

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 11 March 2009 at 2.00 pm

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

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

95. APOLOGIES FOR ABSENCE

Apologies were received from Councillors JP French, B Hunt, P Jones CBE, PJ McCaull, and RJ Phillips.

96. DECLARATIONS OF INTEREST

8. DCNW2009/0182/F - LAND ADJACENT TO THE OLD POST OFFICE, MONKLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9DB.
Councillor RC Hunt; Prejudicial.

10. DCNE2009/2976/F - LARKRISE, KNAPP LANE, LEDBURY, HEREFORDSHIRE, HR8 1AN.
Councillor ME Cooper; Personal.

97. MINUTES

RESOLVED: That the Minutes of the meeting held on 14 January 2009 be approved as a correct record and signed by the Chairman.

98. ITEM FOR INFORMATION - APPEALS

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

99. ITEM FOR INFORMATION - SECTION 106 AGREEMENTS DETERMINED UNDER DELEGATED POWERS

The Sub-Committee noted the Council's current position in respect of section 106 agreements determined under delegated powers for the northern area of Herefordshire.

In response to a number of concerns regarding the allocation of section 106 monies, the Northern Team Leader reassured Members that projects of local significance were prioritised where possible. He added that the imminent appointment of a section 106 monitoring officer would result in Members being given a more accurate picture in future.

100. DCNC2009/0151/F - CHOPSTICKS, 73 ETNAM STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8AE.

Proposed variation of condition 3 of Planning Permission NC2006/1387/F, to allow opening of premises for customers until 10pm Mon-Thurs and 10.30pm Fri-Sat.

Councillor RC Hunt, one of the Local Ward Members, commented that the application site was close to the neighbouring public house and church. He said that the takeaway was opposite to two elderly residential buildings and he felt that noise levels would be excessive, especially at the weekends. Finally, Councillor RC Hunt said that he would be minded to support the application if the the opening hours for Friday and Saturday nights were restricted by half an hour to 10 pm.

In response to the Local Member's request, the Northern Team Leader said that the change could be implemented if the sub-committee wished.

RESOLVED

That planning permission be 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 F04 (Restriction on hours of opening (restaurants and hot food takeaways)(1700 to 2200 hours Monday to Thursday, 1700 to 2200 hours Friday and Saturday)

Reason: To safeguard the amenities of the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

INFORMATIVES**1 N15 - Reason(s) for the Grant of PP/LBC/CAC****2 N19 - Avoidance of doubt - Approved Plans****101. DCNC2009/0209/F - BROMYARD RUGBY CLUB, INSTONE, BROMYARD, HEREFORDSHIRE, HR7 4LW.**

Proposed additional floodlighting.

In accordance with the criteria for public speaking, Mr Cronin spoke on behalf of Bromyard Town Council, Mrs Delahay spoke in objection to the application and Mr Pitt spoke in support.

Councillor A Seldon, one of the Local Ward Members, said he felt that rugby training should be allowed to continue past the hour of darkness although this should be restricted to four days per week with a 9.30 pm cut off time. He proposed that the application should be approved with the restrictions mentioned.

Councillor KG Grumbley said he felt that it was important for the rugby club to work with the local community to find a practical compromise for the operation of the proposed floodlights. He said that he would not be prepared to support a seven days per week clearance for the lights.

Members were generally in agreement that floodlights should be permitted on the site as long as their hours of operation were sensibly restricted.

RESOLVED

The Northern Area Planning Sub-Committee is minded to approve the application subject to the conditions set out below (and any further conditions felt to be necessary by the Head of Planning and Transportation) provided that the Head of Planning and Transportation does not refer the application to the Planning Committee.

The operation of the floodlights should be restricted to four evenings per week until 9.30 pm.

If the Head of Planning and Transportation 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.

[In accordance with the Council's Constitution, Councillors LO Barnett and WLS Bowen wished it to be noted that they abstained from voting on the resolution detailed above]

102. DCNW2009/0182/F - LAND ADJACENT TO THE OLD POST OFFICE, MONKLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9DB.

Proposed new cottage and detached garage.

The Senior Planning Officer advised Members that one further letter of objection had been received although this raised no new issues of planning concern and would not effect the recommendations in the report.

In accordance with the criteria for public speaking, Dr Jeffrey, a neighbouring resident, spoke in objection to the application and Mr Griffiths, the applicant, spoke in support.

The Local Ward Member, Councillor JHR Goodwin, clarified the distances mentioned in the report to highlight that the applicant had altered the plans to move the proposed dwelling further away from the neighbouring property. He said that this would make the proposed dwelling less prominent and he could therefore support the application.

Councillor WLS Bowen said that he could not support the application as he felt it would be detrimental to the village to build a dwelling on such a small plot of land.

Councillor PM Morgan said that she felt the application would contribute towards keeping the village vibrant and would go some way towards attracting new occupants to the village.

After clarification on the distance between the application site and neighbouring dwellings was given by the Senior Planning Officer, Members voted in favour of the application.

RESOLVED

That planning permission be granted subject to the following conditions:

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 B07 (Section 106 Agreement)**

Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.
- 3 F14 (Removal of permitted development rights)**

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.
- 4 F16 (No new windows in specified elevation)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed in the west elevation of the property and the approved windows shall be glazed in opaque glass and be non-opening in perpetuity.

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.
- 5 G09 (Details of Boundary treatments)**

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.
- 6 H04 (Visibility over frontage)**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.
- 7 H05 (Access gates)**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.
- 8 H06 (Vehicular access construction)**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.
- 9 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.

10 H29 (Secure covered cycle parking provision)

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

Informatives:

- 1 N15 - Reason(s) for the Grant of Planning Permission**
 - 2 N19 - Avoidance of doubt - Approved Plans**
 - 3 HN01 - Mud on highway**
 - 4 HN04 - Private apparatus within highway**
 - 5 HN05 - Works within the highway**
 - 6 HN10 - No drainage to discharge to highway**
 - 7 HN28 - Highways Design Guide and Specification**
- 103. DCNE2008/2893/F - LAVENGER BANK, PETTY FRANCE, LEDBURY, HEREFORDSHIRE, HR8 1JG.**

Proposed purpose made sheep housing polytunnel.

The Senior Officer informed the sub-committee that no response had been received from the County Land Agent regarding the application.

Councillor RV Stockton, one of the Local Ward Members, said that this application had been thoroughly researched before being submitted. He felt that the hedge surrounding the field in question was more than adequate to offset any visual impact the proposed polytunnel would have.

Councillor R Millis, the other Local Ward Member, added that he felt the application was appropriate and sustainable for such a picturesque area of countryside.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2 The hereby permitted development shall incorporate the use of green polythene as per the supplied information date stamped 11th November 2008 for all aspects of the proposal which utilise and are covered by polythene and thereafter be maintained as such.

Reason: To ensure the proposal integrates within its open countryside

location and to minimise impact upon the Malvern Hills Area of Outstanding natural Beauty, in accordance with Herefordshire Unitary Plan policies DR1 and LA1.

- 3 The hedgerow and trees which provide the road frontage shall not be cut, felled, pruned or removed without the written consent of the Local Planning Authority.

Reason: To ensure the proposal is screened within the landscape, protecting the character and appearance of the AONB and wider open countryside location, in accordance with Herefordshire Unitary Development Plan policies DR1 and LA1.

Informatives

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

2 N19 - Avoidance of doubt - Approved Plans

104. DCNE2009/2976/F - LARKRISE, KNAPP LANE, LEDBURY, HEREFORDSHIRE, HR8 1AN.

Replacement of single storey dwelling with three two storey houses and attached garages.

The Principal Planning Officer reported the following updates:

The last paragraph of condition 5 be amended to read:-

- 5 Prior to commencement of the erection of the dwellings hereby permitted the new vehicular means of access and manoeuvring areas shall be implemented with its sub-base and thereafter maintained as such throughout the construction phase.

Reason: In the interests of highway safety.

He added that the first two Heads of Terms required numbering appropriately. He also amended the third Draft Head of Terms to read:-

- 3 The developer will pay Herefordshire Council the sum of £7,742 (index linked) towards sustainable transport initiatives and / or highway improvements within the Ledbury Town Council area with priority being afforded to these monies being spent on highway improvement scheme designed to reduce traffic flows and / or reduce traffic speeds and / or enhance pedestrian and cyclist safety in Knapp Lane, prior to the first occupation of any of the new dwellings."

The Principal Planning Officer stated that with regard to the amendment to the third Head of Term that he recommended, the Transportation Section had confirmed that a range of alternative highway improvement schemes to Knapp Lane were to be presented at a public meeting during April 2009. The Highway Network Manager had also confirmed that the proposed development and the highway requirements with regard the application under consideration would be compatible with all of the likely options for improvements in Knapp Lane. He added that It would be entirely appropriate for the £7,742 (index linked) to contribute to such a scheme.

In accordance with the criteria for public speaking, Mr Taylor, the applicant's agent

spoke in support of the application.

Councillor JK Swinburne, one of the Local Ward Members, pointed out that the road in question, Knapp Lane, was now the subject of a traffic issue review by officers in the Highways and Transportation department. This was in response to concerns raised at a recent Ledbury PACT meeting. She was of the opinion that a site meeting would be of benefit to Members so that they could observe the traffic flow on the lane first hand.

RESOLVED:

That consideration of the application be deferred for a site inspection for the following reason:

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

105. DATE OF NEXT MEETING

8 April 2009

The Chairman, Councillor JW Hope MBE, asked for approval that the sub-committee take part in a site visit before the determination of a forthcoming application. It was for the construction of Hunt Kennels in Little Merthyr, Herefordshire. Members were in agreement of this.

The meeting ended at 3.10 pm

CHAIRMAN