

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 28th July, 2004 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, A.C.R. Chappell,
Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes,
R.I. Matthews, J.W. Newman, Mrs. J.E. Pemberton,
Ms. G.A. Powell, Mrs. S.J. Robertson, Miss F. Short, W.J.S. Thomas,
W.J. Walling, D.B. Wilcox and R.M. Wilson

In attendance: Councillors P.E. Harling and T.W. Hunt.

20. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. W.U. Attfield, G.V. Hyde, J.C. Mayson, Ms. A.M. Toon and A.L. Williams.

21. DECLARATIONS OF INTEREST

No declarations of interest were made.

22. MINUTES

RESOLVED:

That the Minutes of the meeting held on 30th June, 2004 be approved as a correct record and signed by the Chairman.

23. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report about planning appeals for the central area.

RESOLVED:

That the report be noted.

The Chairman reported the following news regarding the Development Control - Central team:

- Angela Tyler, Planning Officer, was welcomed to her first meeting of this Sub-Committee;
- Helen Bradbury (nee Brown), Senior Planning Officer, had returned from maternity leave;
- Steve MacPherson, Principal Planning Officer, had recently married; and
- Pete Evans was attending the meeting for the last time in his capacity as Central Divisional Planning Officer following his appointment as Area Services Manager in Highways - Management and Support. The Sub-Committee thanked Mr.

Evans for his hard-work and dedication and wished him every success in the future.

24. DCCW2004/1053/F - NELSON TECHNICAL CENTRE, H.P. BULMER, WHITECROSS ROAD, HEREFORD, HR2 0LE

Change of use from laboratory facility to studios/classroom for educational purposes.

The Central Divisional Planning Officer reported the receipt of correspondence from the applicant indicating that a three-year temporary permission would be acceptable. It was also reported that the Transportation Unit had commented that, subject to the contribution of £15,000 to a residents' parking scheme, there was no objection to a temporary planning permission.

Councillor R.M. Wilson, speaking in his capacity as Cabinet Member (Highways and Transportation), noted that the proposal would enable the residents' parking scheme in that area to be speeded up. He felt that weight should be given to the comments of the Transportation Unit and to the support expressed by the Economic Development Section. In accordance with section 31 (Cabinet Members) of the Code of Conduct for Members and Officers Dealing with Planning Matters, Councillor R.M. Wilson then withdrew from the meeting for the remainder of this item.

Councillor Mrs. P.A. Andrews, a Local Ward Member, expressed strong concerns about the lack of cross-departmental co-operation and the fact that Local Ward Members were not informed of progress with proposals in their Ward. She felt that, even with a residents' parking scheme, the change of use would exacerbate existing parking problems. However, given that the proposal intended to facilitate the re-development of the existing College site, Councillor Mrs. Andrews said that she reluctantly supported a temporary planning permission. Councillor S.P.A. Daniels, another Local Ward Member, supported these views and also commented on the lack of consultation with Members.

A number of Members spoke in support of a temporary planning permission; a comment was made about the need for the building to revert to Class B use at the end of the three-year period.

Some Members expressed concerns about congestion and parking problems in the area and the withdrawal of some bus services.

The Central Divisional Planning Officer advised that a Section 106 Agreement would be required to ensure that the contribution towards the residents' parking scheme was secured. He also advised that a condition would require a Green Transport Plan to be submitted to and approved by the Local Planning Authority prior to occupation. The Local Ward Members felt that the residents' parking scheme should cover both sides of Whitecross Road and noted that the problems were particularly acute in the St. Nicholas area.

RESOLVED:

That

- (i) **The Central Area Planning Sub-Committee is minded to approve the application, subject to the conditions listed below (and any further conditions 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. This consent shall expire on (3 years from completion of Section 106 agreement). Unless further consent is granted 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 to the use after the temporary permission has expired.

2. A Green Transport Plan containing measures to promote alternative modes of transport for staff and students using the Nelson Technical Centre including a schedule for its implementation shall be submitted to the local planning authority prior to the first occupation of the building. A detailed written record shall be kept of measures taken to promote Green Transport Initiatives and shall be made available for inspection by the local planning authority upon request.

Reason - To clarify the terms of this temporary permission and to ensure a range of sustainable transport alternatives are available and promoted for users of the building in accordance with sustainable development objectives.

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

(Note: The Chief Development Control Officer advised that, having regard to the reasons put forward by Members, he would not refer the application to the Head of Planning Services.)

25. **DCCW2004/1679/F - TESCO STORES LTD., ABBOTSMEAD ROAD, BELMONT, HEREFORD, HR2 7XS**

Amendment to planning permission ref: CW2001/1848/F to accommodate a re-positioning of the approved bulk store extension (no increase in floor space) together with a free standing canopy in association with home delivery service.

Councillor P.J. Edwards, a Local Ward Member, noted that this proposal could have an impact on residential amenity and proposed that a site visit be undertaken as, in accordance with the criteria, the setting and surroundings were fundamental to the determination or to the conditions being considered. The other Local Ward Members supported this.

RESOLVED:

That consideration of planning application DCCW2004/1679/F be deferred for a site visit.

26. **DCCE2004/1858/F - PAGETS SPRING, HAWKERS LANE, FOWNHOPE, HEREFORDSHIRE, HR1 4PZ**

Proposed stable block and hardstanding, retention of gates.

The Planning Officer reported the receipt of correspondence from the applicant, including photographs of the gates lit up at night. The receipt of a letter from the

Country Land and Business Association was also reported.

Councillor Mrs. J.E. Pemberton, the Local Ward Member, proposed that a site visit be undertaken as, in accordance with the criteria, the character or appearance of the development itself was a fundamental planning consideration and a judgement was required on visual impact.

In accordance with the criteria for public speaking, Mrs. Scully had registered to speak in support of the application but decided to defer this opportunity to speak until the Sub-Committee considered this application again once the site visit had taken place.

RESOLVED:

That consideration of planning application DCCE2004/1858/F be deferred for a site visit.

27. DCCE2004/1772/F - 35A MORTIMER ROAD, HEREFORD, HR4 9SP

Change of use from Class B8 (Storage or Distribution) to B2 (Manufacture of Windows/Conservatories).

The Central Divisional Planning Officer advised that an informative note had been included in the report in error and should be removed.

The Local Ward Members noted the importance of conditions 2 and 4 to safeguard the amenities of the area.

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 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 7.30am to 6.00pm Monday to Friday and 8am to 1pm on Saturday nor at any time on Sundays, Bank or Public Holidays.

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

3 The premises shall be used for the manufacture of windows and conservatories only and for no other purpose (including any other purpose in Class B2 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The local planning authority wish to control the specific use of the land/premises, in the interests of local amenity.

4 The applicant shall submit for the prior written approval of the local planning authority a scheme of noise attenuating measures. The

approved scheme shall be implemented before the first use of the development to which it relates commences and shall be retained for the duration of the use. The scheme shall be based on a noise and vibration report from a suitably qualified and experienced consultant who shall specifically refer to the impact of the development on nearby residential properties in terms of both noise and vibration and shall quantify the effects of any proposed mitigation measures.

Reason: To safeguard the amenity of the area.

- 5 The front doors of the building containing the manufacturing workshop shall be kept closed whenever machinery and/or tools are in use.

Reason: To safeguard the amenities of the area.

- 6 Prior to the commencement of the use of the building a plan showing the access parking and turning areas shall be submitted to and approved in writing by the local planning authority. The area shall be retained for the parking and turning of vehicles at all times.

Reason: To prevent indiscriminate parking on the highway safety.

- 7 The car parking spaces shown on the plan detailed by Condition 7 shall be clearly demarcated in a method to be submitted to and agreed in writing by the local planning authority.

Reason: To clarify the parking areas and prevent indiscriminate parking on the highway.

Informative:

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

28. DCCW2004/1004/O - SCHOOL FIELD OPPOSITE EXISTING PRIMARY SCHOOL, SUTTON ST. NICHOLAS, HEREFORDSHIRE, HR1 3AZ

Construction of a replacement primary school incorporating a village hall and the provision of 15 residential houses.

The Legal Practice Manager explained that ordinarily a Section 106 agreement would be entered into with an applicant in respect of the planning obligations. However, the Council was the applicant in this instance and the planning obligations would be secured through covenants on the land.

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

Councillor J.G.S. Guthrie, the Local Ward Member, noted the length of time it had taken to get to this stage and the frustrations felt by local residents, particularly given the resulting delay in the construction of a village hall. Concerns about the residential housing element of the scheme and the lack of car parking for the primary school/village hall were also expressed. Councillor Guthrie felt that, in the interests of safety and to reduce congestion, there should be separate access and egress and further parking provided.

The Central Divisional Planning Officer advised the Sub-Committee that, as an

outline application, the key considerations were the principle of the proposed development and the means of access to the site. He added that the layout was indicative only and other elements would need to be addressed at the reserved matters stage.

A number of Members supported the views of the Local Ward Member, particularly in respect of access and parking provision, and felt that the views of local residents should be taken into account with regard to the layout of the housing. The affordable housing element of the scheme was welcomed.

A Member felt it unfortunate that the comments of the Environment Agency were still awaited.

In response to questions about the justification for the new school, the Central Divisional Planning Officer advised that the need for a replacement primary school had been raised in the South Herefordshire District Local Plan and the land opposite the existing school had been identified in the emerging Unitary Development Plan.

The Sub-Committee agreed that the Chairman and the Local Ward Member should be consulted as part of the resolution.

RESOLVED:

Subject to the receipt of detailed highways conditions that Officers named in the Scheme of Delegation to Officers, in consultation with the Chairman and the Local Ward Member, be authorised to grant outline planning permission subject to conditions considered necessary by Officers.

29. DCCE2004/1330/F - 62 COMMERCIAL STREET, HEREFORD

Change of use to allow mixed A1/A3 coffee shop.

It was noted that Members had received a letter from solicitors acting on behalf of Costa Coffee. The Legal Practice Manager clarified the position in respect of the unilateral undertaking by Cheltenham and Gloucester Building Society that upon their relocation No. 62 Commercial Street would be used at ground floor level for A1 (retail) purposes only. He stressed that an application to discharge the current Planning Obligation would need to be submitted and granted prior to the issue of planning permission in respect of the proposed use.

The Chairman, speaking as the Local Ward Member, noted the prominent position of the building and felt that careful consideration would need to be given to any external seating.

In response to a question, the Central Divisional Planning Officer advised that, following approval of planning application CE2003/0829/F in respect of the relocation of the Cheltenham and Gloucester Building Society, the building had been advertised for sale but interest had come from A3 uses only. He added that issues such as footfall and vitality and viability had to be considered, particularly given the number of vacant primary frontage units in the area.

A number of Members felt that the proposal would enhance the town centre and spoke in support of the application. Some Members felt that this type of use during evenings and on Sundays would have a positive impact on the locality.

A number of comments were made about external seating, including the need to ensure that the pedestrian walkway was not obstructed and customers were not at

risk from vehicles using the highway. In response, the Central Divisional Planning Officer advised that this application was for a change of use but Members' comments could be forwarded to the Street Trading unit. He added that an option could include the removal of an existing planter outside the building and the creation of a defined seating area away from the frontage and pedestrian walkway. A number of Members supported this suggestion. A comment was made that all town centre businesses should be subject to strict delivery times, as was the case in a number of other cities.

The Sub-Committee agreed that the Chairman/Local Ward Member should be consulted as part of the resolution.

RESOLVED:

Upon the submission and granting of an application for the discharge of the Planning Obligation affecting the site, Officers named in the Scheme of Delegation to Officers, in consultation with the Local Ward Member, be authorised to issue planning permission subject to conditions.

30. DATE OF NEXT MEETING

It was noted that the next scheduled meeting was Wednesday 25th August, 2004.

The meeting ended at 2.59 p.m.

CHAIRMAN