F. Ashton, also a Local Ward Member, commented on the significant parking difficulties in Ledbury and felt that it was unrealistic to expect residents not to have vehicles given the rural nature of the County.

Councillor Rule noted the concerns of the Historic Buildings Officer but did not feel that the setting back of the building to afford some off street parking would have a detrimental impact on the area. In response, the Principal Planning Officer commented that the setting back would address the concern of the Transportation Manager but on-street parking would remain an issue. He also commented that the setting back could have more impact on the amenities of Barnetts Cottage as it could result in a greater degree of overshadowing.

Councillor R.V. Stockton noted the sensitive location of the site, being adjacent to the Ledbury Conservation Area, and felt that the standard of design could be improved to reflect this.

The Sub-Committee agreed to defer consideration of this application for further discussions regarding the layout and design of the proposal.

**RESOLVED:**

**That consideration of application DCNE2005/2601/F be deferred.**

**97. DCNE2005/2774/F - TACK FARM, ULLINGSWICK, HEREFORD, HEREFORDSHIRE, HR1 3JQ [AGENDA ITEM 10]**

*Erection of cross country jumps to include additional use of land.*

The Principal Planning Officer reported the receipt of two additional letters of objection and the receipt of twelve letters of support. He also reported the receipt of correspondence from the applicant's agent which indicated agreement to the removal of two fences and the reinstatement of hedgerow but the applicant did wish to install a twelve-foot field gate. Officers anticipated that these measures would address concerns about visual impact and bridleway safety.

In accordance with the criteria for public speaking, Mr. Hoskins spoke on behalf of Ullingswick Parish Council and Mrs. Kawczynski (applicant) spoke in support of the application.

Councillor B. Hunt noted the concerns of Ullingswick Parish Council and the history of the site and made the following points: he welcomed the fact that the Transportation Manager had examined the highways situation personally; he noted the concerns of the Public Rights of Way Manager about the potential hindrance to bridleway users; he noted the Conservation Manager's comments about character of the landscape and hoped that the conditions would be rigorously applied; he was concerned that the need to control noise from tannoy systems had not been addressed in the conditions; and sought confirmation that reference to trees and plants in the condition 1 c) also applied to the hedgerow.

Councillor B.F. Ashton commented on the need to support businesses in rural areas,

that there was no clear evidence that the proposal would have a significant impact on the local highways network and that on balance the application was acceptable.

Councillor W.L.S. Bowen felt that it was imperative that the hedgerow was protected and did not feel that a twelve-foot gate was necessary. He suggested that a four-foot gate would be adequate. It was noted that there were sufficient passing opportunities should there be any conflict in vehicles.

Councillor T.M. James felt that the recommendation to limit the use of the land for events to no more than eight days in any one calendar year was unnecessary and could affect the sustainability of the operation and proposed that the condition be amended.

In response to earlier questions, the Principal Planning Officer confirmed that: the Public Rights of Way Officer had no objection to the application subject to the removal of fences 3 and 16; recommended condition 1 c) did apply to the hedgerow; if Members were minded not to limit the number of events, the condition detailed in the report should be deleted; and it would be unrealistic for events to be organised without the use of a tannoy system but a condition requiring details of any proposed system could be added to any planning permission granted to ensure its suitability.

In response to a question from Councillor Ashton, the Principal Planning Officer suggested that the possibility of formalising some of the passing places on the lanes could be explored further. The Northern Team Leader reminded the Sub-Committee that the Transportation Manager was satisfied with the proposal subject to conditions.

Councillor W.L.S. Bowen maintained his view that a four-foot gate would be adequate.

**RESOLVED:**

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

- 1 - a) Within two months of the date of this permission, details of the removal of fences 3 and 16 and the reinstatement of the hedgerow shall be submitted to the local planning authority for their written approval.**  
**b) The hedgerow reinstatement shall be completed in accordance with the approved details within 2 months of their approval.**  
**c) Any trees or plants which within a period of five years from the date of this approval die, are removed or become seriously damaged or deceased shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the five year defects period.**

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

- 2 - G04 (Landscaping scheme (general)).**

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

- 3 - G05 (Implementation of landscaping scheme (general)).**

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

- 4 - Within 3 months of the date of the permission hereby approved, details of any tannoy systems to be installed and hours of operation shall be submitted to the local planning authority for their approval.**

**Reason: To protect the residential amenities of nearby dwellings.**

**Informative:**

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

**98. DCNW2005/1819/F - PAYTOE LANE, LEINTWARDINE, HEREFORDSHIRE  
[AGENDA ITEM 11]**

*Use of land and erection of workshop and office for coach hire business.*

The Senior Planning Officer noted that the proposal had been presented to the Sub-Committee on 13th July, 2005 and it was resolved that Officers be delegated to approve the application, subject to the applicant first satisfying the requirements of the Environment Agency and the Environment Agency withdrawing its objection to the application. He advised that the applicant had subsequently submitted a Flood Risk Assessment but the Environment Agency maintained their objection to the proposed development. It was noted that, if Members were minded to approve the application, Planning Policy Guidance 25 on Development and Flood Risk advised that the Environment Agency should be re-notified to explain why material planning considerations outweigh the objection and to give the Environment Agency the opportunity to make further representations.

Councillor Mrs. L.O. Barnett, the Local Ward Member, noted the level of support voiced by Members when this proposal was considered last and stressed the importance of ensuring the survival of rural businesses. Councillor Mrs. Barnett commented that there was no other suitable site in Leintwardine and there appeared to be negligible risks, particularly as the proposal would accommodate coaches and not housing. She noted the credentials of the author of the Flood Risk Assessment and felt that Officers were not in a position to question whether it was a good assessment.

The Northern Team Leader responded that he was unaware of any complaints about the accuracy of the Flood Risk Assessment.

Councillor Mrs. Barnett commented that there were other sites subject to a greater risk of flooding in the area and felt that the applicant was being unduly hindered. She noted that the Environment Agency considered the site to be at risk during the 1 in 100 year flood event but felt that this was not a sufficient reason for refusal considering the specific use proposed and that poorly maintained ditches were probably to blame for any flood risk. The importance of rural business and, in this case, rural transport was emphasised.

Councillor W.L.S. Bowen supported the Local Ward Member and noted that there was a similar development nearby and felt that it would be irrational to refuse this application.

In response to a question from Councillor J.P. Thomas, the Senior Planning Officer advised that the Flood Risk Assessment that was distributed to Member via e-mail was the same as that submitted to the Environment Agency. Councillor Thomas noted that the potential flood level might be around 0.45m and felt that the effects of

this would be minimal given the proposed use.

Councillor T.M. James felt that this proposal was unlikely to add to the flood risk and there was no evidence that local residents considered themselves to be in peril. He added that, given the specific nature of the business and the way in which it operated, the vehicles could be moved easily if flooding was imminent.

**RESOLVED:**

**The Northern Area Planning Sub-Committee is minded to approve the application subject to any conditions 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.**

**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 subject to such conditions referred to above.**

[Note: Following the vote on this item, the Development Control Manager advised that he would refer the application to the Head of Planning Services so that the Environment Agency was provided with the opportunity to make further representations as required by PPG25.

Councillor Mrs. Barnett expressed her discontent that this matter could have been resolved following the 13th July, 2005 meeting and did not feel that there should be any further delay given the particular circumstances of the applicant. Other Members felt that the decision to approve the application should stand given the reasons put forward.

In response, the Legal Practice Manager clarified the referral procedure.]

**99. DCNW2005/2608/F - MILL COTTAGE, PAYTOE, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0NB [AGENDA ITEM 12]**

*Retrospective planning application for change of use to C2 residential institution.*

The Senior Planning Officer reported the receipt of six additional letters of objection and summarised the contents. It was noted that the recommended condition regarding time limit for commencement was not necessary as the application was retrospective.

In accordance with the criteria for public speaking, Mr. Ambrose spoke on behalf of Border Group Parish Council and Mr. Rouse spoke in support of the application.

Councillor Mrs. L.O. Barnett, the Local Ward Member, noted the importance of conformity and consistency in such an institution and the need for appropriate staffing levels. Councillor Mrs. Barnett expressed dismay that this was a retrospective application, questioned the suitability of this location for this use and noted the Parish Council's concerns about the potential impact on the Listed Building and the adjacent Ancient Monument, Wigmore Abbey.

The Senior Planning Officer advised Members that the applicant had contacted the Authority when it became apparent that a change in classification was required; due to staff attending on a shift basis rather than the premises being used like a family unit. He clarified that the Conservation Manager had no objections as the application was for change of use only and not for any development on site.



Councillor B.F. Ashton was surprised that the applicant had not realised that a change of use was required earlier. However, he noted that it would be difficult to refuse permission given the staffing levels and the fact that the Commission for Social Care Inspection had inspected and registered the home. A number of Members noted the concerns of local residents but felt that there were no planning grounds to warrant refusal in this instance.

Councillor Mrs. Barnett noted that there had been a number of unfortunate incidents that had caused disruption in the local community and hoped that the institution would work hard to make the residents aware of their responsibilities.

**RESOLVED:**

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

- 1 - E10 (Use as approved by the planning application subject to this approval).**

**Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to safeguard the amenity of the surrounding area.**

**Informative:**

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

**100. DCNC2005/0917/O - BARONS CROSS CAMP, CHOLSTREY ROAD, LEOMINSTER [AGENDA ITEM 13]**

*Site for erection of a maximum of 425 dwellings, community building, vehicular access, foul water pumping station and associated works.*

The Northern Team Leader advised that the developer would increase the proposed contribution towards the costs of construction of a new community building from £160,000 to £350,000, would make a contribution of £100,000 towards the costs of running the building for 5 years, and would make a contribution of £10,000 for the adoption of infiltration ditches within the play area.

Councillor Brig. Jones CBE, a Local Ward Member, congratulated Officers on their work on the application but felt that there was more to be done and proposed that consideration of the application be deferred. In particular, he felt that further work was needed on highways matters, the potential to preserve some of the historic structures on the site and the percentage figure for affordable housing.

Councillor R.B.A. Burke expressed concern about the length and technical nature of the report. He commented that an inner relief road had been needed for many years and that local residents were very concerned about congestion, air pollution and the lack of infrastructure to support a residential development of this size. He agreed that the application should be deferred, particularly to enable Local Ward Members to have greater involvement with the technicalities of the application.

In response to Members' concerns, the Northern Team Leader explained the improvements to the highway system and noted that the affordable housing provision at Barons Cross Camp would meet the needs of Leominster for the Unitary Development Plan (UDP) period as identified through the Leominster Housing Needs Survey.

Councillor J.P. Thomas thanked Officers for their efforts but felt that the potential community gain from the application did not mitigate the strain that would be placed on the local community. He noted concerns about air quality at the Bargates junction and that the situation may only be improved through modal shift, vehicle technology and other measures which would take time to emerge. Councillor Thomas noted the need to develop the site on a comprehensive basis and felt that the local highways network, affordable housing and infrastructure improvements were crucial components. He commented that average household incomes and average house prices continued to diverge and the full affordable housing requirement was therefore justified. He also commented on the need to preserve wartime heritage.

Other Members also supported the views of the Local Ward Member.

In accordance with the criteria for public speaking, Mr. Barker, Mr. Jessop, Mrs. Morgan and Mr. Westwood (objectors) and Mr. Pollock (agent) had registered to speak but decided to defer their opportunities to speak until the next time the application was considered.

**RESOLVED: That consideration of application DCNC2005/0917/O be deferred.**

**101. DCNC2005/2362/F - GLENDALE, LITTLE TEDNEY, WHITBOURNE, WORCESTER, HEREFORDSHIRE, WR6 5RX [AGENDA ITEM 14]**

*Demolition of existing dwelling and erection of new dwelling.*

**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 - B01 (Samples of external materials).**

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

**3 - E16 (Removal of permitted development rights).**

**Reason: To keep any future development under planning control.**

**Informative:**

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

**102. DCNC2005/2480/F - 18 BURGESS STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DE [AGENDA ITEM 15]**

*Change of use for front section of ground floor for use as a licensed restaurant.*

Councillor J.P. Thomas, a Local Ward Member, acknowledged the concerns of local residents about car parking and potential noise disturbance but noted that the application did not indicate a takeaway use and the proposed conditions should mitigate any detrimental impact of the development.

The Legal Practice Manager commented on matters relating to the Licensing Act 2003 and explained the close link between the regulatory function and the planning system.

In response to a question, the Northern Team Leader advised that there had been an omission in the report in respect of condition 5 (condition 9 as reproduced in the report) and that it should read '(8.00am to 5.00pm Mondays to Saturdays)'.

**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 - F32 (Details of floodlighting/external lighting).**

**Reason: To safeguard local amenities.**

- 3 - Before any fixed ventilation, refrigeration or other noise penetrating plant is used on the premises, the applicant shall submit for the prior approval of the Local Planning Authority a scheme of noise attenuating measures. The approved scheme shall be implemented before the first use of the development to which it relates commences and shall be retained for the duration of use. The scheme should identify any nearby residential properties that may be affected by noise from any fixed ventilation, refrigeration or other plant in accordance with BS4142.**

**Reason: To safeguard local amenities.**

- 4 - E04 (Restriction on hours of opening)**

**The use hereby permitted shall not be open to customers outside the hours of 8.00 am and 11.00 pm Sundays to Thursdays and 8.00 am and 12.00 midnight Fridays and Saturdays.**

**Reason: In the interests of the amenities of existing residential property in the locality.**

- 5 - E02 (Restriction on hours of delivery) (8.00am to 5.00pm Mondays to Saturdays).**

**Reason: To safeguard the amenities of the locality.**

**Informatives:**

- 1 - The applicant is advised to contact the Food Safety Team of the Environmental Health Department of Herefordshire Council to ensure the building complies with requirements of the Food Safety Act 1990 and related regulations.**
- 2 - The applicant should ensure that sound testing in accordance with Part E of the Building Regulations is undertaken to ensure appropriate levels of sound insulation between the restaurant and adjacent residential properties.**

- 3 - N01 - Access for all.
- 4 - N08 – Advertisements.
- 5 - N15 - Reason(s) for the Grant of PP/LBC/CAC.
- 6 - This planning permission does not permit takeaway use.

**103. DCNC2005/2498/F - LAND ADJACENT TO FORMER HOP POLE INN, RISBURY, LEOMINSTER [AGENDA ITEM 16]**

*Removal of occupancy condition (no 7) ref: 13164 Inspector's Decision 09 03 1994.*

The Northern Team Leader explained the history of the site and the purpose of this application.

In accordance with the criteria for public speaking, Mr. Ryall spoke against the application.

Councillor K.G. Grumbley, the Local Ward Member, commented that the public speaker reflected a large sector of opinion in the area and that there was substantial discontent about this proposal. He noted concerns about the motives of the applicant and felt that the reasons put forward for removal of the occupancy condition had not changed substantially since the Inspector's Decision. He noted the comments of the County Land Agent as reproduced in the report and questioned how extensively the properties had been marketed and whether they had been advertised at an appropriate price. He added that further discounting would at least increase interest in the properties. He felt that there was no compelling reason to approve this application and therefore proposed refusal.

In response, the Northern Team Leader advised that the properties had been discounted to take account of the tie and were considerably below open market value. The Legal Practice Manager commented that a local authority search on such properties would reveal the tie and this might reduce interest at an early stage.

Councillor B.F. Ashton noted concerns that the proposal might represent exploitation of the planning system and that there were a large number of people in the area that were employed in racehorse training.

Councillor W.L.S. Bowen commented that to his certain knowledge there were equestrian businesses within the area and he felt that the properties would be ideal for those engaged in such undertakings.

Other Members expressed concerns about the application and felt that the application could not be supported.

**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. It is not considered that adequate evidence has been put forward to warrant removal of the occupancy condition**

imposed by the Inspector.

- (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 refuse the application, subject to such reasons for refusal referred to above.

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

**104. DCNC2005/2660/F - THE HAVEN, FORD BRIDGE, LEOMINSTER [AGENDA ITEM 17]**

*Garage/store.*

Councillor J.P. Thomas, a Local Ward Member, welcomed the proposal, particularly as it would replace an unauthorised storage container. In response to a question, the Northern Team Leader confirmed that the storage container was the subject of enforcement action.

**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 - B01 (Samples of external materials).**

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

- 3 - Any business use of the building shall be limited to storage only in association with the applicants' building business. This business storage use shall enure for the benefit of the applicants only. Thereafter the use shall resort to ancillary domestic purposes with no trade or business use.**

**Reason: In the interests of residential amenity.**

**Informative:**

- 1 - N15 - Reason(s) for the Grant of PP.**

**105. DATE OF NEXT MEETING**

It was noted that the next meeting was due to take place on Wednesday 2nd November, 2005.

At the end of the meeting, the Sub-Committee agreed to undertake a site inspection before the next meeting in respect of planning application DCNW2005/3082/F – Maesdayri, Kington, Herefordshire.

The meeting ended at 4.47 p.m.

**CHAIRMAN**

