

**MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 7 January 2009 at 2.00 p.m.**

**Present:** Councillor JE Pemberton (Chairman)  
Councillor GA Powell (Vice-Chairman)

**Councillors:** PA Andrews, WU Attfield, DJ Benjamin, AJM Blackshaw, ACR Chappell, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, RI Matthews, AT Oliver, SJ Robertson, AP Taylor, AM Toon, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward

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

**87. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors SPA Daniels and MD Lloyd-Hayes.

**88. DECLARATIONS OF INTEREST**

93. DCCW2008/2035/F - British Telecom Building, Barton Road, Hereford, Herefordshire, HR4 0JT [Agenda Item 7]

Councillor AP Taylor; Personal.

96. DCCW2008/1681/F - 9-11 Tower Road, Hereford, Herefordshire, HR4 0LF [Agenda Item 10]

Councillor PA Andrews; Prejudicial; Left the meeting for the duration of item.

M Willmont, Central Team Leader; Prejudicial; Left the meeting for the duration of the item.

98. DCCE2008/2816/F - 10 Kyrle Street, Hereford, Herefordshire, HR1 2ET [Agenda Item 12]

Councillor MAF Hubbard; Prejudicial; Declared the interest at the start of the item, spoke in accordance with the Constitution and then withdrew from the remainder of the meeting.

Councillor SJ Robertson; Prejudicial; Left the meeting for the duration of the item.

Councillor DB Wilcox; Personal

**89. MINUTES**

Referring to Minute 79 [DCCW2008/1832/N - Upper House Farm, Moreton-on-Lugg, Hereford, Herefordshire, HR4 8AH], Councillor SJ Robertson said that her comments and the reasons for refusal should include reference to Herefordshire Unitary Development Plan 2007 (UDP) Policy ARCH5 (Sites of Lesser Regional or Local Importance).

**RESOLVED:**

**That, subject to the above amendment, the minutes of the meeting held on 3 December 2008 be approved as a correct record.**

**90. ITEM FOR INFORMATION - APPEALS**

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

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

The Sub-Committee received an information report about the Council's position in relation to the Section 106 Agreements for the central area.

A number of members welcomed this new report. It was suggested that more detail might be required on occasion and where appropriate. It was also suggested that the overall position could be reviewed annually.

**92. DCCE2008/1758/F - 129 AYLESTONE HILL, HEREFORD, HR1 1JJ [AGENDA ITEM 6]**

*Construction of three detached dwellings.*

The Principal Planning Officer provided details of updates / additional representations received following the publication of the agenda and are summarised below:

- A further letter had been received from Burcott House Management Ltd requesting further information regarding the proposed drainage.
- A further letter had been received from Mrs. Watkins of 125 Aylestone Hill reiterating previous objections regarding impact on the Conservation Area, highway safety, amenity, the Section 106 contributions and the principle of residential development on the site.
- A further e-mail from the applicant's agent had been received stating that the parking/turning area was proposed to be rolled scalpings as opposed to loose gravel and a highway mirror could be installed on the applicant's land to improve intervisibility of the access to the site.

The Principal Planning Officer advised that:

- Rolled scalpings would provide a permeable hard surface but would minimise noise arising from vehicles and the mirror would address the concerns of the nearest neighbour regarding the safety of accessing/exiting their driveway.
- The recommendation had been amended to include additional conditions requiring the mirror to be installed and the completion of the Section 106 Agreement prior to the commencement of the development, rather than prior to issuing the planning permission.

In response to questions from Councillor DB Wilcox, a Local Ward Member, the Principal Planning Officer highlighted the location of the Aylestone Park viewing point and explained the surface water drainage arrangements; including rainwater harvesting with overflow to a balancing pond with the likely run-off rate reduced below existing green field run-off rates from the site. The Principal Planning Officer

advised that there had not been any specific consultations required regarding the drainage arrangements but recommended condition 14 would require technical details to be submitted and approved prior to the commencement of the development.

Councillor Wilcox noted the environmental credentials of the design, that mains drainage connection was necessary, and that as 'white land' in the UDP the site had not been specifically identified for residential development. He commented on the value of the site inspection that had been undertaken, particularly given the elevated position of the application site and its proximity to Aylestone Park. Councillor Wilcox said that the designs were innovative and exciting but he felt that scheme was not in keeping with the character of this area. Therefore, he proposed that the application be refused on the grounds that it would be detrimental to the amenity of the area, would detract from the character and appearance of the Conservation Area and would have an unacceptable impact on Aylestone Park, particularly on the outlook from the viewing point.

Councillor NL Vaughan, the other Local Ward Member, felt that relevant agencies should be consulted on the drainage arrangements given that existing dwellings in the area suffered from flooding and that this scheme could exacerbate the problems. He also felt that it was unacceptable that, despite the widening of the access track, the access would still not be to full adoptable standards and he noted the difficulties experienced when egressing onto Aylestone Hill at peak traffic periods. He welcomed the sustainable design elements but noted that this was not an overriding reason to support the scheme, particularly if the development would have a detrimental impact on the landscape.

In response to a question from Councillor AJM Blackshaw, the Principal Planning Officer advised that this site was not included in the design of Aylestone Park and that a proposed orchard area (relating to a Section 106 Agreement as part of a recent Royal National College for the Blind scheme) was on the other side of the park.

The Principal Planning Officer also advised that: designation as 'white land' in the UDP meant that no specific land use had been identified but it did not preclude residential development and the site was within the Hereford City settlement boundary; the Conservation Manager – Building Conservation had commented that *'Although the designs are not in keeping with the character of the area they are of interest and would add to the architectural canon of the area being a good example of 21st Century design'*; whilst the development would be visible, it was not considered that the proposal would obstruct or detract from the outlook from the viewing point; and the access and access track would be constructed to an adoptable standard but could not be adopted as no service strip could be accommodated. He added that the access could support up to 25 dwellings, with no limit on size, according to current design standards.

Councillor PJ Edwards supported the design approach but, noting the concerns of the Local Ward Members, questioned whether a condition could be imposed to ensure that no ancillary structures were visible above ground level. In response, the Principal Planning Officer advised that the dwellings would be predominantly subterranean and recommended condition 5 would remove permitted development rights, so that ancillary structures could be controlled; he added that the dwellings could be lowered into the ground level further but this would require substantial excavation.

Councillor AM Toon questioned whether an Environmental Impact Assessment should be required and, given the concerns about flooding in the locality, suggested

that measures to mitigate surface water run-off rates should not only account for the development but also contribute to reducing the overflow from the surrounding land. Councillor Toon also drew attention to the response of the Children and Young People Directorate and felt that contributions towards educational infrastructure should be more specific. She felt that consideration of the application should be deferred pending the resolution of the above issues.

In response, the Legal Practice Manager explained that there were precise regulations in respect of Environmental Impact Assessments and the Principal Planning Officer confirmed that this scheme had not reached the relevant thresholds. The Principal Planning Officer advised that the drainage arrangements could be expanded to allow for an element of run-off from surrounding land, representing betterment from the development. He also advised that the consultation response regarding educational facilities was in a standard format and it was understood that monies from planning obligations were pooled until they reached a satisfactory level to provide useful infrastructure improvements. Subject to the betterment of the existing surface water run-off situation, Councillor Toon withdrew the motion to defer.

The Chairman, drawing attention to paragraph 6.9 of the report, noted that the undeveloped land around the dwellings would be managed for nature conservation and controlled, through the Section 106 Agreement, to prevent it from being used as private garden by any of the dwellings.

Councillor GFM Dawe welcomed the scheme and noted that natural grass roofing, rainwater harvesting and permeable drive surfaces would significantly reduce run-off rates when compared to conventional developments.

Councillor AT Oliver felt that the design approach could act as a beacon for future developments, particularly the aim of achieving Level 4 of the Code for Sustainable Homes. Given that the development would be set into the rising ground level, he did not consider that the dwellings would have an unacceptable visual impact and noted that views were more likely to be obstructed by mature landscaping.

In response to a question from Councillor SJ Robertson, the Principal Planning Officer advised that each dwelling would have an enclosed courtyard, utility and garden area commensurate with the size of the property.

Councillor MAF Hubbard noted that views towards the site would be in the context of existing built development and natural grass roofing would mitigate visual impact.

Councillor RI Matthews acknowledged that this was a sensitive site but noted that efforts had been made to integrate the development into the local environment and questioned whether refusal of planning permission could be sustained on appeal.

A motion to refuse the application failed and a motion to approve the application was then carried.

**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. **C01 (Samples of external materials).**

**Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan**

**3. D02 (Approval of details).**

**Reason: To ensure that the work is carried out in accordance with details that are appropriate to the safeguarding of the architectural or historic interest of the site as one which is in a conservation area, or of local interest and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan**

**4. F05 (Restriction on hours of construction).**

**Reason: In order to protect the amenity of occupiers of nearby properties and to comply with Policy DR1 of Herefordshire Unitary Development Plan.**

**5. F14 (Removal of permitted development rights).**

**Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.**

**6. F15 (No windows in side elevation of extension).**

**Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.**

**7. G01 (Earthworks).**

**Reason: (Special Reason but to include - in order to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan).**

**8. G09 (Details of Boundary treatments).**

**Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.**

**9. G10 (Landscaping scheme).**

**Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.**

**10. G14 (Landscape management plan).**

**Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.**

**11. The alterations to the vehicular access and access road as identified in drawing no. 5706-02 Revision B shall be completed in accordance with the specification to be submitted and approved in writing by the local planning authority prior to any other work commencing on the**

construction of the dwellings hereby permitted.

Reason: In the interest of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of the Herefordshire Unitary Development Plan 2007.

12. 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

13. H27 (Parking for site operatives).

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

14. I18 (Scheme of mains foul and surface water drainage disposal prior to commencement to include surface water betterment above the existing greenfield runoff rate).

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

15. I32 (Details of external lighting).

Reason: To safeguard local amenities and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

16. I42 (Scheme of refuse storage (residential)).

Reason: In the interests of amenity and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

17. B07 – Section 106 Agreement

Reason: In order to provide enhanced sustainable transport, educational, play and sport and library infrastructure and to enhance the biodiversity interest of the site in accordance with policies DR5 and NC7 and NC8 of the Herefordshire Unitary Development Plan 2007.

18. Provision of a 'highway mirror' along the access road

Reason: In the interest of highway and pedestrian safety and to comply with policy DR3 of the Herefordshire Unitary Development Plan 2007.

**Informatives:**

1. N02 - Section 106 Obligation.
2. N15 - Reason(s) for the Grant of PP/LBC/CAC.
3. N19 - Avoidance of doubt - Approved Plans.

**93. DCCW2008/2035/F - BRITISH TELECOM BUILDING, BARTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0JT [AGENDA ITEM 7]**

*Change of use from B1 offices to Police offices (Retrospective).*

The Central Team Leader noted that, at the meeting held on 1 October 2008, the Sub-Committee had resolved that consideration of the application 'be deferred for further discussions with the applicant, in consultation with the Local Ward Members and the Chairman' [Minute 61 of 2008/09 refers]. He advised that the applicant had now submitted a Travel Plan but officers had not yet taken the opportunity to discuss the matter with the members. Therefore, it was recommended that the application be deferred again. The Local Ward Members supported this.

**RESOLVED: That consideration of the application be deferred.**

**94. DCCW2008/2578/F - TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HEREFORDSHIRE, HR2 7XS [AGENDA ITEM 8]**

*Removal / variation of condition 10 of planning application DCCW2001/1848/F.*

The Central Team Leader explained the planning history of the site, the purpose of the application and reported that the Council's Environmental Health Officer had assessed the noise report submitted with the application which confirmed that there will be no discernible increase in noise levels to the detriment of adjoining residential properties.

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

Councillor H Davies, a Local Ward Member, did not consider that the business case for the extension of hours had been proven and said that she had not witnessed any shortages of fuel at the filling station. Therefore, Councillor Davies did not feel that there was any reason to alter the existing delivery times.

Councillor GA Powell, also a Local Ward Member, concurred and commented that the noise and fumes from the filling station had significant impacts on residential amenity.

Councillor PJ Edwards considered that there was a case for refusing the application as being contrary to UDP Policies DR1 (Design), DR2 (Land Use and Activity), DR9 (Air Quality) and DR12 (Hazardous Substances). He felt that the proposed extension of hours was excessive and unjustified; he added that, despite long periods of discounted prices, he had not witnessed any periods when the filling station had run out of fuel and the only deficiencies occurred during a strike by tanker drivers. He also outlined problems with general management issues, such as litter, and commented on vapours and noise from the site, with extractor fans operating throughout the night. However, if the Sub-Committee was minded to approve the application, Councillor Edwards felt that any extension should be limited to increased hours on Saturday afternoons only to address the concern about potential shortages at weekends and Bank Holidays.

A number of members supported the views of the Local Ward Members, commented on the disruption to local residents and questioned the need to extend the hours to the level proposed. In response to a question, the Central Team Leader advised that the application sought more flexibility in delivery times and it was not anticipated that it would result in more fuel tanker traffic to the filling station. The Central Team Leader also reminded the Sub-Committee that the noise report identified that the

noise associated with delivery events did not exceed background noise levels.

Councillor AM Toon questioned whether refusal of planning permission could be sustained on appeal and suggested that a modest increase in hours could be granted to meet operational requirements, with the same 1000 - 1600 hours provision on Saturdays as was permitted on Sundays. Councillor Toon noted the concerns about air quality, particularly for residents with children, and felt that an extension of hours into the evening was unacceptable.

Councillor MAF Hubbard questioned the times when the noise assessments had been undertaken and felt that the impact on residential amenity should not be underestimated.

Councillor Edwards noted that an extension on Saturdays might be a reasonable way forward and commented on the difficulties associated with proving noise nuisance.

Councillor DB Wilcox noted that the current condition allowed deliveries at 08.00 on Saturdays and suggested, to meet the identified business needs, that the revised condition should be 0800 - 1600 hours on Saturdays, with one delivery permitted between 1000 – 1600 hours on Sundays and to cover Bank Holidays.

Consequently, the Central Team Leader advised that the revised delivery times would be:

0800 - 1800 hours Monday - Friday

0800 - 1600 hours Saturdays

1000 – 1600 hours, one fuel tanker delivery on Sundays and Bank Holidays.

**RESOLVED:**

**That planning permission be granted subject to the following condition:**

- 1. The permission hereby granted is an amendment to planning permission CW2001/1848/F dated 8 September 2003 and, otherwise than is altered by this permission, the development shall be carried out in accordance with that planning permission and the conditions attached thereto.**

**Reason: For the avoidance of doubt and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.**

- 2. The loading and unloading of service and delivery vehicles to the petrol filling station together with their arrival and departure from the site shall not take place outside the hours of 0800 to 1800 hours Mondays to Fridays; 0800 to 1600 hours on Saturdays; and one fuel tanker delivery between the hours of 1000 to 1600 hours Sundays and Bank Holidays.**

**Reason: To safeguard the amenities of the locality and comply with the requirements of Policies DR1, DR2 and DR13 of the Herefordshire Unitary Development Plan.**

**Informatives:**

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



**95. DCCW2008/2775/F - 29 WHITEFRIARS ROAD, HEREFORD, HR2 7XE [AGENDA ITEM 9]**

*Demolish existing garage and replace with single storey extension and minor alterations to off road parking area.*

It was recommended that the application be deferred pending clarification about matters of land ownership.

**RESOLVED: That consideration of the application be deferred.**

**96. DCCW2008/1681/F - 9-11 TOWER ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LF [AGENDA ITEM 10]**

*Conversion of existing retirement residential home and self contained basement flat into nine self contained flats / apartments.*

The Principal Planning Officer reported that correspondence had been received from the applicant's agent confirming agreement to the Section 106 Heads of Terms (as amended to net off the existing basement flat). The Sub-Committee was advised that:

- A further section of the existing rear single storey extension would have to be removed to accommodate two of the parking spaces and therefore an amended ground floor plan was required identifying this change.
- The recommendation had been amended to include additional conditions requiring a Section 106 Agreement to be completed prior to the commencement of the development, an amendment to the Heads of Terms to take off one two bedroom flat, and an amended ground floor plan. Therefore, delegated authority was requested to issue the permission subject to the points above.

The Principal Planning Officer also outlined the parking and access arrangements.

Councillors JD Woodward and DJ Benjamin, the Local Ward Members, noted the concerns of local residents, particularly the lack of amenity space, and considered that the Sub-Committee would benefit from a site inspection.

**RESOLVED:**

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

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

**97. DCCE2008/1533/F - PRICKETTS PLACE, BOLSTONE, HEREFORD, HEREFORDSHIRE, HR2 6LZ [AGENDA ITEM 11]**

*Alterations and two storey extension to existing house.*

The Central Team Leader explained the policy considerations and recommended reason for refusal of planning permission.

In accordance with the criteria for public speaking, Mrs. Litherland had registered to speak in support of the application but felt unable to present her views and, therefore, the Legal Practice Manager read out a statement on her behalf.

Councillor GFM Dawe, the Local Ward Member, commented on the attractive nature of the cottage and surrounding countryside which was opposite the Wye Valley Area of Outstanding Natural Beauty and adjoined a special wildlife site. He drew attention to the comment in the officer's appraisal that '*The proposal does not comply with Policy H18. The extension would more than double the size of the existing building...*'. Councillor Dawe said that he was sympathetic to the personal circumstances of the applicant but recognised the policy constraints and felt that the proposed extension was too excessive; he added that a more modest extension might be appropriate. He noted the concerns expressed by Holme Lacy Parish Council about an earlier proposal and he commented on the need to retain smaller dwellings in rural areas.

Councillor PJ Edwards concurred with the views of the Local Ward Member and questioned whether the applicant could submit a revised scheme without charge should the application be refused. The Central Team Leader advised that the regulations governing application fees permitted an additional submission within twelve months but this was the second submission in this particular case.

The Chairman commented on the limited size of the cottage and noted that it would be difficult to achieve a suitable level of accommodation without some form of extension.

Councillor RI Matthews drew attention to the seven letters that had been received in support of the proposal and noted that Holme Lacy Parish Council and Bolstone Parish Council had not raised any objections to the revised scheme.

Councillor H Davies outlined the difficulties experienced by disabled people and carers in regular sized accommodation and she felt that the cottage needed to be extended in some way to address the issues.

In response to comments by members, the Chairman clarified that a number of revisions had been made to the scheme and, therefore, a number of responses had been received from local parish councils.

Councillor AM Toon noted that there was a need for a decent level of habitable accommodation and proposed that a site inspection be undertaken in order for members to get a better perspective about the dimensions and setting of the cottage.

**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.**

**98. DCCE2008/2816/F - 10 KYRLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2ET [AGENDA ITEM 12]**

*Continuation of use of yard at 10 Kyrle Street for the storage, movement and operation of 4 mobile coffee carts, 1 freezer cart, 1 fridge cart and 4 non HGV associated support vehicles.*

The Principal Planning Officer outlined the planning history of the site and advised that this application sought permanent permission following a two-year 'trial period' [application DCCE2006/3614/F refers].

Councillor MAF Hubbard, the Local Ward Member, declared a prejudicial interest at the start of the item but, in accordance with the Constitution [Appendix 12, Members Code of Conduct, Part 2, paragraph 12 (2)], wished to exercise the opportunity to speak for up to three minutes before withdrawing from the meeting. Councillor Hubbard commented that there was an established mixture of residential and business uses in this area, that there was already significant background noise in the locality, and that the two-year trial period had only resulted in two complaints from one neighbouring property; with no statutory nuisance established in either instance.

In accordance with the criteria for public speaking, Mr. Watkins spoke in objection to the application on behalf of the occupants of 12 Kyrle Street and Mr. Rawlings spoke in support of the application.

Councillor ACR Chappell said that the temporary permission had not revealed any justifiable reasons for refusal of permanent planning permission. He commented on the mixed characteristics of the surrounding area and noted there were numerous noise generating businesses in the locality. He also noted that the terms of the licence from Herefordshire Council, to operate a coffee cart in Hereford High Town, necessitated a departure of one cart from the site at 06.00. Therefore, he supported the application.

Councillor AM Toon noted that, although no statutory nuisance had been identified during the temporary permission, early morning operations inconvenienced local residents. She considered that, with this application, a limit had been reached in the potential of this site to accommodate the business and suggested that the applicant might need to consider moving it to an industrial estate if further expansion was contemplated.

Councillor PJ Edwards questioned whether Permitted Development Rights could be removed to prevent any further intensification of use and, noting that there had been a complaint about noise from trailers scraping the pavement, suggested that the applicant be required to consider options for the escarpment of the access. The Principal Planning Officer advised that the detailed description of the application meant that any proposed future development would require another planning application and, to reinforce this position, the numbers of carts and associated support vehicles permitted could be specified in the conditions. He also said that an informative note could be added to the decision notice to highlight the need to address the escarpment of the access.

In response to questions from Councillor AP Taylor, the Principal Planning Officer advised that the application site was clearly defined and any possible changes of use associated with other premises or parking areas would need to be investigated separately.

Councillor DB Wilcox noted the problems often associated with having a mixture of residential and business uses in close proximity and also the difficulties of establishing statutory nuisance. Therefore, he suggested an additional condition to require the applicant to undertake practical measures to limit noise. Other members supported this.

Councillor AT Oliver considered that, in the interests of residential amenity, no carts and associated support vehicles should be permitted to operate or move before 0700 or after 2100. Councillor DJ Benjamin considered that the business had started as a cottage industry but had now outgrown the site and supported the suggested amendment on hours of operation.

Councillor Chappell re-iterated the constraints of the licence granted to operate in

High Town. The Principal Planning Officer confirmed that the suggested amendment on hours of operation would prevent the applicant from complying with the licence requirements.

The Principal Planning Officer said that the wording of the suggested noise condition needed to be more precise, to enable it to be enforced. Councillor Wilcox commented that the condition should require the applicant undertake the best practicable means of minimising noise disturbance.

An amendment to restrict hours further failed and a motion to approve the application was then carried.

**RESOLVED:**

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

1. **F02 (Restriction on hours of delivery).**

**Reason: To safeguard the amenities of the locality.**

2. **Notwithstanding the connections of the freezer and fridge carts to a mains power supply, the coffee carts and support vehicles described in the description of development shall not be moved or operated in the yard or moved into or out of the yard before 7am or after 9pm on any day except in the case of emergency with the exception of one cart and its associated support vehicle which shall be permitted to be moved into and out of the yard between 6am and 10pm.**

**Reason: To safeguard the amenities of the locality.**

3. **The permission hereby granted is for the use of land for the parking, storage and movement of four mobile coffee carts, one freezer cart, one fridge cart and four non HGV associated support vehicles only.**

**Reason: In order to define the terms of the permission in the interests of local amenity and to comply with Policies DR2 and E9 of the Herefordshire Unitary Development Plan.**

4. **Best practicable means shall be implemented in the operation of the use hereby permitted so as to minimise noise disturbance for residential and other properties in the locality.**

**Reason: In order to safeguard the amenity of occupiers of nearby properties and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.**

**Informatives:**

1. **N01 - Access for all.**
2. **N03 - Adjoining property rights.**
3. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
4. **N19 - Avoidance of doubt - Approved Plans.**
5. **The applicant shall undertake measures to ensure that vehicles and the**

attached carts can enter and exit the site without scraping/grounding on the driveway and/or adjoining pavement.

**99. DATES OF FUTURE MEETINGS**

4 February 2009

4 March 2009

1 April 2009

The meeting ended at 4.48 p.m.

<LAYOUT\_SECTION>

**CHAIRMAN**