

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 21st September, 2005 at 2.00 p.m.

Present: Councillor R. Preece (Vice-Chairman in the Chair)

Councillors: Mrs. W.U. Attfield, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, R.I. Matthews, J.C. Mayson, Mrs. J.E. Pemberton, Ms. G.A. Powell, R. Preece, Mrs. S.J. Robertson, Miss F. Short, W.J.S. Thomas, W.J. Walling, D.B. Wilcox and R.M. Wilson

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

53. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs. P.A. Andrews, Mrs. E.M. Bew, A.C.R. Chappell, D.J. Fleet, Mrs. M.D. Lloyd-Hayes, J.W. Newman, Ms. A.M. Toon and A.L. Williams.

54. DECLARATIONS OF INTEREST

The following declarations of interests were made:

Councillors	Item	Interest
Mrs. S.P.A. Daniels, Mrs. S.J. Robertson and D.B. Wilcox	Agenda Item 5, Minute 57 DCCE2005/2321/F 4 Carter Grove, Hereford, Herefordshire, HR1 1NT	Mrs. S.P.A. Daniels and D.B. Wilcox declared personal interests. Mrs. S.J. Robertson declared a prejudicial interest and left the meeting for the duration of this item.
D.B. Wilcox	Agenda Item 7, Minute 59 DCCW2004/0394/M Part of O.S. Parcel 2980, Upper Lyde Gravel Pit, Upper Lyde, Herefordshire	Declared a prejudicial interest and left the meeting for the duration of this item.
D.B. Wilcox	Agenda Item 8, Minute 60 DCCW2004/0393/F Moreton Road, Upper Lyde, Hereford	Declared a prejudicial interest and left the meeting for the duration of this item.
J.C. Mayson	Agenda Item 10, Minute 62 [A] DCCW2005/1242/M and [B] DCCW2005/1243/M Wellington and Moreton-on-Lugg Quarries	Declared a prejudicial interest and left the meeting for the duration of this item.

D.B. Wilcox	Agenda Item 13, Minute 65 SH950300PF Woodlands Farm, Watery Lane, Dinedor, Hereford	Declared a personal interest.
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Mr. K. Bishop, Principal Planning Officer, declared a personal interest in respect of Agenda Item 11, Minute 63 (DCCW2005/2394/F) and left the meeting for the duration of this item.

55. MINUTES

RESOLVED: That the Minutes of the last meeting held on 24th August, 2005 be approved as a correct record and signed by the Chairman.

56. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report in respect of the planning appeals for the central area.

RESOLVED: That the report be noted.

57. DCCE2005/2321/F - 4 CARTER GROVE, HEREFORD, HEREFORDSHIRE, HR1 1NT

First floor extension to existing dwelling.

In response to a question about the impact of the proposal on a protected Scots Pine, the Senior Planning Officer advised that the works would not obstruct the roots of the tree and that the Council's Arboriculturalist had not raised any objections to the scheme. He also drew attention to recommended conditions 6, 7 and 8.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

4. **Prior to the commencement of development full specifications of the proposed screening measures shall be submitted to and approved in writing by the local planning authority. Prior to the occupation of the development hereby authorised the agreed screening measures shall be installed and retained in perpetuity.**

Reason: To safeguard the amenities of the locality.

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

Reason: To protect the amenity of local residents.

6. **G16 (Protection of trees covered by a Tree Preservation Order).**

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

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

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

8. **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.

Informatives:

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

58. **DCCW2005/2176/O - LAND ADJACENT TO FOURTH MILESTONE HOUSE, SWAINSHILL, HEREFORD, HR4 7QE**

Erection of two dwellings.

The Principal Planning Officer confirmed that a fatal accident had occurred in 2002 in the vicinity of the junction of the access road with the A438 and that measures had been subsequently taken to improve highway safety; including a 40mph speed limit, slip resistant surface treatment and signs warning of queuing traffic. He added that the Transportation Manager had raised no objections to the proposal.

In accordance with the criteria for public speaking, Mr. P. Smith (the applicant's agent) spoke in support of the application.

Councillor R.I. Matthews, the Local Ward Member, noted the comments of Stretton Sugwas Parish Council and expressed his concerns about the accident record at this junction and the impact of the dwelling on the character of the rural area. It was noted that, in the Appeal Decision relating to a previous application and attached to the report, the Inspector had concluded that the development of only one unit was acceptable but Councillor Matthews felt that two dwellings would have dramatic effect on the rural setting. Therefore, he proposed that the application be refused.

The Principal Planning Officer clarified that the Inspector considered the application site to be within the designated settlement and that the character of the plot related well to the remainder of the settlement. He noted local concerns about highway safety but reiterated that improvements had been made.

A number of Members spoke in support of the Local Ward Member's views and felt that the proposal would result in a feeling of urbanisation and would not provide a natural transition between the settlement and the countryside.

In response to questions, the Principal Planning Officer highlighted sites where other applications had been refused and advised that he could not confirm whether the

Inspector was aware of the entire accident history but he could confirm that the Inspector had visited the site and would have been aware of the characteristics of the area.

The Development Control Manager drew attention to the fact that the Inspector (at paragraph 8 of the Appeal Decision) did not consider that the previous proposal would conflict with policy 'in that it would not adversely affect the character of the location or encourage undesirable further development to take place having regard to the particular circumstances of the site'. He noted Members' concerns about the junction but stressed that the Transportation Manager was satisfied with the proposal. The Central Team Leader added that it was important to maintain consistency and that the Inspector had effectively discounted a number of potential reasons for refusal.

Councillor Matthews maintained his view that the application should be refused and a number of Members supported this motion.

RESOLVED:

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

- 1. Visual intrusion on the edge of the settlement;**
- 2. Out of keeping with the character of the rural area; and**
- 3. Urbanisation.**

(ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.

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

59. DCCW2004/0394/M - PART OF O.S. PARCEL 2980, UPPER LYDE GRAVEL PIT, UPPER LYDE, HEREFORDSHIRE

Variation of conditions 4, 12, 14, 19, 22, 23, 26 & 27 on pp ref CW2001/0769/M - for the extraction of sand and gravel.

In accordance with the criteria for public speaking, Mr. F. Bradley spoke on behalf of Lyde Parish Council and Mr. A.W.C. Morris spoke against the application.

In response to comments made by the speakers, the Team Leader (Minerals and Waste) advised that the basic principle regarding this site was that planning permission for the extraction of sand and gravel existed by virtue of the original (1965) planning permission. The application sought to vary a number of conditions that had been placed on the planning permission when it was 'modernised' in 2001, specifically in relation to the reclamation of the site. He noted local residents' concerns about ground water but emphasised that, after a significant exchange of correspondence with the Council and the applicant's agent and the consultant, the Environment Agency had no objection to the proposed variation of conditions subject to conditions. He added that the Council's Environmental Health Officer was satisfied with the consultant's report. Therefore, whilst there could be no absolute

guarantee, the proposal was unlikely to have an impact on ground water. The Team Leader also noted concerns about the stability of the sides of the excavation but commented that the steep sides were very stable and there was no evidence that there would be any impact from slippage. He also clarified matters relating to the proposed excavation boundary.

Councillor Mrs. S.J. Robertson, the Local Ward Member, felt that Herefordshire's countryside was being eroded by quarry activity and other landscape blight. She noted that there was an over provision of gravel and the need for reduced waste in the construction industry. She felt that the Sub-Committee had imposed reasonable conditions in 2001 which would ensure that the impact of the development on the area and on local communities was mitigated. She expressed concern that, even with boundary fencing, the proposed pond would be attractive to children and accidents might occur as a result. Local concerns about human rights matters were mentioned. Councillor Mrs. Robertson noted that no guarantees could be given that water supplies would not be affected and felt that this potential risk should be avoided. Given these considerations, she proposed that the application be refused and the site returned to original levels.

A number of Members spoke in support of the Local Ward Member and expressed their reluctance to vary the conditions, issues discussed included: perceived discrepancies in the information provided; concerns about the potential hazards of a large excavation; fatal accidents in quarry ponds; conditions that had not been adhered to; and the need for adequate boundary fencing and planting.

In response to a question, the Team Leader outlined some potential scenarios if planning permission was refused and the terms of the original planning permission were not adhered to. The Team Leader also commented that the boundary fence was of a higher quality than the Health and Safety Executive required and it was proposed that this be supplemented with a belt of blackthorn to prevent access.

In response to a question, the Team Leader advised that the consultants did not consider that the excavation to below the water table to create the pond was likely to result in a surge of water in this instance.

It was suggested that highway safety was an additional reason for refusal but the Team Leader reminded Members that the proposal would mean that some 320,000 tonnes of material would no longer need to be imported into the site, representing a reduction of at least 15,000 lorry movements.

In response to some comments by Members, the Legal Practice Manager noted that the Sub-Committee was not the appropriate forum to discuss any potential revocation of planning permissions.

RESOLVED:

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

- 1. Health and safety considerations; and**
- 2. Detrimental impact on rural countryside.**

(ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of

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

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

60. DCCW2004/0393/F - MORETON ROAD, UPPER LYDE, HEREFORD

Variation of condition 6 on CW2001/1427/F - widening of carriageway and construction of 6 passing bays.

In accordance with the criteria for public speaking, Mr. F. Bradley spoke on behalf of Lyde Parish Council and Mr. A.W.C. Morris spoke against the application.

The Team Leader (Minerals and Waste) advised that the application sought to vary a condition which required existing sections of hedge to be translocated and instead plant new sections of hedge. He emphasised that the Conservation Manager had no objection to the proposal and recognised that translocation was unlikely to succeed given the thinness of the soil on site.

Councillor Mrs. S.J. Robertson, the Local Ward Member, noted the concerns of local residents and felt that the ecological and landscape value of this important hedgerow should not be lost.

RESOLVED:

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

1. Loss of biodiversity.

(ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.

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

61. [A] DCCE2005/2356/F AND [B] DCCE2005/2330/C - CARFAX HOUSE SITE, AYLESTONE HILL, HEREFORD, HR1 1HX

[A] Construction of 16 no. residential units, associated carparking and landscaping and [B] Demolition of Carfax House and associated buildings, replacement residential dwellings.

The Senior Planning Officer reported the receipt of an additional letter of objection from Mrs. A. Cook and an additional letter of support from the applicant's agent.

In accordance with the criteria for public speaking, Mr. A. Bradley spoke against the applications and Mr. D. Benbow (applicant's agent) spoke in support of the applications.

Councillor D.B. Wilcox, a Local Ward Member, noted the need to preserve and

enhance the character and appearance of the Conservation Area and expressed a number of concerns about the proposals. He commented that the existing use of Carfax House for educational purposes, in association with the Hereford College of Technology, meant that there was minimal pedestrian traffic across Aylestone Hill and that this would increase significantly with the proposed residential use of the site. Therefore, Councillor Wilcox felt that the planning contribution requested by the Traffic Manager of £1500 per unit towards the provision of a pedestrian crossing should be insisted upon.

The Senior Planning Officer explained that the development represented an improvement of the existing on site situation through access enhancements and no intensification of vehicle movements. Therefore, a contribution would be desirable but could not be reasonably insisted upon. However, the developer had nevertheless volunteered a contribution of £500 per unit towards highway improvements. The Senior Planning Officer also explained the design approach of the proposals.

A number of Members spoke in support of the Local Ward Member, issues discussed included: highway safety and the need to secure additional improvements; the importance of this site given its location on a prominent entranceway to the City; the need to preserve some of the interior features of the existing building; the architectural and historic value of the existing building; and the lack of affordable housing. Some Members felt that the proposed design approach was unsightly and would not enhance this landmark site.

In response to the concerns of Members, the Development Control Manager clarified the highway issues and the approach taken towards contributions (with reference to Circular 05/2005 – Planning obligations) and noted the Conservation Area requirements (with reference to PPG15 – Planning and the historic environment).

Councillor Wilcox felt that the existing amount of on site parking had been overestimated given that some the parking areas were unauthorised, that the proposed new access arrangements would improve highway safety but the implications of increased pedestrian footfall had not been addressed, and he remained unconvinced about the proposed design of the development.

RESOLVED:

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

- 1. Visual impact; and**
- 2. Fails to preserve or enhance the character and appearance of the Conservation Area.**

(ii) If the Head of Planning Services does not refer the applications to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the applications, subject to such reasons for refusal referred to above.

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

62. [A] DCCW2005/1242/M AND [B] DCCW2005/1243/M - WELLINGTON AND MORETON-ON-LUGG QUARRIES

[A] Variation of condition nos. 3, 6, 11, 15, 23, 24, 25, 29 and 30 of planning permission H&WCC ref. 407393 (SH960682JZ) (Wellington) to merge operations and [B] Variation of condition nos. 2, 3, 4, 7, 8 and 9 of planning permission ref. CW2002/3058/M (Moreton-on-Lugg) to merge operations.

The Team Leader (Minerals and Waste) reported that the Environment Agency had not raised any objections to the applications.

Councillor J.G.S. Guthrie noted that Wellington Parish Council and Moreton-on-Lugg Parish Council were reasonably satisfied with the proposed merge of operations and he explained the recent history of the sites. He also noted that Marden Parish Council had significant concerns about the impact of traffic from the quarries on the village and on the local road network. Therefore, Councillor Guthrie proposed an additional condition to require a transportation scheme to ensure that the lorries were properly routed to and from the A49 and were not permitted to go through Marden. The Sub-Committee supported this proposal.

RESOLVED:

- 1) The County Secretary and Solicitor be authorised to complete a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to revoke the S106 Agreement made under reference SH960682JZ (H&WCC ref. 407393) on 24th April 1997 and amend the S106 Agreement made under ref. CW2002/3058/M on 13th January 2004) and**
- 2) Upon completion of the aforementioned Planning Obligation that the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission for applications DCCW2005/1242/M and DCCW2005/1243/M subject to the following conditions:**

In respect of DCCW2005/1242/M (Wellington Gravel Pit):

- 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. No soil shall be moved on site unless and until written notice of commencement has been sent to the local planning authority.**

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

- 2. This permission shall be implemented only in lieu of, and not in addition to, the planning permission SH960682JZ (Hereford and Worcester County Council reference 407393) dated 24th April 1997.**

Reason: To prevent over development of the site and to protect the interests of the River Lugg SSSI, cSAC.

- 3. The site referred to in this permission is that shown edged red on plan W17/PL1/3 received by Hereford and Worcester County Council on 5th June 1996, included within this site is the sand and gravel working existing at that time and two extension areas referred to as the Proposed Northern Extension Area and the Proposed Southern Extension Area.**

Reason: To define the permitted area in the interest of clarification and to protect the amenity of local residents and the scientific and nature conservation interests of the River Lugg SSSI, cSAC.

- 4. The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. W107/03, W107/04, W107/05), except where otherwise stipulated by conditions attached to this permission.**

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

- 5. Every four calendar years from the date of this permission until the completion of all aftercare schemes, a biodiversity audit shall be submitted for the approval of the local planning authority. The submitted scheme shall identify**
 - i) The species present and**
 - ii) Where National and Herefordshire biodiversity species are identified, estimates of the numbers present and**
 - iii) Propose how the habitats of such species may be improved during the course of the development hereby permitted, including the period of aftercare.**

Reason: In order to ensure that the site is worked and reclaimed in a way that maximises its nature conservation interest.

- 6. Not later than 9 months from the date of this permission a scheme and method statement shall be submitted to the local planning authority for their approval in writing for the discharge of silt and dirty water from the plant site. The submitted scheme shall be designed to ensure that on the cessation of the winning and working of minerals hereby permitted at least 6 islands, each at least 20 metres in diameter, each permanently surrounded by water have been created in Lake 3 and that Phragmites species have become established in Lake 3. Development shall be carried out in accordance with the approved scheme.**

Reason: In order to ensure that the site is reclaimed in a way which maximises its nature conservation interest and to prevent pollution of the water environment and in the interests of protecting the River Lugg SSSI, cSAC.

- 7. Not later than 31st May 2008 schemes and method statements shall be submitted to the local planning authority for their approval in writing for:**
 - i) The removal and respreading of the soil mounds formed in creating the blockworks on site, and**
 - ii) The clearance, ground preparation and soil covering of the areas shown as Plant Site, Offices, Conveyor and Stocking Area on drawing W107/03.**

Reason: In the interests of ensuring the proper reclamation of the site, the protection of archaeological features and the prevention of pollution to ground and surface waters, particularly the River Lugg SSSI and cSAC.

8. No extraction shall be undertaken within 30 metres of any part of the railway embankment.

Reason: In order to protect the stability of the railway line.

9. No topsoil or subsoil shall be removed from the site other than for placement in the adjacent gravel pit at Moreton Camp previously granted planning permission under reference CW2002/3058/M granted on 11th February 2004.

Reason: In order to ensure the proper reclamation of the site in the interests of landscape and nature conservation.

10. No soil, subsoil, stone or waste materials shall be imported into the site for use in its reclamation other than from the adjacent gravel pit previously granted planning permission under reference CW2002/3058/M on 11th February 2004.

Reason: In order to ensure the proper reclamation of the site in the interests of landscape, local amenity, pollution control and the protection of the River Lugg SSSI, cSAC.

11. No soils shall be moved, spread, levelled or loosened other than in connection with agriculture within the area shown as agricultural land on plan W107/02 during the months of November to March (inclusive) or when the moisture content of this area is greater than 20% or when there are pools of water on the ground surface where soils are to be moved to.

Reason: To ensure that the land is restored to as high a quality of agricultural land as possible.

12. No work shall be done which would alter the existing ground surface or respread soils, subsoils or overburden within the areas shown as Plant Site, Offices and Stocking area on drawing W107/03 or Car Park and Field 2 - Pasture on plan W107/04 unless and until a scheme and method statement to do without unacceptable adverse effect on the River Lugg SSSI/cSAC and the archaeological value of these areas has been approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.

Reason: In order to protect features of archaeological interest.

13. No soils, subsoils or overburden shall be stored closer than 10 metres from the banks of the Wellington Brook.

Reason: In order to minimise the risk of pollution.

14. No work shall be undertaken within the vicinity of the pipeline other than in accordance with Transco Engineering Standard T/SP/SSW22 "Code of Practice for Safe Working in the vicinity of the Pipelines" or any instrument revoking or re-enacting that document with or without modification.

Reason: In order to ensure that the gas pipeline is not damaged.

15. No light source shall produce more than 1 lux horizontal or vertical illuminance at any adjacent property boundary.

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

- 16. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.**

Reason: To prevent pollution of the water environment.

- 17. No machinery shall be operated other than water pumping, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0700 to 1900 Mondays to Fridays, 0800 to 1300 on Saturdays and not at all on Sundays, Bank or Public Holidays (“the permitted hours”), except to allow the access or egress of vehicles to or from the area permitted for use as a rail loading facility, permitted under consent reference CW2001/3080/M granted 18th July 2002 in such cases the access of loaded and or unloaded vehicles shall be permitted but only the egress of unloaded vehicles shall take place outside the permitted hours.**

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

- 18. No extraction shall be undertaken in connection with the permission hereby granted at any point within the application area deeper than the naturally occurring sand and gravel deposits at that point.**

Reason: To define the permission for the avoidance of doubt and because further excavation would require further assessment in the interests of local amenity, pollution control, the protection of ground and surface waters and the nature conservation interests of the River Lugg SSSI, cSAC.

- 19. No later than 31st May 2008, the operator shall submit an aftercare scheme to ensure the reclamation of the site to the standard required, for the approval in writing of the local planning authority. The submitted scheme shall include provision for:**
 - i. Managing the site in the interests of nature conservation and agriculture for at least 5 years after the completion of reclamation works on site and in particular for the provision and maintenance of habitats for priority species identified on site specified in the National and Herefordshire Biodiversity Action Plans.**
 - ii. The alteration of management practices where in the opinion of the local planning authority as advised by English Nature or any successor bodies, the habitats of Biodiversity Action Plan species**

identified on site could be enhanced.

- iii. A site meeting to be held every year during the aftercare period to discuss the progress of reclamation to date and to agree future proposals.
- iv. Such a meeting to be attended by the person(s) responsible for undertaking the aftercare of the land.

Reason: To ensure that the site is reclaimed to the highest possible nature conservation and landscape interest.

20. Not later than two years after the cessation of the winning of materials, as determined by the local planning authority,
 - i) all stockpiles, stores, plant, hardstandings, buildings, tracks, machinery, equipment, infrastructure, chain link fencing and concrete fence posts and waste associated with the winning, working, processing, storage, sale and transportation of minerals and the production of readymix concrete and use of the site as a rail loading facility shall be permanently removed from the application site, and
 - ii) the site shall be fully reclaimed in accordance with drawing W107/04 as supplemented by schemes approved in accordance with the conditions hereby approved.

Reason: In order to ensure that the site is properly reclaimed within a specified timescale in the interests of local amenity, pollution control, nature conservation and the River Lugg cSAC and SSSI.

21. The winning and working of minerals at this site shall expire fifteen years after the date of commencement.

Reason: Required to be imposed by Part 1 of Schedule 5 of the 1990 Town and Country Planning Act.

22. Notwithstanding the provisions of Schedule 2, Parts 6 and 7 of the Town and Country Planning (General Permitted Development) Order 1995 or any statutory instrument revoking or re-enacting that Order with or without modification, the land and lakes which remain on the cessation of mineral winning shall not be used for any activity other than for the purposes of nature conservation or agriculture unless a specific permission for such is obtained from the local planning authority.

Reason: Because the local planning authority wish to control the use of the site in the interests of pollution control, nature conservation and the River Lugg cSAC and SSSI, the landscape and local amenity.

Informative:

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

In respect of DCCW2005/1243/M (Moreton Camp):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. No soil shall be moved on site

unless and until written notice of commencement has been sent to the local planning authority.

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

2. The site referred to in this permission is that shown red on drawing MLM 2/2.

Reason: To define the permitted area in the interest of clarification and to protect the amenity of local residents and the scientific and nature conservation interest of the River Lugg SSSI, cSAC.

3. This permission shall be implemented only in lieu of, and not in addition to, the planning permission CW2002/3058/M dated 11th February 2004.

Reason: To prevent over development of the site and to protect the interests of the River Lugg SSSI, cSAC.

4. The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. (MLM/2/2), (MOL ND1), (W107/03), W107/04), (W107/05) except where otherwise stipulated by conditions attached to this permission.

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

5. Every four calendar years from the date of this permission until the completion of all aftercare schemes, a biodiversity audit shall be submitted for the approval of the local planning authority. The submitted scheme shall identify

- i) The species present, and
- ii) Where National and Herefordshire biodiversity species are identified, estimates of the numbers present, and
- iii) Propose how the habitats of such species may be improved during the course of the development hereby permitted, including the period of aftercare.

Reason: In order to ensure that the site is worked and reclaimed in a way that maximises its nature conservation interest.

6. Not later than two years from the date of this permission, a scheme and method statement shall be submitted to the local planning authority for their approval in writing for the creation of an area of wet woodland at least 1ha in extent, adjacent to lake 5. The submitted scheme shall be designed to ensure that on the cessation of the winning and working of minerals at the development hereby permitted at least 10% of the proposed wet woodland consists of areas of permanent standing water no more than 1 metre deep and that at least 40% is seasonally flooded at least once per year on the basis of the Environment Agency's prediction of the normal distribution of annual flooding at the site and that at least a further 25% is no more than 30cm higher than the predicted normal distribution of annual flooding at the site. Development shall be carried out in accordance with the approved scheme.

Reason: In the interests of maximising the biodiversity and nature conservation value of the site.

- 7. Not later than two years from the date of this permission, schemes and method statements shall be submitted to the local planning authority for their approval in writing for the creation of:**
 - i) Reed beds, dominated by Phragmites species,**
 - ii) Ditches, designated to maximise their use as wildlife corridors and as habitat for water voles,**
 - iii) A range of shallows and bankside gradients around the lakes formed as part of the development hereby permitted,**
 - iv) Exposed sections which can be permanently retained after the reclamation of the site as a record of its soil profile and geological features,**
 - v) At least one additional hide, open to the public free of charge within 2 years of the approval of the proposals for this part of this condition and maintained so during the course of the development already permitted including any period of aftercare,**
 - vi) Islands on the western side of lake 3, such that on the cessation of the winning and working of minerals at Moreton Camp, the final height of these islands is nowhere higher than 54 metres AOD and the surface of the islands is covered with impermeable material and gravel,**
 - vii) For the installation of at least 4 water level markers around each and every one of lakes 2, 3, 4, 5 and 6 accurately showing at least 53.5 and 54 metres AOD before reclamation works have been completed around each lake,**
 - viii) An artificial sand martin nest bank, and that**
 - ix) Development shall be carried out in accordance with all of the agreed schemes.**

Reason: In the interest of maximising the biodiversity, nature conservation, amenity and geological value of the site.

- 8. Not later than six months from the date of this permission, a scheme shall be submitted to the local planning authority for their approval in writing for the construction and subsequent removal of a noise reduction bund to the east of Yew Tree House. Development shall be carried out in accordance with the approved scheme.**

Reason: To protect the amenities of the residents of Yew Tree House.

- 9. Not later than two years after the date of this permission a scheme of landscaping shall be submitted to the local planning authority for their approval in writing. The submitted scheme shall include details of the species, sizes, densities and planting numbers of the trees, shrubs and other plant species and grass seed mixes to be used on site with the intention of creating as wide a range of habits as possible on site. The**

landscaping of the site shall be carried out in accordance with the approved details.

Reason: In order to protect the visual amenities of the area, to prevent and enhance the quality of the environment and in the interests of the landscape and increasing its nature conservation value.

- 10. No development shall take place in phases 4, 5 or 6 unless and until a scheme and programme of the means for the suppression of dust has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include inter alia: measures for the suppression of dust caused by the movement and storage of aggregate materials within the site. The approved scheme shall be complied with throughout the use of the site in accordance with the development hereby permitted.**

Reason: In the interests of the occupiers of nearby buildings and the prevention of pollution.

- 11. Not later than twelve months from the date of this permission, schemes shall be submitted to the local planning authority for their approval in writing showing:**

- i) The direction of working in each phase of extraction.**
- ii) The sequence and duration of each phase of extraction.**
- iii) The volumes of excavated soil, subsoil and overburden to be produced in each phase and where these are to be placed both temporarily and permanently.**
- iv) Detailed proposals and a method statement of how and when the railway lines, rail loading and stockpiling areas are to be cleared in order to minimise the risk of pollution to ground and surface waters.**

Development shall be carried out strictly in accordance with the approved schemes.

Reason: In the interests of protecting the amenity of nearby residents and the prevention of pollution to ground and surface waters, particularly the River Lugg SSSI, cSAC.

- 12. No work shall be undertaken within the vicinity of the gas pipeline other than in accordance with Transco Engineering Standard T&SP/SSWZZ "Code of Practice for Safe Working in the Vicinity of the Pipelines" or any instrument revoking or re-enacting that document with or without modification.**

Reason: In order to ensure that the gas pipeline is not damaged.

- 13. During the course of the development hereby permitted up to and including the winning of minerals from Phase 5, the operator shall carry out the barn owl and species rich grassland mitigation scheme set out in Tarmac's letter of 7th July 2003, reference ML/JA/M103(P) (Barn Owl and species rich grassland mitigation scheme) and plan reference "Management Proposals" drawing number 2, July 2003.**

Reason: In order to retain suitable habitats for barn owls and grassland of

nature conservation interest.

14. No extraction shall be undertaken within 30 metres of the sleepers on the railway lines shown as retained on plan W107/04 unless otherwise agreed in advance in writing by the local planning authority.

Reason: In order to protect the stability and future use of the railway line.

15. No development shall take place until there has been secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeological Service. Items of prior archaeological excavation required as part of this programme must be completed in the field to the satisfaction of the local planning authority before the commencement of any development. The submitted scheme shall specify that the Bronze Age site within Area C, defined in the revised Archaeological Mitigation Strategy dated 9th August 2005, shall be excavated not later than 12 months from the commencement of soil stripping in Phase 4.

Reason: To ensure that the exceptional archaeological interest of the site is recorded, and also to ensure that specific items of archaeological excavation can take place within an acceptable timescale that will not be compromised by other site works or factors.

16. Throughout the course of the development hereby permitted, including the reclamation and aftercare for the site, hydro-geological monitoring shall be undertaken in accordance with the monitoring scheme/programme reference "groundwater monitoring scheme" received on 12th January 2004 and plan reference Groundwater Monitoring Borehole Location Jan. 04 Drawing No. 2.

Reason: In the interests of pollution control, the protection of ground and surface waters in and around the site, the residential amenities of nearby dwellings and the nature conservation interests of the River Lugg cSAC and SSSI.

17. Throughout the course of the development hereby permitted including the reclamation and aftercare of the site, control procedures for managing contaminated soils and groundwater shall be undertaken in accordance with document reference "Control Procedures for Managing Contamination, Soils and Groundwater during Mineral Extraction Operations" received on 8th December 2003.

Reason: In the interests of pollution control, the protection of ground and surface waters in and around the site, the residential amenities of nearby dwellings and the nature conservation interests of the River Lugg cSAC and SSSI.

18. No foul or contaminated drainage shall be discharged from the site.

Reason: In the interests of the protection of ground and surface waters and to protect the nature conservation interests of the River Lugg cSAC and SSSI.

19. The level of noise from the development hereby permitted shall not exceed

the following levels at the locations specified below:

Property boundary of Holmesdale House, LAeq day time operations 66.9dBA, LA90 day time operations 48.0 dBA.

Adjacent to the property boundary of Yew Tree House, LAeq day time operations 63.5 dBA, LA90 day time operations 48.5 dBA.

Adjacent to the property boundary of The Almshouses, LAeq, day time operations 58.8 dBA, LA 90 day time operations 48.0 dBA.

Adjacent to the property boundary of St. Mary's Church Vicarage, LAeq day time operations 47.5 dBA, LA 90 day time operations 43.0 dBA

and if requested in writing by the local planning authority the operator shall submit within 14 days of the written request a noise survey at these locations to demonstrate compliance.

The location of these properties is shown on plan MLR7/1 attached to this permission.

Reason: In order to protect the residential amenities of nearby dwellings.

- 20. No light source shall produce more than 1 lux horizontal or vertical illuminance at any adjacent property boundary.**

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

- 21. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.**

Reason: To prevent pollution of the water environment.

- 22. No machinery shall be operated, other than water pumping, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0700 to 1900 Mondays to Fridays, 0800 to 1300 on Saturdays and not at all on Sundays, Bank or Public Holidays, except that within the area permitted for use as a rail loading facility, permitted under consent reference CW2001/3080/M granted 18th July 2002, the unloading of aggregates from vehicles, loading of aggregates into railway wagons for trans-shipment by rail and unloading of railway wagons onto the floor of the rail loading facility (but not into vehicles) may take place at any time.**

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

- 23. No extraction shall be undertaken in connection with the permission**

hereby granted at any point within the application area deeper than the naturally occurring sand and gravel deposits at that point.

Reason: To define the permission for the avoidance of doubt and because further excavation would require further assessment in the interests of local amenity, pollution control, the protection of ground and surface waters and the nature conservation interests of the River Lugg cSAC and SSSI.

24. No materials or substances shall be burnt within the application site.

Reason: To safeguard residential amenity and prevent pollution.

25. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 or any statutory instrument revoking or re-enacting that Order with or without modification, no materials, including aggregates shall be stockpiled or deposited in the open to a height exceeding 5 metres.

Reason: To protect the appearance of the locality.

26. No topsoil, subsoil or over burden shall be removed from the site other than for placement in the adjoining gravel pit at Wellington granted planning permission under reference SH96/0682JZ (Hereford and Worcester County Council reference 407393) on 24th April 1997.

Reason: In order to ensure the proper reclamation of the site, in the interests of landscape and nature conservation.

27. No soil, subsoil, stone or waste materials shall be imported into the site for use in its reclamation other than from the adjacent gravel working previously permitted under reference SH960682JZ (Hereford and Worcester County Council reference 407393) on 24th April 1997.

Reason: In order to ensure the proper reclamation of the site and in the interests of local amenity, pollution control and the conservation interests of the River Lugg cSAC and SSSI.

28. No later than 31st May 2008, the operator shall submit an aftercare scheme to ensure the reclamation of the site to the standard required, for the approval in writing of the local planning authority. The submitted scheme shall include provision for:

- i. Managing the site in the interests of nature conservation and agriculture for at least five years after the completion of reclamation works on site and in particular for the provision and maintenance of habitats for priority species identified on site specified in the National and Herefordshire Biodiversity Action Plans.
- ii. The alteration of management practices where in the opinion of the local planning authority as advised by English Nature or any successor bodies, the habitats of Biodiversity Action Plan species identified on site could be enhanced.
- iii. A site meeting to be held every year during the aftercare period to discuss the progress of reclamation to date and to agree future proposals.

- iv. Such a meeting to be attended by the person(s) responsible for undertaking the aftercare of the land.

Reason: To ensure that the site is reclaimed to the highest possible nature conservation and landscape interest.

29. Not later than two years after the cessation of the winning of minerals, as determined by the local planning authority,

- i) All stockpiles, stores, plant, hardstandings, buildings, tracks, machinery, equipment, infrastructure, chain link fencing and concrete fence posts and waste associated with the winning, working, processing, storage, sale and transportation of minerals and the production of readymix concrete and use of the site as a rail loading facility shall be permanently removed from the application site, and
- ii) The site shall be fully reclaimed in accordance with drawing W107/04 as supplemented by schemes approved in accordance with the conditions hereby approved.

Reason: In order to ensure that the site is properly reclaimed within a specified timescale in the interests of local amenity, pollution control, nature conservation and the River Lugg cSAC and SSSI.

30. The winning and working of minerals at this site shall cease thirteen years from the date of commencement as notified in Condition 1 above.

Reason: Required to be imposed by Part 1 of Schedule 5 of the Town and Country Planning Act.

31. Notwithstanding the provisions of Schedule 2, Parts 6 and 7 of the Town and Country Planning (General Permitted Development) Order 1995 or any statutory instrument revoking or re-enacting that Order with or without modification, the land and lakes which remain on the cessation of mineral winning shall not be used for any activity other than for the purposes of nature conservation unless a specific permission for such is obtained from the local planning authority.

Reason: Because the local planning authority wish to control the use of the site in the interests of pollution control, nature conservation and the River Lugg cSAC and SSSI, the landscape and local amenity.

32. No winning or working of minerals shall be undertaken in phase 5 of the site as shown on drawing no. W107/05 unless and until the entire length of the C1122 between the A49 and up to and including the entrance to the Wellington gravel pit site has been resurfaced with a 14mm size close graded wearing course to standard specified in BS.4987, Part 1, Section 2.7.3 (100mm pen binder) (MIN. P.S.V.62) to an average compacted thickness of 50mm.

Reason: In the interests of highway safety and the amenities of users of the highway.

33. Unless otherwise agreed in advance in writing only a toothless excavator or grading bucket shall be used for soil or overburden stripping on site.

Reason: To enable features of archaeological interest to be adequately

investigated and recorded.

Informative:

N15 - Reason(s) for the Grant of PP.

63. DCCW2005/2394/F - THE GREYFRIARS HOTEL, GREYFRIARS AVENUE, HEREFORD, HR4 0BE

Temporary use of vacant hotel car park for storage of plant and materials in connection with Eign Gate refurbishment (retrospective) current forecast date of return to existing use November 05.

Councillor Miss F. Short, a Local Ward Member, noted local residents' concerns and proposed an additional condition in respect of site security.

RESOLVED:

That temporary 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. E20 (Temporary permission).

Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.

3. 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.

4. E01 (Restriction on hours of working).

Reason: To safeguard the amenities of the locality.

5. F25 (Bunding facilities for oils/fuels/chemicals).

Reason: To prevent pollution of the water environment.

6. F40 (No burning of material/substances).

Reason: To safeguard residential amenity and prevent pollution.

7. During the construction phase, the applicant shall ensure that the public highway is kept clear of mud and other debris in accordance with details to be submitted to and agreed in writing with the local planning authority, within one month of the date of this permission.

Reason: To protect the environment and amenities of nearby properties.

8. G16 (Protection of trees covered by a Tree Preservation Order).

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

Informatives:

1. HN01 - Mud on highway.
2. HN04 - Private apparatus within highway.
3. N15 - Reason(s) for the Grant of PP.

64. DCCE2005/2563/F - 15 HOPTON CLOSE, BARTESTREE, HEREFORD, HEREFORDSHIRE, HR1 4DQ

First floor extension to side of property.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. A09 (Amended plans).

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

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

Reason: To ensure the satisfactory appearance of the development.

4. E09 (No conversion of garage to habitable accommodation).

Reason: To ensure adequate off street parking arrangements remain available at all times.

Informatives:

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

65. SH950300PF - WOODLANDS FARM, WATERY LANE, DINEDOR, HEREFORD

Erection of two proposed dwellings with adjoining garages.

Councillor W.J.S. Thomas, the Local Ward Member, noted that the applicant had requested that consideration of this application be deferred and felt that this was an appropriate course of action.

In accordance with the criteria for public speaking, Mr. Tannant-Nash had registered to speak on behalf of the applicant but deferred his right to speak until the next

meeting.

RESOLVED:

That consideration of the application be deferred.

66. [A] DCCE2005/2079/F AND [B] DCCE2005/2085/C - 43 CATHERINE STREET, HEREFORD, HEREFORDSHIRE, HR1 2DU

[A] and [B] Proposed demolition of existing building and erection of 6 flats.

The Senior Planning Officer reported the receipt of an additional letter of objection from Mrs. J.A. Pritchard.

In accordance with the criteria for public speaking, Mrs. J.A. Pritchard spoke against the applications.

RESOLVED:

That planning permission be approved subject to the following conditions:

DCCE2005/2079/F:

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

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

2. A09 (Amended plans).

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

3. B01 (Samples of external materials).

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

4. C04 (Details of window sections, eaves, verges and barge boards).

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

5. The applicants or their agents or successors in title shall ensure that a professional archaeological contractor undertakes an archaeological watching brief during any development to the current archaeological standards of, and to the satisfaction of, the local planning authority.

Reason: To ensure that the archaeological interest of the site is investigated.

6. E18 (No new windows in specified elevation).

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

7. E19 (Obscure glazing to windows).

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. G01 (Details of boundary treatments).**

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

- 10. H29 (Secure cycle parking provision).**

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

- 11. 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 to Friday	7.00 am – 6.00pm
Saturday	8.00am – 1.00pm

Nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the area.

Informatives:

- 1. N01 - Access for all.**
- 2. N03 - Adjoining property rights.**
- 3. N07 - Housing Standards.**
- 4. HN01 - Mud on highway.**
- 5. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

DCCE2005/2085/C:

- 1. CO1 – Time limit for commencement (Listed Building Consent)**

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

- 2. The applicants or their agents or successors in title shall ensure that a professional archaeological contractor undertakes an archaeological watching brief during any development to the current archaeological standards of, and to the satisfaction of, the local planning authority.**

Reason: To ensure that the archaeological interest of the site is investigated.

Informatives:

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

67. DCCW2005/2661/F - UNIT 2, POMONA WORKS, ATTWOOD LANE, HOLMER, HEREFORD, HEREFORDSHIRE, HR1 1LJ

Variation of condition 2 & 3 (hours of working/loading/unloading) to extend operating time to 7.30am of planning application CW/2005/0207/F and allow employee arrival from 7.00am.

The Senior Planning Officer reported additional correspondence from Holmer Parish Council, Holmer Court Residential Care Home, 4 Belfry Close and 1 Holmer Court.

Councillor Mrs. S.J. Robertson, the Local Ward Member, noted the importance of controlling activity on the site given the close proximity of a residential care home. Councillor Mrs. Robertson suggested that local concerns could be best addressed through a joint meeting between residents, Officers and herself to identify some practical solutions to the difficulties being experienced.

Councillor R.I. Matthews commented that, whilst he had every sympathy for the views of the Local Ward Member, the Authority would have difficulty in defending refusal of planning permission in this instance as a number of other businesses on the site had longer operating times.

The Senior Planning Officer reminded the Sub-Committee that this application related to operating hours only.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1. The permission hereby granted is an amendment to planning permission DCCW2005/0207/F and, otherwise than is expressly altered by this permission, the conditions attached thereto remain.**

Reason: For the avoidance of doubt.

- 2. The hours during which working may take place shall be restricted to 7.30am to 6.00pm Mondays to Fridays and 8.00am to 1.00pm on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays.**

Reason: To safeguard the amenities of the locality.

- 3. The loading and unloading of service and delivery vehicles together with their arrival and departure from this site shall not take place outside the hours of 7.30am to 6.00pm Mondays to Fridays and 8.00am to 1.00pm on Saturdays, nor at any time on Sundays, Bank or Public Holidays.**

Reason: To safeguard the amenities of the locality.

- 4. Employees shall not enter or leave the site, other than for emergency access, more than 15 minutes before the permitted commencement hours of operation. No working, loading or unloading or any associated activities shall take place outside the restrictions confirmed in Conditions 2 and 3.**

Reason: To safeguard the amenities of the locality.

Informatives:

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

68. DCCE2005/2426/F - NEW RENTS, LUGWARDINE, HEREFORD, HEREFORDSHIRE, HR1 4AE

Proposed new dwelling with garage.

The Senior Planning Officer clarified the planning history of the application site.

Councillor R.M. Wilson, the Local Ward Member, noted the need to preserve the character and appearance of the Conservation Area and felt that the Sub-Committee would benefit from a site inspection.

RESOLVED:

That consideration of this application be deferred for a site inspection on the following grounds:

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

69. DCCE2005/2442/F - J D WETHERSPOONS, 49-53 COMMERCIAL ROAD, HEREFORD, HEREFORDSHIRE, HR1 2BP

Removal of condition 3 of planning permission CE2000/0855/F.

The Legal Practice Manager confirmed that the Regulatory Sub-Committee had recently granted the applicant a license to open for longer and, therefore, it would be inconsistent if planning permission was refused.

RESOLVED:

That Officers named in the Scheme of Delegation to Officers be authorised to negotiate the possibility of a financial contribution towards the operation of CCTV in the locality of the application site and if agreement is reached:

The County Secretary and Solicitor be authorised to complete a planning obligation/unilateral undertaking under Section 106 of the Town and Country Planning Act 1990; and

Upon completion of the planning obligation the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission.

70. DCCW2005/2481/F - 6 WALNUT TREE AVENUE, HEREFORD, HR2 7JT

Proposed conversion of single dwelling into two separate dwellings.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

- 2. The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. 118.01, 118.02, 118.03, 118.04, 118.20, 118.21, 118.22 and 118.23) unless otherwise agreed in writing with the Local Planning Authority.**

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

- 3. B04 (Matching brickwork).**

Reason: In the interests of visual amenity.

Informatives:

- 1. N14 - Party Wall Act 1996.**
- 2. N15 - Reason(s) for the Grant of PP.**

71. DCCE2005/2602/F - 5A FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1 1LY

Ground floor alterations with first floor extension over.

The Senior Planning Officer reported the receipt of correspondence from the applicant's agent regarding roof light details.

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

Councillor D.B. Wilcox, a Local Ward Member, noted the concerns of the occupants of the neighbouring dwelling, particularly the potential loss of light and privacy and the overbearing impact that could result from the development.

In response to a question, the Senior Planning Officer confirmed that a condition could be added to ensure that the new windows were obscured, non-opening or escape only. He added that the impact on the neighbouring dwelling might not compromise habitability significantly given the layout of the building.

Councillor W.J. Walling felt that the loss of privacy and overbearing impact associated with this proposal was unacceptable and proposed that the application be refused.

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 application to the Planning Committee:

- 1. Overbearing impact on the adjoining dwelling.**

(ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of

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

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

72. DATE OF NEXT MEETING

It was noted that the next meeting would be held on 19th October, 2005.

The meeting ended at 4.25 p.m.

CHAIRMAN