

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 17th January, 2007 at 2.00 p.m.

Present: Councillor D.J. Fleet (Chairman)

Councillors: Mrs. W.U. Attfield, A.C.R. Chappell, P.J. Edwards, R.I. Matthews, Mrs. J.E. Pemberton, Mrs. S.J. Robertson, Miss F. Short, Mrs. E.A. Taylor, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams and R.M. Wilson

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

137. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs. P.A. Andrews, Mrs. E.M. Bew, Mrs. S.P.A. Daniels, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, J.C. Mayson, J.W. Newman, Ms. G.A. Powell and R. Preece.

138. DECLARATIONS OF INTEREST

The following declarations of interest were made:-

Councillor	Item	Interest
D.B. Wilcox	Minute 141, Agenda Item 5 DCCE2006/3614/F 10 Kyrle Street, Hereford, Herefordshire, HR1 2ET	Declared a personal interest.
Mrs. S.J. Robertson	Minute 144, Agenda Item 8 DCCE2006/3622/F 57-59 Commercial Road, Hereford, Herefordshire, HR1 2BP	Declared a prejudicial interest and left the meeting for the duration of the item.

139. MINUTES

The Minutes of the last meeting were received.

The need to incorporate the name of Councillor W.J.S. Thomas into the record of attendance was noted.

Councillor R.M. Wilson proposed the incorporation of the following into the Minutes in respect of Minute 123, CW2006/2619/O - Land to the North of Roman Road, Holmer, Hereford, HR1 1LE:

Page 8, top of page, add the following to the bullet points:

- *Brownfield sites in the city could have been used instead of a greenfield site.*
- *Concerns over siting the emergency gate in Attwood Lane.*

Page 9, paragraph 2, line 8, insert the words “*and seconded Councillor Edwards’ motion to refuse.*”

Page 9, paragraph 4, line 21, insert the sentence “*Councillor J.G.S. Guthrie seconded Councillor Wilcox’s motion for deferral.*”

Again with reference to Minute 123, Councillor D.B. Wilcox noted the observations recorded in the Minutes and felt that the Section 106 agreement should specifically include reference to two issues which were not disputed at the last meeting. These were, 1) that funds should be provided for Barrs Court School as an additional contribution by the developers, and 2) that the £138,000 should not be ring-fenced specifically to improvements to the skew railway bridge but should be available for other appropriate junction, highway and sustainable transport works in the locality should the railway bridge scheme not be forthcoming within a reasonable timeframe. This was supported by other Members.

The Central Team Leader advised that a meeting was scheduled for the next day and said that he would convey the wishes of the Sub-Committee to the developers.

Councillor R.I. Matthews noted that there were other matters to be discussed regarding contributions.

RESOLVED: That, subject to the above, the Minutes of the meeting held on 13th December, 2006 be approved as a correct record and signed by the Chairman.

140. ITEM FOR INFORMATION - APPEALS

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

RESOLVED: That the report be noted.

141. DCCE2006/3614/F - 10 KYRLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2ET [AGENDA ITEM 5]

Variation of Condition 4 of planning consent ref. no. DCCE2006/2424/F to permit movement of one cart and associated support vehicle in the yard, and into and out of the yard between 6.00am and 10.00pm.

The Central Team Leader reported the following:

- the receipt of two further letters of support;
- the receipt of an additional letter of objection from Gabbs Solicitors on behalf of a local resident;
- information had been received from the Environmental Health Manager about the extent of noise monitoring that had been undertaken; and
- the requested extension in hours would apply to one coffee cart and associated support vehicle only and a two-year permission was sought to enable the applicant to operate a viable business.

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

The Chairman sought clarification about the ‘Coffee Cart’ licensed by Herefordshire

Council to operate in High Town. Later in the meeting, it was confirmed that the licence permitted service between 6.00 a.m. and 9.00 p.m..

In response to a question, the Chairman suggested that the level of trade at the High Town location was not a material planning consideration. The Legal Practice Manager commented that the application had to be considered on its planning merits and the current operation appeared to be lawful.

Councillor Ms. A.M. Toon sympathised with the objector and felt that the operation would be better sited on an industrial site. She also commented on the need for proper scrutiny of street trading operations. Councillor Mrs. E.A. Taylor questioned whether the operation had outgrown the site and felt the disturbance to the neighbouring property in the early hours of the morning was unacceptable.

Councillor A.C.R. Chappell clarified the street trading licensing process and advised that on site set up had to be undertaken around 6.00 a.m. in the interests of pedestrian safety. Councillor Chappell drew attention to the number of other businesses and non-residential activities in the locality and did not feel that this proposal, subject to conditions, would result in significant additional harm to the amenities of the locality.

Councillor D.B. Wilcox commented that many of the businesses in the area did not start as early as 6.00 a.m. and, therefore, this proposal would have a direct impact on the adjacent residential property. He questioned how the proposed conditions could be enforced, perhaps with the registration details of the specific vehicles involved, and felt that the overriding consideration was the potential disturbance to the neighbour.

The Development Control Manager commented that a temporary two-year permission would provide the opportunity to assess the use and any harm caused. He also commented on the planning policy considerations.

In response to questions about previously approved schemes, the Legal Practice Manager advised that a planning permission did not supersede an earlier approved scheme until it was implemented in some form.

In response to a question about whether planning permission could be revoked if significant noise disturbance resulted from the use, the Development Control Manager advised that the planning permission would be for two years but action to mitigate disturbance could be considered under Environmental Health legislation.

A number of different views were expressed by Members both in support of the application and against. The Central Team Leader drew attention to the 'fall back' position of a previous planning permission and commented that this application provided the opportunity to control activities on the site.

The Chairman, speaking in his capacity as the Local Ward Member, expressed sympathy for the concerns of the neighbour but noted the various mixed uses in the area. He commented that Environmental Health had undertaken noise monitoring in the past but the case had not been proven. Therefore, given the specific nature of the application, he did not feel that there were sufficient grounds to warrant refusal of the application.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. E02 (Restriction on hours of delivery).

Reason: To safeguard the amenities of the locality.

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

Reason: To safeguard the amenities of the locality.

4. This consent shall expire on the 17th January, 2009. Unless further consent is granted in writing by the local planning authority prior to the end of that period, the restrictions on activities on site shall revert to those as approved by virtue of planning permission DCCE2003/0405/F, or DCCE2006/2424/F if said permission has been implemented.

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

5. The permission hereby granted is an amendment to planning permission CE1999.2467/F (as amended by application DCCE2003/0405/F and DCCE2006/2424/F) and, otherwise than is expressly altered by this permission, the conditions attached thereto remain.

Reason: For the avoidance of doubt.

6. Before the development hereby permitted commences a scheme shall be agreed with the local planning authority which specifies the provisions to be made for the monitoring of, and control of, noise emanating from the site. The use shall be carried out in accordance with the approved details.

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

Informatives:

1. N01 - Access for all.
2. N03 - Adjoining property rights.
3. N15 - Reason(s) for the Grant of PP/LBC/CAC.
4. N19 - Avoidance of doubt.

**142. DCCE2006/3665/F - CLUB MO, GAOL STREET, HEREFORD, HR1 2HU
[AGENDA 6]**

Variation of hours to nightclub of planning permission H/P28121/E to: Monday - Thursday 12.00-02.00; Friday - Saturday 12.00-03.00; Sunday 12.00 – 02.00.

The Central Team Leader advised that the description above related to the hours sought by the applicant but it was recommended that the hours be varied to reflect the licensed opening hours as confirmed by the Licensing Manager. He advised the Sub-Committee of corrections to the recommended condition 2 as detailed in the report. He drew attention to recommended condition 4 which sought a contribution towards the operation and management of the Closed Circuit Television system (CCTV) in the interests of public safety and local amenities. It was reported that West Mercia Constabulary had not raised any objections to the application.

Councillor R.I. Matthews expressed concern that the licence application had not been considered by the Regulatory Sub-Committee and commented on the need for tight control of the opening hours of such establishments in the city centre. He felt that consideration of the application should be deferred to enable the Licensing Manager to explain the situation to Members.

The Legal Practice Manager outlined the licence application process and advised that if no relevant person or body objected to an application then, under the terms of the Licensing Act 2003, the application had to be granted by default.

The Chairman, speaking in his capacity as the Local Ward Member, commented that he could not recall whether the change of hours was detailed in the licence application and concurred that the application should be deferred in order to obtain further information.

A number of Members commented on the need for effective controls to prevent under age drinking and for enhanced CCTV resources.

In response to comments from Members, the Development Control Manager advised that the opening hours would be made clearer in the report for the next meeting.

The Legal Practice Manager explained the links between the regulatory and planning functions of the authority.

Some Members felt that a more detailed comment should be sought from West Mercia Constabulary.

RESOLVED:

That consideration of the application be deferred in order to obtain further information.

**143. DCCW2006/3705/F - WEIR VIEW, BREINTON, HEREFORD, HR4 7PR [AGENDA
ITEM 7]**

New detached house with garage and vehicular access thereto.

Councillor R.I. Matthews, the Local Ward Member, felt that the Sub-Committee would benefit from a site inspection. He commented on the policy considerations and the level of support in the local community for the development.

In accordance with the criteria for public speaking, Mrs. Eyles spoke on behalf of Breinton Parish Council. Mr. Hyett had registered to speak in support of the application but decided to reserve his opportunity to speak until the next meeting after the site inspection had been held.

RESOLVED:

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

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

144. DCCE2006/3622/F - 57-59 COMMERCIAL ROAD, HEREFORD, HEREFORDSHIRE, HR1 2BP [AGENDA ITEM 8]

Demolition of the rear two-storey extensions and the construction of a new extension to provide halls of residence living accommodation and extension to the public house.

The Principal Planning Officer advised that the applicant had agreed to the Draft Head of Terms in respect of contributions towards improved transportation infrastructure in the locality. The Section 106 Agreement would be restricted to 'rent only' accommodation. Referring to recommended condition 15, the Principal Planning Officer reported that the accommodation was to be managed through an appointed agent who would also oversee the letting process. The Sub-Committee was advised that there was an error in the report in that the separate application for Conservation Area Consent had not yet been approved.

The Chairman, speaking in his capacity as Local Ward Member, noted that the application was essentially the same as the application considered in July 2006 (DCCE2006/1158/F refers) but the principal objections had now been overcome. He noted that there was demand for such accommodation and supported the proposal.

In response to questions, the Principal Planning Officer clarified the type, format and layout of the accommodation proposed.

Councillor P.J. Edwards felt that the comments of the Waste Manager should be sought given the need for correct storage and disposal of waste materials. The Central Team Leader felt that this was a valid point and agreed that it would be helpful if such comments were obtained on proposals of this scale and nature. This was supported by a number of Members.

In response to questions, the Principal Planning Officer re-iterated that the separate application for Conservation Area Consent had not yet been approved and he explained the relationship between the two applications.

The Development Control Manager advised that the key difference between this application and that previously refused by the Sub-Committee was that the proposal now had the support of key consultees, including the Strategic Housing Manager.

In response to a question, the Development Control Manager advised the Sub-Committee that there was no technical objection to the lack of a rear emergency access and the applicant was not in control of the land behind the site.

The Chair commented on the need, as part of the contribution towards improved bus

shelters/stops, to enhance the bus stop adjacent to the Merton Hotel.

RESOLVED:

1. **The Legal Practice Manager will be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and incorporating any additional matters he considers appropriate.**
2. **The planning obligation shall be completed by 5th February 2007 and upon completion of the aforementioned planning obligation that officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers:**

Conditions

1. **A01 (Time limit for commencement (full permission)).**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. **B01 (Samples of external materials).**
Reason: To ensure that the materials harmonise with the surroundings.
4. **D01 (Site investigation - archaeology).**
Reason: To ensure the archaeological interest of the site is recorded.
5. **Prior to the commencement of the development the applicant shall provide a Method Statement in order to minimise the amount of dust and dirt emanating from the site during the demolition and construction phases. The development should be carried out in accordance with the agreed Method Statement.**
Reason: To safeguard the amenities of the locality.
6. **During the demolition and construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following hours: Monday to Friday 8am to 6pm, Saturday 8am to 5.30pm nor at any time on Sundays, Bank or Public Holidays unless otherwise agreed in writing with the local planning authority.**
Reason: To protect the amenity of local residents.
7. **No materials or substances shall be incinerated within the application site.**
Reason: To safeguard residential amenity and prevent pollution.
8. **Development shall not begin until the applicant/agent has provided for the prior approval of the local planning authority a parking policy/plan identifying where all demolition and construction traffic associated with the development will be parked and how the parking will be managed.**

The parking shall be in accordance with the approved policy/plan.

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

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

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

10. 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. G01 (Details of boundary treatments).

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

12. Within 3 months of commencement of work on the construction of the new development details to include scale plans shall be provided of the proposed communal garden area which shall include details of all hard and soft landscaping proposed. The approved details shall be completed prior to first occupation of the development hereby permitted.

Reason: To ensure a reasonable standard of communal amenity space is available for future occupants of the development.

13. All windows and glazed areas on the south west elevation shall be glazed with obscure glass, details of which shall be submitted for the approval in writing of the local planning authority within 1 month of commencement of work on the construction of the new development. The glazing to be used shall be in accordance with the approved details.

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

14. The accommodation hereby permitted shall be occupied as halls of residents (groups of up to 8 en-suite bedrooms arranged around communal living and circulation areas) and the development shall not be occupied in any other manner or for any other use.

Reason: For the avoidance of doubt and to ensure the accommodation remains in a format that will ensure it is affordable.

15. Within 2 months of the commencement of the construction of the development hereby permitted, details shall be provided of the mechanism by which the accommodation is to be managed. The accommodation shall be managed in accordance with the approved details.

Reason: In the interests of residential amenity.

16. W01 (Foul/surface water drainage).

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

17. **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.

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

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

19. **The applicant shall submit for the prior written approval of the local planning authority a scheme of noise attenuating/insulation measures to achieve standards set in the document produced in the Building Research Establishment and BS8233 1999 detailed in the revised noise impact assessment report dated 16th June, 2006 and received by the local planning authority on 21st June, 2006. The development shall be carried out in accordance with the approved plans and shall not be occupied until the attenuation/insulation works have been completed.**

Reason: To safeguard the amenity of the occupiers of the development hereby permitted.

- 20 **F39 (to include reference to recycling/waste management measures)- unless incorporated into requirements of the legal agreement.**

Informatives:

1. **HN01 - Mud on highway.**
2. **HN04 - Private apparatus within highway.**
3. **HN05 - Works within the highway.**
4. **A watching brief should be kept during the works for the presence of bats as well as nesting birds. If found to be present during the work, operations should cease and an ecologist licensed by English Nature for bat surveys should be engaged to determine the species, populations and impact of the works together with mitigation and compensation. The presence of nesting birds should also be evaluated throughout the works and if revealed or potentially disturbed by the development the Herefordshire Council's Ecologist should be notified. Works should avoid disturbance to the nests, young, eggs, adults and nesting area.**
5. **ND02 - Area of Archaeological Importance.**
6. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
7. **The applicant/developer is advised that the occupants of the development hereby permitted may not be entitled to resident sparking permits.**

145. DCCW2006/3583/F - THE WORKSHOPS, CORNER FRIAR STREET AND CROSS STREET, HEREFORD, HR4 0AS [AGENDA ITEM 9]

Proposed additional residential unit to Approved Planning Application DCCW2006/1324/F.

Councillor Miss F. Short, a Local Ward Member, questioned the potential impact of the development on the occupiers of adjacent dwellings. In response, the Principal Planning Officer advised that the additional residential unit would increase the height of the development by some 2.5m but it was felt that, given the distances between the buildings and the similar height of Red Lion Court, this should not cause significant harm to the amenities of neighbours.

A number of Members felt that the contemporary approach of the proposal would complement the site and surroundings. It was also felt the fact that the building would be stepped back from the junction of Friars Street/Cross Street would improve access and safety. Members welcomed the parking ratio of one space per unit and the inclusion of a cycle storage area.

Councillor P.J. Edwards commented on the need to prevent graffiti through appropriate design considerations.

The Principal Planning Officer, noting comments made by Members, suggested that a condition relating to the storage and disposal of waste materials be included and extended to the whole building if possible.

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. **A10 (Amendment to existing permission).**

Reason: For the avoidance of doubt.

Informatives:

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

146. DCCW2006/3671/F - TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HR2 7XS [AGENDA ITEM 10]

Installation of two temporary refrigerated storage units.

The Principal Planning Officer advised the Sub-Committee that one of the units had already been removed.

Councillor P.J. Edwards, a Local Ward Member, asked that a letter be sent to the applicant suggesting that, given the significant expansion in recent years and impact

on neighbouring properties, any further development of the store should be kept within the confines of the existing building. Councillor Edwards commented on the noise disturbance experienced by local residents from activities on the site.

Councillor W.J.S. Thomas felt that the store needed to review its approach to waste disposal and recycling facilities.

RESOLVED:

That planning permission be granted subject to the following condition:

- 1. This permission shall expire on 31st January 2007. Unless further permission is granted in writing by the local planning authority prior to the end of that period, the use hereby approved shall permanently cease.**

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

Informatives:

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

147. DATE OF NEXT MEETING

Wednesday 7th February, 2007.

The meeting ended at 4.05 p.m.

CHAIRMAN