

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 31st May, 2006 at 2.00 p.m.

Present: Councillor D.J. Fleet (Chairman)
Councillor R. Preece (Vice-Chairman)

Councillors: Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, Mrs. J.E. Pemberton, Ms. G.A. Powell, Mrs. S.J. Robertson, Mrs E.A. Taylor, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox and R.M. Wilson

In attendance: Councillors T.W. Hunt (ex-officio) and J.B. Williams (ex-officio)

1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN

It was noted that Councillor D.J. Fleet was re-elected as Chairman and Councillor R. Preece was re-appointed as Vice-Chairman at Annual Council.

2. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors J.W. Newman, Miss F. Short and A.L. Williams.

3. DECLARATIONS OF INTEREST

The following declarations of interest were made:-

Councillor	Item	Interest
D.J. Fleet	Agenda Item 7, Minute 193 DCCE2006/0351/F Lucksall Caravan Park, Mordiford, Hereford, HR1 4LP	Declared a personal interest.
Mrs. W.U. Attfield and Mrs. S.J. Robertson	Agenda Item 8, Minute 194 DCCE2006/0989/F Land adjacent to Co-op Store, Holme Lacy Road, Hereford, HR2 6DF	Declared prejudicial interests and left the meeting for the duration of the item.
D.J. Fleet	Agenda Item 11, Minute 197 DCCE2006/1219/F 23 Venns Lane, Hereford, HR1 1DE	Declared a personal interest.
Mrs. W.U. Attfield and A.C.R. Chappell	Agenda Item 14, Minute 214 DCCW2006/1057/F St. Martins Bowling Club, Asda Site, St. Martins, Hereford, HR2 7JF	Declared a prejudicial interest and left the meeting for the duration of the item.

Mrs. W.U. Attfield	Agenda Item 15, Minute 201 DCCE2006/1212/F 77-79 Holme Lacy Road, Hereford, Herefordshire, HR2 6DF	Declared a prejudicial interest and left the meeting for the duration of the item.
Mrs. S.J. Robertson	Agenda Item 17, Minute 203 DCCW2006/1071/O Land to the Rear of Stoney Croft, Marden, Hereford, HR1 3DX	Declared a prejudicial interest and left the meeting for the duration of the item.

4. MINUTES

RESOLVED: That the Minutes of the meeting held on 3rd May, 2006 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 central area.

6. DCCE2006/0351/F - LUCKSALL CARAVAN PARK, MORDIFORD, HEREFORD, HR1 4LP [AGENDA ITEM 7]

Additional 14 static caravans, including change of use of part of the land.

The Senior Planning Officer outlined the details of the Site Licence and advised that Building Control had confirmed that the treatment plant capacity would accommodate the additional static caravans. It was reported that objections had been received from the CPRE and a letter had been received from the applicant's agent clarifying the drainage arrangements.

Councillor Mrs. J.E. Pemberton, the Local Ward Member, commented on the importance of community involvement and consultation. It was noted that the Local Ward Member had been inundated with letters of complaint regarding this proposal, particularly given the spread and speed of development in this sensitive landscape area in recent years. Councillor Mrs. Pemberton outlined a number of concerns, including:-

- There was a need look into unauthorised development at the site.
- It was suggested that the caravans only be occupied for a limited number of months per year.
- The report did not mention that the site was designated a Special Area of Conservation.
- If planning permission was to be permitted, then it should be subject to the resolution of the outstanding matters in consultation with the Local Ward Member and the Chairman.
- The need for appropriate landscaping to minimise the impact of the development was emphasised.

Councillor W.J.S. Thomas concurred with the Local Ward Member, particularly that the outstanding matters should be resolved before planning permission was granted. In response, the Central Team Leader advised that there was a list of possible breaches but none were germane to this application. He said that a meeting could be convened with the Local Ward Member, the Chairman and the applicant to follow

up the claims and further consideration given as to whether a planning application or cessation of use was required in each instance. However, he said that the outstanding matters could take some time to address and it would be unreasonable to require that these be completed prior to the determination of this application. Councillor Thomas commented on the importance of local confidence and maintained that the scheme should not be implemented until all other matters were resolved.

Councillor D.B. Wilcox noted the importance of tourism but felt that there were issues which had to be addressed in this case, particularly in relation to the number of units on the entire site, the drainage arrangements and highway safety implications.

The Central Team Leader clarified the drainage arrangements and the matters controlled by the Site Licence.

Councillor R.I. Matthews supported the views of the Local Ward Member and, noting the proximity of the proposed development to the highway, stressed the need for adequate landscaping.

Councillor Mrs. M.D. Lloyd-Hayes felt that the park was well screened and moved that the application be approved and this was seconded.

In response to questions from Councillor P.J. Edwards, the Central Team Leader advised that landscaping would be required on the land within the applicant's control and that, as the static caravans did not have a residential use class, there were no permitted development rights which could be removed. Councillor Edwards suggested that the concerns of Members should be relayed to the Council's Licensing Section.

The Senior Planning Officer advised that the Special Area of Conservation designation was linked to the Site of Special Scientific Interest which was outside but adjacent to the application site. The Senior Planning Officer noted that, at the last meeting, it was suggested that the colour of the caravans should be conditioned, Members indicated that this should be a part of the planning permission if granted.

In response to concerns expressed by Councillor Ms. A.M. Toon, the Central Team Leader re-iterated that it would be unreasonable to withhold planning permission whilst possible breaches were investigated, particularly as the issues were not directly connected to the specific location of this proposal and there was no certainty that the matters could be resolved to the satisfaction of all parties.

The Legal Practice Manager clarified the options available to the Sub-Committee and advised that planning permission could not be contingent on putative investigations into possible breaches.

Councillor Mrs. Pemberton drew attention to the comments of Holme Lacy Parish Council and commented on vehicular and pedestrian safety concerns.

Councillor Mrs. E.M. Bew moved "that the question be now put". Councillor D.B. Wilcox requested an amendment but this was rejected due to the closure motion.

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 the introduction of the static caravans hereby approved, the existing field gate serving the application site shall be permanently closed to vehicular traffic.

Reason: In the interests of highway safety.

3. G04 (Landscaping scheme (general)).

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

4. G05 (Implementation of landscaping scheme (general) variation).

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

5. Threshold floor levels of the caravans shall not be set less than 46.45m AOD, unless otherwise agreed in writing by the local planning authority.

Reason: To protect the development from flood risk.

6. Dry pedestrian access shall be provided, in accordance with the submitted 1:2500 plan, entitled 'Proposed Layout Alterations', on land no lower than 45.85m AOD and thereafter maintained, to ensure access to the public highway.

Reason: To provide a safe dry pedestrian access in a 1% flood event, plus climate change.

7. F18 (Scheme of foul drainage disposal)

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

8. 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 external surface of any static caravan hereby approved shall be of a colour other than one which has previously been approved in writing by the local planning authority for that purpose.

Reason: To minimise visual intrusion.

Informatives:

1. N01 – Access for all.
2. N03 – Adjoining property rights.
3. N04 – Rights of way.
4. HN1 – Mud on highway.
5. HN2 – Public rights of way affected.
6. N11A - Wildlife and Countryside Act 1981 (as amended) – Birds.

7. N11B - Wildlife and Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C) Regs 1994 – Bats.
 8. N15 – Reason(s) for the Grant of PP/LBC/CAC.
7. DCCE2006/0989/F - LAND ADJACENT TO CO-OP STORE, HOLME LACY ROAD, HEREFORD, HR2 6DF [AGENDA ITEM 8]

Erection of two storey block of 4 flats.

The Senior Planning Officer reported the receipt of the comments of Welsh Water (no objections subject to standard conditions).

In accordance with the criteria for public speaking, Ms. Davies spoke against the application.

Councillor A.C.R. Chappell, a Local Ward Member, drew attention to the planning history outlined in the report and commented that the previously approved single dwelling would have less impact than this new proposal. He felt that the proposal would be over intensive and would exacerbate the parking problems in the vicinity.

Councillor R. Preece, also a Local Ward Member, noted the need to protect the amenities of the neighbouring properties.

A number of other Members felt that the proposal was over intensive and that parking provision was insufficient. Some Members were disappointed to note that the Transportation Manager had no objections.

The Central Team Leader commented on the need for clear and specific reasons. In response, Councillor Chappell said that the proposal was out of proportion for the area and would have a detrimental impact on highway safety. Given Members' concerns, Councillor Mrs. P.A. Andrews noted that the development would have an unacceptable impact on local amenity and, therefore, would be contrary to policy H12 of the Hereford Local Plan.

RESOLVED:

That (i) The Central Area Planning Sub-Committee is minded to refuse the application subject to the following reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Development Control Manager) provided that the Development Control Manager does not refer the application to the Planning Committee:

1. **The scale and massing of the proposed development would be out of keeping with the character and appearance of the locality and constitute overdevelopment of the site. The proposal is therefore contrary to Hereford Local Plan Policies ENV14, H3, H12 and H14, together with Herefordshire Unitary Development Plan (Revised Deposit Draft) Policies S2 and DR1.**
2. **The development provides inadequate off street parking facilities and, if allowed, would lead to vehicles parking and manoeuvring on the highway to the detriment of highway safety. The proposal is therefore contrary to PPG13, Hereford Local Plan Policy T5 and Herefordshire Unitary Development Plan (Revised Deposit Draft) Policies S6 and T11.**

- (ii) **If the Development Control Manager 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 Central Team Leader advised that character was a subjective matter and, therefore, he would not refer the application to the Development Control Manager.]

8. [A] DCCE2006/0723/F AND [B] DCCE2006/0722/L - 14/15 HIGH TOWN, HEREFORD, HR1 2AA [AGENDA ITEM 9]

Proposed alterations and extension to 14/15 High Town to form retail unit at ground and first floor level with residential units above.

The Senior Planning Officer reported the receipt of correspondence from the applicant's agent in response to the concerns of the Georgian Group.

The Chairman, speaking in his capacity as the Local Ward Member, noted the considered views of the historic and conservation groups. He said that, whilst being naturally concerned about additions to historic buildings, this proposal would bring the whole building into use and this should be welcomed given that it had been neglected in parts.

Some Members felt that the contemporary design approach of the proposed new extension would have a detrimental impact. However, other Members noted the need for additional retail floorspace and commented that the juxtaposition of historic and modern architectural styles had worked well in other areas of Hereford.

RESOLVED:

That planning permission and listed building consent be granted subject to the following conditions:

DCCE2006/0723/F:

- 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. A06 (Development in accordance with approved plans).**

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

- 3. D01 (Site investigation – archaeology).**

Reason: To ensure the archaeological interest of the site is recorded.

- 4. F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.

- 5. H29 (Secure 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.

Informatives:

- 1. NC01 - Alterations to submitted/approved plans.**
- 2. ND02 - Area of Archaeological Importance.**
- 3. ND03 - Contact Address.**
- 4. N01 - Access for all.**
- 5. N03 - Adjoining property rights.**
- 6. N06 - Listed Building Consent.**
- 7. N07 - Housing Standards.**
- 8. N08 – Advertisements.**
- 9. N12 - Shopfront security.**
- 10. N15 - Reason(s) for the Grant of Planning Permission.**

DCCE2006/0722/L:

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

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

- 3. Following the initial strip of the ground floor subsequent to the commencement of development, a photographic recording of 14/15 High Town, Hereford shall be deposited with the Council in accordance with details to be agreed prior to the conducting of said recording.**

Reason: In the interests of maintaining a record of the history and development of this site.

- 4. Prior to the commencement of development a schedule of reclamation of items of architectural and/or historical interest shall be submitted to and agreed in writing with the local planning authority. The identified items shall then be reclaimed in accordance with the agreed details.**

Reason: In the interests of preserving items of architectural or historic interest associated with this application site.

- 5. If, during development, items of historical and/or architectural interest not identified under condition 3 are found, a schedule of reclamation shall be submitted to and agreed in writing with the local planning authority. The identified items shall then be reclaimed in accordance with**

the agreed details.

Reason: In the interests of preserving items of architectural or historic interest associated with this application site.

6. The lath and plaster roof at second floor level to the rear of the timber framed building shall be preserved and left unaltered unless otherwise agreed in writing with the local planning authority. Furthermore, prior to the commencement of development any additional insulation required for this element shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the agreed details.

Reason: To safeguard the character and appearance of this building of special architectural and historical interest.

7. Prior to the commencement of development the proposed finish to the timbers in the panelled room found to the rear of the first floor shall be submitted to and agreed in writing by the local planning authority. Development shall then be carried out in accordance with the agreed details.

Reason: To safeguard the character and appearance of this building of special architectural and historical interest.

Informatives:

1. NC01 - Alterations to submitted/approved plans.
 2. N15 - Reason(s) for the Grant of Listed Building Consent.
9. **DCCE2006/1016/F - THE FORGE, LITTLE DEWCHURCH, HEREFORD, HR2 6PN [AGENDA ITEM 10]**

Replace old shed/store with new.

Councillor W.J.S. Thomas, the Local Ward Member, noted the concerns of local residents but felt that most of the objections would be addressed through the recommended conditions.

In response to a question, the Senior Planning Officer advised that the development was ancillary to the main dwelling house and was not habitable.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. The 'reed' cladding introduced on the east and north facing elevations of the outbuilding approved by virtue of this permission shall be maintained and retained in perpetuity in its current condition unless otherwise approved in writing by the local planning authority.

Reason: In the interests of the visual amenity of the locality.

2. Within one month of the date of this permission a scheme of landscaping, including proposals for the management of the roadside hedgerow, shall be submitted to and approved by the local planning authority. All proposed planting shall be clearly described with species, sizes and

planting numbers. The landscaping on site shall then be managed in accordance with the approved management plan.

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.

Informatives:

1. N03 - Adjoining property rights.

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

10. DCCE2006/1219/F - 23 VENNS LANE, HEREFORD, HR1 1DE [AGENDA ITEM 11]

Proposed two storey extension.

The Senior Planning Officer reported the receipt of the comments of the Transportation Manager (no objections, subject to conditions) and Hereford City Council (no objections). He also reported the receipt of a letter of objection from an agent of behalf of the occupiers of an adjoining property.

Councillor D.B. Wilcox, a Local Ward Member, noted the concerns of local residents and felt that a site inspection was warranted given the particular elevations and levels proposed.

The Central Team Leader reminded the Sub-Committee that the eight-week decision target would not be met if consideration of the application was deferred. The Legal Practice Manager clarified that Members needed to be aware of performance considerations but this should not drive decision making if further investigation was required.

In accordance with the criteria for public speaking, Mr. Peter had registered to speak against the application and Mr. Mohan had registered to speak in support of the application but both decided to defer their respective opportunity to speak until the application was next considered following the site inspection.

RESOLVED:

That consideration of planning application DCCE2006/1219/F 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.**

11. DCCE2006/1231/RM - LAND AT LUGWARDINE COURT, LUGWARDINE, HEREFORD, HR1 4AE [AGENDA ITEM 12]

Proposed erection of three detached houses and ancillary garages, formation of new vehicular access and driveway.

The Senior Planning Officer reported the receipt of further correspondence from Lugwardine Parish Council (concerns were expressed about the impact on the residents of Lugwardine Court Orchard) and eight further letters of objection (the concerns were summarised).

Councillor R.M. Wilson, the Local Ward Member, noted that the outline planning permission (CE2002/3749/O refers) was for three 'modest' dwellings but the Parish Council felt that the scale of the dwellings proposed under this reserved matters application would have a greater impact. Therefore, Councillor Wilson proposed that a site inspection be held.

The Legal Practice Manager noted that a site inspection would not normally be held for a reserved matters application but it appeared apposite in this instance given the specific circumstances outlined by the Local Ward Member.

In accordance with the criteria for public speaking, Mr. Bloom and Mr. Norman had registered to speak against the application but both decided to defer their respective opportunity to speak until the application was next considered following the site inspection.

RESOLVED:

That consideration of planning application DCCE2006/1219/F 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.**

**12. DCCW2006/0798/G - THE LAKES, SWAINSHILL, HEREFORD, HR4 7PU
[AGENDA ITEM 13]**

Discharge of a planning obligation.

The Principal Planning Officer reported the receipt of an additional letter of objection.

In accordance with the criteria for public speaking, Mr. McHarg spoke on behalf of Stretton Sugwas Council and Mr. Marshall spoke against the application. Mr. Hays and Mr. Crump spoke in support of the application.

Councillor R.I. Matthews, the Local Ward Member, commented that the Section 106 Planning Obligation had been placed on the land for a very valid reason, particularly given the number of complaints received about the disturbance caused by activities on the site. He felt that successful manufacturers should be encouraged but was concerned that the business had outgrown this site and any further development would have a significant detrimental impact on the locality, particularly with regard to the nearby historic church. He commented that the residential use of the land would be more acceptable to local residents than manufacturing use. It was proposed that the discharge of the planning obligation should be refused given the potential detrimental impact on the amenities of residents, that the proposal would result in the over development of the site, that development would damage the rural character of the area and would be detrimental to highway safety.

The Legal Practice Manager clarified the implications of refusing to discharge the planning obligation in view of the planning permission for the erection of a new workshop building and expansion of service/storage yard (DCCW2005/3733/F refers).

The Principal Planning Officer commented that the Parish Council had suggested a set of restrictions that could be substituted for the Section 106 Planning Obligation and these were covered under the recently approved expansion proposals and were, therefore, under the control of the Enforcement Team.

Councillor D.B. Wilcox noted that the voting was very close when the previous application was considered and that substantial arguments were made against the proposal, particularly given the view of local residents that the business was outgrowing its viability in this location. He noted that the Section 106 Planning Obligation had been entered into voluntarily and he felt that it should not be reneged upon.

Councillor Mrs. M.D. Lloyd-Hayes spoke in support of the recommendation and felt that the business should be supported. She noted that quarrying had generated significant levels of traffic in the past and felt that this application would have relatively minimal impact on the local road network.

Councillor J.C. Mayson felt unable to support the lifting of the planning obligation which had been entered into as recently as 1998.

Councillor A.C.R. Chappell commented that he sought to support rural business initiatives but felt that the planning obligation should not be discharged until it could be demonstrated that the business was complying with all obligations and conditions imposed.

A number of Members expressed concerns about alleged breaches of conditions in relation to this site and the resulting impact on the amenities enjoyed by local residents.

Councillor W.J.S. Thomas spoke in support of the expansion of the business but sought clarification about the relationship of the Section 106 to the approved development scheme. The Principal Planning Officer confirmed that this application sought the formal discharge of the planning obligation to reflect the approved expansion of the business operation. In response to a question from Councillor R.M. Wilson, the Legal Practice Manager advised that the use of the term 'covenant' was a misnomer in this instance and explained the purpose and use of the planning obligation. Following further comments by Members, the Chairman noted that the planning obligation effectively prevented the land from being developed and would need to be discharged if the expansion proposals were to be implemented.

Councillor Thomas suggested that officers be delegated to approve the application subject to securing the safeguards sought by the Parish Council, in consultation with the Local Ward Member and the Chairman.

Councillor Matthews commented that conditions could not mitigate the significant visual impact of the expansion proposals upon the locality.

A motion to refuse the application failed and the recommendation was then approved.

RESOLVED:

That the Section 106 Planning Obligation be discharged.

13. DCCW2006/1057/F - ST. MARTINS BOWLING CLUB, ASDA SITE, ST. MARTINS, HEREFORD, HR2 7JF [AGENDA ITEM 14]

4 no. spot lights to bowling green.

The Principal Planning Officer reported the receipt of the comments of the Conservation Manager (no objections) and the receipt of confirmation from the

applicant that the proposed spot lights would only be used between May and September; therefore, an additional condition was recommended to prevent the use of the lights between October and April inclusive.

Councillor Mrs. W.U. Atfield, a Local Ward Member, noted the assurances that had been given that there would be limited light spillage from the units and commented that she had not received any further complaints about the proposal from local residents.

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. **A06 (Development in accordance with approved plans).**

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

3. **The floodlights shall be turned off no later than 10.00 pm.**

Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings.

4. **F34 (Restriction on level of illuminance of floodlighting (sports grounds)).**

Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings.

5. **The floodlights shall not be used between the months of October-April without the written consent of the local planning authority.**

Reason: In order to protect the amenity of adjacent residents.

Informative:

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

14. DCCE2006/1212/F - 77-79 HOLME LACY ROAD, HEREFORD, HEREFORDSHIRE, HR2 6DF [AGENDA ITEM 15]

Alteration of existing car parking area to form additional spaces.

The Principal Planning Officer reported that the applicant was prepared to replace an existing timber fence with a 1.8m high brick wall to provide a more robust boundary between the site and neighbouring properties and also that the consultation period had now expired.

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

Councillor R. Preece, a Local Ward Member, suggested that further consideration be given to boundary treatments to prevent trespassing into residential curtilages and

questioned the possibility of installing a chain across part of the car park which could limit access to the area when the supermarket was closed. The Principal Planning Officer suggested that these matters could be further explored with the applicant and local residents in consultation with the Local Ward Members or dealt with by condition.

Councillor A.C.R. Chappell, also a Local Ward Member, commented that the layout of the car park did not encourage sensible parking and questioned the need for additional car parking spaces given that most customers appeared to park on the roadside. He felt that the access was not fit for purpose and the expansion of the car park would exacerbate existing highway safety problems.

In response to a question from Councillor Mrs. P.A. Andrews about the lack of enforcement action in relation to agreed landscaping obligations as part of the planning permission for the replacement supermarket (CE2001/2182/F refers), the Principal Planning Officer noted that limited resources meant that the enforcement of conditions was often reactive rather than proactive.

Councillor W.J.S. Thomas commented on vehicular and pedestrian safety concerns and felt that the development should not be permitted until pedestrian walkways were put into decent order within the site.

The Central Team Leader noted that Members' concerns centred on highways safety and noted that the detrimental impact upon residential amenity that could result from the expansion of the car park was a material consideration.

Councillor Chappell felt that the applicant should take their responsibilities to the local community seriously and should address the highway safety concerns.

The Legal Practice Manager drew attention to the fact that the Traffic Manager had not raised any objections and commented that impact upon amenity was perhaps a more sustainable reason for refusal.

Councillor Preece felt that the car park should be rationalised to make it more user friendly and to encourage drivers not to obstruct the highway.

Councillor P.J. Edwards supported the application, subject to conditions in respect of the matters raised by Members and Officers, and questioned whether an obligation could be sought to provide a traffic order to prevent on street parking. In response, Councillor Chappell commented that local residents might not welcome the imposition of such a traffic order.

Councillor Ms. A.M. Toon suggested that the wall be constructed prior to the use of the additional parking.

Some Members felt that the landscaping scheme required as part of the original planning permission should be implemented.

In response to a suggestion, the Principal Planning Officer suggested that recommended condition 2 could be expanded to include reference to the requirement of clear signage at the frontage to the store.

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 A09 (Amended plans).

Reason: To ensure the development is carried out in accordance with the amended plans.

3 G04 (Landscaping scheme (general)).

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

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

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

5 G01 (Details of boundary treatments).

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

6 Prior to the commencement of development, details to include plans of signage to direct customers to the parking area hereby approved shall be submitted for the approval of the local planning authority. The approved signage shall be erected prior to the first use of the parking area.

Informative:

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

15. DCCW2006/0914/F - THE BAY HORSE, 236 KINGS ACRE ROAD, HEREFORD, HR4 0SD [AGENDA ITEM 16]

Extend existing dining room and construct eight letting bedrooms.

The Local Ward Members supported the application.

In response to a question, the Principal Planning Officer confirmed that additional car parking spaces would be provided as part of the proposal and that the Traffic Manager had not raised any objections.

Councillor P.J. Edwards noted that the recommended conditions detailed in the report only included cycle parking and no other highways conditions. The Central Team Leader advised that standard conditions would need to be added to any planning permission granted.

Councillor J.G.S. Guthrie noted that the Tourism Officer supported the proposal and commented that the Tourist Board welcomed the provision of additional letting rooms.

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. **A06 (Development in accordance with approved plans).**

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

3. **B02 (Matching external materials (extension)).**

Reason: To ensure the external materials harmonise with the existing building.

4. **G01 (Details of boundary treatments).**

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

5. **G05 (Implementation of landscaping scheme (general)).**

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

6. **H29 (Secure 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.

7. **H13 (Access, turning and parking).**

Informative:

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

16. DCCW2006/1071/O - LAND TO REAR OF STONEY CROFT, MARDEN, HEREFORD, HR1 3DX [AGENDA ITEM 17]

Proposed dwelling and garage.

The Principal Planning Officer advised that paragraph 5.2.3 of the report should read "The dwelling will be in a back garden in a 'landlocked' situation with access *skirting* the flank and rear of adjoining house".

In accordance with the criteria for public speaking, Mrs. Edge spoke against the application.

Councillor J.G.S. Guthrie commented on the volume of heavy traffic in the vicinity of the site and noted the objections raised by Marden Parish Council. He felt that the application should be refused as it would represent an over intensive form of backland development and would have a detrimental impact on privacy of adjacent dwellings and on the settings and surroundings of the area. He added that a precedent could be set if this proposal was permitted.

In response to questions, the Principal Planning Officer confirmed that the Traffic Manager had no objections to the improved access and that the application did not consider any alternative access route.

The Central Team Leader advised the Sub-Committee that the site was located within the settlement boundary for Marden and the design of the proposal was considered acceptable, particularly given the mixed character of the buildings in the area. He felt that it would be difficult to defend a refusal on the grounds of over intensive development in this instance given the size of the site. He commented that there was, however, a judgement to be made on the potential for disturbance to adjoining dwellings resulting from the access arrangements for the development.

In response to a question from Councillor P.J. Edwards, the Principal Planning Officer explained the surface and foul water drainage arrangements.

A motion to refuse the application failed and the recommendation was then approved.

RESOLVED:

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

1. **A02 (Time limit for submission of reserved matters (outline permission)).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
2. **A03 (Time limit for commencement (outline permission)).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. **A04 (Approval of reserved matters).**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
4. **A05 (Plans and particulars of reserved matters).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
5. **E13 (Restriction on height of building).**
Reason: To safeguard the character and amenities of the locality.
6. **H03 (Visibility splays).**
Reason: In the interests of highway safety.
7. **H12 (Parking and turning - single house).**
Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

Informatives:

1. **HN01 - Mud on highway.**

2. HN22 - Works adjoining highway.
3. N15 - Reason(s) for the Grant of Outline Planning Permission.
17. DCCW2006/1227/F - LAND TO THE REAR OF MARSTON HOUSE, 64 BELMONT ROAD, HEREFORD, HR2 7JW [AGENDA ITEM 18]

Proposed new detached 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. A06 (Development in accordance with approved plans).
Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.
3. B01 (Samples of external materials).
Reason: To ensure that the materials harmonise with the surroundings.
4. E18 (No new windows in specified elevation).
Reason: In order to protect the residential amenity of adjacent properties.
5. F10 (Restriction on hours of operation of machinery/equipment).
Reason: To safeguard the amenity of the area.
6. F40 (No burning of material/substances).
Reason: To safeguard residential amenity and prevent pollution.
7. 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.

Informatives:

1. N01 - Access for all.
2. N03 - Adjoining property rights.
3. N06 - Listed Building Consent.
4. N12 - Shopfront security.
5. N15 - Reason(s) for the Grant of Planning Permission.

18. **DCCE2006/1254/F - 122-124 WIDEMARSH STREET, HEREFORD, HR4 9HN
[AGENDA ITEM 19]**

Change of use from existing vacant tyre fitting depot to indoor soft play based family entertainment centre with proposed extension.

The Principal Planning Officer reported the following:-

- A letter of objection had been received from Norris and Stewart Cars (the concerns were summarised).
- A letter of support had been received from Jonathan Bretherton, Chief Executive of Edgar Street Grid Ltd. and a number of recommendations would be included as part of any planning permission granted, including improvements to provide a pedestrian corridor to land at the rear of the site.
- The Traffic Manager had expressed concerns about lack of on site parking but noted the availability of public car parks near the site. Therefore, no on site parking was required but the drop-off and collection point would be retained.
- Discussions were continuing with the Environment Agency regarding flood risk but there were no known historic records of flooding in relation to this site.
- The Economic Development Manager supported the proposal, in line with the comments of Edgar Street Grid Ltd..
- The Forward Planning Manager supported the proposal.
- Suitably amended plans were required to ensure a higher standard of design and materials for the existing and new building

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

The Chairman, speaking in his capacity as Local Ward Member, felt that the proposal would be an improvement on the existing building. He noted that the building would become more prominent with the regeneration of the Edgar Street Grid and, therefore, the design and materials had to be appropriate. He noted that on site parking would be difficult to achieve and that it was anticipated that clientele would walk to the facility.

A number of Members spoke in support of the proposal, particularly given the popularity of such entertainment centres.

Councillor P.J. Edwards noted the need to develop the Edgar Street Grid in an holistic manner and with a high quality design approach.

Councillor D.B. Wilcox noted that traffic calming measures proposed for Widemarsh Street would improve highway safety in the vicinity of the site.

In response to a question by Councillor Mrs. S.P.A. Daniels, the Principal Planning Officer advised that formal comments were awaited from the Environmental Health Manager and any appropriate conditions could be included as part of the planning permission if granted.

RESOLVED:

Subject to the receipt of suitably amended plans and no further objections from statutory consultees raising additional material planning considerations by the end of the consultation period, the officers named in the Scheme of

Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

- 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 A09 (Amended plans).

Reason: To ensure the development is carried out in accordance with the amended plans.

- 3 B01 (Samples of external materials).

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

- 4 E06 (Restriction on Use).

Reason: The local planning authority wish to control the specific use of the land/premises to ensure the use remains in accordance with policy TCR21R of the Herefordshire Unitary Development Plan (Revised Deposit Draft).

- 5 H29 (Secure 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.

- 6 A new gated pedestrian/cycle access shall be provided in the south eastern corner of the site prior to first use of the development hereby permitted. Details of the proposed means of providing a pedestrian/cycle access shall be provided within 2 months of the commencement of the development hereby permitted. The access shall be created in accordance with the approved details.

Reason: To provide a pedestrian/cycle link between the site and the Edgar Street Grid Canal Basin and Historic Core area as required by Policy TCR21R of the Herefordshire Unitary Development Plan (Revised Deposit Draft).

- 7 G01 (Details of boundary treatments).

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

Informatives:

- 1 N08 – Advertisements.

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

19. DATE OF NEXT MEETING

It was noted that the next scheduled meeting was Wednesday 28th June, 2006.

The meeting ended at 5.19 p.m.

CHAIRMAN