

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 18th October, 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, P.J. Edwards, R.I. Matthews, J.C. Mayson, Mrs. J.E. Pemberton, Mrs. S.J. Robertson, Miss F. Short, 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)

83. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors A.C.R. Chappell, Mrs. S.P.A. Daniels, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, J.W. Newman, Ms. G.A. Powell and A.L. Williams.

84. DECLARATIONS OF INTEREST

The following declarations of interest were made:-

Councillor	Item	Interest
J.C. Mayson	Minute 87, Agenda Item 16 DCCW2006/2534/F Brook Farm, Marden, Hereford, Herefordshire, HR1 3ET	Declared a prejudicial interest and left the meeting for the duration of the item.
Mrs. S.J. Robertson	Minute 88, Agenda Item 5, DCCE2006/2641/F Land Adjacent to Co-Op Store, Holme Lacy Road, Hereford, HR2 6DF	Declared a prejudicial interest and left the meeting for the duration of the item.
Mrs. W.U. Attfield and Ms. A.M. Toon	Minute 90, Agenda Item 7 DCCE2006/2211/F Land Off Andrews Close, Hereford, HR1 2JX	Declared prejudicial interests and left the meeting for the duration of the item.
D.B. Wilcox	Minute 91, Agenda Item 8 DCCE2006/2739/F Former Job Centre, Bath Street, Hereford, Herefordshire, HR1 2LG	Declared a personal interest
J.C. Mayson and W.J.S. Thomas	Minute 97, Agenda Item 14 DCCW2006/2184/F O.S. 3161, Upperton Farm, Yazor, Hereford, Herefordshire, HR4 7BB	Declared prejudicial interests and left the meeting for the duration of the item.

Mrs. S.J. Robertson	Minute 98, Agenda Item 15 DCCW2006/2634/F Highlands, Marden, Hereford, Herefordshire, HR1 3EN	Declared a prejudicial interest and left the meeting for the duration of the item.
---------------------	--	--

Mr. K. Bishop, Principal Planning Officer, declared a personal interest in Minute 95, Agenda Item 12, DCCW2006/2733/F and left the meeting for the duration of the item.

85. MINUTES

The Minutes of the last meeting were received.

Referring to Minute 81, paragraph 6, Councillor P.J. Edwards requested an amendment to the first sentence in order to represent fully what was requested at the meeting as follows:

‘Councillor P.J. Edwards asked that the Sub-Committee be advised of the exact number of dwellings having gained approval within the Bradbury Estate and the likelihood of remaining numbers coming forward prior to completion.’

RESOLVED: That, subject to the above amendment, the Minutes of the meeting held on 25th September, 2006 be approved as a correct record and signed by the Chairman

86. ITEM FOR INFORMATION - APPEALS

The Sub-Committee noted the Council’s current position in respect of planning appeals for the central area.

[Note: Given the significant level of public interest, the Chairman brought forward agenda item 16 [DCCW2006/2534/F – Brook Farm, Marden, Hereford, Herefordshire, HR1 3ET] to the start of the meeting and the remainder of the applications were considered in the order as published in the Agenda.]

87. DCCW2006/2534/F - BROOK FARM, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3ET [AGENDA ITEM 16]

Retention of polytunnels in connection with raised-bed strawberry production.

The Principal Planning Officer advised that the Public Rights of Way Manager had confirmed that the polytunnels were constructed in such a way as to avoid nearby footpaths and that the Conservation Manager – Landscape had withdrawn initial concerns. The receipt of two additional letters of objection were reported and summarised.

In response to a question, the Chairman reported that Councillor J.G.S. Guthrie, the Local Ward Member, was too ill to attend the meeting but had expressed concerns about the impact of the development on the locality.

In accordance with the criteria for public speaking, Mr. Ternouth spoke on behalf of Marden Parish Council, Mr. Gilbert spoke against the application and Mr. Hays spoke in support of the application.

The Principal Planning Officer reported that the Environment Agency had not yet provided final comments on the proposal, including matters related to water

abstraction, and therefore the recommendation remained the same as published in the report.

Councillor R.I. Matthews noted the significant level of objections that this proposal had generated, both from the Parish Council and from local residents. He felt that the development would have a detrimental and lasting impact on the landscape, would have a deleterious impact on tourism and the local economy, might set an indefensible precedent and could have a drastic effect on the well-being of local residents. Whilst acknowledging the need to support rural enterprises, he felt duty-bound to protect the wider landscape and commented that this proposal would have a serious impact on the visual amenities of the area. Therefore, he proposed refusal on the grounds that the proposal would have a severe and detrimental impact on the local landscape and on the character and setting of Marden.

The Development Control Manager acknowledged that a judgement had to be made on the landscape impact but emphasised that each application had to be considered on its own merits and that no decision on this application would predetermine any other applications in the future. It was noted that the arguments in relation to tourism could be difficult to sustain given the specific application before Members. The Sub-Committee was advised that the number of representations received was not in itself a determining factor as each application had to be considered on the material planning considerations identified. He commented that landscape impact, in view of Planning Policy Statement 7 – Sustainable Development in Rural Areas, was a material planning consideration.

For the benefit of the public present, Councillor P.J. Edwards explained the targets that the Authority was required to meet by Government for the determination of planning applications. Councillor Edwards noted that the comments of the Environment Agency would have a major bearing on the acceptability or otherwise of the application and he expressed concern that a proper response had not yet been received. He commented that the impact of polytunnels on the landscape had been relatively well managed by the Council's Code of Practice for the Use of Polytunnels [hereafter 'Code of Practice'] but he expressed concern about the permanent retention of polytunnels in this location and in perpetuity.

Councillor Mrs. S.J. Robertson expressed concerns about the noise nuisance experienced by occupiers of nearby properties and the impact on nearby bridleways and footpaths.

Councillor R.M. Wilson commented that he shared concerns about the abstraction of water and the lack of comment from the Environment Agency. He also questioned whether the applicant could revert to the use of temporary polytunnels under the Code of Practice if this application was refused. The Principal Planning Officer advised that the current Code of Practice would permit the return of temporary polytunnels in two year's time.

In response to questions, the Sub-Committee was advised that: the recommended conditions would ensure the retention and maintenance of hedgerows; the Head of Environmental Health and Trading Standards had no objections to the proposal; and the visual impact of the proposal from public viewpoints, including footpaths and bridleways, were material considerations.

Councillor Mrs. J.E. Pemberton felt that the emotive response to such proposals was in part based on residents' fears about the proliferation of polytunnels and where they might turn up next. Councillor Mrs. Pemberton expressed concerns about the permanent retention of polytunnels in this location.

Councillor Mrs. P.A. Andrews acknowledged that agriculture had changed dramatically in recent years, in part due to the success of soft fruit growing, but expressed concerns about water extraction and felt that the application should be deferred until this aspect was clarified.

Councillor Ms. A.M. Toon commented that the intensification of polytunnel use was almost on an industrial scale and had a negative impact on rural character; she added that there might be better locations for such activity.

Councillor D.B. Wilcox drew attention to the comment of the Head of Environmental Health and Trading Standards that "this proposal is unlikely to cause an increase in nuisance (noise, dust, etc.) to residents of the locality". Councillor Wilcox noted that the retrospective nature of the application made it difficult to establish an accurate baseline from which such judgements could be made and he felt that the comments did not give the impression that an accurate assessment had been made. He recognised the economic arguments but felt that this did not justify the significant visual impact of the proposal.

In response to the suggestion that consideration of the application should be deferred pending the comments of the Environment Agency, the Development Control Manager advised that the Sub-Committee was entitled to make a judgement based on landscape impact; he added that any objection from the Environment Agency could be incorporated into the refusal reasons and would be considered upon receipt of the awaited response.

RESOLVED:

That (i) The Central Area Planning Sub-Committee is minded to refuse the application subject to the reason 2 set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services NB. Reason 1 has been added following receipt of the response from the Environment Agency) provided that the Head of Planning Services does not refer the applications to the Planning Committee:

- 1. The Environmental Statement submitted with the planning application is not considered to be sound and fails to provide sufficient information to ensure that the proposed trickle irrigation system will not have a significant impact on the water environment of the River Lugg, a designated Site of Special Scientific Interest and Special Area of Conservation. The proposal is therefore contrary to Policies S2, S7, DR4, DR6, NC1, NC2 and NC3 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).**
- 2. The proposal is considered unacceptable due to its visual impact on the landscape quality of the area and in particular the impact on the setting of the village of Marden. Accordingly the development is contrary to Policies S2, S7, DR1, DR2, DR4, DR13, E6, E10, E13, LA2 and LA3 of the Herefordshire Development Plan (Revised Deposit Draft) and the main objectives of PPS7 'Sustainable Development in Rural Areas'.**

(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 for refusal referred to above.

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

88. DCCE2006/2641/F - LAND ADJACENT TO CO-OP STORE, HOLME LACY ROAD, HEREFORD, HR2 6DF [AGENDA ITEM 5]

Erection of 4 flats.

The Senior Planning Officer reported the receipt of further comments from Hereford City Council; the City Council recommended refusal on the grounds of overdevelopment and lack of privacy.

In accordance with the criteria for public speaking, Ms. Davies spoke against the application and Mr. Campbell spoke in support of the application.

Councillor R. Preece, a Local Ward Member, felt that the reasons for refusal given in respect of a previous application [DCCE2006/0989/F refers] had not been overcome by the minor amendments to the scheme and he proposed that this application should be refused for the same reasons.

Councillor Mrs. W.U. Atfield, also a Local Ward Member, drew attention to the traffic and parking problems in the vicinity of the site and felt that this proposal would have a detrimental impact on highway safety. Councillor Mrs. Atfield did not feel that the concerns expressed about overdevelopment would be alleviated by the proposed one metre reduction in the length.

A number of Members commented on traffic and parking issues, particularly in relation to the access to the adjacent Co-Op store. Some comments were made about the need for traffic control measures along this part of Holme Lacy Road and for the Co-Op to provide adequate parking and manoeuvring arrangements at its store.

RESOLVED:

That (i) The Central 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 applications 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 Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to

Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.

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

89. [A] DCCE2006/1978/F AND [B] DCCE2006/1980/L - BARTESTREE CONVENT, BARTESTREE, HEREFORDSHIRE, HR1 4DU [AGENDA ITEM 6]

[A] Erection of a terrace of 3 cottages and provision of additional parking area.

[B] Erection of a terrace of 3 cottages and formation of additional parking areas including overspill parking.

Councillor R.M. Wilson, the Local Ward Member, commented that this was a complex development site and felt that the Sub-Committee would benefit from a site inspection.

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

RESOLVED:

That consideration of the applications 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.**

90. DCCE2006/2211/F - LAND OFF ANDREWS CLOSE, HEREFORD, HR1 2JX [AGENDA ITEM 7]

5 no. 1 bedroom supported living units.

Councillor Mrs. P.A. Andrews commented that this was a constrained site and felt that the Sub-Committee would benefit from a site inspection.

In accordance with the criteria for public speaking, Mr. Boucher and Mr. Blackwell had registered to speak jointly against the application and decided to defer their opportunity to speak until the application was next considered following the site inspection.

RESOLVED:

That consideration of the applications 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.**

91. DCCE2006/2739/F - FORMER JOB CENTRE, BATH STREET, HEREFORD, HEREFORDSHIRE, HR1 2LG [AGENDA ITEM 8]

Change of use to members snooker & pool club.

In accordance with the criteria for public speaking, Mr. Almond spoke against the application and Mr. Fender spoke in support of the application.

The Chairman, speaking in his capacity as the Local Ward Member, noted the constraints of the building and commented that the proposed change of use appeared to be acceptable, subject to conditions to address the concerns of local residents. In particular, he felt that controls in respect of hours of operation and noise mitigation were essential.

Given the concerns expressed by local residents, Councillor Mrs. P.A. Andrews suggested that a temporary planning permission for one year be allowed in order to assess the impact of the development on adjacent properties in the intervening period. In response, the Principal Planning Officer advised that a temporary permission would not be reasonable given the potential expense of conversion. He commented that the applicant had initially applied for 24 hour opening but the scheme was amended on the advice of officers and the Sub-Committee could further restrict hours of operation.

The Development Control Manager commented on the limitations of temporary permissions, particularly where the Local Planning Authority could not demonstrate sound evidence upon which to refuse any renewal applications. However, further restrictions on the hours of operation, with the possibility of review at a later date, appeared to be a reasonable way forward in this instance.

The Sub-Committee discussed suitable hours and it was felt that the hours of opening should be 8.00 a.m. to 11.00 p.m. in order to protect residential amenities.

In response to a question, the Principal Planning Officer advised that obscured and fixed glazing would be required as part of recommended condition 5 and details of air conditioning units could also be included as a condition.

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. A11 (Change of use only details required of any alterations).**

Reason: To define the terms under which permission for change of use is granted.

- 3. E03 (Restriction on hours of opening) 8.00 a.m. – 11.00 p.m.**

Reason: In the interests of the amenities of existing residential properties in the locality.

- 4. E06 (Restriction on Use).**

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.

- 5. E19 (Obscure glazing to windows).**

Reason: In order to protect the residential amenity of adjacent properties.

6. F14 (Restriction on music).

Reason: In order to protect the amenity of occupiers of nearby properties.

7. 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.

8. F37 (Scheme of odour and fume control).

Reason: In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential properties in the locality.

9. F39 (Scheme of refuse storage).

Reason: In the interests of amenity.

10. Before development commences details of any air conditioning to include the location of any external plant shall be submitted for the approval in writing of the local planning authority. The air conditioning shall be installed in accordance with the approved details.

Reason: In order to protect the amenity of occupiers of nearby properties and businesses.

Informatives:

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

2. N19 - Avoidance of doubt.

92. DCCE2006/2888/F - LAND ADJACENT TO 72 OLD EIGN HILL, HEREFORD, HEREFORDSHIRE, HR1 1UA [AGENDA ITEM 9]

Proposed 3 bedroom detached dwelling.

The Principal Planning Officer advised that suitably amended plans had been received and the recommendation was amended accordingly.

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

Councillor W.J. Walling, a Local Ward Member, welcomed the amended plans. He commented that a key consideration was whether the development would fit in with the character and setting of Old Eign Hill. He felt that, on balance and subject to conditions, the proposal was acceptable.

In response to a question by Councillor Mrs. E.A. Taylor, also a Local Ward Member, the Principal Planning Officer clarified the parking and manoeuvring arrangements and confirmed that the Traffic Manager had no objections subject to conditions.

RESOLVED:

That planning permission be granted subject to the following conditions and any further 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. B01 (Samples of external materials).

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

3. H10 (Parking - single house).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

4. G01 (Details of boundary treatments).

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

5. E17 (No windows in side elevation of extension).

Reason: In order to protect the residential amenity of adjacent properties.

6. E16 (Removal of permitted development rights).

Reason: In order to safeguard the amenity of the occupants of existing and proposed dwellings and to prevent over development of the site.

7. The existing windows on the western elevation of 72 Old Eign Hill shall be permanently blocked up prior to commencement of work on the construction of the dwelling hereby approved.

Reason: To minimise the impact of the proposed dwelling on the amenity of the occupants of 72 Old Eign Hill.

Informatives:

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

2. N19 - Avoidance of doubt.

93. DCCE2006/2829/F - 17 WALNEY LANE, HEREFORD, HR1 1JD [AGENDA ITEM 10]

Erection of 3 no. detached houses and replacement garage for No. 17 Walney Lane, associated access works and new passing place.

This application had been withdrawn by the applicant prior to the meeting.

94. DCCW2006/2743/F - 3 YARLINGTON MILL, BELMONT, HEREFORD, HR2 7UA [AGENDA ITEM 11]

Replace 3, 1 metre high fence panels with 3, 1.8 metre high panels at edge of property - retrospective.

The Senior Planning Officer summarised correspondence from Councillor Ms. G.A. Powell, a Local Ward Member; Councillor Ms. Powell had expressed concerns about highway safety and felt that planning permission should be refused. The Senior Planning Officer also reported the receipt of an additional letter of objection from Mr. Gregory.

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

Councillor P.J. Edwards, a Local Ward Member, noted that a similar application to this had been permitted on appeal but felt that the circumstances were different in this case and he felt unable to support this application given the concerns raised in the letters of objection. In particular, he was concerned that the 1.8 metre high panels would have a detrimental impact on pedestrian and highway safety. Councillor Edwards commented on the design element of the panels which, he felt, would have a deleterious impact on the open character of the street frontage.

A number of Members supported the Local Ward Members' views.

The Development Control Manager commented that, whilst the design case could be argued, a refusal reason based on highway safety concerns might not be sustained on appeal given that the Traffic Manager had no objections to the application.

RESOLVED:

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

- 1. The proposed fence by reason of its increased length, height and prominent location along the back edge of the public footpath would result in an unacceptable form of development which is detrimental to the visual amenity of the wider locality, contrary to Policy DR1 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).**

(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 for refusal referred to above.

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

95. DCCW2006/2733/F - JABRIN HOUSE, THE ROW, WELLINGTON, HEREFORD, HEREFORDSHIRE, HR4 8AP [AGENDA ITEM 12]

Erection of detached house and ancillary garage and formation of new vehicular access.

Councillor J.C. Mayson, the Local Ward Member, noted local concerns about access and egress to the site and felt that the Sub-Committee would benefit from a site inspection.

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.**

96. DCCW2006/2837/F - 54 HUNDERTON ROAD, HEREFORD, HR2 7AG [AGENDA ITEM 13]

Change of use to hot food takeaway.

The Principal Planning Officer summarised correspondence from Councillor Ms. G.A. Powell, a Local Ward Member; Councillor Ms. Powell had expressed concerns about traffic and parking in the vicinity of the site and the environmental impact of the proposal.

Councillor P.J. Edwards, a Local Ward Member, noted the difficulty of balancing the potential impact on neighbours with the needs of the business. He felt that the proposal was feasible and workable subject to strict adherence to the conditions proposed. The need to amend the hours given in the recommendation contained in the report was noted.

A number of Members supported 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. **The use hereby permitted shall only be open to customers between the hours of 11.30 am to 9.45 pm daily Monday-Saturday and at no times on a Sunday.**

Reason: In the interests of the amenities of existing residential property in the locality.

3. **Before the extraction system and ducting is used on the premises, it shall be enclosed with sound-insulating material and mounted in a way which will minimise transmission of structure borne sound in accordance with a scheme to be approved in writing by the local planning authority.**

Reason: To safeguard the amenity of the area.

4. **Prior to the commencement of development, a litter management plan shall be submitted to and approved in writing by the local planning authority. The management plan should include the provision of litter bins on the premises and information relating to regular litter patrols. The approved details shall be implemented prior to the first use of the premises which shall thereafter be operated in accordance with the management plan.**

Reason: In the interests of the amenity of the area.

- 5. A scheme for the ventilation of fumes and odours arising from the use hereby permitted shall be submitted for the approval of the local planning authority and the use shall not be commenced until the approved scheme has been installed and made fully operational, and thereafter it shall be operated and maintained, as long as the use continues.**

Reason: In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality.

- 6. The flue above the roof level of the premises shall be painted in a dark matt finish, which shall have been approved by the local planning authority prior to its installation. The flue shall be maintained in accordance with the approved colour thereafter.**

Reason: To safeguard the character and appearance of the area.

- 7. E15 (Restriction on separate sale of takeaway from adjoining house).**

Reason: It would be contrary to the policy of the local planning authority to grant consent for a separate dwelling in this location.

Informatives:

- 1. N19 - Avoidance of doubt.**
 - 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 97. DCCW2006/2184/F - O.S. 3161, UPPERTON FARM, YAZOR, HEREFORD, HEREFORDSHIRE, HR4 7BB [AGENDA ITEM 14]**

Erection of permanent polytunnels for growing fruit.

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

Councillor P.J. Edwards welcomed the way in which the application had been put together and felt that the scheme was acceptable given the siting and scale of the proposed development and the impact mitigation measures.

Councillor Mrs. P.A. Andrews drew attention to the comment of Yazor Parish Council that "Due to careful location and screening, there is no objection". A number of Members expressed support for the application.

RESOLVED:

That planning permission be granted subject to the following conditions and any other conditions deemed 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. The polythene shall be removed from the tunnels on or before the 1st October every year and not replaced until 31st March in any year.**

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

- 4. G04 (Landscaping scheme (general)).**

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

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

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

- 6. G11 (Retention of hedgerows (where not covered by Hedgerow Regulations)).**

Reason: To ensure that the application site is properly landscaped in the interests of the visual amenity of the area.

- 7. G27 (Landscape maintenance arrangements).**

Reason: In the interests of visual and residential amenity.

- 8. Prior to the commencement of the development hereby approved details of the proposed means of irrigation shall be submitted for approval in writing by the local planning authority and the irrigation shall thereafter be undertaken in accordance with those details unless otherwise agreed in writing by the local planning authority.**

Reason: In order to clarify the means of irrigation and ensure protection of water resources.

- 9. All polytunnels shall be aligned perpendicular to, or at a 45 degree angle to the direction of the slope of the land within the application site unless otherwise agreed in writing with the local planning authority.**

Reason: To prevent flood risk by ensuring surface water run-off from the site is controlled.

Informatives:

- 1. N19 - Avoidance of doubt.**
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

- 98. DCCW2006/2634/F - HIGHLANDS, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3EN [AGENDA ITEM 15]**

Proposed dwelling with garage.

The Principal Planning Officer reported the receipt of a letter from the applicant in response to Marden Parish Council's comments about the design approach. The receipt of a letter of support from the occupier of the neighbouring property,

Cirandus, was also reported.

In accordance with the criteria for public speaking, Mr. Ternouth spoke on behalf of Marden Parish Council and Mr. Shaw spoke in support of the application.

Councillor R.I. Matthews felt that the proposal would not have a detrimental impact on the character of the area given the similar designs found elsewhere in the locality and, therefore, he supported 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. **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. **F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.

4. **F48 (Details of slab levels).**

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

5. **G04 (Landscaping scheme (general)).**

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

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

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

7. **H04 (Visibility over frontage).**

Reason: In the interests of highway safety.

8. **H05 (Access gates).**

Reason: In the interests of highway safety.

9. **H06 (Vehicular access construction).**

Reason: In the interests of highway safety.

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.

Informatives:

1. **HN05 - Works within the highway.**
2. **HN10 - No drainage to discharge to highway.**
3. **N19 - Avoidance of doubt.**
4. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

99. DCCW2006/2613/F - 7-8 WALKERS GREEN, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3DN [AGENDA ITEM 17]

Conversion of vacant butchers shop into two dwellings.

Councillor R.I. Matthews noted the concerns of Marden Parish Council and felt that the Sub-Committee would benefit from a site inspection but the majority of Members present did not support this.

In accordance with the criteria for public speaking, Mr. Ternouth spoke on behalf of Marden Parish Council, Mr. Jenkyn spoke against the application and Mr. Wingfield spoke in support of the application.

Councillor Matthews felt that the proposed dwellings would be an overintensive form of development and therefore he could not support the application.

In response to questions from Councillor D.B. Wilcox, the Senior Planning Officer advised that a previous application had been refused [DCCW2006/0732/F] as the proposed first floor element was considered unacceptable and the proposed conversion and extension was of poor quality. He commented that the current application was of a scale that was more modest and the domestic fenestration would enhance the appearance of the building. Each dwelling was estimated to be 40m²; for comparative purposes, it was noted that three bedroom dwellings often comprised 90m² and four bedroom dwellings 100m².

Councillor Wilcox did not feel that modest alterations to the frontage would significantly enhance the appearance of the building. He added that demolition and rebuild might be a better option in this case.

Councillor P.J. Edwards felt the application should be refused on the grounds of overintensive development, poor and inadequate design and the detrimental impact on the character and appearance on the locality.

RESOLVED:

That (i) The Central 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 applications to the Planning Committee:

1. **The proposal would result in a contrived and cramped form of development which by reason of its poor design and relationship with the remaining commercial units and other residential development in the locality, would have an unacceptable adverse impact on the character and appearance of the area contrary to Policies DR1, H4 and H13 of the Herefordshire Unitary**

Development Plan (Revised Deposit Draft).

- (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 for refusal referred to above.**

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

100. DCCW2006/1735/F - 100 BELMONT ROAD, HEREFORD, HR2 7JS [AGENDA ITEM 18]

Proposed 5 no. apartments to replace existing dwelling.

Councillor Mrs. W.U. Attfield, a Local Ward Member, spoke in support of the proposal.

In response to questions, the Senior Planning Officer confirmed that there was adequate space for parking manoeuvres and that the detailed version of condition 7 (obscure glazing to windows) would require the specified windows to be non-opening.

Some Members commented on the level of demand for this type of accommodation.

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. 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.

- 5. Before any other works hereby approved on the application site are commenced, the proposed access shown on drawings 096-LS01 and 096-SOP2 have been completed to the satisfaction of the local planning authority after consultation with the Highways Agency.**

Reason: In the interests of highway safety.

- 6. F17 (Scheme of foul drainage disposal).**

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

7. **E19 (Obscure glazing to windows).**

Reason: In order to protect the residential amenity of adjacent properties.

8. **During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday - Friday 7.00 am - 6.00 pm, Saturday 8.00 am - 1.00 pm nor at any time on Sundays, Bank or Public Holidays.**

Reason: To safeguard residential amenity.

9. **No materials or substances shall be incinerated within the application site during the construction phase.**

Reason: To safeguard residential amenity and prevent pollution.

Informatives:

1. **The highways proposals associated with this planning permission involve works within the public highway, which is land over which you have no control. The Highways Agency therefore requires you to enter into a suitable legal agreement to cover the design and construction of the works. Please contact Mrs. Chris Holton, S278 Team on 0121 678 8237 at an early stage to discuss the details of the highways agreement.**
2. **N01 - Access for all.**
3. **N03 - Adjoining property rights.**
4. **N19 - Avoidance of doubt.**
5. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

101. **DCCW2006/2845/F - HAWKERSLAND SMALLHOLDING, BURMARSH LANE, NEAR MARDEN, HEREFORD, HR1 3ER [AGENDA ITEM 19]**

Fodder barn and off grid wind turbine.

In accordance with the criteria for public speaking, Mr. Ternouth spoke on behalf of Marden Parish Council and Ms. Osbourne spoke in support of the application.

A number of Members spoke in support 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. **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. **F32 (Details of floodlighting/external lighting).**

Reason: To safeguard local amenities.

5. **G02 (Landscaping scheme (housing development)).**

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

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

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

Informatives:

1. **N01 - Access for all.**
2. **N04 - Rights of way.**
3. **N19 - Avoidance of doubt.**
4. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

102. DCCW2006/2760/F - 24 HOSPITAL HOUSES, BURGHILL, HEREFORD, HR4 7RE [AGENDA ITEM 20]

Change of use to residential curtilage.

Councillor S.J. Robertson, the Local Ward Member, commended the officers appraisal and noted that the concerns of Burghill Parish Council had been largely addressed. Councillor Mrs. Robertson proposed an additional condition to require screening along the residential curtilage. The Development Control Manager commented that a boundary treatment condition could be added, with the landscaping/screening to be agreed in consultation with the Local Ward Member

RESOLVED:

That planning permission be granted subject to the following condition:

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

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

2. **Within two months of the date of this permission, details of a landscaping scheme to provide a screen along the southern and western boundaries, consisting predominantly of trees or other suitable plants, shall be submitted to and approved in writing by the local planning authority.**

Reason: To safeguard the amenities of neighbouring occupiers.

3. **All planting specified in the approved landscaping scheme shall be carried out by no later than 31st March 2007. Any trees or plants which within a period of five years from that date are removed, die or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the five years.**

Reason: To safeguard the amenities of neighbouring occupiers

Informatives:

1. **This permission does not imply any rights to use the static caravan as a separate self-contained unit of accommodation, and as such a use would require a separate planning application to be submitted for consideration by the local planning authority.**
2. **N19 - Avoidance of doubt.**
3. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

103. DATE OF NEXT MEETING

Members briefly discussed some issues relating to the meeting as follows: the need to ensure that the public gallery maintained good order; the value of parish council comments during the public speaking procedure, especially if the Local Ward Member was unavoidably unavailable; the Chairman updated Members regarding Councillor J.G.S. Guthrie's recent illness; and the Development Control Manager explained the lawful use of caravans within domestic curtilages.

It was noted that the date of the next meeting was Wednesday 15th November, 2006.

The meeting ended at 5.34 p.m.

CHAIRMAN