

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 16th November, 2005 at 2.00 p.m.

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

Councillors: Mrs. P.A. Andrews, Mrs. E.M. Bew, P.J. Edwards,
J.G.S. Guthrie, R.I. Matthews, J.W. Newman, Ms. G.A. Powell,
Mrs. S.J. Robertson, Miss F. Short, W.J.S. Thomas, Ms. A.M. Toon,
W.J. Walling, D.B. Wilcox and R.M. Wilson

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

90. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. W.U. Attfield, A.C.R. Chappell, Mrs. S.P.A. Daniels, Mrs. M.D. Lloyd-Hayes, J.C. Mayson, Mrs. J.E. Pemberton and A.L. Williams.

91. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillors	Item	Interest
Mrs. S.J. Robertson	Agenda Item 6, Minute 95 DCCE2005/2132/O 40 Newtown Road, Hereford, Herefordshire, HR4 9LL	Declared a prejudicial interest and left the meeting for the duration of this item.
R.M. Wilson	Agenda Item 13, Minute 102 DCCE2005/3180/F Rowberry, Lugwardine, Hereford, Herefordshire, HR1 4DS	Declared a personal interest and left the meeting for the duration of this item.
P.J. Edwards	Agenda Item 16, Minute 105 DCCW2005/3151/F 7-8 Walkers Green, Marden, Hereford, HR1 3DN	Declared a personal interest.

92. MINUTES

RESOLVED:

That the Minutes of the meeting held on 19th October, 2005 be approved as a correct record.

93. ITEM FOR INFORMATION - APPEALS

Details of the Council's current position in respect of planning appeals for the central

area were circulated at the meeting.

94. TREE PRESERVATION ORDER 523, CARFAX HOUSE, AYLESTONE HILL, HEREFORD [AGENDA ITEM 5]

The Landscape Officer presented a report which sought confirmation of a Tree Preservation Order in the grounds of Carfax House. It was noted that the trees not included in the Order were suppressed by other trees and were not considered worthy of retention.

RESOLVED:

THAT Tree Preservation Order no.523 at Carfax House, Aylestone Hill, Hereford be confirmed with the following modification:

- a) **Remove reference to 1 variegated Holly, 1 Chinese Thuja and 1 Beech tree in group G5.**

95. DCCE2005/2132/O - 40 NEWTOWN ROAD, HEREFORD, HEREFORDSHIRE, HR4 9LL [AGENDA ITEM 6]

Erection of 3 dwellings.

The Senior Planning Officer recommended an additional condition to remove Permitted Development Rights in relation to the rear boundary wall.

The Chairman, speaking in his capacity as Local Ward Member, noted the value of the site inspection that had been held and, with the additional condition, supported the application.

In response to questions, the Development Control Manager advised that the safeguarded route of the canal ran adjacent to, not through, the application site. It was noted that it would be unreasonable to request a contribution towards canal restoration, as the land would not be directly involved. However, if the occupiers of the proposed dwellings wished to benefit from the position of the land and have free access to the canal, the additional condition would ensure that the rear boundary wall could not be removed without prior approval by the authority. He added that the development would not prejudice redevelopment of the canal and, therefore, it complied with the Unitary Development Plan (Revised Draft Deposit).

RESOLVED:

Subject to there being no objection from the Environment Agency, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by Officers:

1. **A02 (Time limit for submission of reserved matters (outline permission)).**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

2. **A03 (Time limit for commencement (outline permission)).**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. A04 (Approval of reserved matters).

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

4. A09 (Amended plans)

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

5. B01 (Samples of external materials).

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

6. C16 (Detailed scheme of demolition operations).

Reason: To minimise the risk of damage to the existing building.

7. E16 (Removal of permitted development rights).

Reason: To ensure that the local planning authority retains effective control of the development of this site in the interests of the visual and residential amenities of the locality.

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

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

9. E19 (Obscure glazing to windows).

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

10. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

11. W01 (Foul/surface water drainage).

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

12. W02 (No surface water to connect to public system).

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

13. W03 (No drainage run-off to public system).

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

14. The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of

the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

15. H05 (Access gates).

Reason: In the interests of highway safety.

16. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

17. H13 (Access, turning area and parking).

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

Informatives:

1. N01 - Access for all.
2. N03 - Adjoining property rights.
3. HN01 - Mud on highway.
4. HN04 - Private apparatus within highway.
5. HN05 - Works within the highway.
6. HN10 - No drainage to discharge to highway.
7. N16 - Welsh Water Informative.
8. N15 - Reason(s) for the Grant of PP/LBC/CAC.

96. **DCCW2005/2579/F - ASHGROVE CROFT, MARDEN, HEREFORD, HR1 3HA
[AGENDA ITEM 7]**

Change of use from agricultural to a one family gypsy caravan site, permission for 2 caravans and stable block.

The Legal Practice Manager clarified the definition of 'gypsy' having regard to Government guidance and recent case law.

In response to questions about the parallels with other people that travel to find employment, the Legal Practice Manager commented that each case had to be assessed on its own facts and that temporary cessation of the nomadic way of life, whilst remaining within the definition of gypsy, was permissible in the context of the law.

The Senior Planning Officer noted that the condition to re-site the development to an area to be agreed was to ensure that visual impact was minimised.

Councillor J.G.S. Guthrie, the Local Ward Member, drew attention to the comments of Marden Parish Council and noted the concerns that this was a retrospective application and that the site was not within reasonable distance of local services.

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Councillor Guthrie reported that he had received a significant number of representations from local residents but the main concern was the visual impact which should be addressed to some extent by the recommended conditions.

The Sub-Committee noted that condition 2 as detailed in the report should refer to the 'south-west' and not to the 'eastern' side of the application site.

In response to questions, the Senior Planning Officer confirmed that the application sought consent for the stationing of one static and one mobile caravan. In response to a suggested condition, the Senior Planning Officer commented that the external colour of the caravans could not be enforced in perpetuity given that they would need to be replaced over a period of time. Members, however, felt that an appropriate finish was important to ensure that visual impact was minimised and it was agreed that an informative note be added to any planning permission granted.

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. Within two months of the date of this permission a layout plan for the re-siting of the mobile home, touring caravan and associated structures onto the south west side of the application site shall be submitted to and approved by the local planning authority. The relocation of these structures shall be undertaken with a timescale to be agreed in writing with the local planning authority and shall thereafter be retained in the approved locations.**

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

- 3. This permission shall enure for the benefit of Mr. Ronald Jones and Mrs. Dorothy Jones only and not for the benefit of the land or any other persons interested in the land.**

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

- 4. This permission relates to the siting of one mobile home and one touring caravan only. No other units of accommodation shall be brought onto, or occupied, on the site.**

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

- 5. E11 (Private use of stables only).**

Reason: In order to safeguard the residential amenity of the area.

- 6. Within two months of the date of this permission, details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved**

scheme shall be implemented within three months of that written approval.

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

7. F32 (Details of floodlighting/external lighting).

Reason: To safeguard local amenities.

8. G09 (Retention of trees/hedgerows).

Reason: To safeguard the amenity of the area.

9. Within two months of the date of this permission details of a scheme of landscaping shall be submitted to and approved by the local planning authority, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.

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

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

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

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

Reason: In the interests of highway safety.

12. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

Informatives:

1. N01 - Access for all.
2. HN01 - Mud on highway.
3. HN05 - Works within the highway.
4. N15 - Reason(s) for the Grant of PP.

97. DCCE2005/2884/F - SHIPLEY, HOLME LACY, HEREFORD, HR2 6LS [AGENDA ITEM 8]

Siting of temporary staff accommodation.

This application was withdrawn prior to the meeting.

98. [A] DCCE2005/3098/F & [B] DCCE2005/3099/L - 49 & 50 COMMERCIAL STREET (AND LAND BEHIND), HEREFORD, HR1 2DJ [AGENDA ITEM 9]

[A] & [B] Refurbishment of the above properties including the renewal of shop

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frontages and full repairs to roofs. Addition of new staircase with new roof, with glazed timber screens to either side and a slate roof to match existing.

The Principal Planning Officer advised that the Conservation Manager had not yet had an opportunity to view the amended plans in detail and, therefore, the recommendation remained the same as detailed in the report.

The Chairman, speaking in his capacity as Local Ward Member, felt that the Conservation Manager should be given the opportunity to consider the amended plans.

RESOLVED:

Subject to receipt of suitably amended plans, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission and Listed Building Consent subject to the following conditions and any additional conditions considered necessary by Officers:

In respect of DCCE2005/3098/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. D01 (Site investigation – archaeology).**

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

- 5. Prior to commencement of the construction of the new shopfronts, details including scaled plans and a schedule of materials for the new shopfronts, shall be submitted for approval in writing by the local planning authority. The new shopfronts shall be installed in accordance with the approved details prior to occupation of the development hereby permitted.**

Reason: To enable the local planning authority to control the specific design and materials for the shopfronts in the interests of safeguarding the character and appearance of the Listed Buildings and Conservation Area.

Informatives:

- 1. N15 - Reason(s) for the Grant of Planning Permission.**

In respect of DCCE2005/3099/L:

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

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

2. A09 (Amended plans).

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

3. C02 (Approval of details).

- (a) Schedule of repairs.**
- (b) Joinery details.**
- (c) Glazing details.**
- (d) Finishes to external joinery.**
- (e) Specification of guttering and downpipes.**
- (f) Internal finishes to walls.**

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

4. C18 (Details of roofing material).

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

- 5. Prior to the commencement of any works/alterations to the listed buildings, the developer shall provide for approval in writing of the Local Planning Authority an investigative schedule including timescales for the proposed 'stripping out/soft strip' works to the Listed Buildings. There shall be no 'stripping out/soft strip' works until an agreed schedule with timescale has been devised by the developer and approved in writing by the local planning authority. The developer shall afford access to the local planning authority/Conservation Manager at all reasonable times in order to observe and record the investigative works.**

Reason: To ensure the architectural and historical interest of the Listed Buildings are recorded and safeguarded as necessary.

Informative:

1. N15 - Reason(s) for the Grant of Listed Building Consent.

99. DCCE2005/3026/F - 24 HAMPTON STREET, HEREFORD, HEREFORDSHIRE, HR1 2RA [AGENDA ITEM 10]

Two storey extension and loft conversion.

Councillor W.J. Walling, a Local Ward Member, noted that there were similar extensions to other dwellings in the street and felt that there were no planning reasons to object to this development.

The Sub-Committee agreed an additional condition to restrict the hours of working.

RESOLVED:

That planning permission be approved subject to the following conditions:

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

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

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

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

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

Reason: In the interests of the residential amenities of the locality.

4. **The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.**

Reason: In the interests of the residential amenities of the locality.

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

Reason: To protect the amenity of local residents.

Informatives:

1. **N03 - Adjoining property rights.**

2. **In the interests of clarification it is confirmed that Condition 3 above prevents the flat roofed area of the development authorised by this permission for any purpose other than maintenance, repair and emergency escape.**

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

100. DCCE2005/3153/F - LAND WEST OF OVERBURY HOUSE, OVERBURY ROAD, HERFORD, HR1 1JE [AGENDA ITEM 11]

4 no. 2-storey detached houses.

Mrs. Howarth had registered to speak against the application but was not present at the meeting.

Councillor D.B. Wilcox, a Local Ward Member, noted the concerns of local residents about the access strip to the west of the application site. The Senior Planning Officer confirmed that a condition would remove Permitted Development Rights and restrict vehicular access on this area.

In response to a question, the Senior Planning Officer advised that the low density of development was considered appropriate in this instance having regard to the Conservation Area and Tupsley Ridge designations and the specific circumstances of the site. The Senior Planning Officer also advised that, as they were sited in a Conservation Area, the trees on the site had some measure of protection, nevertheless recommended condition 13 would address this concern.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

Reason: To ensure the satisfactory appearance of the development.

- 3. E08 (Domestic use only of garage).**

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.

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

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

- 5. E16 (Removal of permitted development rights).**

Reason: In the interests of the amenities of the locality.

- 6. F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.

- 7. H06 (Vehicular access construction).**

Reason: In the interests of highway safety.

- 8. H08 (Access closure).**

Reason: To ensure the safe and free flow of traffic using the adjoining County highway.

- 9. H11 (Parking - estate development (more than one house)).**

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

- 10. G02 (Landscaping scheme (housing development)).**

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

- 11. G03 (Landscaping scheme (housing development) - implementation).**

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

- 12. G09 (Retention of trees/hedgerows).**

Reason: To safeguard the amenity of the area.

13. 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.

14. W01 (Foul/surface water drainage).

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

15. W02 (No surface water to connect to public system).

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

16. W03 (No drainage run-off to public system).

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

Informatives:

1. N01 - Access for all.
2. N03 - Adjoining property rights.
3. HN01 - Mud on highway.
4. HN05 - Works within the highway.
5. HN10 - No drainage to discharge to highway.
6. N16 - Welsh Water Informative.
7. N15 - Reason(s) for the Grant of PP/LBC/CAC.

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432 260342).

101. DCCE2005/3160/F - THE LITTEN TREE, 58 COMMERCIAL ROAD, HEREFORD, HR1 2BN [AGENDA ITEM 12]

Variation of Condition 4 of planning permission HC/970513/PF/E to allow extended opening hours until 2 am.

The Senior Planning Officer reported the receipt of correspondence from the applicant's agent which indicated a willingness to explore the issue of a financial contribution towards the operation of CCTV in the locality. The Senior Planning Officer clarified the licensed operating hours and noted that a forty-five minute clearing out period was included so that the departure of customers was spread out.

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

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The Legal Practice Manager noted that the recommendation as detailed in the report should refer to the 'Head of Legal and Democratic Services' and not to the 'County Secretary and Solicitor'.

The Chairman, speaking in his capacity as Local Ward Member, noted that the Regulatory Sub-Committee had considered the licensing issues thoroughly.

The Legal Practice Manager advised that the Regulatory Sub-Committee would have taken the comments from West Mercia Police into account.

In response to questions, the Senior Planning Officer commented that Environmental Health and Trading Standards were of the opinion that the licensing regime was the most effective tool to control the operation of the public house. The Legal Practice Manager and the Development Control Manager explained the close links between the licensing and the planning controls.

Councillor R.I. Matthews, speaking in his capacity as Chairman of the Regulatory Committee, noted that licensed premises in the city centre had a significant number of conditions attached to them and many would be involved in clean up and security initiatives.

The Sub-Committee agreed that a summary of the conditions of the licence should be included in such reports in the future.

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 Head of Legal and Democratic Services 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.

102. DCCE2005/3180/F - ROWBERRY, LUGWARDINE, HEREFORD, HEREFORDSHIRE, HR1 4DS [AGENDA ITEM 13]

Proposed new dwelling.

The Senior Planning Officer reported that the existing non-mains sewerage system would be utilised initially but an additional condition was recommended to ensure that the development was connected to mains sewerage when it became available following improvement works. He also reported that additional conditions were recommended in respect of soak-away ditches and access arrangements.

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

In response to comments, the Senior Planning Officer advised that no alteration in soil levels was proposed and noted that the Building Control department was satisfied with the proposed drainage arrangements subject to the recommended conditions. The Central Team Leader advised that a condition to control planting might fail the tests of reasonableness in this instance.

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Councillor R.I. Matthews noted that drainage was the principal area of concern and that the recommended conditions should address the issues.

In response to a comment, the Central Team Leader advised that consultation with the occupiers of neighbouring properties would be carried out in accordance with the relevant legislation.

In response to a question, the Development Control Manager advised that a 'Grampian condition', as referred to by Welsh Water, essentially meant the restriction of development or occupation of a site until necessary improvement works had been undertaken; the term had come into use following an appeal case in Scotland. However, alternative drainage provision was available in this instance and mains connection would follow at a later date. The soak-away arrangements were also clarified.

RESOLVED:

That, subject to the resolution of the drainage issue, and receipt of the required access revisions, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by Officers:

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

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

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

Reason: To ensure the satisfactory appearance of the development.

- 3. E16 (Removal of permitted development rights).**

Reason: In the interests of the residential amenities of the locality.

- 4. E18 (No new windows in specified elevation).**

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

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

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

- 6. W01 (Foul/surface water drainage).**

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

- 7. W02 (No surface water to connect to public system).**

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

- 8. W03 (No drainage run-off to public system).**

Reason: To prevent hydraulic overload of the public sewerage system

and pollution of the environment.

9. F48 (Details of slab levels).

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

10. G01 (Details of boundary treatments).

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

Informatives:

1. N01 - Access for all.
2. N03 - Adjoining property rights.
3. N15 - Reason(s) for the Grant of PP/LBC/CAC.

103. [A] DCCE2005/3258/F & [B] DCCE2005/3259/C - CARFAX HOUSE SITE, AYLESTONE HILL, HEREFORD, HR1 1HX [AGENDA ITEM 14]

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

The Senior Planning Officer reported the receipt of letters of objection from the occupier of a neighbouring property and from Hereford Civic Society. The receipt of thirteen letters of support and correspondence from Hereford and Worcester Chamber of Commerce was also reported.

The Senior Planning Officer advised that the Conservation Manager had withdrawn his objection subject to an additional condition requiring the retention items of value. The Sub-Committee was also advised that the occupiers of the nearest residential dwelling to the application site had indicated that they would withdraw their objection subject to the distance between the buildings being increased by a further two metres. It was noted that it would be necessary to delegate authority to officers to address these matters.

The Senior Planning Officer reported that the applicant was prepared to contribute up to a maximum of £10,000 towards the costs associated with a new pedestrian crossing.

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

Councillor D.B. Wilcox, a Local Ward Member, welcomed the abandonment of the contemporary approach of the previous scheme [planning applications DCCE2005/2356/F and DCCE2005/2330/C refer] and the fact that the new design had taken into account the architectural styles of other buildings in the Conservation Area. He felt that, whilst it was unfortunate that Carfax House would be lost, the design was compatible with the character and appearance of the site and locality. Councillor Wilcox noted that the conditions should address concerns about the impact on residential amenities.

A number of Members felt it regrettable that Carfax House would be demolished but

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felt the scheme was an improvement on the previous submission and would enhance this prominent site.

In response to a question, the Development Control Manager advised that a Section 106 Agreement was not required in respect of the proposed pedestrian crossing, as the applicant's agent had provided a written undertaking. He added that, as an access would need to be closed to provide the space to install the crossing, the crossing was dependent on the development in this instance.

RESOLVED:

Subject to receipt of suitably amended plans, the Officers named in the Scheme of Delegation to Officers be authorised to issue Conservation Area Consent and Planning Permission subject to the following conditions and any additional conditions considered necessary by Officers:

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

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

- 2. A07 (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. E08 (Domestic use only of garage).**

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.

- 5. E09 (No conversion of garage to habitable accommodation).**

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

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

Reason: In the interests of maintaining the special architectural value of this development.

- 7. E18 (No new windows in specified elevation).**

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

- 8. F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.

- 9. F39 (Scheme of refuse storage).**

Reason: In the interests of amenity.

10. G01 (Details of boundary treatments).

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

11. G02 (Landscaping scheme (housing development)).

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

12. G03 (Landscaping scheme (housing development) - implementation).

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

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

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

14. G17 (Protection of trees in a Conservation Area).

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

15. 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.

16. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

17. H08 (Access closure).

Reason: To ensure the safe and free flow of traffic using the adjoining County highway.

18. 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.

19. H27 (Parking for site operatives).

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

20. 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.

Informatives:

1. NC01 - Alterations to submitted/approved plans.

2. HN01 - Mud on highway.
3. HN04 - Private apparatus within highway.
4. HN05 - Works within the highway.
5. HN10 - No drainage to discharge to highway.
6. N15 - Reason(s) for the Grant of PP/LBC/CAC.

DCCE2005/2330/C

1. C01 - (Time limit for commencement (full permission)).

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

2. Prior to the commencement of demolition, a photographic recording of Carfax House and Carfax Cottage shall be deposited with the Council in accordance with details to be agreed prior the conducting of said recording.

Reason: In the interests of maintaining a record of the history and development of this site

3. Prior to the commencement of demolition a schedule of reclamation of items of architectural and/or historical interest shall be submitted to and agreed in writing with the Local Planning Authority. The identified items shall then be reclaimed in accordance with the agreed details.

Reason: In the interests of preserving items of architectural or historic interest associated with this application site.

Informatives:

1. N03 – (Adjoining property rights).
2. It is advised that the staircase in Carfax House is of a high quality and it would be desirable for this to be salvaged. Please do not hesitate to contact the Conservation Manager on 01423 261950 to discuss this matter further.
3. N15 - Reason(s) for the Grant of PP/LBC/CAC.

104. DCCW2005/3138/F - 14 BAGGALLAY STREET, HEREFORD, HR4 0DZ [AGENDA ITEM 15]

Proposed demolition of detached garage and existing extension and erection of 3 no. two bedroom houses.

Councillor Mrs. P.A. Andrews, a Local Ward Member, noted the number of different architectural styles in the street and felt that the application was acceptable.

Councillors Ms. A.M. Toon, also a Local Ward Member, proposed an additional condition to restrict the hours of working.

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. E18 (No new windows in specified elevation) (east).**

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

- 5. F22 (No surface water to public sewer).**

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

- 6. The balustrade/handrail on the balconies marked with a cross on the approved plan shall be set back a minimum distance of 0.7 metres from the rear edge of those balconies and maintained as such at all times thereafter.**

Reason: To protect the residential amenity of adjacent properties.

- 7. H09 (Driveway Gradient).**

Reason: In the interests of highway safety.

- 8. H11 (Parking – estate development (more than one house)).**

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

- 9. F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.

Informatives:

- 1. N01 - Access for all.**

- 2. N03 - Adjoining property rights.**

- 3. N04 - Rights of way.**

- 4. N14 - Party Wall Act 1996.**

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5. The development site is crossed by a public sewer and no building should be erected within 3 metres either side of the centreline of that sewer. Therefore the applicant is advised to contact Welsh Water on 01443 331155 for further information.
6. N15 - Reason(s) for the Grant of PP/LBC/CAC.

**105. DCCW2005/3151/F - 7-8 WALKERS GREEN, MARDEN, HEREFORD, HR1 3DN
[AGENDA ITEM 16]**

Use of former butchers shop as a fish and chip shop.

The Senior Planning Officer reported the receipt of a letter of support from the landowner of the premises.

In accordance with the criteria for public speaking, Mr. Jenkyn spoke against the application and Miss Lichfield spoke in support of the application.

Councillor J.G.S. Guthrie, the Local Ward Member, noted that Marden Parish Council and local residents had significant concerns about the proposal. Councillor Guthrie noted that there was a similar facility in Moreton-on-Lugg but he felt that the characteristics of this site were different. He noted that occupiers of neighbouring properties were not only concerned about the direct impact of the proposal on them but were also worried about the site becoming a focal point for anti-social behaviour. Councillor Guthrie felt that the traffic, noise and litter generated by the proposed use would have a detrimental impact on residential amenities and, therefore, moved refusal of the application.

A number of Members concurred with the views of the Local Ward Member.

In response to the suggestion that the proposal would not be compatible with other business uses in the vicinity, the Development Control Manager noted Members' concerns about residential amenity but this could not be applied to the impact on other businesses.

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. Impact on residential amenities.

(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.]

106. DATE OF NEXT MEETING

It was noted that the next scheduled meeting was Wednesday 14th December,

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2005.

The meeting ended at 3.47 p.m.

CHAIRMAN