

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 26th September, 2007 at 2.00 p.m.

Present: Councillor JE Pemberton (Chairman)

Councillors: PA Andrews, DJ Benjamin, AJM Blackshaw, H Davies, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, MD Lloyd-Hayes, SJ Robertson, AP Taylor, WJ Walling, DB Wilcox and JD Woodward

In attendance: Councillors TW Hunt (ex-officio) and RV Stockton (ex-officio)

56. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors WU Atfield, ACR Chappell, GFM Dawe, RI Matthews, AT Oliver, GA Powell, AM Toon and NL Vaughan.

57. DECLARATIONS OF INTEREST

Councillor	Item	Interest
DB Wilcox	Minute 65, Agenda Item 10 DCCW2007/2317/F Jabrin House, The Row, Wellington, Herefordshire, HR4 8AP	Declared a personal interest.
	Minute 73, Agenda Item 18 DCCE2007/1750/F Croft Court, Bartestree, Herefordshire, HR1 4BD	Declared a personal interest.
SJ Robertson	Minute 70, Agenda Item 15 DCCE2007/1762/F 130 St Owen Street, Hereford, Herefordshire, HR1 2QF	Declared a prejudicial interest and left the meeting during consideration of this item.
JD Woodward	Minute 60, Agenda Item 5 DCCW2007/1974/F 32 Broomy Hill, Hereford, Herefordshire, HR4 0LH	Declared a personal interest.
Officer	Item	Interest
K Bishop	Minute 65, Agenda Item 10 DCCW2007/2317/F Jabrin House, The Row, Wellington, Herefordshire, HR4 8AP	Declared a personal interest.
	Minute 70, Agenda Item 15 DCCE2007/1762/F 130 St Owen Street, Hereford, Herefordshire, HR1 2QF	Declared a personal interest.

58. MINUTES

The minutes of the last meeting were received.

RESOLVED: That the minutes of the meeting held on 29th August, 2007 be approved as a correct record and signed by the Chairman.

59. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report about the Council's current position in respect of planning appeals for the central area.

RESOLVED: That the report be noted.

60. DCCW2007/1974/F - 32 BROOMY HILL, HEREFORD, HEREFORDSHIRE, HR4 0LH [AGENDA ITEM 5]

Conversion of former school building into 7 no. apartments. 2 no. two bed and 3 no. three bed houses. Demolition of existing modern school buildings.

The following update was reported:

- Hereford City Council comments received on 19 July 2007 had been erroneously omitted from the report. They commented: that the application should be refused as this development is out of character with the conservation area and has the potential to alter it.

Councillor DJ Benjamin, a Local Ward Member, stated that a recent site inspection had allayed his concerns about the site layout. He said that the proposal might exacerbate existing problems with traffic congestion on the surrounding roads. However he felt that the planning report had not taken account of recent changes to the traffic light sequence on Barton Road, which he felt had contributed to a worsening of existing congestion problems. He had received a high volume of calls from local residents expressing similar concerns about the traffic flow and the potentially adverse impact of the application upon it.

Councillor JD Woodward, also a Local Ward Member, concurred with the opinions of Councillor Benjamin and sought further assurance that double yellow lines would be put on the carriageway adjoining the application site.

The Principal Planning Officer advised that the proposed parking requirements complied with the Council's standards, that the applicant had felt that there was merit in removing the ziz-zag markings on the carriageway, and that money had been set aside specifically for parking restrictions at the site and on Breinton Road.

Members were minded to approve the application, subject to the implementation of appropriate highway safety measures where possible.

RESOLVED: That

- 1) **The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and incorporating any additional matters he considers appropriate.**
- 2) **Upon completion of the aforementioned planning obligation that officers**

named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers.

Conditions:

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

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

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

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

3. **Prior to the commencement of the development the applicant shall provide a Method Statement in order to minimise the amount of dust and dirt emanating from the site during the demolition and construction phases. The development should be carried out in accordance with the agreed Method Statement.**

Reason: To safeguard the amenities of the locality.

4. **During the demolition and 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 hours: Mondays to Friday 8am to 6pm, Saturday 8am to 1pm nor at any time on Sundays, Bank or Public Holidays unless otherwise agreed in writing with the local planning authority.**

Reason: To protect the amenity of local residents.

5. **No materials or substances shall be incinerated within the application site.**

Reason: To safeguard residential amenity and prevent pollution.

6. **Development shall not begin until the applicant/agent has provided for the prior approval of the local planning authority a parking policy/plan identifying where all demolition and construction traffic associated with the development will be parked and how the parking will be managed. The parking shall be in accordance with the approved policy/plan.**

Reason: To prevent indiscriminate parking in the interest of highway and pedestrian safety.

7. **C08 (Repairs to external brickwork).**

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

8. **C12 (Repairs to match existing).**

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

9. **F32 (Details of floodlighting/external lighting).**

Reason: To safeguard local amenities.

10. **F39 (Scheme of refuse storage).**

Reason: In the interests of amenity.

11. **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.

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

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

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

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

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

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

15. **G09 (Retention of trees/hedgerows).**

Reason: To safeguard the amenity of the area.

16. **G17 (Protection of trees in a Conservation Area).**

Reason: To ensure the proper care and maintenance of the trees.

17. **G18 (Protection of trees).**

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

18. **G20 (Remedial work).**

Reason: The trees form an integral part of the visual environment and this condition is imposed to preserve the character and amenities of the area.

19. **G21 (Excavations beneath tree canopy).**

Reason: To prevent the unnecessary damage to or loss of trees.

20. **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.

21. **H27 (Parking for site operatives).**

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

22. H29 (Secure covered cycle parking provision).

Reason: To ensure that there is adequate provision for secure covered cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

23. In this condition a “retained tree” is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the (occupation of the building/commencement of use of the approved development) for its permitted use.

- a. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority. All tree works shall be carried out in accordance with BS3998.**
- b. If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.**

Reason: In order to preserve the character and amenity of the area.

24. No machinery, plant or equipment shall be brought onto site or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the local planning authority. This scheme shall include:

- a. A plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.**
- b. The details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule.**
- c. A schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.**
- d. Written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.**
- e. The details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).**
- f. The details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified**

separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

- g. The details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).
- h. The details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).
- i. The details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.
- j. The details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing).
- k. The details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees.
- l. The details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction.

Reason: To ensure adequate protection of existing trees which are to be retained in the interests of the character and amenities of the area.

Informatives:

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

61. DCCW2007/2057/F - THE BIRCHES STABLES, BURGHILL, HEREFORD, HEREFORDSHIRE, HR4 7RU [AGENDA ITEM 6]

Variation of condition 2 of planning consent DCCW2006/3153/F to allow sale of the property (if necessary) to another travelling family.

The following updates were reported:

- The Environmental Health and Trading Standards Officer had commented as follows:-

'I would bring to your attention the Herefordshire Council's draft (15/2/07) Assessment of Accommodation Needs of Gypsies & Travellers in Herefordshire which states that the 'Herefordshire Council officers who work with gypsy and traveller groups report that families often say that ideally, they would like a plot just for themselves, perhaps including members of an extended family'. This ties in with a quotation from the Cambridge Sub Region Traveller Needs Assessment dated May 2006, paragraph 3.3.4 'The best sites were small and long-stay, occupied by related families.' The Herefordshire report concludes that 'there is

evidence of demand for additional sites' and that 'evidence indicates that smaller sites often work better and that a preferred option for some families would be to have an individual site for their family, possibly on their own land, though this may be difficult to achieve in practice.'

- A letter of objection had been received from Burghill Scout and Guide Group identifying the problems they had encountered since permission was granted and requesting refusal of the latest planning application.
- The Sub-Committee was advised that no further progress had been made regarding the highway condition attached to the existing permission pending the outcome of this application. Monitoring of the site undertaken by the Enforcement Officer did not suggest that there had been more caravans on the site than permitted and whilst the storage of some scrap had been noted, this was not considered to be at a level that warranted formal action.
- In addition, members had received a letter of objection from Mr Green and Ms Jones of The Rustlings, Burghill, and the Principal Planning Officer reported that their concerns were being addressed.

In accordance with the criteria for public speaking, Mrs Reynolds spoke in objection on behalf of Burghill Parish Council, and Mr Baines spoke in support of the application.

Councillor SJ Robertson, the Local Ward Member, said that there was merit in the Parish Council's view that the proposal should be amended to make any planning consent also personal to Mr Jones's daughter. In addition, she asked that the site entrance be moved further away from the existing scout hut.

The Principal Planning Officer explained that the planning permission already included Mr Jones's daughter and that the access issues were being addressed through the planning process.

Councillor PJ Edwards expressed concern that approval of the application would enable the applicant to sell the land and should not be permitted because in his view, the site should return to agricultural use if the applicant no longer required it. He felt that this was not in keeping with Policy H12, which he said sought to make provision only for travelling families to live on a particular site, and not to make a profit.

The Legal Practice Manager emphasised that the proposal would not permit any permanent brick structures to be built on the site and that the application would solely enable the sale of the land through the variation of a condition on the earlier planning permission.

The Development Control Manager reported that the application complied with the Unitary Development Plan and Policy H12.

Councillor MAF Hubbard said that the application should be approved on the basis that it was compliant with policy.

A motion to refuse the application was carried, and the following was resolved:

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 proposal would not be in keeping with Policy H12 because it would no longer meet the need of the applicant and his dependants and that in this case the use of the land should revert to agriculture if there was no longer an exceptional personal justification of the site.**
 2. **Fear of crime.**
- (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, as the resolution was contrary to the officers' recommendation, and might not be defensible if challenged, he was minded to refer the matter to the Head of Planning Services]

62. DCCE2007/1894/F - CALLOW MARSH GARAGE, GRAFTON LANE, GRAFTON, HEREFORDSHIRE, HR2 8BT [AGENDA ITEM 7]

Change of use of land to car storage and associated landscaping.

The following updates were reported:

- In response to further information, the Parish Council had commented that they 'continue to strongly object to the whole principle of landscaping this greenfield site and to the change of use of land. This application has in the past been refused planning in 2003 and 2004. It is the view of the Parish Council that this application be refused on the grounds laid out in letters sent in relation to the applications received in 2005 and 2007. The unanimous decision of the Parish Council is that this application be refused.'
- An updated ecological survey had been provided which concluded that the site supported 'little intrinsic nature conservation value' and 'no ecological constraints have been found'.
- The Sub-Committee was advised that, due to late receipt of the survey, no comments had been received from the Council's Ecologist. However, based upon the conclusions, it was not envisaged that the ecological issues would warrant refusal of the development. In response to the comments from the Parish Council, it was reported that the material changes since the consideration of the previous applications was the extent of landscaping now proposed and the ability to handle car transporter deliveries within the site. In the light of this, the visual and landscape impact of the development was now considered acceptable and there was an improvement to the current highway problems.
- A letter of objection from two local residents.

In accordance with the criteria for public speaking, Mrs Layton of Grafton and Haywood Parish Council spoke in objection to the application.

Councillor MAF Hubbard said that, in respect of this application, he also represented the views of Councillor GFM Dawe, who had given his apologies for the meeting. He said that the application was in open countryside and, as such, did not comply with Unitary Development Plan Policy. He also said that there was insufficient evidence

that the application would ensure further employment in the area.

The Principal Planning Officer drew members' attention to Paragraph 6.1 of the report, which addressed the issues relating to open countryside. He said that employment policies allowed some development of the site and Policy E6 allowed expansion of the existing business. A former appeal case on the site had not questioned the principle of expansion but rather the visual impact relating to the expansion. Issues relating to drainage and vehicle movements would be addressed though conditions. In response to a question, he gave details of the proposed surfacing materials.

Councillor DW Greenow expressed concern about the impact of highway safety at the Grafton Lane access and the lack of special provision for the run-off of vehicle-related chemicals, such as oil, into watercourses.

Councillor AJM Blackshaw felt that the application would adversely affect the environment and amenity of local residents and was unacceptable.

Councillor MD Lloyd-Hayes expressed support for the application because it addressed many previous problems on the site, the landscaping scheme was acceptable, and she felt there was evidence that it would provide additional employment.

A motion to refuse the application was carried, and the following resolution was agreed:

RESOLVED: That

(iii) 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 development involves the change of use of agricultural land in open countryside to a commercial use which particularly by virtue of its adverse impact upon the environment, the quality and character of the landscape and visual amenities of the locality is contrary to Policies S1, S2, S7, DR1, DR4, E6, E8 and LA2 of the Herefordshire Unitary Development Plan 2007 and advice contained within Planning Policy Statement 7.**

(iv) 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 reasons put forward by the Sub-Committee]

- 63. DCCW2007/2349/F - LOWER BURLTON COTTAGE, BURGHILL, HEREFORD, HEREFORDSHIRE, HR4 7RD [AGENDA ITEM 8]**

Proposed extensions and alterations. Alterations to access.

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

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

3. **No work shall commence on the extensions until the improved access has been completed to the satisfaction of the local planning authority.**

Reason:

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

Reason: To protect the amenity of local residents.

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

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

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

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

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

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

Informatives:

1. **N19 - Avoidance of doubt.**

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

64. DCCW2007/2355/N - LYDE ARUNDEL, CANON PYON ROAD, HEREFORD, HEREFORDSHIRE, HR4 7SN [AGENDA ITEM 9]

Importation of 40,000 cubic metres of soil to create enviro-recreational scheme involving planting 4 hectares of broad-leaved native woodland over imported soil.

In accordance with the criteria for public speaking, Mrs Reynolds of Burghill Parish Council, spoke on the application.

In response to some of the points raised by the Parish Council, the Senior Planning Officer (Minerals and Waste) reported that drainage requirements were not specified in the west part of the site, because the land sloped uphill at this point. She also emphasised that Circular 11/95 prevented any restrictions on legitimate use of the

A49, although any permission granted would be conditional upon there being limited access onto the A49 from the actual site.

Councillor SJ Robertson, the Local Ward Member, welcomed that application and requested that the applicant sought advice from the Hereford Ornithology Club.

In response to a question from Councillor PJ Edwards, the Development Control Manager stated that the site would be monitored, within the limits of the Council's resources, to ensure that the planning conditions were adhered to.

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. Written notice of the date of commencement shall be sent to the local planning authority within 7 days of that commencement. Please refer to Informative Note 1.**

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

- 2. Notwithstanding the imported material already deposited at the site, terms of this permission shall entirely supersede planning permission reference DCCW2005/1680/N dated 14th July 2005.**

Reason: To define the terms of this permission and for the avoidance of doubt.

- 3. No importation of soil, stone or any other waste material shall take place after the expiration of three years following the commencement date as notified to the local planning authority under condition 1, unless otherwise agreed in writing in advance by the local planning authority.**

Reason: To ensure the timely completion of the development in the interests of the amenity of the area and to comply with Herefordshire Unitary Development Plan 2007 Policies S1, S10 and DR4.

- 4. In all respects, unless otherwise agreed in advance in writing by the local planning authority, and except where otherwise stipulated by conditions attached to this permission, the development shall be undertaken in accordance with the submitted plans and the working details as follows:**

- (a) 'General Method Statement for mobile screening operations' dated 28th April 2006, revised 7th July 2007 and date stamped received 24th July 2007. (Please refer to Informative Note 9).**
- (b) 'General Method Statement for environmental work' dated 17th July 2007 and date stamped received 24th July 2007.**
- (c) 'General Method Statement and planting schedule' dated 17th July 2007 and date stamped received 24th July 2007.**

Reason: For the avoidance of doubt and to ensure the development is undertaken in accordance with the specific proposals and Herefordshire Unitary Development Plan 2007 Policies S1, S2, S10 and D1.

- 5. Before the development is begun, a scheme for compiling and maintaining a Source Log shall be submitted to and approved in writing**

by the local planning authority. The scheme shall be implemented as approved and include in particular:

- (a) The source site name and address and a grid reference.
- (b) A contact name.
- (c) Description of the type of materials to be collected and used and the appropriate EWC descriptive code/s on the advice of the Environment Agency.
- (d) Details of any ground or contamination investigation that has been carried out.
- (e) Copies of any source test certificates, test/check results and Quality Assurance comments regarding inspection and/or test holes on sites prior to acceptance of materials for removal to Lyde Arundel.
- (f) Brief source site risk assessment.
- (g) Any other relevant information that would assist in maintaining a paper audit for these materials.
- (h) Methodology for compiling, maintaining and storing the Source Log including prescribed instructions for its completion.
- (i) The location of the Source Log, including that an up to date copy of it shall be kept at the site and made available for inspection on reasonable request.
- (j) The person responsible for the Source Log including its maintenance and verification of entries by signature.

Reason: To prevent pollution or contamination of the site and to ensure that the operation of the site and the development are efficiently recorded and auditable to comply with Herefordshire Unitary Development Plan 2007 Policies S10, DR4 and W1.

6. Before the development is begun, a scheme for compiling and maintaining a Site Diary shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and indicate in particular that diary entries must include:
 - (a) The date and time of each delivery.
 - (b) The registration number of each delivery vehicle.
 - (c) The quantity of material delivered or taken away.
 - (d) The reference number of the Waste Transfer Note or other relevant documentation.
 - (e) Description of the type and nature of delivered material including whether or not it is suitable, over large, or would require sorting or processing.
 - (f) Details of any loads that are rejected or redirected, including reasons and onwards destination and the type of material rejected.
 - (g) Records of any suspected or actual contamination and method of dealing with it.
 - (h) Records of the location and period of operation of any mobile screening or crushing plant including the licence and amount of material processed.
 - (i) Records of any other relevant occurrence.
 - (j) Methodology for compiling, maintaining and storing the Site Diary including prescribed instructions for its completion.
 - (k) The location of the Site Diary, including that an up to date copy of it shall be kept at the site and made available for inspection on reasonable request.
 - (l) The person responsible for the Site Diary including verification of

entries by signature.

Reason: To prevent pollution or contamination of the site and to ensure that the operation of the site and the development are efficiently recorded and auditable in accordance with Herefordshire Unitary Development Plan 2007 Policies S10, DR4 and W1.

7. Before the development is begun a summary scheme outlining the methodology for ecological enhancement and the conservation of European Protected Species shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and include in particular:
 - (a) That the proposals and recommendations including timescales and after-care, given in the Sutton Surveys Report ref SS-07-242-4 dated June 2007, with particular reference to Appendices 'B' and 'C', will be adhered to.
 - (b) That the submitted General Method Statement for Environmental Work dated 17th July 2007 will be adhered to.
 - (c) The appointment of a named Site Ecologist and confirmation of that person's retention throughout the development period until the works and after-care are complete.

Reason: To ensure the protection of Great crested newts under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 and Herefordshire Unitary Development Plan Policies S7, NC1, NC5, NC6 and NC7 and to conserve and enhance protected species habitats and foraging areas to comply with Herefordshire Unitary Development Plan 2007 Policies S7, NC6, NC7, NC8 and NC9.

8. 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 in accordance with Herefordshire Unitary Development Plan 2007 Policies S7, LA5 and LA6.

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

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

10. Before the development is begun, a scheme for the protection of trees and hedgerows on and adjacent to the site shall be submitted to and approved in writing by the local planning authority. The scheme shall be written in accordance with BS 5837 Trees in Relation to Construction, 2005 and implemented as approved. (Please refer to Informative Note 5).

Reason: To safeguard existing trees and the amenity of the area, in accordance with Herefordshire Unitary Development Plan 2007 Policies S7 and LA5.

11. G10 (Retention of trees).

Reason: In order to preserve the character and amenities of the area to comply with Herefordshire Unitary Development Plan 2007 Policies S7 and LA5.

12. No development approved by this permission shall commence until a scheme for the erection of pole-mounted warning signs on the A4110 highway in advance of the junction with the farm access from both directions has been submitted to and approved in writing by the local planning authority. The signs shall be erected in accordance with the approved details before any tipping takes place and must be maintained throughout the duration of the development.

Reason: In the interests of highway safety in accordance with Herefordshire Unitary Development Plan 2007 Policies S6 and T8.

13. Unless otherwise agreed in advance in writing by the local planning authority, no vehicles other than those owned or authorised by the applicant shall be allowed to access the site in connection with the development hereby permitted, in accordance with details recorded in the Site Diary required by condition 6 above.

Reason: To ensure that only authorised vehicles use the site and to prevent pollution from fly-tipping in accordance with Herefordshire Unitary Development Plan 2007 Policies DR4 and W1.

14. For operations in connection with the development hereby permitted, vehicle access to the site shall be via the A4110 road and not the A49(T).

Reason: In the interests of highway safety and to prevent additional traffic impact on the A49 trunk road in accordance with Herefordshire Unitary Development Plan 2007 Policies S6 and T8.

15. Unless otherwise agreed in advance in writing by the local planning authority, there shall be no more than 10 vehicle movements into and 10 vehicle movements out from the site in any 24 hour period in connection with the development hereby permitted and recorded in the Site Diary required by condition 6 above.

Reason: To minimise traffic impact in the interests of road safety and in accordance with Herefordshire Unitary Development Plan 2007 Policies S6 and T8.

16. In connection with the development hereby permitted 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 0800 - 1800 Mondays to Fridays, 0800 to 1300 Saturdays nor at any time on Sundays, Bank or Public Holidays.

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

17. No tipping shall take place other than within the area identified and hatched black on the submitted plan ref. SS-07-242-4/11 and date stamped 24th July 2007 unless otherwise agreed in writing in advance by the local planning authority.

Reason: To define the extent of the tipping area and ensure a satisfactory

form of development in accordance with Herefordshire Unitary Development Plan 2007 Policies DR1, DR2, W1 and W2.

18. Nothing other than uncontaminated excavated natural materials shall be tipped on the site, in accordance with the submitted 'General Method Statement for mobile screening operations' dated 28th April 2006, revised 7th July 2007 and date stamped received 24th July 2007.

Reason: To prevent pollution in accordance with Herefordshire Unitary Development Plan 2007 Policies S1, S2, DR4, W1 and W2.

19. There shall be no burning on site of any materials associated with the development hereby permitted.

Reason: To prevent pollution and protect the amenity of local residents in accordance with Herefordshire Unitary Development Plan 2007 Policies S1, S2 and DR4.

20. During the course of the approved development, adequate precautions shall be undertaken and maintained to ensure that no materials are allowed to encroach on any watercourse or drain.

Reason: To minimise the possibility of contamination of the water environment in accordance with Herefordshire Unitary Development Plan 2007 Policies S1 and DR6.

21. The premises shall be used for quiet recreational enjoyment, nature conservation and/or agriculture and for no other purpose (including any other purpose in the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and because any other use could have adverse environmental effects that would require further consideration by the local planning authority.

22. 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 development or use shall take place other than those expressly authorised by this permission, or agriculture.

Reason: To ensure adequate control of development of the land and because any other use or development would require further consideration by the local planning authority.

23. A copy of this permission shall be kept at the site along with copies of the Site Log and Site Diary for the duration of the development and made readily available for inspection by Officers of the local authority and/or Environment Agency and for reference by all operators and contractors undertaking the work.

Reason: To ensure the development is undertaken in accordance with the planning permission.

Informatives:

1. All pre-commencement conditions attached to this permission must have been formally approved and discharged in writing by the local planning authority before the permission can be implemented.
 2. HN01 - Mud on highway.
 3. HN02 - Public rights of way affected.
 4. It is the responsibility of the developer to ensure that the natural drainage of the area is protected to minimise the possibility of contaminating local watercourses and to prevent flooding or other changes to the drainage of adjoining land.
 5. For advice about the scheme for protection of existing trees and hedgerows required by condition 10 and in particular on BS 5837 Trees in Relation to Construction 2005, please contact the Senior Landscape Officer on 01432 260150.
 6. For advice about the road signage required by condition 12, please contact the Lead Engineer (Traffic), Herefordshire Council Transport Team, Thorn Business Park, Rotherwas, Hereford, HR2 6JT, telephone 01432 260963.
 7. N11A - Wildlife and Countryside Act 1981 (as amended) – Birds.
 8. N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 – Bats.
 9. You are advised to seek the necessary permit from the Environment Agency before any waste is imported onto the site. If an application is made for an exemption under the Waste Management Licensing Regulations 1994 (as amended) the necessary risk assessments and waste classifications must be submitted. Before proceeding please seek clarification on European Waste Catalogue codes and hazardous materials from guidance available on the Environment Agency website.
 10. N19 - Avoidance of doubt.
 11. N15 - Reason(s) for the Grant of PP/LBC/CAC.
65. DCCW2007/2317/F - LAND AT JABRIN HOUSE, THE ROW, WELLINGTON, HEREFORD, HEREFORDSHIRE, HR4 8AP [AGENDA ITEM 10]

Proposed detached house with ancillary garage and formation of new vehicular access.

In accordance with the criteria for public speaking, Mr Lucas spoke in objection, and Mr Hughes 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. B01 (Samples of external materials).**

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

- 3. No development shall take place until a scheme of replacement hedge planting for the length of realigned hedge along part of the front boundary of the site, has been submitted to and approved by the local planning authority. All hedgerow planting in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development whichever is the sooner.**

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

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

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

- 5. Foul water and surface water discharges must be drained separately from the site.**

Reason: To protect the integrity of the public sewerage system.

- 6. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the local planning authority.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

- 7. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.**

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

- 8. Before any other works hereby approved are commenced, visibility splays shall be provided and thereafter be maintained from a point at the centre of the access to the application site and 2.00 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly for a distance of 43.00 metres to a point at the centreline of the road (north) and for a distance of 33.00 metres to a point at the centreline of the road (south). Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

Reason: In the interests of highway safety.

- 9. Before any works are commenced in connection with the formation of the visibility splays required pursuant to condition 8 above, details of the engineering works including earth moving, finished ground levels, construction materials and surface treatment for the formation of the visibility splays shall be submitted to and approved by the local planning**

authority.

Reason: In the interests of highway safety.

10. H05 (Access gates) (5 metres).

Reason: In the interests of highway safety.

11. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

12. H09 (Driveway gradient).

Reason: In the interests of highway safety.

13. 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.

14. 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.

15. Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interests of highway

Informatives:

1. If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.
2. HN01 - Mud on highway.
3. HN04 - Private apparatus within highway.
4. HN05 - Works within the highway.
5. HN10 - No drainage to discharge to highway.
6. N03 - Adjoining property rights.
7. N19 - Avoidance of doubt.
8. N15 - Reason(s) for the Grant of PP/LBC/CAC.

66. DCCW2007/2490/F - TALBOTS FARM, SUTTON ST NICHOLAS, HEREFORD, HEREFORDSHIRE, HR1 3BB [AGENDA ITEM 11]

Erect rear extension and porches and convert existing building to 2 no. dwellings.

The following updates were reported:

- The applicant had submitted an ecological survey by Swift Ecology Ltd which detected the presence of brown long eared, common and soprano pipistrelle bats. The report recommended mitigation in the form of provision of a bat loft in the building.
- The Conservation Manager - Ecologist was satisfied that there was sufficient space within the roof for a loft and had no objection to approval of the application subject to a condition requiring the submission and approval of a method statement prior to the commencement of development.
- The Sub-Committee was advised that, subject to the inclusion of the condition recommended by the Conservation Manager, it was recommended that planning permission be granted.

RESOLVED:

That subject to no further objection from the Council's Ecologist by the end of the consultation period, the officers named in the Scheme of Delegation to Officers be authorised to approve the application 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. B07 (Stonework laid on natural bed).

Reason: In the interests of conserving the character of the building.

4. C10 (Details of rooflights).

Reason: In the interests of safeguarding the character and appearance of this building and the character of the Conservation Area.

5. E16 (Removal of permitted development rights).

Reason: In order to safeguard the character and appearance of the building and the character of the Conservation Area.

6. G01 (Details of boundary treatments).

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

7. G04 (Landscaping scheme (general)).

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

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

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

9. **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.

10. **The recommendations outlined in the submitted ecological report prepared by Swift Ecology Limited received on 18th September 2007, should be followed, unless otherwise agreed in writing with the local planning authority. Prior to the commencement of the development hereby permitted, a method statement detailing mitigation measures and timing of the works shall be submitted to and approved by the local planning authority.**

Reason: To ensure all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural habitats &c.) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 within the Herefordshire Unitary Development Plan 2007.

Informatives:

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

67. **DCCE2007/1895/F - WHITESTONE BUSINESS PARK, WHITESTONE, HEREFORD, HEREFORDSHIRE, HR1 3SE [AGENDA ITEM 12]**

Formation of car parking area and area for the parking of HGVs including change of use.

The following update was reported:

- An additional condition was recommended which would require the overnight stationing of lorries to be limited to no more than 5 vehicles.

In accordance with the criteria for public speaking, Mr Collins 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. **G01 (Details of boundary treatments).**

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

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

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

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

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

5. **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.

6. **E10 (Use restricted to that specified in application).**

Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to safeguard residential amenity.

7. **There shall be no vehicular movements to or from the area demarked on the approved plans as turning area and lorry park between the hours of 2200 hours and 0700 hours on any day.**

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

8. **F32 (Details of floodlighting/external lighting).**

Reason: To safeguard local amenities.

9. **The overnight stationing of lorries hereby approved shall be limited to no more than 5 vehicles.**

Reason: In the interest of residential amenity and highway

Informatives:

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

68. **DCCE2007/2515/F - 68 HINTON ROAD, HEREFORD, HEREFORDSHIRE, HR2 6BN [AGENDA ITEM 13]**

Proposed conversion of one dwelling into three dwellings.

The following update was reported:

- A memorandum had been received from Councillor AT Oliver, raising objection to the development on the following grounds: the loss of a larger family home, which are declining in number; unsatisfactory internal layout; and the development would not necessarily equate to a more efficient use of land and buildings.

In accordance with the criteria for public speaking, Mr Williams spoke in objection to the application.

In response to a request from Councillor PJ Edwards, the Development Control Manager said that an additional condition would be imposed on the planning permission, ensuring the proper control of household waste storage and management.

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

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

3. **H09 (Driveway gradient).**

Reason: In the interests of highway safety.

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. **H29 (Secure covered cycle parking provision).**

Reason: To ensure that there is adequate provision for secure covered cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

6. **E16 (Removal of permitted development rights).**

Reason: In order to preserve levels of residential amenity and control the external appearance of the development.

7. **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.**

Informatives:

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

4. N19 - Avoidance of doubt.**69. DCCE2007/2558/O - REAR OF 97 OLD EIGN HILL, HEREFORD, HEREFORDSHIRE, HR1 1UA [AGENDA ITEM 14]**

Erection of two new bungalows.

Councillor AP Taylor, a Local Ward Member, said that he supported the application, although he had some concerns about the access to the rear of the shops.

In response to a question from Councillor PJ Edwards, the Development Control Manager confirmed that the removal of Permitted Development Rights would ensure that the future Reserved Matters Application would be for a single storey dwelling.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1. A02 (Time limit for submission of reserved matters (outline permission)).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 2. A03 (Time limit for commencement (outline permission)).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 3. A04 (Approval of reserved matters).**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
- 4. A05 (Plans and particulars of reserved matters).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 5. B01 (Samples of external materials).**
Reason: To ensure that the materials harmonise with the surroundings.
- 6. E16 (Removal of permitted development rights).**
Reason: In order to preserve levels of residential amenity and control the external appearance of the development.
- 7. E18 (No new windows in specified elevation).**
Reason: In order to protect the residential amenity of adjacent properties.
- 8. F16 (Restriction of hours during construction).**
Reason: To protect the amenity of local residents.
- 9. F18 (Scheme of foul drainage disposal).**

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

10. **F39 (Scheme of refuse storage).**

Reason: In the interests of amenity.

11. **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.

12. **H03 (Visibility splays).**

Reason: In the interests of highway safety.

13. **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.

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

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

Informatives:

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

70. **DCCE2007/1762/F - 130 ST OWEN STREET, HEREFORD, HEREFORDSHIRE, HR1 2QF [AGENDA ITEM 15]**

Conversion of house to form 5 self contained apartments.

The following updates were reported:

- A memorandum had been received from Councillor AT Oliver, raising objection to the development on the following grounds: long-term multiple occupation would be likely to blight the surrounding residential area; unsatisfactory internal layout; lack of external amenity space; the proposal does not respect the character of the existing Victorian dwelling; the proposal would adversely affect the privacy and amenity of adjoining dwellings.
- The Sub-Committee was advised that the recommendation detailed in the report should be altered to reflect the receipt of amended plans prior to the meeting.
- One further letter of objection had been received

In accordance with the criteria for public speaking, Mr Gorman spoke in objection, and Mr Clay spoke in support of the application.

Councillor MAF Hubbard, the Local Ward Member, acknowledged the reasons behind the proposed development and said that it was a reasonable proposal, in keeping with the area. He commented that he would prefer there to be no provision for on-street parking in view of the fact that the application had provided for off-street

parking.

The Development Control Manager stated that the right to an on-street parking space was separate to planning issues, although it would be possible to include a Section 106 Agreement in any permission granted to ensure that no resident would be entitled to an on-street parking permit.

Councillor DB Wilcox requested that provision also be made for an off-street parking place for an electric buggy for the disabled.

Councillor MD Lloyd-Hayes and Councillor WJ Walling expressed concern that the proposal for one-bedroomed units did not properly reflect current demand, which was for two and three bedroomed properties. Councillor Lloyd-Hayes said that the application site was located on a dangerous stretch of road and she felt that it would be detrimental to highway safety. She said that she did not support the application for these reasons.

RESOLVED:

That planning permission be granted subject to the inclusion of a Section 106 Agreement restricting residents parking rights to off-street only, subject to a revised condition securing the provision for a disabled users' electric buggy, and subject to the following conditions:

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

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

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

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

3. **C10 (Details of rooflights).**

Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of [special] architectural or historical interest.

4. **C11 (Specification of guttering and downpipes).**

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

5. **E12 (No balconies/roof amenity area).**

Reason: To safeguard the character and amenities of the locality.

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

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

7. **F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.

8. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

9. 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.

10. H17 (Junction improvement/off site works).

Reason: To ensure the safe and free flow of traffic on the highway.

11. H27 (Parking for site operatives).

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

12. H29 (Secure covered cycle parking provision).

Reason: To ensure that there is adequate provision for secure covered cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

13. F39 (Scheme of refuse storage).

Reason: In the interests of amenity.

Informatives:

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

2. N19 - Avoidance of doubt.

71. DCCW2007/2058/F - THE BIRCHES, WELLINGTON MARSH, HEREFORD, HEREFORDSHIRE, HR4 8DU [AGENDA ITEM 16]

Conversion of existing garage, storeroom and utility into self contained one bedroom granny annexe.

The Principal Planning Officer reported that he had requested and received updated plans because the original ones submitted were of an insufficient standard.

In accordance with the criteria for public speaking, Mr Dubberley spoke in objection to the application.

In response to a point made by the public speaker, the Principal Planning Officer said that the condition relating to the provision of parking on the site, would be amended to ensure that the parking facility would be provided prior to commencement of any other works on the site.

Councillor AJM Blackshaw, the Local Ward Member, commented that the access lane was unusually narrow and that one-street parking was hazardous. He added that he would support the application, subject to the change to the parking condition outlined by the Principal Planning Officer.

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

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

3. **E29 (Occupation ancillary to existing dwelling only (granny annexes)).**

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

4. **E15 (Restriction on separate sale).**

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

5. **H10 (Parking - single house) (3 cars)**

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

6. **During the construction phase no machinery shall be operated, no process shall be carried out and no delivery 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.

Informatives:

1. **N01 - Access for all.**
2. **HN05 - Works within the highway.**
3. **N19 - Avoidance of doubt.**
4. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

72. **DCCW2007/2414/F - THE SPREADEAGLE PUBLIC HOUSE, 2 KING STREET, HEREFORD, HR4 9BW [AGENDA ITEM 17]**

Proposed provision of 2 no. new 5.0 metre square 'Jumbrella' parasols over existing outside drinking area.

In accordance with the criteria for public speaking, Major Barnes spoke in objection to the application.

Councillor MAF Hubbard, the Local Ward Member, whilst sympathising with the objections to the application, said that there were insufficient grounds for refusal because of the site's city centre location and the expectation that there would be noise emanating from the site.

Councillor DB Wilcox said that the problems with noise from the site had been exacerbated by the earlier demolition of a building which had acted as a sound barrier between the drinking area and local residences. He felt that it was regrettable that Environmental Health Law did not take sufficient account of noise made by human beings. He said that the application should be refused because it was detrimental to the amenity of nearby residents.

In response to a question from Councillor PJ Edwards, the Principal Planning Officer said that an existing wall adjacent to the proposed 'Jumbrella' parasols would act as the only possible means of noise attenuation.

The Development Control Manager said that the planning application related merely to the parasols and not to the outside drinking area itself, which had been in existence for a considerable time. He said that the planning permission was required solely on the basis that the parasols would be permanent fixtures.

The Legal Practice Manager said advised that it might be possible to highlight potential noise nuisance by way of an informative on any planning permission granted.

RESOLVED:

That planning permission be granted subject to the following condition:

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

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

Informatives:

1. **The applicant is advised that the installation of the 'Jumbrellas' hereby approved, should not give rise to a material intensification of use of the beer garden to the detriment of the amenity of the adjoining residential properties. Therefore, the applicant is encouraged to submit a management scheme to the local planning authority, demonstrating how the use of the upgraded beer garden will not harm the amenity of the wider locality.**
2. **N19 - Avoidance of doubt.**
3. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

73. DCCE2007/1750/F - CROFT COURT, BARTESTREE, HEREFORD, HR1 4BD [AGENDA ITEM 18]

Change of use from a games room to office – retrospective.

In accordance with the criteria for public speaking, Mr Wilson spoke on behalf of Bartestree and Lugwardine Parish Council, and Mr Turner spoke in objection to the application.

Councillor DW Greenow, the Local Ward Member, said that he supported the application because it would address his concerns over traffic movements and the untidiness of the site. He added that a further building on the site was also in use.

The Central Team Leader said that he would take account of Councillor Greenow's observations and amend any conditions accordingly before issuing planning permission.

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. **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.

3. **E27 (Personal condition).**

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

4. **No deliveries associated with the applicants business (Hicks Associates Ltd or any other subsidiary businesses) shall be taken at or despatched from the application site at any time.**

Reason: To protect the amenity of local residents and in the interests of highway safety.

Informatives:

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

74. DATE OF NEXT MEETING

Wednesday 24th October, 2007.

The Central Team Leader also drew the Sub-Committee's attention to four forthcoming planning applications which would be considered at the next meeting. They related to sites at Haywood County Park, the Royal National College for the Blind, St. Martins Avenue and Parsonage Farm at Wellington. He said that they would benefit from site inspections prior to the next meeting, to further the efficient transaction of business. The Sub-Committee noted that the site inspection would take place on 9th October, 2007.

The meeting ended at 5.45 p.m.

CHAIRMAN