

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 27 August 2008 at 2.00 p.m.

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

Councillors: LO Barnett, WLS Bowen, ME Cooper, JP French,
JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt, TM James,
R Mills, RJ Phillips and J Stone

COUNCILLOR RBA BURKE

Members stood for a silent tribute in memory of Councillor RBA Burke who recently passed away.

36. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PM Morgan, A Seldon, RV Stockton and JK Swinburne.

37. DECLARATIONS OF INTEREST

7. DCNC2008/1027/F & DCNW2008/1233/F - MORRISON SUPERSTORE, BARONS CROSS ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8RH.
Mark Tansley; Prejudicial.
8. DCNC2008/1824/O - PINSLEY WORKS, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NX.
Mark Tansley; Prejudicial.

38. MINUTES

Councillor WLS Bowen requested confirmation that an informative note had been added to the decision notice in respect of minute number 31, regarding preservation of the remaining structure of the original mill.

The Democratic Services Officer advised members of an error in resolution ii of minute number 32. He read out the correct wording and requested that the minutes be amended accordingly.

RESOLVED: that subject to the amendment detailed below in minute number 32, resolution ii, the minutes of the meeting held on 30 July 2008 be approved as a correct record and signed by the chairman.

- '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 the reason for refusal referred to above.'

To be replaced with:

- '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 subject to such conditions and consultation referred to above.'**

39. ITEM FOR INFORMATION - APPEALS

The sub-committee noted the Council's current position in respect of appeals for the northern area of Herefordshire.

40. DCNW2008/1848/F - KINTON BARN, KINTON, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LT. (AGENDA ITEM 5)

Proposed Single-storey extension to sitting room.

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

The Local Ward Member, Councillor LO Barnett expressed the view that as the site was surrounded by similar residential developments, the character of the existing dwelling would not be detrimentally effected. She added that, as the proposed extension was not of a significantly large size, she fully supported the development.

Members generally agreed that the proposed development should be allowed on the condition that further development of the site be restricted. Members felt that there was little agricultural history to be preserved by keeping the dwelling in its current state, as the building did not have the outward appearance of an agricultural barn.

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 in consultation with the Local Ward Member and Chairman of this Committee 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: Subsequent to the vote, the Northern Team Leader said that he would not refer the application to the Planning Committee].

41. DCNW2008/1598/F - LAND TO THE EAST OF LLANSHAY LANE, REEVES HILL. (AGENDA ITEM 6)

Proposed temporary meteorological monitoring mast.

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.

2. **The development hereby permitted shall be removed off site within 12 months of construction on site, in accordance with an agreed timetable and site management plan, agreed in writing with the Local Planning Authority prior to any development on site.**

Reason: In order to control the form of development on site in consideration of landscape amenity and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

3. **I33 (External lighting)**

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

4. **Prior to any development on site a scheme for ecological mitigation and enhancement which will include a full working method statement will be submitted and agreed in writing with the Local Planning Authority.**

Reason: To ensure that great crested newts, nesting birds, wildlife foraging areas and plant species are protected in accordance with Policies NC1, NC5, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and to comply with the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitats and Conservation), Regulations 19943 (as amended).

Informatives:

1. **N15 - Reason(s) for the Grant of Planning Permission**
 2. **N19 - Avoidance of doubt – Approved Plans**
 3. **HN21 - Extraordinary maintenance**
42. **DCNC2008/1027/F & DCNW2008/1233/F - MORRISON SUPERSTORE, BARONS CROSS ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8RH. (AGENDA ITEM 7)**
- a) *Variation of condition 5 of permission 900852 and condition 2 of permission 97/0953/N to allow a maximum of 15% of the total sales area of the store to be used for the sale of comparison goods. Removal of condition 3 of permission 97/0953 to allow former crèche to be used as a café.*
 - b) *Proposed extension for additional sales and warehousing area and increased cycle, motorbike and disabled parking spaces.*

The Principal Planning Officer informed the sub-committee of a typing error in Item 7B and said that the application number should contain the letters NC instead of NW. He also informed the sub-committee that the word “extended” should be omitted from the first line in respect of condition one of NC2008/1027/F

In accordance with the criteria for public speaking, Mr Thomas, representing Leominster Town Council, spoke in objection to the application.

Councillor RC Hunt, the Local Ward Member noted that Morrison’s Supermarket was

a very busy outlet. He advised Members that he agreed with the retail planning statement within the report. Finally he pointed out to the sub-committee that there would be an increase in traffic flow but welcomed the section 106 agreement as it made provision to provide sustainable transport measures in Leominster.

Members expressed concern that the economic viability of Leominster Town Centre may be worsened by an extension to the supermarket on the edge of the town but recognised that there was sufficient public demand for the development. Members expressed sadness at the loss of the crèche facility in the store, but were pleased to see that a traffic study had been recently carried out.

Members were concerned regarding non compliance of conditions on a previous planning permission, but on balance were minded to allow the proposed development.

RESOLVED

In respect of DCNC2008/1027/F:

That planning permission be granted subject to the following conditions:

- 1. No more than 15% of the net retail sales area of the store shall be used for the sale of comparison goods (as defined at P.7 of MapInfo's Expenditure Explanatory Volume submitted by the applicant on 29th July 2008) unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to ensure the continued vitality and viability of Leominster town centre in accordance with Policy TCR2 of the Herefordshire Unitary Development Plan 2007.

Informatives:

- 1. N15 - Reason(s) for the Grant of Planning Permission**
- 2. N19 - Avoidance of doubt - Approved Plans**
- 3. HN25 - Travel Plans**
- 4. HN26 - Travel Plans**
- 5. HN27 - Annual travel Plan Reviews**
- 6. HN28 - Highways Design Guide and Specification**

In respect of DCNC2008/1233/F:

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. No more than 15% of the net retail sales area of the extended store shall be used for the sale of comparison goods (as defined at P.7 of**

MapInfo's Expenditure Explanatory Volume submitted by the applicant on 29th July 2008) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure the continued vitality and viability of Leominster town centre in accordance with Policy TCR2 of the Herefordshire Unitary Development Plan 2007.

3. C03 (Matching external materials (general))

Reason: To ensure the satisfactory appearance of the development so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

4. B07 (Section 106 Agreement)

Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

5. H29 ((Covered and secure cycle parking provision))

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.

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 Planning Permission**
 - 2. N19 - Avoidance of doubt - Approved Plans**
 - 3. HN25 - Travel Plans**
 - 4. HN26 - Travel Plans**
 - 5. HN27 - Annual travel Plan Reviews**
 - 6. HN28 - Highways Design Guide and Specification**
- 43. DCNC2008/1824/O - PINSLEY WORKS, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NX. (AGENDA ITEM 8)**

Site for development to form 21 apartments.

The Principal Planning Officer reported the following updates:

- There had been further discussions between the agent and the Public Rights of Way Manager with regard to the fence forming the boundary between the site and the public footpath. No further written comments had been received and it is therefore recommended that an additional condition be imposed requiring details of it to be agreed before development commences.
- The comments of the Conservation Manager had been received. He objects to the application on the basis that the scheme represents an over-intensive use of the site, its massing incoherent with no rationale for the height changes in the blocks and that they are overbearing in both their form and proportion.
- Nine further letters of objection had been received raising the same points as expressed at paragraph 5.3 of the report.
- Email correspondence had been received from a local resident referring to a recent traffic accident on Pinsley Road. An attached comment from a local police officer advised that this involved a single vehicle which hit a wall and did not involve anyone else other than its driver, who appeared to have lost control of the vehicle.
- The Transportation Manager had commented on the contents of the email and suggested that such accidents will occur, irrespective of whether this development is approved or not, and that it appeared to have occurred as a result of an irresponsible road user.

The Principal Planning Officer made the following comments:

- Condition 7 is included with respect to rail noise and not road noise as stated in the recommendation.
- A 2% surcharge for the monitoring of Section 106 Agreements has been omitted from the Draft Heads of Terms. This amounts to £980.
- In response to the comments of the Public Rights of Way manager in respect of the fence dividing the site and public footpath, it is recommended that an additional condition is included.
- The objections received from local residents and the Conservation Manager are addressed in the Officers appraisal part of the report. No new issues are raised and therefore there is nothing further to add.
- The additional comments from the Transportation Manager deal with the comments in relation to the recent traffic accident. It should be noted that the Draft Heads of Terms Agreement does include a contribution towards highway improvements and it would be reasonable for this contribution to be used for specific highway safety works on Pinsley Road.

In accordance with the criteria for public speaking, Mr Thomas, representing Leominster Town Council, spoke in objection to the application and Mr Tomkins, the applicant, spoke in support.

Councillor RC Hunt, the local ward member, advised the sub-committee that a similar application had been refused in June. He felt that the amended plans before today's sub-committee differed only slightly from the plans presented previously. He added that the Conservation Manager's comments echoed his view that the

development would not be in keeping with the existing area. He felt that issues of highway safety had not been adequately addressed especially considering the history of road accidents in the area.

Members were in agreement that there was a danger of overdevelopment in the area and were concerned that the development made no provision for affordable homes.

In response to a Member's question, the Central Team Leader commented that refusal of the application on grounds of highway safety would be difficult to defend on appeal as there had been no objections from the Highways Department.

Members felt, on balance, that the proposed development was too large and not acceptable for the area and voted to refuse the application.

RESOLVED

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. Concerns regarding the design of the development**
- 2. Density**
- 3. Impact on the conservation area**
- 4. Highway safety concerns**

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, the Central Team Leader said that he was minded to refer the application to the Head of Planning Services]

44. DCNC2008/1668/F - 73 ETNAM STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8AE. (AGENDA ITEM 9)

Variation of condition 3 of planning permission NC2006/1387/F, to allow opening of premises to customers between the hours of 8am to 11pm Monday to Sunday.

In accordance with the criteria for public speaking, Mr Thomas spoke on behalf of Leominster Town Council.

The Local Ward Member, Councillor RC Hunt voiced concerns expressed by local residents at a recent PACT meeting. He said that local people had been complaining of excess noise from, local take away restaurants in the vicinity so could not support this application as it was in a predominantly residential area.

In response to a question from a Member, the Northern Team Leader said that the fact that other takeaway outlets in the local area open until midnight should not influence the decision of the sub-committee.

Members generally agreed that the area described in the report was predominantly residential and that the changing the condition would cause excessive noise disturbance for the residents of Etnam Street.

RESOLVED

That the Northern Area Planning Sub-Committee is minded to refuse the application subject to the reason 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.

The removal of the condition would be detrimental to the predominantly residential area

If the Head of Planning Services does not refer the application to the Planning Committee, officers names 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, the Northern Team Leader said that he would not be referring the application to the Head of Planning Services.]

45. DCNC2008/1618/F - MILL STONE COTTAGE, LUSTON, LEOMINSTER, HEREFORDSHIRE, HR6 0EB. (AGENDA ITEM 10)

Proposed new garage.

The Local Ward Member, Councillor J Stone, felt that the amended plans were now of a satisfactory standard and that the officer's report had addressed all of his initial concerns and therefore moved the recommendation.

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. B03 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

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

Informative(s):

1. N03 - Adjoining property rights

2. N14 - Party Wall Act 1996

3. The applicant should be aware that this planning permission does not override any civil/legal rights enjoyed by adjacent property owners nor

does it override any legal covenants/restrictions which may pertain to the land in question. As such, the applicant is advised to contact owners of adjacent properties where these rights may be affected and seek legal advice on the aforementioned matters prior to undertaking any building work.

4. N19 - Avoidance of doubt - Approved Plans
 5. N15 - Reason(s) for the Grant of Planning Permission
46. DCNC2008/1469/F - HAZELDENE, RISBURY, LEOMINSTER, HR6 0NQ.
(AGENDA ITEM 11)

Proposed erection of stable block including change of use of agricultural land to form stable yard

The Senior Planning Officer reported the receipt of a further letter of objection from a neighbouring resident, full details of the letter were included in the update sheet.

In accordance with the criteria for public speaking, Mrs Powell, the applicant, spoke in support of the application.

The Local Ward Member, Councillor KG Grumbley, pointed out that some of the property names were incorrect and would need to be changed. He emphasised that when considering an application of this type, Members should always be mindful of the welfare of animals. He was of the view that this would be a sensible site for a stable and moved the application. He did, however, express concern that not all of the neighbours had been consulted fully.

In response to a question from a Member, the Senior Planning Officer confirmed that there was a condition to ensure that waste was not stored too close to the neighbouring dwellings.

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. F09 (Private use of stables only)

Reason: In order to safeguard the character and amenity of the area and to comply with Policy S2 of Herefordshire Unitary Development Plan.

3. C08 (Colour of cladding (stables))

Reason: To protect the visual amenities of the area and to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

4. C07 (Dark roof colouring (agricultural buildings))

Reason: To protect the visual amenities of the area and to ensure that the development complies with the requirements of Policy DR1 of

Herefordshire Unitary Development Plan

5. **Prior to any work commencing on the construction of the 'turning out paddock' details of the materials (including colour) intended for the top surface of the paddock and also the height and design of the new post and rail fencing around it, shall first be submitted to and be subject to the prior written approval of the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To protect the visual amenities of the area and to ensure that the development complies with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.

6. **F13 (Restriction on separate sale)**

Reason: The close proximity of the access drive to the stables and Hazeldene is likely to give rise to noise nuisance should they be in separate ownership and having regard to Policy DR13 of the Herefordshire Unitary Development Plan.

7. **I16 (Restriction of hours during construction)**

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

8. **I43 (No burning of material/substances)**

Reason: To safeguard residential amenity and prevent pollution and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

9. **I30 (Restriction on storage of organic wastes or silage)**

Reason: To safeguard residential amenity and to comply with Policies DR4 and E13 of Herefordshire Unitary Development Plan.

10. **I32 (Details of floodlighting/external lighting)**

Reason: To safeguard local amenities and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

Informative(s):

1. **N03 - Adjoining property rights**
2. **N14 - Party Wall Act 1996**
3. **N19 - Avoidance of doubt - Approved Plans**
4. **N15 - Reason(s) for the Grant of Planning Permission**

47. DATE OF NEXT MEETING

24 September 2008