

MINUTES of the meeting of Northern Area Planning Sub-Committee held at : The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 9 April 2008 at 2.00 p.m.

Present: Councillor JW Hope MBE (Chairman)
Councillor PM Morgan (Vice Chairman)

Councillors: WLS Bowen, JP French, JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt, TM James, P Jones CBE, R Mills, RJ Phillips, A Seldon, RV Stockton, J Stone, JK Swinburne and PJ Watts

171. APOLOGIES FOR ABSENCE

Apologies were received from Councillors LO Barnett, RBA Burke, and ME Cooper.

172. DECLARATIONS OF INTEREST

No declarations of interest were made.

173. MINUTES

RESOLVED: That the Minutes of the meeting held on 12th March, 2008 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. DCNC2008/0002/F AND DCNC2008/0003/C - PINSLEY MILL, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NX

Proposed demolition and conversion of mill, construction of glass link and new works to form three storey double block and to create nine apartments and all associated works.

The Development Control Manager requested that a further condition be added to the recommendation in respect of external lighting. He advised members that the draft heads of terms listed on page 26 of the agenda were an indication of the contribution that would have been required, had the application been submitted after April 1st, 2008.

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

Councillor RC Hunt, one of the local ward members, thanked members for attending the site inspection. He advised members of his concerns in respect of parking issues on Pinsley Road and advised them of concerns regarding cars exiting the car park of the White Lion public house onto a busy junction. In summing up he felt that the

application was acceptable and added that the section 106 agreement should be retained in the officers recommendation.

Councillor JP French noted the comments received from the Civic Trust and the Parish Council and thanked the applicant for submitting clearer plans. She felt that the applicant should help the local community infrastructure by honouring the proposed section 106 agreement.

RESOLVED

In respect to the application ref no DCNC2008/0002/F that planning permission be granted subject to the following:

1. 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 secure a contribution for play and sport facilities 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:

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. Notwithstanding the approved details included in the application, additional drawings and specifications in respect of the following matters shall be submitted to the local planning authority before the commencement of any works. The works to which they relate shall subsequently only be carried out in accordance with the details which have been approved by the local planning authority in writing beforehand:

- (a) submission of samples of facing and roofing materials**
- (b) treatment of the south facing painted gable of the existing mill**
- (c) colour of external finishes**
- (d) rainwater goods**
- (e) external surface materials**

Reason: To ensure that the work is carried out in accordance with details that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of the Herefordshire Unitary Development Plan.

3. Before work commences architectural details of windows and their openings including sills and brick arches, external doors and their openings, small metal barriers on the south facing elevation, metal staircase on the north facing elevation, acoustic fence at a minimum scale of 1:5 for general arrangements and 1:1 for joinery sections such as glazing bars, shall be submitted to the local planning authority. The work shall subsequently only be carried out in accordance with details which have been approved in writing by the local planning authority beforehand.

Reason: To ensure that the work is carried out in accordance with details that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan.

4. Any work to the brickwork or masonry shall match the existing in materials, finishes, bonding and joint thickness and shall be in accordance with the prior written approval of the local planning authority based on the submission of a method statement stating, inter alia, the tools to be used, samples of the bricks and/or stone to be used, a trial area of repointing and scaled drawings or photographs showing the extent of the replacement of original material.

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan.

5. E16 (Removal of permitted development rights)

Reason: To ensure that the character and appearance of the original conversion scheme is maintained.

6. G04 (Landscaping scheme (general))

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

7. G05 (Implementation of landscaping scheme (general))

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

8. Full details of all new fencing/walling/gates including the new acoustic fence and barrier between public footpath and the car park (as well as what is to be retained) and also all hard surfacing shall first be submitted to and be subject to the prior written approval of the local planning authority before any work commences on site. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

9. Unless otherwise first agreed in writing by the local planning authority the public footpath must have a minimum width of 2 metres and have a compacted rolled stone to dust level surface.

Reason: To allow satisfactory access for members of the public along the public footpath.

10. 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.

11. H29 (Secure covered cycle parking provision)

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

12. F13 (Scheme to protect new dwellings from noise)

Reason: To protect the residential amenities of the future occupiers of the properties.

13. F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

14. F41 (No burning of materials/substances during construction phase)

Reason: To safeguard residential amenity and prevent pollution.

15. D02 (Archaeological survey and recording)

Reason: A building of archaeological/historic/architectural significance will be affected by the proposed development. To allow for recording of the building during or prior to development. The brief will inform the scope of the recording action.

16. The recommendations set out in the ecological report by Countryside Consultants Ltd dated 14th September 2007, should be followed unless otherwise agreed in writing by the local planning authority.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the roof removal and ecological mitigation work.

Reason: To ensure all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats & C) Regulations 1994 (as amended) and policies NC1, NC5, NC6 and NC7 within the UDP.

To ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981 and policies NC1, NC5, NC6 and NC7 within the UDP.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

To conserve and enhance protected habitat and to maintain the foraging area for protected species in compliance with UDP Policies NC6, NC7, NC8 and NC9 and PPS9.

Informatives:**1. N15 - Reason(s) for the Grant of Planning Permission**

2. N03 - Adjoining property rights
3. The applicant should be aware that this planning permission does not over-ride any civil/legal rights enjoyed by adjacent property owners. If in doubt the applicant is advised to seek legal advice on the matter.
4. N14 - Party Wall Act 1996
5. With respect to condition no 3 - the extent of pointing and the cutting out and replacement of brickwork/masonry should be kept to the minimum necessary. Normally the local planning authority will expect to see repairs and repointing carried out with traditional hand tools and in matching materials and finishes.
6. HN01 - Mud on highway
7. HN04 - Private apparatus within highway
8. HN05 - Works within the highway
9. HN10 - No drainage to discharge to highway
10. The Council's Public Rights of Way Manager would like to be notified on commencement of construction of the public footpath so that site inspections can be made to ensure the path is to the required specification. If development works eg demolition, erection of scaffolding, roof repairs etc are perceived to be likely to endanger members of the public then 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.
11. ND03 - Contact Address
12. Network Rail advises the following: Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 10 metres of Network Rail's boundary.

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In particular, the demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Keith Buckland at Network Rail on opewestern@networkrail.co.uk before works begin.

The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

In the interests of safety, all new trees to be planted near Network Rail's land should be located at a distance of not less than their mature height from the boundary fence. Details of planting schemes should be submitted to this office for prior approval.

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

13. N19 - Avoidance of doubt

In respect to the application ref no DCNC2008/0003/C that Conservation Area Consent be granted subject to the following conditions:

1. C01 (Time limit for commencement (Listed Building Consent))

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. D02 (Archaeological survey and recording)

Reason: A building of archaeological/historic/architectural significance will be affected by the proposed development. To allow for recording of the building during or prior to development. The brief will inform the scope of the recording action.

3. The building shall not be demolished in accordance with this consent until a contract for the carrying out of the works of the conversion of the original mill has been made and planning permission has been granted for the redevelopment for which the contract provides.

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to comply with the requirement of Policy HBA2 of Herefordshire Unitary Development Plan.

Informatives:

1. N15 - Reason(s) for the Grant of Conservation Area Consent

2. ND03 - Contact Address

3. N19 - Avoidance of doubt

176. DCNE2008/0281/F - 2 SUNSHINE CLOSE, LEDBURY, HEREFORDSHIRE,

Re-build existing ground floor side extension and construct new first floor bedrooms above, including new rear single storey dining room.

In accordance with the criteria for public speaking, Mr O'Boyle, a neighbouring resident, spoke in objection to the application and Mrs Clayton, the applicant, spoke in support.

Councillor PJ Watts, one of the local ward members, advised members that the Parish Council had not yet had an opportunity to discuss the amended plans. He noted that there were a number of similar extensions on the New Mills estate and felt that the removal of the proposed white render finish had made the application more

acceptable. He did voice concerns in respect of the proposed dormer window and felt that a velux style window would alleviate the concerns of the neighbouring resident.

In response to the points raised by the local ward member, the ** Planning Officer advised that the dormer window looked away from the neighbouring property and that the proposed extension would have to be made considerably higher in order to accommodate a velux style window.

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 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 and samples of all external materials;**

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 within the street scene.

3 Prior to the first use of the extension hereby permitted the car parking spaces shown upon Dwg. No. 05 (scale 1:100) received 18th March 2008 shall be fully implemented. Thereafter these car parking spaces shall be maintained and kept free of obstruction.

Reason: - To ensure satisfactory on-site car parking provision.

4 No windows shall be inserted in the first floor south-eastern elevation of the side extension hereby permitted without the prior written approval of the Local Planning Authority.

Reason: To safeguard the privacy of the occupiers of 1 Sunshine Close.

INFORMATIVES:

1 N19 - Avoidance of doubt

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

177. DCNW2008/0130/F - LITTLE ORCHARD FARM, EARDISLAND, LEOMINSTER, HEREFORDSHIRE,

Proposed change of use of site to international centre for birds of prey. Proposed aviaries; clinic/research building; toilet block; vehicular access and car park; porch to cafe/shop and associated works.

Councillor RJ Phillips felt that a site inspection would be beneficial as the setting and surroundings were fundamental to the determination or to the conditions being considered.

The Legal Practice Manager advised members that Mr Alcock, the applicant's agent, had registered to speak and in accordance with the public speaking guidance he would be required to address the committee prior to a vote being taken on the proposal for a site inspection.

At this juncture due to a disturbance in the public gallery the Chairman decided to adjourn the meeting in accordance with standing order 4.28.1. The meeting reconvened at 3.00 pm.

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

Councillor JHR Goodwin, the local ward member, stated that he had initially felt that a site inspection would be beneficial to members but had some concerns regarding the welfare of the birds due to a further months delay in determining the application.

RESOLVED

THAT the determination of the application be deferred pending a site inspection on the following grounds:

- **The setting and surroundings are fundamental to the determination or to the conditions being considered.**

178. DCNW2008/0491/F - MANLEY FIELD, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9DR.

Proposed erection of a polytunnel and storage building/shed for bee-keeping use.

In accordance with the criteria for public speaking, Rev. Parrett spoke in objection to the application.

Councillor RJ Phillips, the local ward member, noted that the application had previously been refused under delegated powers. He was concerned that the storage building was situated opposite a residential dwelling and also noted that the application site fell within a conservation area. Finally he said that he was disappointed that the village design plan appeared to have been ignored in this instance and felt that the application should be refused as it was contrary to policies S1, S2, DR1, DR2, DR4, E11, E13, E15, HBA6 and LA3 of the unitary development plan.

A number of members expressed concerns in respect of the size of the proposed units, it was felt that the storage building was considerably larger than needed.

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. The application is contrary to Policies S1, S2, DR1, DR2, DR4, E11, E13, E15, HBA6, LA3, and PPS7.
2. Negative impact on the character, appearance and landscape quality of the surrounding Conservation Area.

- (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.

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

179. DATE OF NEXT MEETING

The date of the next meeting of the Northern Area Planning Sub Committee was noted.

The meeting ended at 3.45 p.m.

CHAIRMAN

