

MINUTES of the meeting of Central Area Planning Sub-Committee held at : The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 25th April, 2007 at 2.00 p.m.

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

Councillors: W.U. Attfield, P.J. Edwards, M.D. Lloyd-Hayes,
R.I. Matthews, J.C. Mayson, J.W. Newman, J.E. Pemberton, G.A. Powell,
S.J. Robertson, Miss F. Short, W.J.S. Thomas, W.J. Walling,
D.B. Wilcox, A.L. Williams and R.M. Wilson

In attendance: Councillors T.W. Hunt (ex-officio)

199. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. P.A. Andrews, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, J.G.S. Guthrie and Ms. A.M. Toon.

200. DECLARATIONS OF INTEREST

The following declarations of interest were made:-

Councillor	Item	Interest
J.C. Mayson	Minute 183, Agenda Item 5 DCCE2007/0313/F Land to the Rear of Stokes Stores, Holme Lacy Road, Hereford	Declared a prejudicial interest and left the meeting for the duration of the item.
D.J. Fleet and Mrs. E.A. Taylor	Minutes 191 and 192, Agenda Items 13 and 14 DCCE2007/0283/F and DCCE2007/0286/F Lucksall Caravan Park, Mordiford, Hereford, HR1 4LP	Declared personal interests

201. ITEM FOR INFORMATION - APPEALS

The Minutes of the last meeting were received.

RESOLVED: That the Minutes of the meeting held on 4th April, 2007 be approved as a correct record and signed by the Chairman.

202. [A] DCCE2007/0493/F AND [B] DCCE2007/0495/C - PUBLIC CONVENIENCE AND REFERRAL UNIT, UNION STREET, HEREFORD, HR1 2BT [AGENDA ITEM 5]

Proposed demolition of existing buildings and construction of new building to provide commercial (A3) unit and six residential units above.

The Central Team Leader reported the following:

- The applicants had provided a revised elevation plan to illustrate the impact of the proposal on the windows serving the next door retail unit.
- The recommendation was altered so that conditions 12 to 14 detailed in the report were substituted for standard condition F18 to deal with foul and surface water drainage arrangements.

The Chairman, speaking in his capacity as the Local Ward Member, commented on the difficulty of developing the land without one problem or another given the site constraints.

In response to questions about loss of light to the retail unit to the south, the Central Team Leader advised that commercial properties were not afforded the same level of protection as residential properties. He added that the applicant had agreed to the whitewashing of the wall facing the neighbouring property in order to reflect some natural light into some of the windows.

In response to comments about the potential for disturbance and litter being generated by the proposed restaurant/café, the Central Team Leader advised that an A3 use class had been applied for and this would not permit the sale of takeaway food. He also commented on the shopping frontage policy and advised that the proposal was considered acceptable, particularly as it would enhance the character and appearance of the site and the street scene.

A number of Members felt it regrettable that some loss of light would result from the development but considered that the benefits of the proposal outweighed the disadvantages.

In response to questions, the Central Team Leader: drew attention to the fact that the Environmental Health Manager had no objections subject to conditions; explained the design approach for the frontage and the materials to be used; and advised that a condition could be added to require details of refuse storage to be submitted and approved prior to occupation.

RESOLVED:

DCCE2007/0493/F

That planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

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

- 2. No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

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

- 3. Before development commences architectural details of window sections, eaves, verges and barge boards at a scale of 1:1 or 1:5 shall be submitted to the local planning authority and approved in writing.**

Reason: To safeguard the character and appearance of this building in the interest of visual amenity.

- 4. Prior to the commencement of development, details of the proposed finishes for all external joinery shall be submitted to and approved in writing by the local planning authority. The finishes so approved shall not thereafter be changed without the prior written approval of the local planning authority.**

Reason: To safeguard the character and appearance of this building in the interest of visual amenity.

- 5. No development shall take place until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service.**

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

- 6. 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 or dormer windows shall at any time be placed in the north and south elevations of the extension hereby permitted.**

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

- 7. Prior to the use or occupation of the studio apartments hereby permitted, and at all times thereafter, the windows marked "X" on the approved plans shall be glazed with obscure glass only and shall be non-opening.**

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-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.**

Reason: To protect the amenity of local residents.

- 9. 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.

- 10. Prior to the commencement of development a scheme for the provision of storage, prior to disposal, of refuse, crates, packing cases and all other waste materials shall be submitted for the approval of the local planning authority. The approved scheme shall be implemented prior to the first**

occupation of the development hereby permitted.

Reason: In the interests of amenity.

11. Before the development is commenced a scheme for the provision of secure cycle parking on site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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.

12. Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of the building[s] hereby permitted.

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

13. Prior to the commencement of the development hereby approved details of the external finish of the south elevation of the building shall be submitted to and approved in writing by the local planning authority. The elevation shall be completed in accordance with the details and thereafter maintained.

Reason: In the interest of the amenities of the neighbouring occupier.

Informatives:

1. The site is within an Area of Archaeological Importance designated under the Ancient Monuments and Archaeological Areas Act 1979. The effects of this are that notice is required of any proposed operations which will disturb the ground. An Operations Notice and accompanying Certificate should be served on Herefordshire Council prior to the commencement of such operations.
2. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
3. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. C. Hall, Area Manager (Central), Thorn Business Park, Rotherwas, Hereford, HR2 6JT Tel: 01432-260786, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.
4. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.
5. The decision to grant planning permission has been taken having regard to the policies and proposals in the Herefordshire Unitary Development

Plan 2007 set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Herefordshire Unitary Development Plan 2007:

- S1 - Sustainable development
- S2 - Development requirements
- S3 - Housing
- S5 - Town centres and retail
- S6 - Transport
- S7 - Natural and historic heritage
- DR1 - Design
- DR2 - Land use and activity
- DR3 - Movement
- H1 - Hereford and the market towns: settlement boundaries and established residential areas
- H13 - Sustainable residential design
- H14 - Re-using previously developed land and buildings
- H15 - Density
- H16 - Car parking
- H17 - Sub-division of existing housing
- TCR1 - Central shopping and commercial areas
- TCR2 - Vitality and viability
- TCR3 - Primary shopping frontages
- TCR4 - Secondary shopping frontages
- TCR6 - Non-retail uses (Classes A2 and A3)
- E5 - Safeguarding employment land and buildings
- T11 - Parking provision
- HBA6 - New development within conservation areas
- ARCH7 - Hereford AAI

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting The Hereford Centre, Garrick House, Widemarsh Street, Hereford (Tel: 01432-261563).

DCCE2007/0495/C

Subject to no further material planning objections being raised that Conservation Area Consent be granted subject to the following conditions:

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

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

Informatives:

1. D01 – Site investigation – archaeology.
2. N15 - Reason(s) for the Grant of PP/LBC/CAC.
3. N19 - Avoidance of doubt.

203. DCCW2007/0187/F - HOLMER PARK SPA AND HEALTH CLUB, CLEEVE ORCHARD, HOLMER, HEREFORD, HEREFORDSHIRE, HR1 1LL [AGENDA ITEM 6]

External fire escape staircase from ground floor to first floor (retrospective).

Councillor Mrs. S.J. Robertson, the Local Ward Member, commented on the value of the site inspection that had been held and noted that the Conservation Manager was in discussions with the applicant about a number of issues at the site. However, she expressed concerns that people may congregate on the fire escape staircase and this could lead to health and safety risks and cause noise disturbance. Councillor R.M. Wilson suggested that alarms or break-locks could be installed to prevent non-emergency use of the staircase.

A number of Members commented on the need to mitigate the visual impact of the fire escape staircase and felt that it should be painted a suitable colour.

RESOLVED:

That planning permission be granted subject to the following condition:

- 1. Within one month of the date of this permission the fire escape shall be painted a dark green colour or other suitable colour to be agreed in writing with the local planning authority. Thereafter the fire escape shall be maintained in accordance with the approved detail.**

Reason: In the interests of visual amenity.

- 2. The fire escape stair hereby approved shall only be used in the event of an emergency.**

Reason: In the interests of protecting the residential amenity of the surrounding locality.

Informatives:

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

204. DCCW2006/3963/F - SHETTON COURT FARM, MANSEL LACY, HEREFORD, HEREFORDSHIRE, HR4 7HP [AGENDA ITEM 7]

Proposed agricultural building for general stock housing and grain store.

The Central Team Leader reported the following:

- Attention was drawn to the need to correct Page 19, paragraph 5.1, fifth line, so that it read '...is probably the ~~last~~ least obtrusive position...'

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

Councillor W.J.S. Thomas, the Local Ward Member, noted the extent of local support for the proposal and did not feel that the development would have a significant impact on the landscape quality of the area.

A number of Members spoke in support of the application and felt that the potential detrimental impact of the development had been overstated, particularly as existing landscaping would provide screening for the building.

The Central Team Leader drew attention to the concerns of the Conservation Manager and noted that alternative sites had been suggested but had been discounted by the applicant. He requested that, should the Sub-Committee be minded to approve the application, officers be delegated to include appropriate conditions on the planning permission to mitigate the impact of the development.

Councillor P.J. Edwards suggested that conditions to control the use of materials, particularly roofing, should be included to lessen the impact of the development.

RESOLVED: That

- (i) **The Central Area Planning Sub-Committee is minded to approve the application subject to the following condition and any further conditions felt to be necessary by the Head of Planning Services, provided that the Head of Planning Services does not refer the application to the Planning Committee:**

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

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

- 2. The whole of the external cladding of the building shall be permanently coloured in accordance with a scheme to be submitted to and agreed in writing by the local planning authority before development commences. The cladding shall be coloured in accordance with the approved details.**

Reason: To minimise the visual impact of the development.

- 3. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping enhancement and maintenance which shall include indications of all existing trees and hedgerows along the boundaries of Field No. 4400, details of any to be retained together with measures for their long term protection and management. The development shall be carried out in accordance with the approved scheme.**

Reason: In order to protect the visual amenity of the site and surrounding countryside.

- 4. Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the building approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.**

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

- 5. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority**

and these areas shall thereafter be retained and kept available for those uses at all times.

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

Informatives:

- 1. For the avoidance of any doubt the plans for the development hereby approved are as follows:-**

Site plan received on 2nd November 2006 and drawing no. 5199.

- 2. The decision to grant planning permission has been taken having regard to the policies and proposals in the Herefordshire Unitary Development Plan 2007 set out below, and to all relevant material considerations including Supplementary Planning Guidance:**

DR1 - Design

DR2 - Land Use and Activity

E13 - Agricultural and Forestry Development

LA2 - Landscape Character and Areas of Least Resilient to Change

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting The Hereford Centre, Garrick House, Widemarsh Street, Hereford (Tel: 01432-261563).

- (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 approve the application, subject to such conditions referred to above.**

[Note: Following the vote on this application, the Development Control Manager advised that, although the resolution was contrary to the officers' recommendation, he was not minded to refer the matter to the Head of Planning Services.]

205. DCCE2007/0283/F - LUCKSALL CARAVAN PARK, MORDIFORD, HEREFORD, HEREFORDSHIRE, HR1 4LP [AGENDA ITEM 8]

Retention of existing pontoon, steps and storage area for max. 30 canoes.

The Central Team Leader reported the following:

- Further letters of support had been received from Barbara Layton and Robert Peers of 9 and 10 Noverwood Drive, Fownhope respectively; both letters commented on the importance of the canoe launch in terms of tourism and leisure activities.
- Attention was drawn to the need to correct Page 23, paragraph 1.1, in that the application did not relate to the provision of a terraced enclosure and this section of the first sentence should be omitted.
- Attention was drawn to the need to correct Page 28, paragraph 6.8, so that the words "and in this way it can be ensured that the traffic generation" were omitted from the fifth and sixth line.

Councillor Mrs. J.E. Pemberton, the Local Ward Member, commented on the

planning history of the site and the significant growth of the business in recent years. She noted that the site was popular and well maintained. However, she expressed concerns about the potential impact on visual and residential amenities. She also questioned the arrangements in respect of storage, parking and access to the river.

Councillor W.J.S. Thomas drew attention to the objections of Holme Lacy Parish Council, to concerns about the retrospective nature of some of the applications relating to this site, and to concerns about access arrangements. He also noted that an existing parking and turning area was being used as a seating area and questioned where visiting groups would park and manoeuvre.

Councillor R.M. Wilson commented that the proposal should mitigate health and safety risks associated with the access to the river but questioned the positioning of the vertical poles that would secure the pontoon and suggested that this be addressed through the conditions.

Councillor Mrs. M.D. Lloyd-Hayes felt it regrettable that this was a retrospective application but noted the importance of river based activities to tourism and the limited number of launching / landing sites along the River Wye.

Councillor D.B. Wilcox suggested that the parking situation could be addressed through the use of Grasscrete or similar grassed paving system.

Councillor Mrs. E.A. Taylor suggested that it would be a good idea for the applicant to review the health and safety of children accessing the river from the park.

Councillor P.J. Edwards asked whether there was a log of movements of people using this site for launching / landing and suggested that this could help to establish appropriate controls.

In response to a number of questions and comments, the Central Team Leader advised that: the area previously used for launching by the park was under separate ownership and, although access to the river could not be controlled, a boundary treatment condition could be included to restrict access to the other site; that details of the parking and turning arrangements could be required through a condition; the structural integrity of the pontoon could be examined; and the purpose of the application was to provide a formalised access to the river for patrons of the park and visiting organisations.

Councillor Mrs. J.E. Pemberton expressed concerns about health and safety risks but noted that access to the river could not be restricted.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1. Within one month of the permission hereby granted details of the means of enclosure around the canoe storage area and between the canoe storage area and the River Wye shall be submitted to and approved in writing by the local planning authority. The approved enclosure shall permanently restrict access to the land to the north of the application site and specifically the historic access point and shall be implemented in accordance with the approved details within two months of the date of this permission and retained thereafter.**

Reason: To limit access to the river in the interests of the residential amenity of neighbouring occupiers.

2. Within one month of the date of the permission hereby granted, details of a turning/parking facility for loading and unloading canoes shall be submitted to and approved in writing by the local planning authority. The construction of the approved turning/parking facility shall be carried out within 6 months of this permission and thereafter retained and kept available for this use at all times.

Reason: In the interests of highway safety and to avoid potential impacts on the residential amenity of neighbouring occupiers.

3. Within one month of the date of the permission hereby granted details of the means of fixing the pontoon structure to the river bed/bank shall be submitted to and approved in writing by the local planning authority. The pontoon shall thereafter be operated in accordance with these details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the continued safe use of the pontoon.

4. The canoes stored within the canoe storage area shall be for the benefit of persons staying at the Lucksall Camping and Caravan Park only.

Reason: To safeguard the amenities of the locality and in the interests of highway safety.

Informatives:

1. Your attention is drawn to the requirements of Part M of the Building Regulations 1991 in respect of the need to provide access and facilities for the disabled.
2. This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
3. This permission does not extinguish any rights of way which may exist over the site nor does it imply that such rights of way may be diverted or otherwise altered.
4. A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.
5. All protected birds, their nests and eggs are protected by law and it is thus an offence to:
Intentionally kill, injure or take any wild bird
Intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
Intentionally take or destroy the egg of any wild bird
Intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a

fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from English Nature and the Council's Ecologist.

6. It is an offence for any person to:
Intentionally kill, injure or take protected bats.
Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.
Under the Habitats Regulations it is an offence to damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.
The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and Conservation Regulations 1994 that works to trees or building where that work involves the disturbance of a bat is an offence if a licence has not been obtained by DEFRA. If a bat is discovered while work is being undertaken, all work must stop and advice sought from English Nature and the Council's Ecologist. You can also call the UK Bat helpline on 0845 133 228.
7. The decision to grant planning permission has been taken having regard to the policies and proposals in the Herefordshire Unitary Development Plan 2007 set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Herefordshire Unitary Development Plan 2007:

- S1 - Sustainable development
- S2 - Development requirements
- S6 - Transport
- S7 - Natural and historic heritage
- S8 - Recreation, sport and tourism
- DR1 - Design
- DR2 - Land use and activity
- DR7 - Flood risk
- T11 - Parking provision
- LA1 - Areas of Outstanding Natural Beauty
- LA2 - Landscape character and areas least resilient to change
- RST1 - Criteria for recreation, sport and tourism development
- RST2 - Recreation, sport and tourism development within Areas of Outstanding Natural Beauty
- RST14 - Static caravans, chalets, camping and touring caravan sites

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting The Hereford Centre, Garrick House, Widemarsh Street, Hereford (Tel: 01432-261563).

206. DCCE2007/0286/F - LUCKSALL CARAVAN PARK, MORDIFORD, HEREFORD, HEREFORDSHIRE, HR1 4LP [AGENDA ITEM 9]

Improvement to existing vehicular access and re-use of existing reception building and store for office, sales and cafe.

The Central Team Leader reported the following:

- A further letter of support had been received from Barbara Layton of 9 Noverwood Drive, Fownhope; the letter stressed the importance of the proposed café in terms of promoting a high quality tourist attraction.
- The Lead Engineer (Traffic) had advised that, following further consideration of the option of localised speed restrictions in the vicinity of the caravan site and the potential for the section of road between Mordiford and Fownhope to be restricted, there was insufficient evidence to justify a reduction at this time.
- Notwithstanding the lack of justification for speed restrictions, officers considered that the application, by reason of the internal widening of the access, would enhance the safety of the current access arrangements.
- For the purposes of clarity, the Sub-Committee was advised that recommended condition 2 would restrict the use of the building to the times when the caravan site was open; this was understood to be from March - November. It was recommended that the café and shop elements be available to park residents between 0800 and 2300 daily.

In accordance with the criteria for public speaking, Miss Harris spoke in objection to the application and Mr. Jolly spoke in support of the application.

Councillor Mrs. J.E. Pemberton, the Local Ward Member, felt that the highway safety risks had been underestimated. She felt that speed restrictions or, at least, warning signs should be installed along the road to highlight the dangers of slow moving traffic entering and exiting the caravan park. Noting the concerns of the public speaker, Councillor Mrs. Pemberton suggested that the hours of opening of the café element should be restricted.

Councillor D.B. Wilcox, while acknowledging that the revised access arrangements would improve site access to some extent, concurred with the Local Ward Member about the highway safety risks associated with the B4224 and commented on the intensification of activity at the caravan park in recent years. He noted that there were no footpaths along the main road and not even verges in some places. He felt that the applicants should be required to give a commitment that they would contribute to any highway safety measures deemed necessary over the next five years, perhaps for vehicle activated signage. He questioned whether any recent surveys had been undertaken of vehicle and pedestrian movements in the vicinity of the site.

In response to the matters raised by Members, the Central Team Leader advised that: the hours of opening could be controlled by a condition; he was not aware that any detailed counts of vehicle and pedestrian movements had been made; and that a contribution towards potential highway safety measures would not pass the tests of the relevant circular, particularly as the Traffic Manager had not raised any objections to the proposals. The Legal Practice Manager explained the use of Section 106 Agreements and commented that, without concerns being expressed by the Traffic Manager, such a requirement could be difficult to sustain in this instance.

A number of Members felt that consideration of the application should be deferred for further information and detailed appraisal from the Traffic Manager. The Development Control Manager questioned what could be achieved through deferral of the application given that the Traffic Manager had not raised any objections and that the proposed access improvements could be lost if the application was not

supported. He suggested that Members' concerns about the B4224 could be reported to the Traffic Manager separately. The Chairman noted that the revised access arrangements would improve the existing situation and that this particular application would not generate significant levels of additional traffic in itself.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

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

2. **The reception building and the business known as Lucksall Caravan and Camping Park shall not be sold separately from each other.**

Reason: It would be contrary to the policy of the local planning authority to grant permission for a separate commercial use in this location and to comply with Policies DR2 and E11 of the Herefordshire Unitary Development Plan 2007.

3. **The premises shall not be used for the sale of food for consumption off the premises known as Lucksall Caravan and Camping Park.**

Reason: To prevent use of the premises for purposes other than for the benefit of patrons and other users of the site, to protect residential amenity and to comply with Policy DR2 of the Herefordshire Unitary Development Plan 2007.

4. **No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.**

Reason: In order to protect the visual amenities of the area and to comply with Policy LA6 of the Herefordshire Unitary Development Plan 2007.

5. **All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed 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 5 year defects period.**

Reason: In order to protect the visual amenities of the area, and to comply with Policy LA6 of the Herefordshire Unitary Development Plan 2007.

6. No amplified music shall be played in or at the building subject of this application.

Reason: To protect the amenities of neighbouring occupiers.

7. The cafe use shall not be open to customers outside the hours of 0800 - 2000 hours on any day.

Reason: To protect the amenity of neighbouring occupiers and to comply with Policy DR2 of the Herefordshire Unitary Development Plan 2007.

Informatives:

1. Your attention is drawn to the requirements of Part M of the Building Regulations 1991 in respect of the need to provide access and facilities for the disabled.
2. This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
3. This permission does not extinguish any rights of way which may exist over the site nor does it imply that such rights of way may be diverted or otherwise altered.
4. A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.
5. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. C. Hall, Area Manager (Central), Thorn Business Park, Rotherwas, Hereford, HR2 6JT Tel: 01432-260786, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.
6. All protected birds, their nests and eggs are protected by law and it is thus an offence to:
Intentionally kill, injure or take any wild bird
Intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
Intentionally take or destroy the egg of any wild bird
Intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being

built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from English Nature and the Council's Ecologist.

7. It is an offence for any person to:
Intentionally kill, injure or take protected bats.
Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.
Under the Habitats Regulations it is an offence to damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and Conservation Regulations 1994 that works to trees or building where that work involves the disturbance of a bat is an offence if a licence has not been obtained by DEFRA. If a bat is discovered while work is being undertaken, all work must stop and advice sought from English Nature and the Council's Ecologist. You can also call the UK Bat helpline on 0845 133 228.

8. The decision to grant planning permission has been taken having regard to the policies and proposals in the Herefordshire Unitary Development Plan 2007 set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Herefordshire Unitary Development Plan 2007:

- S1 - Sustainable development
- S2 - Development requirements
- S6 - Transport
- S7 - Natural and historic heritage
- S8 - Recreation, sport and tourism
- DR1 - Design
- DR2 - Land use and activity
- DR7 - Flood risk
- T11 - Parking provision
- LA1 - Areas of Outstanding Natural Beauty
- LA2 - Landscape character and areas least resilient to change
- RST1 - Criteria for recreation, sport and tourism development
- RST2 - Recreation, sport and tourism development within Areas of Outstanding Natural Beauty
- RST14 - Static caravans, chalets, camping and touring caravan sites

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting The Hereford Centre, Garrick House, Widemarsh Street, Hereford (Tel: 01432-261563).

207. DCCE2007/0619/F - 24 HOLME LACY ROAD, HEREFORD, HR2 6BY [AGENDA ITEM 10]

Change of use of 1 no. house to 2 no. flats and single storey rear extension.

Councillor Mrs. W.U. Attfield, a Local Ward Member, noted the need to improve the supply of dwellings in the city but felt that this proposed conversion was inappropriate to the character of the area. She also commented on local concerns

regarding highway safety.

The Development Control Manager advised that some local plans restricted the conversions of single dwellings into flats in certain areas but this was not the case with the Herefordshire Unitary Development Plan. Therefore, it could be difficult to sustain a refusal reason based on the impact of a conversion on the character of the area. He also advised that the Traffic Manager had no objections, subject to a condition.

Some Members felt that the proposal would be an overdevelopment of the site which would have a detrimental impact on residential amenities.

In response to a question, the Development Control Manager advised that, although the applicant had previously suggested that a 'granny annexe' type development was being sought, the form of development had not been revised and the application should be determined on its own merits. The Central Team Leader added that a similar conversion was permitted in Walnut Tree Avenue and, while this did not set a precedent, a Planning Inspector might criticise the authority for inconsistency.

Councillor P.J. Edward suggested that condition F39 (Scheme of refuse storage) should be included in any planning permission granted.

Noting the concerns of Members, the Development Control Manager said that he would raise the issue of conversions and the potential for areas of restraint with the relevant officer working group.

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. **B03 (Matching external materials (general)).**

Reason: To ensure the satisfactory appearance of the development.

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. **F39 (scheme of refuse storage)**

Reason: In the interests of amenity.

Informatives:

1. **N03 - Adjoining property rights.**
2. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
3. **N19 - Avoidance of doubt.**

208. DCCE2007/0624/A - STIRLINGS SUZUKI, CALLOW, HEREFORD, HEREFORDSHIRE, HR2 8BT [AGENDA ITEM 11]

Four internally illuminated fascia panels and one internally illuminated totem pole sign.

Councillor W.J.S. Thomas, the Local Ward Member, commented on the intrusive light pollution generated by the car dealerships in this sensitive rural location and noted the concerns of the parish council and local residents. Given these considerations, he felt that the application should be refused.

The Principal Planning Officer outlined the existing lighting arrangements at the dealerships and advised that a judgement had to be made on whether this particular proposal would cause further harm which could be differentiated from existing authorised development.

A number of Members supported the views of the Local Ward Member and questioned the need for the night time illumination of the dealerships when closed, especially given environmental concerns.

The Central Team Leader advised that there was no control over hours of illumination of the dealerships at present but suggested that a condition in relation to this specific proposal could be included if planning permission was granted.

Councillor Thomas maintained that the proposal was unacceptable and expressed concern that the fascia panels and totem pole would result in additional harm being caused to the amenities of the locality.

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 internally illuminated fascia panels and totem pole sign would particularly by reason of the combined extent of illumination and external colour finishes detract from the visual amenity of this isolated rural location contrary to Policy HBA11 of the Herefordshire Unitary Development Plan 2007.**
- (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, although the resolution was contrary to the officers' recommendation, he was not minded to refer the matter to the Head of Planning Services.]

209. DCCE2007/0594/F - BROOKLYN TOYOTA, ROSS ROAD, CALLOW, HEREFORD, HEREFORDSHIRE, HR2 8BT [AGENDA ITEM 12]

Erection of 4 no. new 6m high steel lighting columns, each fitted with vertical louvres

– *retrospective.*

Councillor W.J.S. Thomas, the Local Ward Member, commented that the light from the columns was not confined to the site and caused significant light pollution which intruded into the residential amenity of local residents. He also felt that the use of lighting throughout the night and early morning in this location was unnecessary.

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 external lighting as proposed would individually and cumulatively detract from the visual amenity and character of the surrounding countryside contrary to Policies DR14 and LA2 of the Herefordshire Unitary Development Plan 2007.**

(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, although the resolution was contrary to the officers' recommendation, he was not minded to refer the matter to the Head of Planning Services given the grounds for refusal put forward by the Sub-Committee.]

210. DCCE2007/0571/F - LAND NEAR TO WHITETHORN WOOD [WHITETHORN FARM], CAREY, HOARWITHY, HEREFORDSHIRE, HR2 6NG [AGENDA ITEM 13]

Proposed extension to barn.

The Central Team Leader reported the following:

- A letter of objection had been received from DPDS, the agent acting on behalf of objectors; the contents of the letter were summarised and included concerns about the recent planning history, the cumulative impact on the landscape, noise disturbance and visual impact. The agent asked for a condition which imposed maximum noise levels at the boundary of the site and suggested that the application should be withdrawn from this meeting.
- The Environmental Health Manager had advised that the proposal was unlikely to have any significant detrimental effect on noise levels experienced at neighbouring properties and therefore had no objection to the application.
- An additional letter had been received from the applicant's agent; it was suggested that the recommended noise condition was unnecessary.
- In response to the comments made by the agents, officers considered condition 3 relating to noise to be reasonable and necessary. It was noted that it only related to the development applied for.

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

Councillor W.J.S. Thomas, a Local Ward Member, commented that the location of the site was such that noise carried easily to neighbouring residential properties and he felt that further development should not cause any additional disturbance to local residents. He noted that condition 3 would provide the necessary controls and suggested that measurements be taken from nearby properties so that the sound levels generated were assessed properly.

RESOLVED:

That planning permission be approved 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. B02 (Matching external materials (extension)).

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

3. F02 (Scheme of measures for controlling noise).

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

Informatives:

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

2. N19 - Avoidance of doubt.

211. DCCE2007/0163/F - 17 WALNEY LANE, HEREFORD, HEREFORDSHIRE, HR1 1JD [AGENDA ITEM 14]

Erection of 2 no. detached houses and replacement garage for no. 17 Walney Lane and associated access works.

The Central Team Leader reported the following:

- A further letter of objection had been received from Mr. Stanbridge, an adjacent landowner; the contents of the letter were summarised and included concerns about overlooking, overshadowing and impact on the character and appearance of the area.
- A further letter of comment had been received from Mr. Speight; the contents of the letter were summarised and included concerns about the widened access being used for parking.
- The Building Control Manager confirmed that, based upon the technical information provided, the proposed non-mains drainage system would provide an acceptable drainage solution if the mains drain was not developed.
- Welsh Water had confirmed that work would commence on the new mains drain in July/August 2007.
- The plans had been amended to ensure that the only windows at first floor on the north elevation of the property were either to be obscure glazed or angled away from existing residences.

Councillor D.B. Wilcox, a Local Ward Member, noted local residents' concerns about potential over development, impact on residential amenity, impact on the character of the lane, proximity to the Conservation Area, and access implications. Given these considerations, he felt that the Sub-Committee would benefit from a site inspection. Councillor A.L. Williams, the other Local Ward Member, supported this motion.

In accordance with the criteria for public speaking, Mr. Boddington had registered to speak in objection to the application but decided to defer his opportunity to speak until the application was next considered by the Sub-Committee following the 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.**

212. DATE OF NEXT MEETING

6th June, 2007

The meeting ended at 5.10 p.m.

CHAIRMAN