COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 27th July, 2005 at 2.00 p.m.

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

Councillors: Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, P.J. Edwards, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell, Mrs. S.J. Robertson, 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)**

26. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A.C.R. Chappell, Mrs. S.P.A. Daniels, G.V. Hyde, Miss F. Short and A.L. Williams.

27. DECLARATIONS OF INTEREST

The following declarations of interests were made:

Councillors	Item	Interest
Mrs. W.U. Attfield, Mrs. M.D. Lloyd-Hayes* and Ms. A.M. Toon*	Item 6 - DCCW2005/1834/F **40 Blackmarston Road, Hereford, HR2 7AJ**	Declared personal interests
J.C. Mayson and R.M. Wilson*	Item 7 - DCCW2005/1521/F **Hereford Rugby Football Club, Belvedere Lane, Hereford, Herefordshire, HR4 0PH**	Declared personal interests
Mrs. M.D. Lloyd-Hayes	Item 8 - DCCW2005/1908/F **4 Amyand Drive, Hereford, Herefordshire, HR4 0LU**	Declared a personal interest.
D.J. Fleet	Item 12 - [A] DCCE2005/1271/F and [B] DCCE2005/1281/L – **51,52,52A,&52B Commercial Street and 3A,3B,&3C Union Street [and Land Between], Hereford, Herefordshire**	Declared a personal interest.

(* Declared personal interests during the items)

Mr. K. Bishop, Principal Planning Officer, declared personal interests in respect of items 5 (DCCE2005/1917/F - 30A Newtown Road, Hereford, Herefordshire, HR4 9LL) and 7 and left the meeting for the duration of these items.

28. MINUTES

RESOLVED: That the Minutes of the meeting held on 29th June, 2005 be approved as a correct record and signed by the Chairman.

29. ITEM FOR INFORMATION - APPEALS

An information report was circulated in respect of the planning appeals for the central area.

RESOLVED: That the report be noted.

30. DCCE2005/1917/F - 30A NEWTOWN ROAD, HEREFORD, HEREFORDSHIRE, HR4 9LL

Conversion of single storey workshop into one bedroom dwelling.

The Principal Planning Officer reported that the objection of the Environment Agency had been withdrawn.

In accordance with the criteria for public speaking, Miss. A.K. Joynt (32 Newtown Road) spoke against the application.

The Principal Planning Officer confirmed that the Traffic Manager was satisfied with the proposal subject to the provision of secure cycle storage. He added that the change of use might result in less parking congestion than that associated with the existing joinery workshop.

The Chairman, speaking in his capacity as the Local Ward Member, felt that the site was cramped and parking was an issue but noted that there were no planning policy reasons to refuse the application.

In response to a question, the Principal Planning Officer advised that the provision of parking to the rear of the development would require access across land not in the ownership of the applicant and, therefore, this had not been put forward as a viable option. The Principal Planning Officer also commented on the residential amenity benefits offered by the change of use.

In response to a suggestion regarding the height of a boundary fence, the Principal Planning Officer advised that a condition could be included requiring details of boundary treatments in order to protect the residential amenity of the immediate neighbour.

RESOLVED:

That planning permission be granted 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 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 B05 (Alterations made good)

Reason: To maintain the appearance of the building.

4 E16 (Removal of permitted development rights)

Reason: To enable the local planning authority to control any future alterations and enlargements of the premises in the interests of residential amenity.

5 E18 (No new windows in specified elevation)

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

6 E19 (Obscure glazing to windows)

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

Informative:

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

31. DCCW2005/1834/F - 40 BLACKMARSTON ROAD, HEREFORD, HR2 7AJ

Construction of two storey dwelling attached to existing property.

In accordance with the criteria for public speaking, Mr. C. Sanderson (the joint owner of the property) spoke in support of the application.

Councillor P.J. Edwards, a Local Ward Member, expressed concerns about the proximity of the proposal to existing dwellings and the loss of privacy that may result. Councillor Ms. G.A. Powell, a Local Ward Member, also expressed concerns about the space between dwellings and the potential for overlooking. Councillor J.W. Newman, also a Local Ward Member, drew attention to the objections of Herefordshire Housing.

In response to a suggestion that the application be deferred for further negotiations with the applicant and in discussion with immediate neighbours, the Principal Planning Officer advised the Sub-Committee that the application should be determined on its merits and refused if Members felt that the proposal would be contrary to planning policies

Some Members expressed concern about parking and asked for clarification regarding off-street and on-street parking provision. In response, the Principal Planning Officer advised that off-street parking was slightly sub-standard but there was ample on-street parking available. A number of Members felt that on-street parking should not be encouraged given the problems experienced in many other parts of Hereford.

The Central Team Leader noted that deferral of the application would not necessarily result in the outcomes wanted by Members given the limits of land ownership and the layout of the application site. The Central Team Leader noted that Members' concerns about the impact on the character of the street scene and overdevelopment potentially resulting in loss of privacy were planning policy

considerations.

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 the character of the street scene; and
2. the proposal would be an overdevelopment of the site

(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 the above resolution, the Central Team Leader advised that he would not refer the decision to the Head of Planning Services given the reasons for refusal provided by Members.]

32. DCCW2005/1521/F - HEREFORD RUGBY FOOTBALL CLUB, BELVEDERE LANE, HEREFORD, HEREFORDSHIRE, HR4 0PH

Proposed 25m high lattice tower equipped with 3 antennas, 2 no. 600mm transmission dishes, 2 ground based equipment cabinets and ancillary development thereto.

The Central Team Leader advised that an application had been inadvertently omitted from the planning history section of the report. It was noted that application 01/1111 related to a 15m mast and associated equipment which had been refused due to the impact on the character and appearance of the Conservation Area and the loss of flood plain. In respect of the current application, the Central Team Leader advised that the Environment Agency did not object on the grounds of flood risk, subject to conditions, following changes in categorization.

The Central Team Leader reported the receipt of 22 letters of objection from local residents and other parties. He advised that the letters raised similar concerns to those summarised in the representations section of the report; particularly in relation to perceived adverse impact on the Conservation Area, health risks, flooding susceptibility and inappropriate location.

The Central Team Leader also reported that the applicant had indicated that some of the proposed transmission dishes would not be required and could be removed from the proposal.

In accordance with the criteria for public speaking, Mr. R.F. Mudge (Barton West, Barton Road) spoke against the application and Mr. C. Searle (applicant's agent) spoke in support of the application.

Councillor Mrs. E.M. Bew, a Local Ward Member, felt that local residents had raised some serious concerns and questioned why a telecommunications mast had been removed from a site nearby if coverage and capacity was still needed. In response, the Central Team Leader that he understood that the mast referred to had not been granted permanent planning permission.

Councillor Ms. A.M. Toon felt that telecommunications companies operating in Herefordshire had not complied with PPG8, particularly in respect of consultation, planning and sharing of masts. Other Members felt disappointed that the assurances given by some representatives of the industry had not always been carried through in the County.

In response to questions, the Central Team Leader confirmed that one of the existing lighting columns would be replaced with the lattice mast which would carry both the telecommunications equipment and floodlights to serve Hereford Rugby Club.

Some Members felt that operators should be made to share masts and, if this application was approved, that no further masts should be erected in the vicinity.

Whilst the Sub-Committee noted current Government Guidance, some Members noted the concerns of residents about potential health risks of such equipment.

Councillor P.J. Edwards noted the importance of Great Western Way as a pedestrian and cyclist route and felt that the proposal would have a detrimental impact on the visual amenity of the locality. It was noted that the mast would project about the tree line.
In response to Members' concerns, the Central Team Leader commented that there was no evidence to suggest non-compliance with PPG8 and that the Environment Agency had not raised significant objections on the grounds of flood risk. It was noted, however, that the impact on the character and appearance of the Conservation Area was an important planning consideration in this instance.

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. detrimental impact on the character and appearance of the Conservation Area

(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 the above resolution, the Central Team Leader advised that he would not refer the decision to the Head of Planning Services given the reason for refusal provided by Members.]

33. DCCW2005/1908/F - 4 AMYAND DRIVE, HEREFORD, HEREFORDSHIRE, HR4 0LU

Demolition of existing conservatory and garage, erection of two storey extension to side and conservatory to rear.

In accordance with the criteria for public speaking, Mr. P.C. Catherineau (181 Whitecross Road) spoke against the application.

Some Members expressed concerns about the proposal and a site visit was proposed.

RESOLVED:

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

- **the character or appearance of the development itself is a fundamental planning consideration;**
- **a judgement is required on visual impact; and**
- **the setting and surroundings are fundamental to the determination or to the conditions being considered.**

34. DCCE2005/1572/F - LAND ADJACENT TO THE GREEN, WITHINGTON, HEREFORDSHIRE

Demolition of existing single storey pre-fabricated structure and erection of proposed new house and ancillary garage.

The Central Team Leader reported the receipt of the following:

- further comments from Withington Parish Council in response to revised plans, the proposed external materials were satisfactory but concerns regarding the safety of the access remained;
- a letter of objection from Dr. Roberts of Church House expressing concern about visibility at access point and stressing importance of retaining existing trees; and
- a letter of support from Mr. Telfer.

In response to a question from Councillor R.M. Wilson, the Local Ward Member, the Central Team Leader explained the changes that had been made to the proposal since application DCCE2004/3548/F was withdrawn and noted that the Traffic Manager had no objections subject to conditions. Councillor Wilson noted that the applicant had worked hard to overcome the problems associated with the previous application and welcomed the conditions recommended by officers.

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 A09 (Amended plans)

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

4 B01 (Samples of external materials)

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

5 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.

6 C05 (Details of external joinery finishes)

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

7 C10 (Details of rooflights)

Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of [special] architectural or historical interest.

8 D03 (Site observation - archaeology)

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

9 E08 (Domestic use only of garage)

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

10 E09 (No conversion of garage to habitable accommodation)

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

11 E16 (Removal of permitted development rights)

Reason: To enable effective control over the future development of this sensitive site.

12 E18 (No new windows in specified elevation)

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

13 F16 (Restriction of hours during construction)
Reason: To protect the amenity of local residents.

14 G01 (Details of boundary treatments)

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

15 G04 (Landscaping scheme (general))

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

16 G05 (Implementation of landscaping scheme (general))

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

17 G06 (Scope of landscaping scheme)

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

18 G10 (Retention of trees)

Reason: In order to preserve the character and amenities of the area.

19 G17 (Protection of trees in a Conservation Area)

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

20 H06 (Vehicular access construction)

Reason: In the interests of highway safety.

21 Before any other works hereby approved are commenced, a visibility splay will be provided in accordance with details to be submitted to and agreed in writing by the local planning authority. Nothing shall be planted, erected and/or allowed to grow on the area of land so formed which would obstruct the visibility agreed.

Reason: In the interests of highway safety.

22 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.

23 Foul water and surface water discharges must be drained separately from the site.

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

24 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage 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.

25 No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage 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 N04 - Rights of way

4 N11A - Wildlife and Countryside Act 1981 (as amended) - Birds

5 N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 - Bats

6 ND03 - Contact Address

7 HN01 - Mud on highway

8 HN02 - Public rights of way affected

9 HN05 - Works within the highway

10 HN10 - No drainage to discharge to highway

11 HN13 - Protection of visibility splays on private land

12 If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155

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

35. DCCE2005/1994/F - FLAT 5, 50 HAFOD ROAD, HEREFORD, HEREFORDSHIRE, HR1 1SQ

Proposed conservatory to rear of property.

The Principal Planning Officer reported the receipt of a further letter of objection from the occupant of Flat 1 expressing concern that the conservatory would result in a loss of privacy and could hinder a fire escape route. In response, the Principal Planning Officer reported that it was understood that the building complied with the relevant regulations and was not required to have such an escape route.

Councillor Mrs. M.D. Lloyd-Hayes, a Local Ward Member, felt that there were no planning policy reasons to refuse the application but urged neighbours to work together as much as possible. Councillor W.J. Walling, also a Local Ward Member, noted the concerns of neighbours but did not feel that the proposal would have a significant detrimental impact on amenity.

In response to a suggestion that the colour of the conservatory should be subject to a condition, the Central Team Leader commented that the frames in the elevations of the building were predominantly white and that any other colour might appear incongruous.

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.

Informatives:

1 N03 - Adjoining property rights

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

36. DCCE2005/0915/F - UNIT A2, BROOK RETAIL PARK, HEREFORD

Variation of condition 2 of Planning Permission HC/970294/PF/E to allow the sale of further goods.

The Central Team Leader advised that paragraph 6.3, page 54 should be amended to read '…there is an identified need for a further 14-16,000 square metres of floorspace…'.

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

The Chairman, speaking in his capacity as Local Ward Member, noted the need to protect retail policies and that the proposed restriction on occupation to a catalogue showroom retailer should address this issue.

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 The application site premises shall be occupied by a catalogue showroom retailer (defined for the purposes of interpreting this condition as a retailer selling a wider range of goods selected by the visiting public primarily from a catalogue and supplied to them fully packaged). In the event of the site premises ceasing to be occupied by a catalogue showroom retailer, it shall revert to the restrictions currently placed on it by virtue of the conditions associated with planning permission hC97/0294/PF/E. In any event the premises shall not be used for the sale of fashion clothing or footwear.

Reason: In order that the occupancy of this unit can be controlled in the interests of the vitality and viability of the central shopping area of

Hereford.

4 The permission hereby granted is an amendment to planning permission HC97/0294/PF/E and, otherwise than is expressly altered by this permission, the conditions attached thereto remain.

Reason: For the avoidance of doubt.

Informative:

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

37. [A] DCCE2005/1271/F AND [B] DCCE2005/1281/L - 51,52,52A,&52B COMMERCIAL STREET AND 3A,3B,&3C UNION STREET [AND LAND BETWEEN], HEREFORD, HEREFORDSHIRE

Demolition of listed & non-listed buildings, erection of two/three storey building to provide new retail use, restaurant and 11 no. flats.

The Principal Planning Officer reported the receipt of the following:

- comments from the Conservation Area Advisory Committee which recommended refusal;
- comments from Hereford Civic Society which claimed that the Officer's report was misleading and asked for a more complete and balanced summary as the report had not given sufficient weight to the comments and concerns of Hereford Civic Society, Ancient Monuments Society, Conservation Area Advisory Committee and The Georgian Group;
- the County Archaeologist had no objections and, therefore, recommended condition 5 of the report could be removed as the site was of limited archaeological significance;
- English Heritage had commented that a fine judgement had to be made but noted that the proposal could contribute to the historic landscape;
- the Conservation Manager had commented that, whilst the principle of redevelopment was accepted, concern remained regarding the information provided to justify the demolition if the listed dwellings/warehouse;
- shortly before the meeting, the applicants had provided a unilateral undertaking in respect of contributions of £20,000 towards Conservation Area/townscape improvements and £45,000 towards highway related improvements on Union Street to be paid upon first occupation of the retail units.

The Principal Planning Officer highlighted the main considerations and commented that, subject to the recommended conditions, the proposal was considered acceptable on balance.

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

The Chairman, speaking in his capacity as the Local Ward Member, thanked the Principal Planning Officer for his hard work on these applications. The Chairman noted that not everyone could be completely satisfied with all aspects of a scheme of this scale but felt that a reasonable compromise had been reached.

A number of Members concurred with the views of the Chairman and welcomed the redevelopment of this derelict site and the additional retail and residential units that would be created.

In response to questions, the Principal Planning Officer outlined the highways and servicing considerations and noted that the Traffic Manager had no objections subject to conditions and contributions.

A suggestion was made that there should be a restriction on hours of delivery but Members felt that this was not necessary given the availability of loading bays on Union Street.

RESOLVED:

1. Subject to there being no objection from English Heritage and the Conservation Manager at the end of the consultation period the County Secretary and Solicitor be authorised to complete a planning obligation or unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions towards:

1. Conservation Area/townscape improvements
2. Highway related improvements on Union Street.

And any additional matters and terms as she considers appropriate.

2. On completion of the aforementioned planning obligation or unilateral undertaking the officers named in the Scheme of Delegation to Officers, in consultation with the Chairman/Local Ward Member, be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers:

Conditions – DCCE2005/1271/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 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 D01 (Site investigation - archaeology)

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

5 D03 (Site observation - archaeology)

Reason: To allow the potential archaeological interest of the site to be

investigated and recorded.

6 D04 (Submission of foundation design)

Reason: The development affects a site on which archaeologically significant remains survive. A design solution is sought to minimise archaeological disturbance through a sympathetic foundation design.

7 Prior to commencement of development the applicants shall provide a Method Statement in order to minimise the amount of dust and dirt emanating from the site during the construction phase. The construction works shall be carried out in accordance with the agreed Method Statement.

Reason: To safeguard the amenities of the locality.

8 F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

9 F32 (Details of external lighting)

Reason: To safeguard local amenities.

10 F41 (No burning of materials/substances during construction phase)

Reason: To safeguard residential amenity and prevent pollution.

11 Development approved by this planning permission shall not be commenced unless:

a) A desk top study has been carried out which shall include the identification of previous site use, potential contaminants that might reasonable be expected given those uses and other relevant information and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors have been produced.

b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- **a risk assessment to be undertaken relating to the receptors associated with the proposed new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected, and**
- **refinement of the Conceptual Model, and**
- **the development of a Method Statement detailing the remediation requirements.**

c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment

undertaken.

d) A Method Statement detailing the remediation requirements using the information obtained from the Site Investigation has been submitted to the local planning authority. This should be approved in writing by the local planning authority prior to that remediation being carried out on the site.

Reason: To ensure that the proposed site investigations and remediation will not cause pollution of the environment or harm to human health.

12 The development of the site should be carried out in accordance with the approved Method Statement.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.

13 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority, for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Method Statement.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.

14 Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and report shall also be detailed in the report.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard.

15 A Method Statement and Risk Assessment for the safe removal of the underground petrol tank shall be submitted to and approved in writing by the local planning authority. The tank shall be removed in accordance with the approved Risk Assessment and Method Statement.

Reason: In the interest of protection of the environment and harm to human health under the Public Health Act 1961 and Health and Safety at Work Act 1974.

16 H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving

the site in the interests of highway safety.

17 H27 (Parking for site operatives)

Reason: In the interests of highway safety.

18 Prior to the commencement of the construction of new retail units, details including scaled plans, and a schedule of materials and details of the proposed signage for the new shopfronts on Commercial Street shall be submitted for approval in writing by the local planning authority. The new shopfronts and signage 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 detail and materials for the shopfronts in the interests of safeguarding the character and appearance of the listed building and Conservation Area.

Informative:

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

Conditions – DCCE2005/1281/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 C02 (Approval of details)

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

3 C14 (Signing of contract before demolition)

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4 C15 (Salvage recording)

Reason: To enable a record to be made of this building of historical and/or architectural interest.

5 C16 (Detailed scheme of demolition operations)

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

6 Prior to the carrying out of any works/alterations to the listed buildings fronting Commercial Street, the developer shall provide for approval in writing by the local planning authority an investigative schedule including timescales for the proposed 'stripping out' works to the listed buildings. The stripping out shall be carried in accordance with the

agreed schedule and timescales. 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 historic interest of the listed buildings are recorded and safeguarded as necessary.

Informative:

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

38. DCCE2005/1230/RM - SITE ADJACENT 104 BULLINGHAM LANE, HEREFORD, HEREFORDSHIRE, HR2 7RY

Construction of 129 dwellings, provision of public open space, and associated works

The Principal Planning Officer advised that consultation had been undertaken on amended plans and reported the following:

- Hereford City Council had no objections;
- Lower Bullingham Parish Council had expressed concerns about the high density of development and lack of open space;
- the Strategic Housing Manager noted the broader mix of dwelling types and had no objections provided that the phase 3 development had a higher proportion of larger affordable housing units, an informative note would be added to any planning permission granted as a result;
- Marches Housing Association, which was likely to take over the affordable housing element, confirmed that the amended layout was satisfactory;
- The Traffic Manager requested minor modifications to certain roads and footpaths; and
- the Landscape Officer welcomed the use of mature trees but asked that different species be planted in some instances.

The Sub-Committee was advised that the recommendation remained the same but for the receipt of amended layouts to the satisfaction of the Traffic Manager and the Landscape Officer.

Councillor Mrs. W.U. Attfield, a Local Ward Member, welcomed the affordable housing element but noted that a number of matters needed to be resolved, including the blocking of potential short cuts to prevent criminal activity. She felt that there had been significant drift away from the original master plan for Bradbury Lines and urged officers to carefully supervise the development. She also expressed concerns about highway congestion and safety. Councillor R. Preece, also a Local Member, supported these views, particularly the need to block a specific short cut onto Ross Road. In response, the Principal Planning Officer advised that a 1.8m wall along the boundary should address this concern.

In response questions, the Principal Planning Officer clarified that:

- the Traffic Manager was satisfied with the overall layout, therefore a major re-design was not required but minor amendments would be needed to ensure that the roads were built to adoptable standards;
- the community facilities agreed as part of the master plan would be brought

forward as part of the next phase of development; and

- 47 units per hectare was at the upper limit of what was envisaged at the outline stage but was considered appropriate given the location of the site and the number of apartments proposed.

A number of Members felt that the absence of community facilities to date was disappointing and that the next phase of development should include a greater proportion of affordable and social housing units, particularly bungalows for the elderly. Concern was expressed that additional planning gain and infrastructure improvements had not been forthcoming despite the fact that the total number of units across the whole site was likely to be at least 100 above that envisaged in the master plan.

Whilst noting the concerns of Local Ward Members, some Members felt that pedestrians and cyclists would find the limited number of access points frustrating.

A number of Members felt that the high density of development was not appropriate for this location and that private amenity space should not be sacrificed.

A concern was expressed that the report did not include the comments of a number of consultees and it was felt that the application should not be determined until all the matters had been addressed.

In response to Members' concerns, Officers provided the following advice:

- the units approved to date and those proposed under this application would not exceed the total of 500 units envisaged in the master plan;
- the wildlife mitigation measures were outlined;
- the outline planning permission required developers to provide details of noise attenuation measures;
- the single vehicular access was part of the design ethos of the development in order to prevent the area becoming a thoroughfare for other traffic but there would be other routes for pedestrians, cyclists and buses;
- the amended landscaping proposals were considered acceptable given the central open space and the number of play and games areas;
- the density of the development was considered reasonable and in line with the relevant policy;
- the lack of private amenity space was not considered critical given that the apartments would benefit from access immediately onto the central open space;
- the piecemeal nature of development was unfortunate but perhaps unavoidable given the scale of the site; and
- the report had been prepared before comments of consultees had been received on amended plans and, as indicated at the start of the meeting, the majority of concerns had been overcome or would be through minor modifications.

The Chairman noted Members' unease but reminded the Sub-Committee that they had to consider the application before them.

It was proposed that the application be approved but, in consultation with the

Chairman and the Local Members, Officers be authorised to undertake further negotiations with the applicant to ensure that there was investment in the community facilities, especially medical provision, given that areas of play space had been removed from the proposals.

Members expressed further concerns about density, amenity space and lack of additional infrastructure.

The Central Team Leader stressed that this application was not an appropriate mechanism to secure additional improvements and that phase 3 would provide opportunities to address a number of the issues raised by Members. He added that the Sub-Committee was at risk of treating this development differently to those already approved as part of phase 2.

Some Members felt that consideration of the application should be deferred for further negotiations regarding affordable housing and amenity space and to secure additional improvements. In response, the Principal Planning Officer outlined the legal considerations and re-iterated that the initial concerns of consultees had been addressed subject to minor modifications.

A motion to defer consideration of the application was lost and the recommendation was approved subject to the comments made by the Sub-Committee.

RESOLVED:

That subject to no further objections raising additional material planning considerations by the end of the consultation period the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions/notes and any additional conditions/notes considered necessary by Officers.

1 The applicant's attention is drawn to conditions attached to Outline Planning Consent Ref. CE2001/2757/O which require further details to be submitted and agreed prior to commencement of development.

2 N02 - Section 106 Obligation

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

39. DATE OF NEXT MEETING

It was noted that the date of the next meeting was 24th August, 2005.

The meeting ended at 4.50 p.m. **CHAIRMAN**