

**MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 4 June 2008 at 2.00 p.m.**

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

**Councillors:** LO Barnett, WLS Bowen, ME Cooper, KG Grumbley, B Hunt, RC Hunt, TW Hunt, TM James, P Jones CBE, R Mills, PM Morgan, A Seldon, RV Stockton, J Stone and JK Swinburne

**In attendance:** Councillors PGH Cutter and H Davies

**1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN**

The Sub-Committee noted that, at the Annual Council Meeting held on 16 May 2008, Councillor JW Hope MBE had been re-elected Chairman, and Councillor PJ Watts had been appointed Vice-Chairman of the Northern Area Planning Sub-Committee, for the ensuing municipal year.

**2. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors RBA Burke, JP French, JHR Goodwin and RJ Phillips.

**3. DECLARATIONS OF INTEREST**

The following declaration of interest was made:

<b>Officer</b>	<b>Item</b>	<b>Interest</b>
Mr M. Tansley, Northern Team Leader	Minute 10, Agenda Item 10, DCNC2008/0440/O  <b>Pinsley Works at Pinsley Road, Leominster, Herefordshire, HR6 8NX</b>	Declared a prejudicial interest and left the meeting for the duration of this item.

**4. MINUTES**

**RESOLVED:** that the minutes of the meeting held on 07 May 2008 be approved as a correct record and signed by the Chairman.

**5. ITEM FOR INFORMATION - APPEALS**

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

**6. DCNW2008/0863/F - LAND ADJACENT TO STONEWOOD COTTAGE, OXFORD LANE, KINGTON, HEREFORDSHIRE [AGENDA ITEM 6]**

*Erection of one house.*

In accordance with the criteria for public speaking, Ms E. Newman spoke on behalf of Kington Town Council, and Mr Burton, the applicant, spoke in support of the application.

The Local Ward Member, Councillor TM James, said that he was opposed to the principle of the development, because it was in his view “backland” development. He acknowledged, however, that there were no planning grounds on which to refuse the application. He added that it was crucial to maintain the historic walls of Kington, and asked that Condition 15 in the report, which would ensure reinstatement of the historic boundary wall on the application site, be enhanced so that the wall would be completely reinstated prior to first occupation of the dwelling.

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

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

**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**

**2. 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**

**3. DO4 - Details of window sections, eaves, verges and barge boards**

**Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of Herefordshire Unitary Development Plan.**

**4. DO5 - Details of external joinery finishes**

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

**5. D10 - Specification of guttering and downpipes**

**Reason: To ensure that the rainwater goods are of an appropriate form in the interests 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.**

**6. E01 - Site investigation – archaeology**

**Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.**

**7. F14 - Removal of permitted development rights**

**Reason - For new houses - In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.**

**8. F01 - Restriction on hours of working**

**Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of Herefordshire Unitary Development Plan.**

**9. L01 - Foul/surface water drainage**

**Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.**

**10. L02 - No surface water to connect to public system**

**Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.**

**11. L03 - No drainage run-off to public system**

**Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.**

**12. H08 - Access closure**

**Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan**

**13. H12 - Parking and turning - single house**

**Reason: In the interests of highway safety, 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**

**14. 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**

**15. Prior to first occupation of the dwelling hereby approved, the boundary wall to the application site will be reinstated, and full details will be submitted to the Local Planning Authority for approval in writing on the method and type of construction materials to be used for its reinstatement.**

**Reason: In the interests of preserving the character of the surrounding Conservation Area and to comply with Policy HBA8 of the Herefordshire Unitary Development Plan.**

**16. B06 - Implementation of one permission only**

**Reason: In order that the Local Planning authority can control the type of development on site in consideration of Policy HBA6 of the Herefordshire Unitary Development Plan.**

**Informatives**

**1 - HN03 - Access via public right of way**

**2 - HN04 - Private apparatus within highway**

**3 - HN10 - No drainage to discharge to highway**

**4 - N19 - Avoidance of doubt - Approved Plans**

**5 – N15 – Reason(s) for the Grant of PP/LBC/CAC**

**7. DCNW2008/0942/RM - LAND WEST OF OLD EARDISLEY ROAD, KINGTON, HEREFORDSHIRE [AGENDA ITEM 7]**

*Residential development of 46 dwellings, garages, associated roads, sewers and works.*

The Senior Planning Officer reported the following updates to the report:

- Welsh Water had responded to the application with no objections.
- CPRE had responded to the application with concerns about the amount of proposed car parking provision within the site, which it felt should be reduced if the Council is serious about reducing car use. Also concerns had been raised about the insufficiently sustainable design.

The Senior Planning Officer gave the following response to the updates:

- The car parking and internal road layout and access to the site are in accordance with the Council's Transportation Manager's requests and therefore no objections are raised with regards to this issue.
- The issues with regards to sustainable design are covered by building regulations, to which objections raised are not considered valid enough in the event of an appeal in respect of this application.

The Senior Planning Officer said that he had made no change to the recommendation contained in the report, as a result of the updates.

In accordance with the criteria for public speaking, Ms E. Newman spoke on behalf of Kington Town Council.

The Local Ward Member, Councillor TM James, although accepting that the proposed density of dwellings was reasonable, expressed concern about parking on the site. He said that the proposed play area was positioned incorrectly because it was out of the sight of most inhabitants, and this would make monitoring children's whereabouts extremely difficult. He was of the opinion that the design for the proposed dwellings was substandard and unimaginative, and would be detrimental to the surrounding area.

In response to a question from Councillor LO Barnett, the Senior Planning Officer confirmed that Welsh Water had thoroughly examined drainage and sewerage issues, and had concluded that they were satisfactory.

In response to a question from Councillor RV Stockton, the Northern Team Leader reported that the Section 106 agreement in relation to the leisure areas on the site, had been based on a ten-year maintenance figure, following advice from the Council's Parks and Countryside Section.

Having carefully considered all aspects of the application, members agreed on balance that it should be approved.

**RESOLVED: That Reserved Matters be granted subject to the following conditions:**

**1 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.**

**2 D04 (Details of window sections, eaves, verges and barge boards )**

**Reason: To ensure the development integrates into the surrounding countryside and to comply with the requirements of Policies DR1 and LA3 of the Herefordshire Unitary Development Plan.**

**3 D05 (Details of external joinery finishes)**

**Reason: To ensure the development integrates into the surrounding countryside and to comply with the requirements of Policies DR1 and LA3 of the Herefordshire Unitary Development Plan.**

**4 F01 (Restriction on hours of working)**

**Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of Herefordshire Unitary Development Plan.**

**5 No timber constructed fencing will be constructed alongside the site boundary with Old Eardisley Road without the prior permission of the Local Planning Authority in writing.**

**Reason: In order to retain the character of the area and to enable the hedgerow alongside the boundary to become established and to comply with Policies DR1, LA2 and LA3 of the Herefordshire Unitary Development Plan.**

- 6 No windows in perpetuity (other than those as expressed by this permission) will be installed into the elevations of plot numbers 12, 6, 7, 8-11, 1, 46 and 42 facing Old Eardisley Road as indicated on the Planning Layout Drawing Number 07-104/02A.

Reason: In order to protect the privacy and amenity of adjoining dwellings and comply with Policy DR2 of the Herefordshire Unitary Development Plan.

- 7 H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

- 8 H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety 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

- 1 N19 - Avoidance of doubt - Approved Plans

- 2 N11A – Wildlife and Countryside Act 1981 (as amended) - Birds

- 3 N11C – General

8. **DCNC2008/0762/F AND DCNC2008/0763/L - THE FORBURY RESIDENTIAL HOME, CHURCH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8NQ [AGENDA ITEM 8]**

*Single storey extension to provide additional bedroom accommodation.*

The Northern Team Leader provided the following amendments to paragraphs 6.5 and 6.6 in report:

- 6.5 The application is an amendment to planning permission DCNC2007/2859/F and seeks a slight increase in size in order to meet minimum standards for bedroom sizes. The size of the extension permitted under planning permission DCNC2007/2859/F measures 12 metres in length and 8.5 metres in width, with an external doorway extending from the front another 2.2 metres. The ridge height of the building measures approximately 4.7 metres. This would leave approximately a 1-metre gap between the rear part of the extension and the neighbouring fence. To the front of the building, the gap would be 0.65 metres from this fence.
- 6.6 The proposed building now measures 12.8 metres to the front, and 12.2 metres across the rear, with a width of 8.5 metres. As before, an external doorway is proposed extending the front elevation to 14.6 metres in length. Overall, this will reduce the gap between the neighbours fence at the front from 0.65 metres to 0.5 metres. The gap to the rear will remain as before at 1 metre.

He added that there was no resulting change to the recommendation in the report, in the light of the above amendments.

In accordance with the criteria for public speaking, Mr Chambers spoke in objection to the application, and Mr Lutton, the applicant, spoke in support.

The Local Ward Member, Councillor RC Hunt, commented that previous works on the application site had been ongoing for a considerable length of time, and he asked if it was possible to impose a time limit on the proposed works, in order to minimise the potential disturbance to neighbouring residents. The Northern Team Leader confirmed that the proposed Condition 13 in the report set out when the development would commence, and that planning policy did not make provision to impose a time limit on the completion of developments.

**RESOLVED:**

**In respect of DCNC2008/0762/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 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**

**3 D05 (Details of external joinery finishes)**

**Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 [and HBA3] of Herefordshire Unitary Development Plan.**

**4 E01 (Site investigation - archaeology)**

**Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.**

**5 F06 (Restriction on Use)**

**Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy DR2 of Herefordshire Unitary Development Plan.**

**6 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.**

**7 G10 (Landscaping scheme)**

**Reason:** In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

**8 G11 (Landscaping scheme - implementation)**

**Reason:** In order to maintain the visual amenities of the area and to comply with Policy LA6 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

**10 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

**11 H27 (Parking for site operatives)**

**Reason:** To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

**12 Details of any external lighting proposed to illuminate the development shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences and the building is occupied. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.**

**Reason:** To safeguard the character and amenities of the area and to comply with Policy DR14 of the Herefordshire Unitary Development Plan 2007.

**13 No plant or machinery used in the construction of the extension hereby permitted shall be operated on the premises before 08.00am on weekdays and 09.00am on Saturdays nor after 18.00pm on weekdays and 16.00pm on Saturdays, nor at any time on Sundays, Bank or public holidays.**

**Reason:** To safeguard the amenity of the area so as to comply with Policy DR13 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**



**In respect of DCNC2008/0763/L:**

That Listed Building Consent be granted subject to the following conditions:

**1 - D01 (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 - 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**

**3 - D05 (Details of external joinery finishes)**

**Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 [and HBA3] of Herefordshire Unitary Development Plan.**

**4 - E01 (Site investigation - archaeology)**

**Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.**

**Informatives****1 - N19 - Avoidance of doubt - Approved Plans****2 - N15 - Reason(s) for the Grant of Listed Building Consent****9. DCNW2008/0293/F - RHIWLAS FARM, TITLEY COURT ESTATE, TITLEY, KINGTON, HEREFORDSHIRE, HR5 3RL [AGENDA ITEM 9]**

*Conversion of and alterations to period stables to create three residential dwellings.*

The Principal Planning Officer reported the following updates to the report:

- A further letter had been received from Mrs Whitlock of Half Barrel Cottage which reads as follows:

"I'm sure that you will take note of all of the concerns that I voiced in my letter of objection (28th Feb 08), but just to reiterate that I am greatly disturbed that the plan is to have windows overlooking my property at all, even if fixed and obscured, and that there may be soil vents/extractors etc visible and audible from my house and garden which are not currently detailed on the Planning Application. Likewise no detail for the positioning of rainwater soakaways. Also of particular concern is the access from a safety point of view and the considerable and misleading inaccuracies of the Access Statement."

In addition I would like to make the following points:

You said when we spoke last week that you would add a note in the restrictions about extractors/ vents etc not to be visible from my side. I don't see that on the web site meeting notes. Also where does it talk about them only being allowed 1sq m of glazing per unit and the need for windows to be 4m apart? The attached site map shows my house without my sons' bedroom or the sunroom, both of which will be grossly effected by these windows This impact is not truly represented to your Councillors. It is also incorrectly named Old School House.

Officers' Appraisal 6.7 '....part B of the Building Regs restrict the amount of glazing that can be used on a wall that forms a boundary and as such it is unlikely that the amount of glazing will need to be reduced to comply.' should this read that it is "likely that the amount of glazing will need to be reduced"

The Principal Planning Officer had provided the following response to the above comments:

- As above. Para 6.7 of the report should read, likely, rather than unlikely.
- It is also suggested that an additional condition be added as follows:

Prior to the commencement of development, details including the siting, size and external finish of any flues or extractors shall be submitted to and approved in writing by the local planning authority. No further flues or extractors shall be added without the prior written approval of the Local Planning Authority.

Reason: To protect the amenities of neighbouring residents and to ensure a satisfactory external appearance in accordance with policies DR1 and HBA13 of the Herefordshire Unitary Development Plan (2007).

Additional Highway Informative notes are also recommended – HN04, HN05, HN10, HN22, HN28

Members expressed concern about the proposed opaque glazing to the elevation of the property which bordered the neighbouring property because of the detrimental impact it would have on the privacy and amenity afforded to the neighbour, and some members suggested that this elevation should retain a form of boarding instead, as per the present circumstance. For the same reason, Members also suggested that all guttering, flues and extractors should be restricted to the courtyard elevations of the property, and should not be sited on the elevations bordering the neighbouring property. The Principal Planning Officer confirmed that all of these aspects could be included in the conditions for any planning permission granted.

Councillor LO Barnett requested that the details of the additional conditions proposed be discussed with the Chairman and Vice-Chairman of the Sub-Committee, and with the Local Ward Member.

**RESOLVED:** That planning permission be granted, subject to details of the proposals for fenestration and boarding, drainage, and the siting of flues and extractors being finalised in consultation with the Chairman, the Vice-Chairman, and the Local Ward Member, and 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 (Development in accordance with the approved plans)

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with 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.

4. D04 (Details of window sections, eaves, verges and barge boards)

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.

5. D05 (Details of external joinery finishes)

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.

6. D11 (Repairs to match existing)

Reason: To ensure that all of the works arising from the approved scheme are of an appropriate form in the 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.

7. D12 (Repairs in situ)

Reason: To ensure that the integrity of the building as one which is listed, in a conservation area, or of local interest is preserved to ensure compliance with Policy [HBA1][HBA3][HBA12][HBA13] of Herefordshire Unitary Development Plan.

8. G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

9. G11 (Landscaping scheme - implementation)

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

**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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

**11. F14 (Removal of permitted development rights)**

**Reason:** For barn conversions - To ensure the character of the original conversion scheme is maintained and to comply with Policy HBA12 of Herefordshire Unitary Development Plan.

**12. 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.

**13. L01 (Foul/surface water drainage)**

**Reason:** To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

**14. L02 (No surface water to connect to public system)**

**Reason:** To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

**15. L03 (No drainage run-off to public system)**

**Reason:** To prevent hydraulic overload of the public sewerage system and pollution of the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

**16. Prior to the commencement of development details of the openings to the South West Elevation shall be submitted to and approved in writing by the local planning authority. These details shall include obscure glazing and non-openable windows, works shall be carried out in accordance with the approved plans and shall be retained in accordance with the agreed scheme and shall be retained in perpetuity.**

**Reason:** In order to protect the residential amenity of adjacent properties and to comply with policy DR1 of the Herefordshire Unitary Development Plan (2007).

**17. The proposals set out in part 6. Mitigation Strategy section of the ecologist's report should be followed in relation to bats. The need for an EPS license should be assessed prior to development works.**

**Details of construction, siting and erection of nest boxes for nesting birds and barn owls should be discussed with the consultant ecologist and planned as per the recommendations to provide nearby alternative nest sites. A work programme should be devised for the site to ensure that the birds are not disturbed during nesting from March to September.**

Timing of the development and the post-development site safeguards should be adhered to. A monitoring programme for bats and birds should be submitted to Herefordshire Council for implementation after completion of the development works.

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

**Reasons:** To ensure all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 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.

To ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 and policies NC1, NC5, NC6 and NC7 within the UDP.

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

18. Prior to the commencement of development, details including the siting, size and external finish of any flues or extractors shall be submitted to and approved in writing by the local planning authority. No further flues or extractors shall be added without the prior written approval of the Local Planning Authority.

**Reason:** To protect the amenities of neighbouring residents and to ensure a satisfactory external appearance in accordance with policies DR1 and HBA13 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. Highway Informative notes HN04, HN05, HN10, HN22, HN28
10. DCNC2008/0440/O - PINSLEY WORKS AT PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NX [AGENDA ITEM 10]

*Site for development to form twenty-one apartments, access road and parking.*

The Development Control Manager reported the following updates to the report:

- One further letter of objection had been received from Mr A Pritchard, Little West, Pinsley Road. The letter raised concerns about parking, the proximity of the site to the railway line and residential amenity.

- A further petition had been submitted in response to the amended plans with 11 signatories. It reiterated the concerns previously raised.
- Leominster Town Council had commented on the amended plans and had maintained their objections.

The Development Control Manager confirmed that there were no amendments to the recommendation in the report as a result of the updates.

Mr Tomkins, the applicant's agent, had registered to speak in accordance with the criteria for public speaking, and was present at the meeting. He declined to speak, however.

The Local Ward Member, Councillor RC Hunt, felt that the proposal represented an overdevelopment of the site, and that the application would also have a detrimental impact on highway safety, particularly in the evening, when Pinsley Road experienced an especially high volume of traffic.

In response to a question from Councillor R Mills, the Development Control Manager confirmed that it would be possible to discuss using some of the funds secured via the Section 106 agreement, to improve road safety in the area. He drew Members' attention to the fact that the Transportation Manager had not objected to the proposal. He also confirmed that the provision for affordable housing would be included in the Section 106 agreement, as per Paragraph 4.7 of the report.

A vote to approve the application was lost, and Members then voted on a substantive motion to refuse the application, which was carried.

**RESOLVED:**

**That (i) The Northern Area Planning Sub-Committee is minded to refuse the application for the reasons given below and any further reasons felt to be necessary by the Development Control Manager in consultation with the Chairman and Local Ward Member, provided that he does not refer the application to the Head of Planning Services.**

**1. Overintensification.**

**2. Detrimental impact of the amenity of the surrounding 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 such reasons referred to above.**

[Note: Following the vote on this application, the Development Control Manager advised that he was minded not to refer the application to the Head of Planning Services, but that he would seek procedural advice before taking this course of action, and may be obliged to refer it to the Head of Planning Services depending on the outcome of that advice]

**11. DATE OF NEXT MEETING**

02 July 2008.

The meeting ended at 3.30 p.m.

**CHAIRMAN**