

**MINUTES of the meeting of Planning Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Friday, 29th September, 2006 at 10.00 a.m.**

Present: Councillor T.W. Hunt (Chairman)
Councillor J.B. Williams (Vice Chairman)

Councillors: Mrs. P.A. Andrews, B.F. Ashton, P.J. Dauncey,
P.E. Harling, J.W. Hope MBE, B. Hunt, Brig. P. Jones CBE,
R.I. Matthews, Mrs. J.E. Pemberton, R. Preece, D.C. Taylor and
W.J. Walling

In attendance: Councillors Mrs. W.U. Attfield, A.C.R. Chappell, P.J. Edwards,
D.B. Wilcox and R.M. Wilson

58. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors CJ Davis, DJ Fleet, JGS Guthrie, Mrs JA Hyde, RM Manning and Mrs PG Turpin.

59. NAMED SUBSTITUTES (IF ANY)

The following named substitutes were appointed:-

MEMBER	SUBSTITUTE
Mrs CJ Davis	Mrs M Lloyd Hayes
PG Turpin	H Bramer

60. DECLARATIONS OF INTEREST

Councillor R Preece declared a prejudicial interest in Agenda item 11 (Dcce2006/2037/F - construction of new flood defence walls and embankments together with strengthening of existing walls between Greyfriars Bridge & Wyelands Close. Provision of access over new flood defence at Queen Eelizabeth Avenue, St Martins Avenue & Hinton Road. Belmont, St Martins & Hinton road, Hereford) and left the meeting for the duration of this item.

61. MINUTES

RESOLVED: That the Minutes of the meeting held on 25th August, 2006 be approved as a correct record and signed by the Chairman

62. CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to the recent illness of Councillor PG Turpin and said that a card would be sent on behalf of Members and Officers with their best wishes and hoping that he makes a speedy recovery.

The Chairman said that a Seminar had been arranged for all Members on 13th November in respect of Section 106 obligations.

63. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 13th September, 2006 be received and noted.

64. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 23rd August, 2006 be received and noted.

65. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 30th August, 2006 be received and noted.

66. REPORTS OF THE HEAD OF PLANNING SERVICES

The Committee considered the following planning applications and authorised the Head of Planning Services to impose any additional or varied conditions and reasons which he considered to be necessary.

67. DCNC2006/1129/F - ERECTION OF SHOPS AND DWELLINGS WITH ASSOCIATED DEMOLITION AND SITE WORKS AT 40-42 WEST STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8ES

The Development Control Manager said that the applicant was agreeable to all the conditions set out in the proposed planning obligation agreement, including compensation to the Council for the loss of income from car parking spaces that would be used in the scheme.

In accordance with the criteria for public speaking, Mr Jones the agent acting on behalf of the applicant, spoke in favour of the application.

Councillor JPS Thomas, one of the Local Ward Members, felt that the site inspection had clarified a number of issues regarding the application.

RESOLVED

That planning permission be granted subject to:

- 1. The Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out heads of agreement) and any additional matters and terms as he considers appropriate.**
- 2. Upon completion of the afore mentioned planning obligation that the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission 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 - 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 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

5 - No materials or substances shall be incinerated within the application site during the construction phase.

Reason: To protect the residential amenities of the neighbouring properties.

6 - Prior to the construction of any re-development on site details will be submitted to and approved in writing of additional noise insulation to the bedrooms of units 1, 2 and 3.

Reason: In order to protect the amenity of residents of these dwellings within close proximity to a licensed premises/pool hall.

7 - Prior to development on site details will be submitted and approved in writing of the shops front design and the glazed units as indicated on the approved plans.

Reason: In the interests of the amenity of the surrounding Conservation Area.

8 - Prior to development on site details will be submitted and approved in writing of treatment of the boundary walls.

Reason: In the interests of the amenity of the surrounding area.

9 - No meter boxes will be sited on public facing elevations.

Reason: In the interests of the amenity of the surrounding Conservation Area.

10 - C04 (Details of window sections, eaves, verges and barge boards)

Reason: To safeguard the character and appearance of the surrounding Conservation Area.

11 - C05 (Details of external joinery finishes)

Reason: To safeguard the character and appearance of the surrounding Conservation Area.

12 - 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 the surrounding Conservation Area.

13 - C11 (Specification of guttering and downpipes)

Reason: To safeguard the character and appearance of the surrounding Conservation Area.

14 - H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

15 - 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.

16 - E16 (Removal of permitted development rights)

Reason: To protect the character of the area and ensure any further development of the site is controlled by the local planning authority.

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

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

18 - 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.

19 - 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.

20 - G04 (Landscaping scheme (general))

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

21 - G05 (Implementation of landscaping scheme (general))

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

22 - D01 (Site investigation - archaeology)

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

23 - 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.

- 24 - Prior to any development on site details will be submitted and approved in writing of any street furniture and means of artificial lighting within the application site and alongside the eastern side of the application site.

Reason: In the interests of the amenity of the surrounding Conservation Area.

NOTES

If a connection is required to the public sewerage system, the development is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on Tel No: 01443 331155.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - HN01 - Mud on highway
- 3 - HN04 - Private apparatus within highway
- 4 - HN05 - Works within the highway
- 5 - HN22 - Works adjoining highway

68. **DCCE2006/2037/F CONSTRUCTION OF FLOOD DEFENCE WALLS AND EMBANKMENTS TOGETHER WITH STRENGTHENING OF EXISTING WALLS BETWEEN GREYFRIARS BRIDGE AND WYELANDS CLOSE. PROVISION OF ACCESS OVER NEW FLOOD DEFENCE AT QUEEN ELIZABETH AVENUE - ENVIRONMENT AGENCY - AGENT IS ATKINS LTD**

The Principal Planning Officer said that the application was in respect of works required to protect the Greyfriars, Belmont, St Martin's and Lower Bullingham areas from frequent flood events. He said that studies had revealed that there was a 20% chance that these areas could be flooded in any one year with the danger of substantial damage to residential and commercial properties, considerable disruption to the local highway network and an adverse economic effect on local businesses. The scheme was designed to provide a one in two hundred-year level of protection against flooding. He reported on the following updates which had been received since the report had been produced:-

- a further letter of objection but which did not raise any new material issues
- **Sport England** - the pitch layout had been re-configured so as there was no net loss of pitches. Sport England had maintained their objection because the earth embankment took up land that could form a pitch (or part of) at some stage in the future. They maintained their request for a replacement pitch elsewhere or a contribution to enable the creation of a pitch elsewhere in the future. The alternative option to the embankment in order to retain the playing field was a 3 metre high wall along the edge of the footpath, which was not environmentally or economically viable
- **Fire Service** - the proposed vehicular access ramp off Wye Street was likely to enable access for the fire service with a 4X4 and trailer carrying a boat but this was still being clarified through computer vehicle tracking.
- **Conservation Officer** - the scheme could be amended to create an improved transition between Wye Bridge, the railings and wall
- **Sustainable Transport Officer** - requests such as dropped kerbs for cyclist

and delineation of cycleway off Wye Street could be accommodated within the scheme.

- **Landscape Officer**
 - an arboriculturalist will supervise the works
 - the replacement of the wall adjacent Wyelands with an embankment would require a 2.5M high embankment rather than 600 mm high wall
 - only trees that are directly impacted by the works are to be removed.
 - replacement planting is to be carried out at a ratio of 10 replacements for each tree removed.
 - the following potential enhancements are proposed in addition to supplementary tree planting:-
 - interpretation boards to be provided.
 - public art to be incorporated into the scheme.
 - wild flower meadows within dog walking area along Hinton Road.
 - surface area around tennis court kiosk to be enhanced.
 - enhanced lighting
 - enhanced surface treatment to St Martins Avenue.
 - enhancement of access into King Georges Field from Hinton Road.
 - restructuring of the south east access into King Georges Field from Hinton Road.

Environment Agency response to suggested amendments

The retention of the hedge along Hinton Road would:

- be a barrier to inspection of the flood defence wall. Any signs of cracking or movement of the wall must be seen and not hidden so that actions can be taken as soon as possible to enable the integrity of the flood defences to be maintained.
- create a dead area between the hedge and wall
- take up more playing field and result in more wall being visible
- entail more trees being removed and threaten the survival of the hedge
- require more substantial and costly foundations due to the fall in ground levels away from the road
- removal of the hedge enables a wider footway/cycleway to be constructed along Hinton Road at the request of the Traffic Manager
- the finish to the wall along Hinton Road has been chosen with the intention to echo the finish of the houses on Hinton Crescent, the predominant material being brick.
- the patterned concrete finish on the park side of Hinton Road has been proposed as it is an area where it has been considered that a less high value finish could be applied, as it is less prominent allowing high value finishes to be used in more visually sensitive areas.

RRA proposal for Queen Elizabeth Avenue to Wye Street

- a public right of way exists between Wye Street and Queen Elizabeth Avenue. The RRA scheme effectively removes this footpath with no provision for the disabled or cyclists.
- The RRA scheme has no space between the flood defence wall and the tennis courts to allow access with grounds maintenance vehicles, canoeist or the fire brigade to Queen Elizabeth Avenue and the river from the proposed vehicular access ramp into Bishops Meadow.
- The RRA scheme access ramp from Riverside Walk to Queen Elizabeth

Avenue is located north of the existing path at the top of the existing river bank. This will impact on the view of the river bank and the avenue of trees along Queen Elizabeth Avenue from the river and Old Wye Bridge. Additional bank protection works would also be required in the area of the works shown.

- The RRA scheme indicates only one tree to be felled but it is highly likely that a further tree to the west of the proposed steps would have to be removed.

In accordance with the criteria for public speaking Mr Porte of Hereford Conservation Society, spoke against some of the details of the application and Mrs Binnarsley, of Hereford Campaign for Flood Defences and Ms Bland of the Environment Agency spoke in favour.

Councillor ACR Chappell one of the Local Ward Members welcomed the scheme which would help those in his Ward who suffered horrendous problems during flooding and who were finding increasingly difficulties with insurance cover. He was disappointed with the views of Sport England and felt that their objections could largely be overcome with a new football pitch at Aylestone Country Park. He did however have some concerns about the materials proposed in some areas of the scheme which he felt would have an adverse impact upon the visual amenity for local people and tourists. He felt that stone would be preferable to brick adjoining Wye Villas because brick was likely to be more adversely affected by floodwater. A lower wall with demountable panels would be more advantageous here for visual amenity. He also felt that stonework would be better than a rendered wall in Hinton road which may be a target for graffiti. He also asked for the trees that had to be removed to be replaced elsewhere with the involvement of the local community.

Councillor Mrs WU Attfield agreed with the views of Councillor Chappell and was agreeable to the scheme with the proposed visual enhancements. Councillor H Bramer felt that it was essential to clear Sport England's objection as soon as possible and was concerned that if the application was referred to the Government Office West Midlands then there was a danger of delays arising. Councillor Ashton agreed with this view but was also concerned at the fears raised by residents in Hinton road that the scheme would divert the floodwaters and increase the risk away from the defences. Councillor RI Matthews was also concerned at the possible increased danger posed to the north of the river in the Greyfriars area. The Principal Planning Officer said that computer modelling had been used to investigate the impact of the scheme and that the prediction was that even in the worst case scenario, there would only be a 15mm increase in water levels elsewhere.

Councillor Mrs M Lloyd Hayes welcomed the scheme in principle but also had concerns about the materials proposed, the height of the wall and number of pillars on the riverside and the loss of up to twenty-three trees. She felt that stone was preferable because brickwork could be eroded and that a lower wall with demountable panels on Riverside Walk would be more in keeping. She also did not think that textured concrete walls would be very aesthetic because they would become covered in graffiti with the danger of subsequent costly maintenance problems. She preferred the options put forward by RRA for the scheme. The Principal Planning Officer said that the scheme could proceed now because of joint funding from ASDA and DEFRA but that there were no guarantee that the funding from the latter would be available in the next financial year if the scheme was delayed. He advised that the materials proposed fulfilled the budgetary requirements and aesthetic grounds together with the need for the Environment Agency to erect the demountable panels quickly when there was a danger posed by flooding. English Heritage felt that the proposed design of brickwork rather than stonework at Riverside Walk would compliment the vicinity of the Old Bridge. He felt however that there was still scope for further negotiations about the materials to be

used and said that the Officers would pursue this matter.

Councillor DB Wilcox thanked the Officers of the Planning department and the Environment Agency for all their hard work in progressing the scheme. He said that it was important that the application was approved within a reasonable timeframe and not delayed because as had been explained earlier, there was a danger that funding could be lost. He asked for the Officers to be authorised to progress the application and suggested that if there were any insurmountable problems, it should be brought back to the Committee rather than refused as set out in point 4 of the recommendation in the report.

Having considered all the facts regarding the application, it was agreed that it be approved subject to the satisfactory resolution of all the issues involved and that the Officers be delegated to deal with it in consultation with the Chairman and the Local Ward Members.

RECOMMENDATION

That the Officers named in the Scheme of Delegation to Officers be authorised to approve the application in consultation with the Chairman and Local Ward Members and subject to:

- 1. It being recorded that the Environmental Statement and associated documents, and consultations on and response to the Environmental Statement and associated documents, have been taken into account in the making of the decision**
- 2.**
 - a) The design of the pedestrian and vehicle ramp between Wye Street and Queen Elizabeth Avenue being revisited including enabling access by the fire service;**
 - b) The possibility of retaining the hedge along Hinton Road investigated;**
 - c) The concerns of the Highways Agency and Sport England being addressed and overcome;**
 - d) Any other matters requiring further investigation or amendment being satisfactorily resolved with the applicants and the Council;**
- 3. If Sport England do not remove their objection, the application be referred to the Government Office for the West Midlands under the departure procedures.**

Subject to the Secretary of State confirming that she does not intend to call in the application, officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to conditions.

Due to the scale of the proposed development, an extensive range of conditions will be required. The details and wording of the conditions are yet to be discussed with the Environment Agency. However, the conditions will essentially cover the following areas:

- Materials**
- Hard and soft landscaping including biodiversity enhancement,**
- Provision of public art,**
- Highway issues including the routing and access points for**

- construction traffic,
- location of site compound(s) and site operative parking areas;
- Protection of trees during construction;
- Safeguarding ecology during construction;
- Working hours and delivery restrictions;
- Public rights of way requirements;
- Archaeology;
- Lighting
- Drainage

4. If the above cannot be achieved the application be brought back to the Committee.

(Councillor Mrs M Lloyd Hayes abstained from voting on the application).

69. **DCCE2006/2347/RM FORMER SAS CAMP, LAND OFF BULLINGHAM LANE, HEREFORD, HEREFORDSHIRE - AMENDMENT TO APPLICATION CE2005/3706/RM - REPLACEMENT OF TWO STOREY 'HEREFORD' HOUSE TYPE WITH THREE STOREY 'MIDDLEHAM' HOUSE TYPE (RETROSPECTIVE).**

The Development Control Manager said that the application was considered by the Central Area Planning Sub-Committee at its meeting on 23rd August 2006 when it was mindful to refuse permission contrary to recommendation and Officer advice. During the debate the Sub-Committee gave significant weight to the objections of local Members and local residents who were very concerned that, having got planning permission for one house type on this plot, the developer had proceeded to build a larger house type similar to those on the adjoining two plots. Members were also concerned at the impact on the outlook of the nearest householders on Redhill Avenue, who had a row of three storey houses at the rear of their properties instead of two three storey and one two storey dwelling. Members also considered the impact of the development on the street scene, which they felt would be made significantly worse by the change in house type.

The Committee considered the planning merits of the application and noted that two identical house types had been approved on the adjacent plots, making it difficult to argue that the three storey house type was inappropriate in this situation. The change of house type did have an effect on the street scene but this was not considered sufficiently detrimental to justify refusal of permission. The Committee did however share the concerns raised by the Sub-Committee and the Local Ward Members, particularly as the developers had been advised of the breach of planning permission at an early stage. Although the developers had submitted an application for retrospective consent, they had continued with the work although asked to cease. It was felt that consent could not realistically be withheld, but that a strongly worded letter should be sent to the developers

RESOLVED

that the application be approved and that the Head of Planning services send a strongly worded letter to the applicants, in consultation with the Chairman.

70. **PROGRAMME OF MEETINGS**

The meeting ended at 11.45 a.m.

CHAIRMAN