

# A G E N D A

## Planning Committee

Date: **Friday, 29th September, 2006**

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Time: **10.00 a.m.**

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Place: **The Council Chamber,  
Brockington, 35 Hafod Road,  
Hereford**

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Notes: Please note the **time, date** and **venue** of the meeting.

*For any further information please contact:*

*Pete Martens, Members Services,  
Tel 01432 260248*

***e-mail: [pmartens@herefordshire.gov.uk](mailto:pmartens@herefordshire.gov.uk)***

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**County of Herefordshire  
District Council**



# AGENDA

## for the Meeting of the Planning Committee

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

Councillors Mrs. P.A. Andrews, B.F. Ashton, P.J. Dauncey, Mrs. C.J. Davis, D.J. Fleet, J.G.S. Guthrie, P.E. Harling, J.W. Hope MBE, B. Hunt, Mrs. J.A. Hyde, Brig. P. Jones CBE, R.M. Manning, R.I. Matthews, Mrs. J.E. Pemberton, R. Preece, D.C. Taylor, P.G. Turpin and W.J. Walling

	Pages
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b>	
To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
<b>3. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>4. MINUTES</b>	1 - 8
To approve and sign the Minutes of the meeting held on 25th August, 2006.	
<b>5. CHAIRMAN'S ANNOUNCEMENTS</b>	
To receive any announcements from the Chairman.	
<b>6. NORTHERN AREA PLANNING SUB-COMMITTEE</b>	9 - 10
To receive the attached report of the Northern Area Planning Sub-Committee meeting held on 13 <sup>th</sup> September, 2006.	
<b>7. CENTRAL AREA PLANNING SUB-COMMITTEE</b>	11 - 12
To receive the attached report of the Central Area Planning Sub-Committee meeting held on 23 <sup>rd</sup> August, 2006.	
<b>8. SOUTHERN AREA PLANNING SUB-COMMITTEE</b>	13 - 14
To receive the attached report of the Southern Area Planning Sub-Committee meeting held on 30 <sup>th</sup> August, 2006.	
<b>9. REPORTS OF THE HEAD OF PLANNING SERVICES</b>	
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.	

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| <p><b>10. DCNC2006/1129/F - ERECTION OF SHOPS AND DWELLINGS WITH ASSOCIATED DEMOLITION AND SITE WORKS AT 40-42 WEST STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8ES</b></p> <p><b>For: Mr M Thomas, Landmark, 8 Talbot Square, Cleobury Mortimer, Herefordshire, DY14 8BQ</b></p> <p>To consider an application which is partly on Council owned land. The item was deferred at the previous meeting for a site inspection.</p> <p><b>Ward: Leominster South</b></p>  | <p>15 - 26</p> |
| <p><b>11. 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</b></p> <p>To consider an application which involves Council owned land.</p> <p><b>Ward: St Martins and Hinton</b></p>   | <p>27 - 66</p> |
| <p><b>12. 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).</b></p> <p>To consider an application which has been referred to the Committee because the Central Area Planning Sub-Committee was mindful to refuse it, contrary to the Council's Planning policies and Officer advice.</p> <p><b>Ward: St Martins and Hinton</b></p> | <p>67 - 72</p> |
| <p><b>13. PROGRAMME OF MEETINGS</b></p> <p>To note the following meetings scheduled for the remainder of the year:-</p> <p>24th November, 2006<br/>19th January, 2007<br/>2nd March, 2007<br/>20th April, 2007</p>   |                |

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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- The nearest bus stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

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## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday, 25th August, 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, H. Bramer, M.R. Cunningham, Mrs. C.J. Davis, J.G.S. Guthrie, P.E. Harling, J.W. Hope MBE, B. Hunt, Mrs. J.A. Hyde, T.M. James, Brig. P. Jones CBE, R.M. Manning, R.I. Matthews, R. Preece, D.C. Taylor, P.G. Turpin and W.J. Walling

**In attendance:** Councillors Mrs. L.O. Barnett, W.L.S. Bowen, J.W. Edwards, P.J. Edwards, J.P. Thomas and R.M. Wilson

**40. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors PJ Dauncey, DJ Fleet and Mrs JM Pemberton.

**41. NAMED SUBSTITUTES (IF ANY)**

The following named substitutes were appointed:-

<b>MEMBER</b>	<b>SUBSTITUTE</b>
DJ Fleet	MR Cunningham
PJ Dauncey	TM James
Mrs JE Pemberton	H Bramer

**42. DECLARATIONS OF INTEREST**

There were no Declarations of interest made at the meeting.

**43. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 14th July, 2006 be approved as a correct record and signed by the Chairman

**44. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed Councillor JGS Guthrie to his first meeting and expressed his thanks to Councillor Mrs SJ Robertson for her service on the Committee. He also read out a letter from her to the Committee.

[UDP Proposed Modifications](#)

At the meeting on 28th July, 2006 Council agreed the Proposed Modifications to the Revised Deposit Draft Unitary Development Plan. This follows receipt and consideration of the Inspectors Report into the Public Local Inquiry. The Modifications along with a Statement of the Councils Decisions and Reasons would be published for consultation over a six-week period from 7th September to 19th October, 2006. Comments would be welcome but were limited to the Modifications or

the Councils decision not to make a modification recommended by the Inspector. There were only nine of the Inspectors six hundred and thirty-three recommendations which had been rejected by the Council. Objectors to the Plan would be informed of the Councils decisions and arrangements were being put in place to ensure that all relevant documents were publicly available at all the Council's information points, libraries and the Forward Planning website.

**45. NORTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meetings held on 12th July and 16th August, 2006 be received and noted.

**46. CENTRAL AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meeting held on 26th July, 2006 be received and noted.

**47. SOUTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meeting held on 2nd August, 2006 be received and noted.

**48. PLANNING OBLIGATIONS**

The Team Leader (Local Planning) introduced the report of the Forward Planning Manager about the Planning Obligations Supplementary Planning Document (SPD) He said that the document was included within the Council's Local Development Scheme and would be produced in line with the requirements of the Planning and Compulsory Purchase Act 2004. He advised that the main aims of the SPD were to:-

- provide as much certainty as possible to landowners, prospective developers and other interested parties;
- ensure a uniform application of policy;
- ensure the process is fair and transparent;
- enable developers to have a 'one stop shop' approach to establishing likely contributions expected; and
- facilitate a speedier response from the authority to development proposals.

The Team Leader (Local Planning) clarified where the agreements would apply and how the scale of contributions would work. Councillor Mrs P. A. Andrews agreed that there was a need to introduce a different system than the current ad hoc one, but was concerned that the proposals may be too restrictive on developers. The Team Leader (Local Planning) said that the aim was to establish a code of practice that would be clear to all. The Director of Environment said that the Audit Commission had strongly advised that Councils should introduce the proposals to introduce a consistent framework throughout the Country and to maximise contributions for the benefit of the public.

Councillor H. Bramer had concerns about the proposals which he felt would be too

prescriptive for developers and result in the land acquisition and development costs being passed on to house buyers, thereby having an adverse effect on the provision of affordable housing within the County. Councillor B. F. Ashton endorsed this view and felt that there was a need for flexibility to vary the likely contributions from site to site rather than imposing a global charge. The Team Leader (Local Planning) said that the aim of the proposals was to assist in determining land values from the outset and the Director of Environment said that it would help with the planning process for the financial impact of the land, rather than leaving the community to meet the costs. He also said that the Government was trying to gain consistency throughout the Country because the contributions required by different Councils varied considerably. The Team Leader (Local Planning) said that there was an expectation from developers for the Council to determine the contributions they should make and that the proposals would make the situation clearer and more uniform.

**RESOLVED: That the Cabinet Member (Environment) be recommended to agree that the Planning Obligations SPD is prepared as identified in this report and in line with the Town & Country Planning (Local Development) (England) Regulations 2004.**

**49. DEVELOPMENT BRIEF FOR LAND AT SHOBDON**

A report was introduced by the Team Leader (Local Planning) about a Development Brief which had been prepared for land adjacent to the Birches Shobdon, as amended, and proposed for adoption as a Supplementary Planning Document. He said that the Brief had been prepared following a process of extensive consultation with the Parish Council and the Public had included a Public meeting. As a result of the consultation process, changes had been made to the Brief in respect of amenity, access and the relationship of the site with the existing development, and the changes had the full support of the Parish Council. He advised that a developer was interested in the site and that the Brief had been used to prepare a draft scheme.

**RESOLVED: That the Cabinet Member (Environment) be recommended to approve the development brief for Land adjacent to The Birches, Shobdon, as amended, for adoption as a Supplementary Planning Document.**

**50. 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.

**51. DCNW2006/1523/RM - ERECTION OF SIX NO. DWELLINGS AT BURNSIDE, HIGH STREET, LEINTWARDINE, CRAVEN ARMS, SHROPSHIRE, SY7 0LQ**

In accordance with the criteria for public speaking Mr Campbell Kerr, a neighbour, spoke against the application and Mrs Morris, the applicant's agent, spoke in favour.

Councillor Mrs LO Barnett the Local Ward Member had a number of reservations about the application, feeling that the proposal was not complimentary to the setting of the area and the nearby buildings. She felt that that it was wholly inappropriate for a scheme of six houses to be developed on a site where there had previously only been a single bungalow and that the local community and parish Council were opposed to it. She was gravely concerned that when the applicants had appealed against refusal the Inspector had decided to increase the number of dwellings permitted on the site to six. She felt that it was wrong for such urban densities to be applied to rural villages and that strong representations should be made to the

Government about this. Members discussed the concerns which had been raised about the density of the proposed dwellings and limited car parking and access. Councillor BF Ashton was also very concerned about the density and the Inspector imposing it upon the Council.

The Committee debated all the facts for and against the application and noted that it would be difficult to refuse on planning grounds without incurring costs. The Development Control Manager said that comments had been received about landscaping, fencing materials and the preservation of existing trees and that he would ensure that the appropriate conditions were put in place regarding these.

### **RECOMMENDATION**

**That Reserved Matters be approved subject to appropriate conditions about landscaping, fencing materials and the preservation of existing trees and the following conditions:**

**1 – A06 (Development in accordance with approved plans)**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**

**2 – The windows to be installed into the northern and southern gable elevations shall be glazed with obscure glass only and shall be non-opening and shall thereafter be maintained.**

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

### **Informatives:**

**1 – N15 – Reason(s) for the Grant of PP**

**52. 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 application had been submitted to the Committee because the Council owned part of the land which formed the scheme. He referred to the draft Heads of Terms attached to the report and said that paragraph 9 contained a requirement for the applicant to pay £20,000 compensation for the loss of income for car parking. He advised that the Applicant had submitted a written offer of £2,000 per year for a period of 10 years or until the time that West Street was pedestrianised, whichever came first. The Development Control Manager asked for delegated powers to negotiate this matter with the Applicant to arrive at a satisfactory agreement that was acceptable to the Council.

Councillor J. P. Thomas, one of the local Ward Members, had a number of concerns about the application and suggested that there was merit in the Committee holding a Site Inspection on the grounds of setting and surroundings. The Committee was agreeable to this proposal.

### **RESOLVED:**

**That consideration of planning application DCNC2006/1129/F be deferred for a site inspection for the following reasons:**

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

**53. DCCE2006/1744/F - PROPOSED CHANGE OF USE TO CAR PARK. THE CAR CENTRE, 15-17, KYRLE STREET, HEREFORD, HR1 2ET**

**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 F32 (Details of floodlighting/external lighting)**

**Reason: To safeguard local amenities.**

**4 G01 (Details of boundary treatments )**

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

**5 G04 (Landscaping scheme (general) )**

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

**6 G05 (Implementation of landscaping scheme (general) )**

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

**7 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.**

**8 Prior to the commencement of the development, details shall be provided of the method in which the car park is to be managed and enforced along with details of the proposed pricing structure. The car park shall be managed and priced in accordance with the approved details unless otherwise agreed in writing with the local planning authority.**

**Reason: To ensure the car parking is properly managed and appropriately priced in accordance with Council's car park strategy.**

**INFORMATIVE:****1 N15 - Reason(s) for the Grant of PP/LBC/CAC****54. DCSW2006/1298/F - NEW NATURAL GAS PRESSURE REDUCTION INSTALLATION AND ASSOCIATED WORKS. (TIE-IN TO EXISTING PETERSTOW COMPRESSOR STATION AND NO. 2 FEEDER OUTSIDE THE COMPRESSOR STATION AND EXTENSION TO EXISTING SITE ACCESS ROAD), LAND ADJACENT TO PETERSTOW COMPRESSOR STATION, TREADDOW OFF THE A4137, HENTLAND, HEREFORDSHIRE, GRID. REF. SO: 545/240**

In accordance with the criteria for public speaking Mr Wood of Peterstow Parish Council and Mr Preece who was representing a number of local residents spoke against the application and Mr Knight-Gregson of National Grid, spoke in favour.

The Development Control Manager said that the application was in respect of a gas pipeline of National importance which ran from Milford Haven. There were permitted development rights for the pipeline when underground but when it ran above ground such as in respect of the gas pressure reduction installation, planning permission had to be sought. He reported the receipt of a further letter from the Principal Objectors reiterating their objections and a letter of support for Site D. He also reported on the receipt of a letter from the occupiers of nearby dwellings in support of Site A and objecting to Site D. He also reported the receipt of a letter from National Grid which undertook to closely inform the Council of progress on the works and the licence application from DEFRA. He advised that the main points for the Committee to consider were that the pipeline was of national interest and that it could have a significant impact upon the local landscape. On balance he felt that Site D would have a worse impact on the environment than Site A and said that National Grid had stated that there were significant technical difficulties in using Site D for the necessary connections.

Councillor Mrs J. A. Hyde, one of the local Ward Members, said that at it's meeting on 5th July, the Southern Area Planning Sub-Committee was minded to refuse the application for Site D on the basis that it was too visually intrusive in open countryside, there would be light and noise pollution for local residents and the environmental damage. She was concerned at the speed at which National Grid was proceeding with the preparation of Site A prior to obtaining the necessary permissions. The concerns of local residents appeared to have been ignored and she felt that Site D was a creditable alternative on grounds of visual impact and health and safety issues. Councillors Mrs. C. J. Davis and J. B. Williams supported this view and felt that A was too visually intrusive and elevated a site and would have a considerable detrimental effect on an area of open countryside that was of great importance to the Southern part of the County.

Councillor B. F. Ashton pointed out that Site D was closer to the main road, so he did not consider it to be safer and that the applicants had drawn attention to the considerable technical difficulties of placing the installation there. He felt that wherever it was sited it would have a significant impact but this could be considerably lessened by adequate tree screening which in time would mature and conceal the site. Whilst sympathetic to the Objectors he felt that the visual intrusion would be minimised with the passage of time and that Site A was the logical one to grant Planning Permission for.

Arising from the concerns raised by some Members about floodlights, the Development Control Manager said that these were for the working day only during

the Winter months and were activated by movement sensors and therefore would be switched off during other times. He advised that there was a significant safety issue involved in high pressure pipelines crossing each other and that Site D was genuinely much more difficult to achieve on technical grounds and to make safe. The Officers considered that Site A was slightly better on the grounds of landscaping and the impact on local archaeology and listed buildings and bio-diversity. Councillor R. I. Matthews suggested that if the application was approved then a condition should be imposed requiring the planting of mature root bowl trees which would be 20-30 foot high and achieve speedier screening.

A resolution that Site A should be approved was lost.

**RESOLVED: That Site A be refused on the grounds of the impact that it would have on the open countryside within Landscaping Policy LA2 of the Herefordshire Unitary Development Plan.**

**55. DCSE2006/1358/O - ICT DEVELOPMENT, CUSTOMER SUPPORT AND SALES OFFICES AT MUDDY BOOTS SOFTWARE LTD, PHOCLE GREEN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7XU**

In accordance with the criteria for public speaking Mr Simmons of the Ross Partnership spoke in favour of the application.

Councillor JW Edwards, the Local Ward Member, said that there was a need to encourage young entrepreneurial firms such as the Applicant's which could provide a key role in high-tech employment within the area. He felt that the proposed single storey building was close to the existing ones and set into a dingle and so would be very unobtrusive. Councillor H. Bramer endorsed this view and said that the company had a landmark site which was kept in an extremely high quality condition and that it would considerably add to the employment opportunities for the area.

**RESOLVED: That outline planning permission be granted.**

**56. DCSE2006/2479/F - INSTALLATION OF CELLULAR GRASS REINFORCEMENT TO FORM OVERSPILL PARKING AREA AT WALFORD PRIMARY SCHOOL, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SA**

The Development Control Manager reported the receipt of an objection from the owner of The Sycamores which adjoined the site. He also said that a letter of objection had been received from Sport England about the potential loss of playing fields and that if the application was approved it would need to be referred to the Government Office for the West Midlands. Councillor J. Jarvis the local Ward Member spoke in support of the application. Councillor B. F. Aston suggested that the car park should only be used for dropping off and collection of children in view of the objections and the Development Control Manager said that he would prepare the appropriate car parking management scheme with the Children's Services Directorate.

**RECOMMENDATION**

**That subject to Sport England not objecting and no other objection having been received at the expiration 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 and any additional conditions considered necessary by officers:**

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

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

**2 H02 (Single access - footway )**

**Reason: In the interests of highway safety.**

**3 H08 (Access closure )**

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

**4 G04 (Landscaping scheme (general) )**

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

**5 G05 (Implementation of landscaping scheme (general) )**

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

**Informative(s):**

**1 N15 - REASON(S) FOR THE GRANT OF PLANNING PERMISSION.**

**57. DATE OF NEXT MEETING**

29th September, 2006

The meeting ended at 12:15 pm

**CHAIRMAN**



PLANNING COMMITTEE

29TH SEPTEMBER, 2006

**REPORT OF THE NORTHERN AREA PLANNING  
SUB-COMMITTEE**

Meeting held on 13th September, 2006

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**Membership:**

**Councillors: Councillor J.W. Hope M.B.E (Chairman)**

**Councillor K.G. Grumbley (Vice-Chairman)**

**Councillors B.F. Ashton, Mrs. L.O. Barnett, W.L.S. Bowen, R.B.A. Burke,  
P.J. Dauncey, Mrs. J.P. French, J.H.R. Goodwin, P.E. Harling, B. Hunt,  
T.W. Hunt, T.M. James, Brig. P. Jones C.B.E., R.M. Manning, R. Mills,  
R.J. Phillips, D.W. Rule M.B.E., R.V. Stockton, J.P. Thomas and  
J.B. Williams (Ex-officio).**

**PLANNING APPLICATIONS**

1. The Sub-Committee has dealt with the planning applications referred to it as follows:-
  - (a) applications approved as recommended – 6
  - (b) site inspections - 2
  - (c) number of public speakers – 1 objector

**PLANNING APPEALS**

2. The Sub-Committee received an information report about 3 appeals received and 1 dismissed.

**J.W. HOPE M.B.E**

**CHAIRMAN**

**NORTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for meeting held on 13th September, 2006**



PLANNING COMMITTEE

29TH SEPTEMBER, 2006

## REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meeting held on 23rd August, 2006

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### Membership:

**Councillors:** Councillor D.J. Fleet (Chairman)

Councillor R. Preece (Vice-Chairman)

Councillors Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, T.W. Hunt (Ex-officio), 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, Miss F. Short, Mrs. E.A. Taylor, W.J.S. Thomas, Ms A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams, J.B. Williams (Ex-officio) and R.M. Wilson.

### PLANNING APPLICATIONS

1. The Sub-Committee has met on one occasion and has dealt with the planning applications referred to it as follows:-
  - (a) applications approved as recommended – 4
  - (b) applications minded to refuse (not referred to Planning Committee) – 1
  - (c) applications minded to approve (not referred to Planning Committee) - 1
  - (d) applications deferred for site inspection – 1
  - (e) applications deferred – 1
  - (f) number of public speakers – 6 (objectors - 5, supporters – 1)

### PLANNING APPEALS

2. The Sub-Committee received an information report about 7 appeals that had been received and 1 dismissed.

**D.J. FLEET  
CHAIRMAN  
CENTRAL AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for the meeting held on 23rd August, 2006**



PLANNING COMMITTEE

29TH SEPTEMBER, 2006

**REPORT OF THE SOUTHERN AREA PLANNING  
SUB-COMMITTEE**

Meeting held on 30th August, 2006

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**Membership:**

**Councillors: Councillor P.G. Turpin (Chairman)  
Councillors H. Bramer (Vice-Chairman)**

**M.R. Cunningham, N.J.J. Davies, Mrs. C.J. Davis, G.W. Davis, J.W.  
Edwards, Mrs. A.E. Gray, T.W. Hunt (Ex-officio),  
Mrs. J.A. Hyde, J.G. Jarvis, G. Lucas, D.C. Taylor and J.B. Williams**

**PLANNING APPLICATIONS**

1. The Sub-Committee has dealt with the planning applications referred to it as follows:-
  - (a) applications approved as recommended – 4
  - (b) applications deferred – 1
  - (c) applications deferred pending a site inspection – 2
  - (d) number of public speakers – 8 (3 Supporters, 5 Objectors)

**PLANNING APPEALS**

2. The Sub-Committee received information reports about 7 appeals received and 1 determined (1 dismissed).

**P.G. Turpin  
CHAIRMAN  
SOUTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for the meeting held on 30th September, 2006.**



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

**For: Mr M Thomas, Landmark, 8 Talbot Square, Cleobury Mortimer, Herefordshire, DY14 8BQ**

**Date Received:**

**10th April 2006**

**Ward:**

**Leominster South**

**Grid Ref:**

**49498, 59035**

**Expiry Date:**

**5th June 2006**

Local Members: Councillor RBA Burke, Councillor JP Thomas

**1. Site Description and Proposal**

- 1.1 The application site covers an area of approximately 0.1225 ha (1225 m<sup>2</sup>), and is located to the rear of 40/42 West Street (currently occupied by the 'Powerhouse' retail shop). The site is located within the Conservation Area.
- 1.2 Presently on site is a flat roof office block of steel and brick external construction. The floor space of which is mostly unoccupied with the exception of the dental practice. This particular structure is considered unattractive, as is the rest of the application site in relationship to the surrounding Conservation Area.
- 1.3 The site is adjoined by other 'backland development' chiefly comprising residential and office accommodation. To the south of the site from which public highway access is obtained in West Street, this street is primary in retail use, forming part of the town's central shopping and commercial area. To the east of the application site is a public car park.
- 1.4 The application is for re-development of the site comprising of 10 two-storey dwellings, and 2 retail shops, with a residential flat above. It is proposed to arrange the development in two terrace blocks, one facing east alongside the eastern boundary of the application site consisting of 7 residential two-storey units, 2 retail shops and a flat above. The other terrace is located within the north western section of the site, facing south, and consisting of three residential two-storey units of similar individual design to the two-storey dwelling units in the main terrace.
- 1.5 The internal layout of the two-storey residential units consists of a lounge, kitchen and W.C. on the ground floor and two bedrooms and a bathroom on the first floor. The proposed flat above the two retail units is also of similar proportions.
- 1.6 It is proposed to landscape the remainder of the site, providing a parking space for delivery vehicles to the proposed retail shops and the existing retail unit adjacent to the southern side of the application site which is adjacent to West Street, and also in the applicants ownership. Vehicle access is also proposed alongside the western boundary of the application site towards the terrace positioned in the north western

section of the site in front of which on the western boundary will be a re-positioned sub-station to which vehicle access is required.

- 1.7 The application is subject to a Section 106 Agreement under the Town and Country Planning Act 1990 for financial contribution towards public highway improvements, open space provision, local school improvements and compensation for the loss of four car parking spaces alongside the eastern boundary of the application site, alongside which it is proposed to have pedestrian access to the residential and retail units, (off an access road to the public car park from West Street direction). A Draft Heads of Terms proposal is attached to this report.
- 1.8 The scheme under relevant local policies does not require provision of affordable residential units, as the amount proposed is under the threshold for affordable house provision. However, the scheme proposes residential units of 'affordable type'. The two-storey dwellings having an externally measured floorspace of approximately 68 square metres.

## **2. Policies**

### **2.1 Central Government Guidance**

Planning Policy Statement 1 – Delivering Sustainable Development  
Planning Policy Guidance 3 – Housing  
Planning Policy Guidance 13 – Transport  
Planning Policy Guidance 15 – Planning and Historic Environment

### **2.2 Leominster District Local Plan**

Policy A1 – Managing the District's Assets and Resources  
Policy A2 – Settlement Hierarchy  
Policy A18 – Listed Building and their Setting  
Policy A21 – Development within Conservation Areas  
Policy A23 – Creating Identity and an Attractive Built Environment  
Policy A24 – Scale and Character of Development  
Policy A32 – Development within Town Centre Shopping and Commercial Areas  
Policy A52 – Primarily Residential Areas  
Policy A70 – Accommodating Traffic from Development  
Policy A72 – Parking within or adjacent to Central Shopping and Commercial Areas  
Policy A73 – Parking Standards and Conservation

### **2.3 Herefordshire Unitary Development Plan – Revised Deposit Draft**

Policy S1 – Sustainable Development  
Policy S2 – Development Requirements  
Policy S3 – Housing  
Policy S4 - Employment  
Policy S5 – Town Centres and Retail  
Policy S6 – Transport  
DR1 - Design  
DR2 – Land Use and Activity  
DR3 – Movement  
DR4 – Environment  
H13 – Sustainable Residential Design  
H14 – Re-using previously Developed Land and Buildings



H15 - Density  
H16 – Car Parking  
H19 – Open Space Requirements  
TCR1 – Central Shopping and Commercial Areas  
TCR2 – Vitality and Viability  
HBA6 – New Development within Conservation Areas  
ARCH1 – Archaeological Assessment and Field Evaluations  
ARCH6 – Recording of Archaeological Remains  
RST3 – Standards for Outdoor Playing and Public Open Space  
CF2 – Foul Drainage

### **3. Planning History**

- 3.1 NC05/3390/F - Proposed erection of shops and dwellings with associated demolition and site works - Withdrawn 2nd December 2005.
- 3.2 NC05/3386/L - Demolition of buildings at 40/42 West Street - Withdrawn 2nd December 2006.
- 3.3 NC06/1125/F - Proposed alterations to facade of existing building - Approved subject to conditions - 2nd June 2006.
- 3.4 NC06/1130/C - Demolition of buildings - Approved subject to conditions - 2nd June 2006.

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1 Welsh Water object to the proposal unless appropriate conditions can be attached to any approval notice issued with regards to occupation of the site, and surface water and foul water discharge from the site.

#### Internal Council Advice

- 4.2 The Transportation Manager raises no objections subject to agreement to a Section 106 Agreement for financial contribution totalling 16,500 towards local sustainable transport measures and conditions attached to any subsequent approval notice issued regarding cycle parking.
- 4.3 The Parking Manager raises concerns about land ownership issues.
- 4.4 The Conservation Manager has no objection to the proposal and considers this proposal a welcome opportunity to enhance an important site in the Conservation Area.
- 4.5 Education request a contribution towards local education needs.
- 4.6 Forward Planning Manager states that the principle of a mixed-use development on this site could be supported, and that developing the site would improve the surrounding streetscape.
- 4.7 Property Services Manager raises concern about land ownership issues.

- 4.8 The Archaeological Manager requires an archaeological evaluation to be conducted on site prior to any development.
- 4.9 The Parks and Countryside Manager raises no objections in consideration of the location of the proposed development. However, a financial contribution of £500 per dwelling would be required towards improvements at the nearby Sydonia Open Space.

## 5. Representations

- 5.1 Leominster Town Council state in their response that the Council is minded to recommend approval to the application. However concerns are raised about the living accommodation in that the proposed lounges face the car park access road.
- 5.2 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

- 6.1 The key issues for consideration for this application are:-
- Principle of the development
  - Land ownership
  - Section 106 Agreement
  - Surface and foul water disposal
  - Archaeological survey

### Principle of the development

- 6.2 The site for the proposed development is within the Central Shopping and Commercial Area and Conservation Area in accordance with policies in the Leominster District Local Plan and Herefordshire Unitary Development Plan – Revised Deposit Draft.
- 6.3 The aim of these policies is to maintain and enhance the attractiveness, vitality and viability of the town centre and encourage a mix of use including residential.
- 6.4 The proposal subject to this application is for demolition of existing structures on site which are mainly redundant office space and development consisting of two retail units and 11 residential units.
- 6.5 The site is presently an unattractive brown field site in a prominent position near the heart of the town overlooking a car park within the Conservation Area.
- 6.6 The Conservation Manager welcomes the proposal in that it will enhance this part of the town.
- 6.7 Leominster Town Council raises no objections. However, does raise concerns about orientation of the living accommodation. The living accommodation is positioned as such because of the design of the houses which represent two-storey ‘Town Houses’ of a high quality high density design on site with constraints and therefore Officers are of the opinion that this proposal represents the most appropriate in the circumstances. It is noted that no objections have been received from members of the public to this application.

- 6.8 The proposal complies with National Planning Guidance, in that it proposes residential accommodation within the town's centre, and the site is not located within the main shopping area, but on an important site leading to a car park that serves the town centre. Existing office accommodation on site is of poor quality and only contains a dentist, to whom the proposal subject to this application will not affect, as the business proposes to re-locate within the town.

#### Land Ownership

- 6.9 The Council's Property Services Manager has raised concerns about the proposed development encroaching onto land in the ownership of the Council.
- 6.10 The application proposes slight encroachment onto Council owned land in front of two of the proposed dwellings, alongside the eastern elevation of the site as well as pedestrian access to the proposed properties frontages alongside the eastern elevation of the site and a pedestrian access route to the rear of the development into the car park itself. The proposal would also result in the loss of 4 car parking spaces alongside the eastern elevation of the site which adjoins a public car park.
- 6.11 The applicants have served notice on the Council as landowner of their intentions in respect of the proposal. The loss of car parking spaces has been addressed through financial compensation via a Section 106 Agreement, to which the Property Services Manager and the Parking Manager raise no objections. The issue with regards land ownership is not a direct planning issue with regards planning determination of this application, but an issue that would need resolving post planning determination with the Council as land owner. Members need to be aware and take into consideration the applicants agreement to pay £20,000 via a Section 106 Agreement compensation for loss of car parking spaces to which both the Property Services Manager and the Parking Manager consider acceptable.

#### Section 106 Agreement

- 6.12 The Section 106 Agreement will facilitate the financial contributions required for education, play/park space, public highway improvements and loss of car parking spaces. A Draft Heads of Terms is attached to this report which provides an outline of the requirements of the Section 106 Agreement.

#### Surface and foul water disposal

- 6.13 Welsh Water initially objected to the proposed development unless appropriate conditions could be attached to any approval notice issued to prevent occupation prior to the completion of essential works and foul water and surface water being drained separately from the site.
- 6.14 Conditions can be attached to any approval notice, if Members are mindful to approve, ensuring separate drainage and run-off etc. It is noted Welsh Water did not raised any objections in respect of the proposed Herefordshire Unitary Development Plan, with regards to this issue in Leominster. The applicants and Welsh Water have been in discussion with regards resolving the issue and it is considered appropriate conditions will address this issue.

Archaeological Survey

- 6.15 The proposed development site is located within the heart of historic Leominster and although this is a brownfield site, where significant development has previously taken place, there is the possibility that the proposal may result in disturbance of below ground archaeological deposits and features. Officers are of the opinion that this issue must be shown consideration and therefore consider it essential that conditions are attached to any approval notice subsequently issued in order to protect any possible archaeological remains. The Council's Archaeological Manager has confirmed that this is acceptable.

Conclusion

- 6.16 The proposal represents a significant opportunity to improve the visual impact of this area of Leominster that is located within close proximity to the heart of Leominster within its Conservation Area. The proposal is in-line with National Government Guidance and local policies. No objections have been received from members of the public and the Council's Conservation Manager approves of the application stating it is a welcome opportunity to enhance an important site in the Conservation Area. The applicant has indicated agreement to the Draft Heads of Terms that will form the basis of a Section 106 Agreement.

**RECOMMENDATION**

**That planning permission be granted subject to:**

- 1. The Legal Practice Manager 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

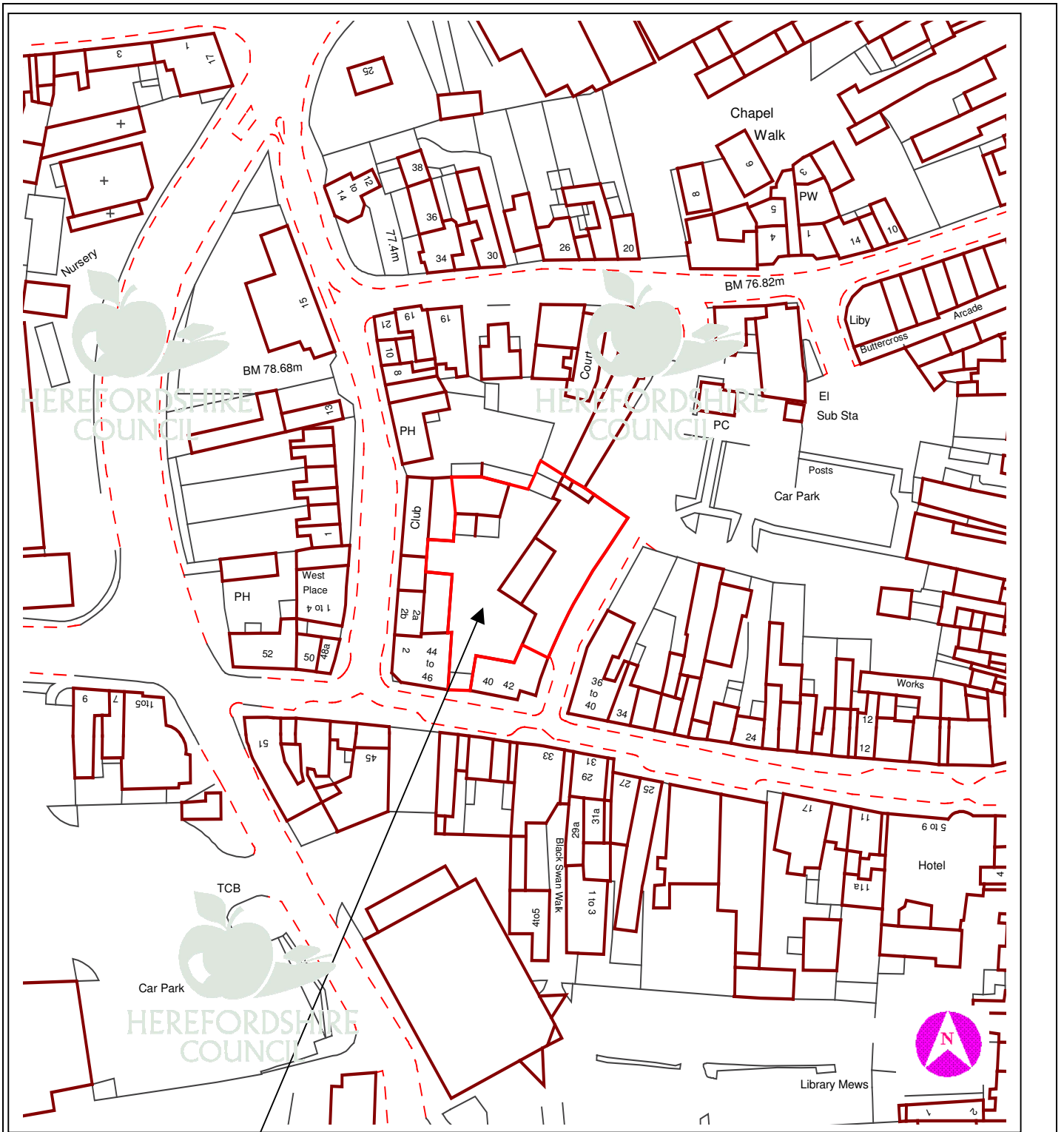
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNC2006/1129/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 40-42 West Street, Leominster, Herefordshire, HR6 8ES

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DRAFT HEADS OF TERMS  
Proposed Planning Obligation Agreement  
Section 106 Town and Country Planning Act 1990

Planning Application – DCNC06/1129/F  
Erection of shops and dwellings with associated demolition and site works  
At 40/42 West Street, Leominster, Herefordshire

1. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development to pay Herefordshire Council the sum of £5,500 which sum shall be paid on or before the commencement of development.
  2. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
    - (i) Infrastructure improvements in relationship to Sydonia Open Space and access paths to the play area.
  3. In the event that Herefordshire Council does not for any reason use the said sum, within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof which has not been used by Herefordshire Council.
  4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £5,500 to provide education improvements to Leominster Infants School and Leominster Junior School which sum shall be paid on or before the commencement of development.
  5. In the event that Herefordshire Council does not for any reason use the said sum of Clause 4 for the purposes specified in the Agreement within 10 years of the date of this Agreement, the Council shall repay to the developer the said sum or such part thereof which has not been used by Herefordshire Council.
  6. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £16,500 to provide sustainable transport measures in Leominster. The sum shall be paid on or before the commencement of development.
  7. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
    - a) Pedestrian improvements in Burgess Street, Broad Street.
    - b) Town Centre pedestrian improvements and/or signing.
    - c) Town centre cycle parking provision.
    - d) Contribution to safe routes to schools.
    - e) Contribution to National Cycle Network, (Sustrans) provision and signing.
  8. In the event that Herefordshire Council does not for any reason use the said sum of Clause 6 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
  9. The Developer shall pay to Herefordshire Council the sum of £20,000 as compensation for the loss of income for the car parking spaces, which will be lost in order to accommodate the proposal. The sum shall be paid prior to commencement of development on site.
  10. The sums referred to in paragraphs 1, 4, 6 and 9 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
-

- 11 The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
- 12 The developer shall complete the Agreement by 1<sup>st</sup> November 2006 otherwise the application will be registered as deemed refused

P. Mullineux, P. J. Yates 31<sup>st</sup> July 2006

**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 ELIZABETH AVENUE, ST MARTINS AVENUE & HINTON ROAD. BELMONT, ST MARTINS & HINTON ROAD, HEREFORD**

**For: Environment Agency, Cambria House, 29 Newport Road, Cardiff, CF24 0TP**

**Date Received: 3rd July, 2006 Ward: St. Martins & Hinton Grid Ref: 50966, 39244**

**Expiry Date: 23rd October, 2006**

Local Members: Councillors ACR Chappell, R Preece, Mrs WU Attfield

### **Introduction**

The proposed works are primarily required to primarily protect the Greyfriars, Belmont, St Martin's and Lower Bullingham areas from frequent flood events. Studies have revealed that there is a 20% chance that these areas will be flooded in any one year which can not only cause substantial damage to residential and commercial properties but also considerable disruption to the local highway network and thus has an adverse economic effect on local businesses.

When the idea of creating a flood defence system was investigated back in 2001 fourteen different options were explored and a report prepared on various options. These range from maintaining and improving current flood warning arrangements, raising road levels at Belmont roundabout, catchment based options such as creation of flood storage up stream, channel re-grading and dredging, flood defence options on the north bank and the management of the Elan Valley Reservoirs to provide additional storage volume. The Environmental Scoping Report identifies raised defences at Belmont and St Martin's and to the south bank of the river as being the preferred and most deliverable option and this is what is now proposed under this application. The scheme is designed to provide a 1 in 200 year level of protection against flood event.

### **1. Site Description and Proposal**

- 1.1 Due to the area of the application site, the simplest way of describing and assessing the proposal is to break the area of the proposed works into six sections. To assist members understanding of the works, a proposed plan for each of the sections is appended to this report including an overall site plan.

### Section 1 - Greyfriars Bridge to Wye Bridge

The western most part of the site runs from the underside of Greyfriars Bridge adjacent to the site of the new ASDA store travelling north along the rear of 8-12 St. Martins Street and then turning east towards Wye Bridge, parallel with the river along the boundary of the car park associated with the Left Bank Village. The riverside footpath between the bridges is designated as a public right of way and bridleway and No. 2 St. Martins Street adjacent to Wye Bridge is Grade II listed. Wye Bridge is also a Scheduled Ancient Monument (reference 0021 and is also Grade I listed. Ground levels within this section of the site rise easterly from Greyfriars Bridge to Wye Bridge by around 2.5 metres.

Within this section, the works amount to the construction of a reinforced concrete wall on the underside of the bridge to link in with the existing recently constructed sheet pile flood defence wall constructed by ASDA. The wall would then travel northwards parallel with the bridge and be faced with brickwork. A small section of existing wall is then to be strengthened and raised by 300mm again parallel with Greyfriars Bridge. From this point the existing reinforced concrete and stone faced wall running from Greyfriars Bridge to Eign Enterprise properties for a length of 58 metres is to be strengthened along its full length and raised in parts by a maximum of 300mm using matching stone with any stone work repaired and made good for a length of 28 metres. The strengthening works within this section of the development amount to reinforced concrete beams with rotary bore cast concrete piles driven down into the underlying mud to provide an impermeable membrane.

### Section 2 - Wye Bridge to Queen Elizabeth Avenue:

The section runs parallel with the river along the footpath north of Wye Villas connecting with Queen Elizabeth Avenue. Again, the footpath running along the riverbank is formally designated as public right of way and bridleway. Riverside Court alongside the Saracens Head Public House is Grade II listed, as is No. 14 Wye Street. The former stone warehouse building adjoining 14 Wye Street presently being refurbished and extended to create a contemporary meeting and event space known as 'The Watershed' is also Grade II listed. Steps exist from the footpath down to the river leading to a moored boat. Ground levels are relatively flat with the exception of a section running from Wye Bridge down to 1 Wye Street. The existing riverside boundary is enclosed by 1.5 metre high metal railings the full length of this section with the front gardens of the properties fronting the river being enclosed by existing brick walls with brick pillars. Seven semi-mature trees exist along the frontage of the river including four Lime, two Sycamore and one Beech.

Planning permission is sought within this section for the construction of a new brick wall commencing 11 metres from Wye Bridge (the railings within this section are to be retained) generally following the edge of the existing river wall extending around to Queen Elizabeth Avenue, the total length being around 100 metres. The existing river wall is to be strengthened and repointed. The new wall would be at a height of 1.1 metre from the new footpath level, which in itself is to be raised 130mm. The wall would be dissected by brick pillars capped with stone rising to a total height of 1.85 metres from pavement level and constructed at 3 metre intervals. In the event of severe flood, demountable panels would be fixed between the brick piers to increase the height of the flood defence by 600mm. The works will entail the removal of a semi-mature Beech tree located to the north of The Watershed development.

### Section 3 - Queen Elizabeth Avenue to Wye Street:

This area lies between Queen Elizabeth Avenue to the north and Wye Street car park to the south. Immediately west is The Watershed and to the east are the tennis courts. Ground levels are relatively flat and the area is largely laid out to grass and loose gravel hard standing. Three mature trees exist within this area, a Beech alongside the river front, a Corsican Pine adjacent to The Watershed and a Sycamore at the end of Wye Street.

This area is relatively complex due to the need to maintain vehicular access for maintenance and emergency services to the playing fields and the river bank from Wye Street and also retain the pedestrian and cycleway along Queen Elizabeth Avenue with a link to Wye Street. The path from Queen Elizabeth Avenue to Wye Street is a dedicated footpath and bridleway, which will be realigned as a result of the works. The brick wall will be terminated with up and over steps with a total rise of one metre from ground level. This is to be constructed on the line of the existing Queen Elizabeth Avenue footpath. Running south from here will be a pedestrian and cycle access ramp providing wheelchair access over the defences and constructed from reinforced concrete and clad in red sandstone with stone coping. The centre of the ramp will be divided by sandstone-clad wall with stone piers and the outer edges of the ramp enclosed by metal railings. Continuing off the pedestrian/cycle ramp would be vehicular ramped access off the end of Wye Street travelling round to the south of the tennis courts, again clad with red sandstone with piers and enclosed with metal railings. The structure is positioned 2.5 metres away from the edge of the tennis courts to allow direct access for grounds maintenance vehicles to Queen Elizabeth Avenue. Ground levels would be graded up to the new ramp level around the remainder of the structure. These works will entail the removal of one Beech and possibly the Sycamore at the end of Wye Street. Once again, in the event of severe flood demountable infill panels will be installed between the proposed pillars.

#### Section 4 - Wye Street Car Park to Swimming Pool Car Park:

This section connects into the proposed vehicular ramp running along the southern edge of Wye Street travelling west then south along the edge of Wye Street Car Park. It would then continue south along the rear boundary of the gardens serving properties in St. Martins Street around the edge of 16 Prospect Place and crossing St. Martins Avenue adjacent to the car park associated with the Leisure Pool. Gardens which border the playing fields are presently enclosed with a mixture of brick wall with fencing above at a height of 2 metres, dwarf brick wall with chain link fencing above, again at a height of around 1.8 metres, mature hedges and vegetation. Running parallel with the garden boundaries are a row of mature Lime trees with a single Cherry and Mountain Ash adjacent St Martins Avenue. A mature hedge also encloses the southern boundary of St. Martins Avenue adjacent to the car park. Ground levels are generally flat within this area with a slight rise towards Wye Street car park from the tennis courts. Running parallel with St Martins Avenue footpath, east of the proposed works is the old Row Ditch, which is a Scheduled Ancient Monuments.

The proposed new reinforced concrete and brick faced wall will be constructed from the vehicular ramp along the northern edge of Wye Street and around the car park turning along the line of the existing concrete bollards. This wall will be an average height of around 700mm rising to 1.3 metres where it connects into the proposed wall to the rear of St. Martin's properties fronting St. Martins Street. Three mature Lime trees within this section are all to be retained. The wall will take the form of a brick clad sheet pile construction driven down to a depth of 7.5 metres and finished with a rounded stone coping.

From the corner of the car park, the reinforced concrete sheet pile brick faced wall will continue along the rear gardens associated with Nos. 9-41 St. Martins Street at an average height of 2 metres from the park side. The wall will be faced with a mixture of brick and timber cladding on the residents' side with a stone coping. All of the trees are to be retained with the exception of a small Mountain Ash adjacent to Prospect Place in St. Martins Avenue (this again would comply with wheelchair access requirements). The wall is then proposed to curve round parallel with St. Martins Avenue to create a new shared pedestrian cycle ramp following the route of the footpath off St. Martins Avenue. The ramp would be constructed from brick and rise to a height of 1.5 metres enclosed either side by metal railings extending for a length of 39 metres. The construction of the ramp will entail the removal of a young Lime tree.

#### Section 5 - Leisure Pool Car Park to Hinton Road:

This section runs from the northeastern corner of the Leisure Pool car park alongside the play area around to the southern side of the Leisure Pool connecting through to Hinton Road in front of No. 36 Hinton Road. East of this section is the children's playground with the remainder essentially forming part of the playing fields. The Leisure Pool and much of the immediate land around it is raised by approximately 3 metres above the adjoining playing fields. Running along the eastern edge of the Leisure Pool car park are three mature Willow trees and three young Sycamore trees. Adjacent to the southern elevation of the Leisure Pool are two young Sycamores, a mature Beech and a Plane tree and running alongside the cycle track/footway are three semi mature Beech trees and a small Oak tree.

This section comprises two areas of earth bunding/embankment. The first section will run from the proposed new ramped access along St. Martins Avenue to the existing raised ground levels along the northeastern corner of the Leisure Pool, a length of around 70 metres. The earth would be deposited to raise the ground levels by 2 metres to create the embankment with the southern end being graded into the existing higher ground levels around the Leisure Pool. The majority of the Willow and Sycamore trees within this section are proposed to be removed.

The second section within this area will again be an earth embankment graded into the higher levels along the southern side of the Leisure Pool through to Hinton Road broadly following the line of the existing pedestrian/cycleway. The embankment will rise to an average height of 2.7 metres with a relatively shallow gradient (between 1 in 5 and 1 in 8) resulting in an average width of 45 metres. The group of Sycamores and Plane tree along side the swimming pool and the small Oak tree adjacent to Hinton Avenue will be removed to accommodate the embankment but all the mature Beech trees along the footpath would be retained.

#### Section 6 - Hinton Road to Wyelands Close:

The last section runs parallel with Hinton Road (approximately from No. 34 to No. 128 Wyelands Close). The existing boundary between the King George Playing Fields and Hinton Road is currently enclosed by a mature native hedge along its full length. Ground levels fall away northeastwards into the playing fields from road level by approximately a metre and a 20 metre wide strip of land within the playing fields alongside Hinton Road enclosed by metal railings is used as a dog exercising area. Ground levels also rise southeastwards with the properties on Hinton Road and Hinton Crescent being elevated above the road level. Footpath links presently exist off Hinton Road towards the northeast and northwest ends of this part of the site and approximately halfway down are the King George Memorial Gates. The total length

of this section being around 330 metres. A number of young, semi mature and mature trees exist along the edge of the playing field including Lime, Mountain Ash, Willow and Sorbus.

The proposals for this area entail the removal of the existing roadside hedge and construction of a new reinforced concrete wall along the entire length of Hinton Road faced with brickwork on the Hinton Road side and textured concrete on the park side. Due to undulating levels, the wall will vary in height between 700mm adjacent to Wyeland Close to 1.9 metres at its highest point adjacent to Hinton Crescent. The existing memorial gates and brick enclosure are to be removed. The existing pedestrian/cycle track opposite the access to Hinton Crescent is to be retained through the construction of a new ramped access constructed from brick enclosed with metal railings. The works will entail the removal of semi mature Silver Maple and mature Sorbus, Willow and Mountain Ash. On the park side, ground levels are proposed to be raised to reduce the impact and extent of the wall that is visible. The dog exercising area will however remain.

The entire site falls within a Conservation Area and lies within Flood Zone Category 3 (three being the most severe category). All the application site north of St Martins Avenue is also designated an Area of Archaeological Importance. The River Wye is designated a Site of Special Scientific Interest and a Special Area of Conservation. The application is also accompanied by an Environmental Statement in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. The Council has also undertaken an Appropriate Assessment in order to fulfil the requirements of the Habitat Regulations 1995.

## 2. Policies

### 2.1 General Guidance:

RPG11	-	Regional Planning Guidance for the West Midlands
PPS1	-	Delivering Sustainable Developments
PPS9	-	Biodiversity and Geological Conservation
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment
PPG16	-	Archaeology and Planning
PPG17	-	Sport and Recreation
PPG25	-	Development and Flood Risk

### 2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S6	-	Transport
Policy S7	-	Natural and Historic Heritage
Policy S8	-	Recreation, Sport and Tourism
Policy S10	-	Waste
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR5	-	Planning Obligations
Policy DR7	-	Flood Risk
Policy DR8	-	Culverting

Policy DR13	-	Noise
Policy DR14	-	Lighting
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T8	-	Road Hierarchy
Policy T13	-	Traffic Management Schemes
Policy T16	-	Access for All
Policy LA5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA6	-	Landscaping Schemes
Policy NC1	-	Biodiversity and Development
Policy NC2	-	Sites of International Importance
Policy NC3	-	Sites of National Importance
Policy NC4	-	Sites of Local Importance
Policy NC5	-	European and Nationally Protected Species
Policy NC6	-	Biodiversity Action Plan Priority Habitats and Species
Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy HBA4	-	Setting of Listed Buildings
Policy HBA6	-	New Development Within Conservation Areas
Policy HBA9	-	Protection of Open Areas and Green Spaces
Policy ARCH1	-	Archaeological Assessments and Field Evaluations
Policy ARCH2	-	Foundation Design and Mitigation for Urban Sites
Policy ARCH3	-	Scheduled Ancient Monuments
Policy ARCH7	-	Hereford AAI
Policy RST4	-	Safeguarding Existing Recreational Open Space
Policy RST7	-	Promoted Recreational Routes
Policy W3	-	Waste Transportation and Handling
Policy W8	-	Waste Disposal for Land Improvement

### 2.3 Hereford Local Plan:

Policy ENV1	-	Land Liable to Flood
Policy ENV14	-	Design
Policy ENV15	-	Access for All
Policy ENV16	-	Landscaping
Policy ENV17	-	Safety and Security
Policy ENV18	-	External Lighting
Policy H21	-	Compatibility of Non-Residential Uses
Policy CON2	-	Listed Buildings – Development Proposals
Policy CON3	-	Listed Buildings – Criteria for Proposals
Policy CON12	-	Conservation Areas
Policy CON13	-	Conservation Areas – Development Proposals
Policy CON14	-	Planning Applications in Conservation Areas
Policy CON18	-	Historic Street Pattern
Policy CON19	-	Townscape
Policy CON21	-	Protection of Trees
Policy CON23	-	Tree Planting
Policy CON35	-	Archaeological Evaluation
Policy CON36	-	Nationally Important Archaeological Remains
Policy CON37	-	Other Sites of Archaeological Interest
Policy NC1	-	Sites of National Importance
Policy NC2	-	Sites of International Importance
Policy NC3	-	Sites of Local Importance
Policy NC6	-	Criteria for Development Proposals



Policy NC7	-	Development Proposals – Habitat Creation and Enhancement
Policy NC8	-	Protected Species
Policy NC9	-	Infrastructure Works
Policy NC11	-	Access to Wildlife Sites
Policy NC12	-	Community Involvement
Policy T11	-	Pedestrian Provision
Policy T12	-	Cyclist Provision
Policy T13	-	Pedestrian and Cycle Routes
Policy R1	-	Public Open Space
Policy R5	-	Loss of Private Outdoor Playing Space
Policy R11	-	Urban Open Space
Policy R13	-	Public Rights of Way

2.4 Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

### 3. Planning History

3.1 Given the scale of the application site, various planning history exists but none is of direct relevance to the development proposed.

### 4. Consultation Summary

#### Statutory Consultees

#### 4.1 Highways Agency:

The proposed development lies adjacent to Hinton Road which connects to the A49 Ross Road. To assess the impact on this particular priority junction, we require an understanding of the proposed trip generation of the development and its impact on the A49. This assessment does not appear to have been undertaken. Clarification is also required as to what vehicles the new access off Hinton Road has been designed to accommodate in order to determine whether the access is sufficient to meet the needs of the proposed traffic generation.

In addition we require the measurements of the entrance to the proposed cycle access to assess whether the access has been designed in accordance with the Design Manual for Roads and Bridges (DMRB) Volume 6.

In view of the above, we issue a Direction preventing a decision being made on the application at this stage.

#### 4.2 Sport England:

There is no supporting statement with the application setting out how the proposal affects Sport England's policy to protect playing fields. Nonetheless, the comments are as follows:

1. Wye Street car park/St. Martins Avenue - the flood defence are unlikely to have a significant impact on the function of playing fields once complete in this area. However, Sport England is concerned that measures need to be taken to ensure the playing field is protected during construction and that access/soil storage etc. will not have a detrimental impact on the function of the playing field.

2. Queen Elizabeth Avenue/Wye Street Car Park - it would appear from the size of the area of playing field next to the tennis courts and the fact that there is a track across it that these works affect land which is probably incapable of forming a playing pitch. In relation to these two elements of the scheme it would be helpful if supporting information could be provided to demonstrate that the proposed development (during and after construction) would meet with PPG17 policy exception. That is the proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss or inability to make use of any playing pitch (including the maintenance of adequate safety margins) a reduction in the size of the playing area of any playing pitch or loss of any other sporting/ancillary facilities on the site. Clarity on how the tennis courts will be accessed would be useful.

3. Swimming Pool to Hinton Road and St. Martins Avenue to Swimming Pool - these elements of the project do have an impact on the playing field leading to a significant loss in the area and detracting from accessibility (both visual and physical) between the sports centre, children's play area and playing field. This could lead to problems relating to management, attractiveness, accessibility, reduced use, safety etc. The proposals do not meet any of the exceptions set out in PPG17 para. 15 of our policy guidance.

Sport England therefore objects to the application and requests that given the importance of flood defence works, compensatory provision is required to be set out and to form part of the application before any approval is given. This should be informed by the Council's playing pitch and open space strategies and may include replacement provision of playing field areas or improvements to the quality and accessibility depending on what the issues are in the local area. In the absence of the Council having already prepared playing pitch/open space strategies then PPG17 guidance should have been followed and the applicant should undertake such a study.

#### 4.3 The Government Office for the West Midlands

The Secretary of State is unable to comment on this matter at present as it could come before her on appeal and to comment on a particular case could jeopardise the Secretary of State's position at a later date.

#### 4.4 Ramblers' Association:

We are pleased to note that all the access points will provide access for all as part of the Disability Act requirements. The Surfaces of the ramps/slopes will need to be suitable for pedestrians, horse riders and cyclists. It is hoped that temporary closures of the public rights of way can be kept to the minimum periods possible. Especially, bearing in mind that the Wye Valley Walk will be affected by these closures, a popular route bringing many visitors into the city.

We point out that Queen Elizabeth Avenue although described as a cycle track and used as such is in fact a bridleway HER32A and the cycle track to the south of the swimming pool is a bridleway HER33.

We ask you to ensure that the developers are aware that there is a legal requirement to maintain and keep clear the public right of way at all times.

4.5 Open Spaces Society:

Queen Elizabeth Avenue is not a cycle way but a registered bridleway (which allows lawful use by cycles and motorised invalid carriage). Part is also an ancient Tow Path.

Because part of the proposals going approximately east from Wye Bridge has an effect on the ancient Tow Path, every effort in constructing the proposed works must be made to safeguard the ancient path. It is also a registered bridleway (and forming part of the Wye Valley Walk) the proposed works must be set out in such a manner to make the sections that have affect on the registered bridleway near the bridge and approximately the south end of King George's Field commodious for both equestrians and pedestrians. The slope to the bunds and the line of the bridleway must take account of equestrians in particular and must be a non-slip surface, obviously the Disability Act has ramifications which also must be catered for.

4.6 English Nature:

Most of the critical detail has been dealt with in previous consultations. The fact that the majority of the flood defence stands a good way back from the river has greatly reduced the potential impact that such a scheme could have on the river. English Nature accepts the modelled impacts which demonstrate only minor impacts to water levels etc. and the operational protocols covering areas such as fuel storage, sediment control etc. which are insisted upon by the Environment Agency, will cover the working practice elements.

The short section of piling works around Greyfriars Bridge will need to take into account migratory fish passage and vibration effects; this seems well covered in the Environmental Statement but may require additional consultation if there is debate as to which techniques to employ. It is not clear if night time working is required in the short sections by the river. Clearly as with the Victoria Footbridge scheme, river bed illumination levels in times of migratory fish passage can be an issue and will require clarification.

Some of the comments about reptiles are a little throw-away and I would suggest that a survey is required to confirm their presence. Species such as slow worm have some protection under the Wildlife and Countryside Act 1981 and a proper mitigation plan should be in place if they are found to be present.

Based on the information provided English Nature has no objection to the proposed development. It is our view that either alone or in combination with other plans or projects, it would not be likely to have a significant effect on the important interest features of the River Wye SAC, or any of the features of the Site of Special Scientific Interest.

4.7 English Heritage – Original Comments:

The site is within the Hereford Central Area Conservation Area and the development would affect the character and appearance of the Conservation Area, the settings of a number of listed buildings and two scheduled ancient monuments namely the Wye Bridge and the Row Ditch.

Central Hereford is one of the key historical assets of the West Midlands Region and is one of the great cathedral cities of England. Its riverside setting is a crucial

component of its historic and townscape interest and it follows that interventions into this setting require the most careful attention and consideration.

We have received the Environmental Statement (ES) but this document is disappointing in its analysis of the impact on the city's historic environment. It appears to conflate 'historic environment' with archaeology; analysis of the wider townscape impact of the scheme is, to say the least, cursory. We specify areas of concern on which we would welcome further discussion.

#### Greyfriars Bridge

The Bridge is an elegant and finely-detailed structure which most certainly contributes positively to the character and appearance of the Conservation Area. We note that it is proposed to build an additional skin on the east flank of the bridge on the south side. We would be grateful to see a detail of this part of the proposal and we would wish to see at least the full span of the arch of the bridge kept clear of any obstruction if this is not already the intention. This could be achieved by angling the junction of the flank wall to the bridge and the wall running parallel to the river is necessary.

#### Greyfriars Bridge to Wye Bridge

We note that the proposals for this section involve mainly strengthening of the existing wall. Some raising is indicated, however and, though section lines are shown on the plan section drawings do not appear to have been supplied to us. We would, therefore, be grateful to receive further information to enable us to assess precisely the impact of the raising of the wall in this section.

#### Wye Bridge to Queen Elizabeth Avenue

We are pleased to note that the continuous solid wall that had been mentioned in earlier discussions is no longer proposed. However, this section of the river frontage provides some of the most delightful and historically significant riverside views in the city, or in any English city, and warrants a specialised solution. The delicate railings which enclose the river frontage provide a particularly good foreground to these views at present.

This section of the river frontage would appear to warrant a fully demountable flood defence on the lines of that used at Severnside in Bewdley. We note that a revenue cost would be incurred in any case by fixing the infill panels to the proposed wall. We would suggest that this stretch of the Wye frontage is of at least equivalent importance to the Severn frontage and a similar treatment should be considered. This consideration should include investigation of the feasibility of retaining the existing railings or replacement like-for-like.

#### Row Ditch and Bishop's Meadow/King George's Field

Here again we have had some pre-application discussion of the relationship between the proposed ramp and the Row Ditch. We note section lines on that drawing which we presume refer to drawings that we do not have. Without those drawings we are unable to make a precise three-dimensional assessment of the impact on the scheduled ancient monument and thus to confirm or reconsider our pre-application advice. We would have a concern about large-scale infrastructure visually competing with the Row Ditch.

#### Bishop's Meadow and King George's Field

This area forms an important part of the setting of the Cathedral and Castle on the opposite bank of the river and we would wish to consider the visual impact of the

proposed flood relief measures affecting them in this light and in the context of better detailed drawings.

#### Conclusion

English Heritage supports the principle of providing measures which will protect the historic fabric of Hereford from the effects of flooding. However, we are unable at present to conclude that the proposals would preserve or enhance the character or appearance of the Hereford Central Conservation Area or protect the setting of two scheduled ancient monuments. English Heritage is therefore unable to recommend, on the basis of information available to us at present, that planning permission should be granted. We may be able to refine and reconsider this advice in the light of further information as set out in this letter and attention to the concerns identified below:

- The impact of the proposals on the Greyfriars Bridge.
- The exact visual impact of raising the wall on the section between Greyfriars Bridge and Wye Bridge.
- Reconsideration of the design of the proposed barrier between Wye Bridge and Queen Elizabeth Avenue.
- The impact on Row Ditch and Bishop's Meadow/King George's Field.

#### English Heritage – Further Comments

##### Greyfriars Bridge

We are informed that the junction with the bridge can now be made using demountable barriers. We have not seen a drawing of this solution but would be happy for the Council but would now be happy for the Council to approve these details.

##### Greyfriars Bridge to Wye Bridge

We have now seen further details of this section and have no further objections to the scheme in this area.

##### Wye Bridge to Queen Elizabeth Avenue

The Environment Agency has explained the operational case against the use of demountable barriers on this part of the river frontage and we are not in a position to oppose efficient flood alleviation in principle. The wall will be a considerable disbenefit in historic environment terms and we would welcome further discussion on materials and detailed design. However, on balance, we are prepared to accept the principle of a 1.2m high wall with 1.7m high piers.

##### Bishop's Meadow / King George's Field

Our principal concern in this section is with the setting of the Rowe Ditch as a scheduled ancient monument. We would accept the principle of the bund and up and over ramp in this area but we would recommend that, in the consideration of detailed design the appearance should be softened as far as possible so that the ramp does not compete visually with the monument. We would be pleased to discuss this further.

#### 4.8 Hereford & Worcester Fire and Rescue Authority:

We need to guarantee access to the river over the defences and the proposed widths indicated in certain areas are considered insufficient. The minimum requirement is to gain access over the ramp off Wye Street with 4 by 4 vehicle and trailer carrying a boat and the proposed access is presently not wide enough to enable this access.

4.9 Environment Agency:

We have received additional information regarding ground water investigation work (Hydrological Assessment Reports) and a Flood Risk Assessment in addition to the plans and Environmental Statement provided with the consultation. On the basis of this information, we have no objections, in principle, to the proposed development.

Groundwater/contaminated land

It is noticed from the agent's response that intrusive soil and groundwater investigations, including the provision for leachability testing, are to be undertaken in some areas and we would be happy to provide comments on the results of this further work following the completion of the additional site investigations. It is recommended that the site investigations are undertaken prior to the commencement of any workings associated with the Flood Defence Scheme itself. In other to secure the above a number of conditions are recommended.

Flood Risk

The Flood Risk Assessment dated 21st August 2006 (Impact of Flood Defences on Flood Risk) does show negligible increases in flood levels of up to a maximum of 8mm in a 1% event (which relates to PPG25) with a 15mm rise for a ½ % event. The increase is considered nominal, in this case, given the wider benefits of the scheme (flood risk betterments) as detailed within the Environmental Statement. Furthermore, given the nature of the modelling generally, the increases which have been shown in this report are considered within the tolerances we would find acceptable. On this basis we raise no objection on flood risk grounds.

Biodiversity

We are satisfied with the conclusions of the Environmental Statements and have no further comments to make on this matter.

4.10 Water Authority:

No comments received.

4.11 Herefordshire Nature Trust:

No comments received.

4.12 Ambulance Service:

No comments received.

4.13 West Mercia Police:

No comments received.

4.14 British Canoe Union :

No comments received.

4.15 RPS (ASDA):

No comments received.

4.16: Hereford Campaign for Flood Defences:

We are delighted to see this planning application after the many years campaigning for a Flood Defence Scheme for Hereford and we give it our strong support. We are extremely relieved that the most recent proposals make use of removable panels which allow much lower walls and access ramps on the riverside area and improved foundations are to be used to safeguard more trees and we are heartened by the

Environment Agency's willingness to make these changes and consider further amendments. These are detailed as follows:

1. The defence wall from Wye Bridge around to Wye Street car park should be clad in stone. The local unifying reference material is Herefordshire sandstone as on the Old Bridge, riverside walls on both sides, Riverside Court, the Cathedral, The Watershed, Dorset Ales Warehouse and Tara, all of which are listed buildings. The St. Martin's Street Association, Riverside Court Residents' Association, Civic Trust, Conservation Advisory Panel, RRA Architects have all indicated their support for this view.
2. A more elegant design should be achieved from the proposed wall in front of No. 1 Riverside Court to Wye Bridge.
3. The opportunity should be taken to renovate the riverside walk, the fencing and walls so as the whole riverside is upgraded between the tennis courts and ASDA.
4. The proposal requires the construction of 46 rather chunky pillars, the effect of which will create a rather castellated feel to the riverside somewhat out of keeping with the old bridge and the rather natural character of the river. Further consideration should be given to the use of removable panels which would be far less visually invasive and could be more cheaply and speedily built.
5. The new proposed ramp around The Watershed does not follow the line of the old wall and would create a redundant and inaccessible area which could become a litter trap and reinstatement of the railings will compromise the appearance of the new defence walls.
6. The proposed cycle barriers are particularly unsightly and it would be more appropriate not to demark the cycle and pedestrian lanes on the ground as is the case west of the old bridge.
7. Further consideration should be given to the RRA scheme for the ramp area and The Watershed prepared by Gary Thomas.
8. The opportunity should be taken to provide improved lighting, art work, hanging baskets, flower beds and so on.
9. Measures should be taken to remove the opportunity for people to climb over the proposed wall by Wye Street car park to gain access to St. Martin's Street properties.
10. There is presently a footway between the swimming pool and St. Martin's Avenue and also a high footfall in a north south direction from the riverside to the play area and these undesignated pedestrian walkways should be retained.
11. The eastern slope of the embankment should be incorporated into the play area for parents to sit and children to roll down.
12. Measures should be taken in terms of the choice of materials, surface treatments and landscaping to minimise the risk of graffiti on the Hinton Road and ensure the wall on Hinton Road blends into the landscape.
13. Disruption to the local residents should be avoided during the construction phase.

Our principal concern is the implementation of the flood defence scheme but with good design the proposed works should make a positive contribution to the regeneration of this important part of Hereford rather than damaging it in a way that would impact detrimentally on the city for the foreseeable future.

### **Internal Council Advice**

#### 4.16 Conservation Manager:

This is the focal point of the city and it is possibly one of the most sensitive sites in the county with a number of historically important buildings and listed properties along with the Conservation Area designation. In our opinion the most sensitive areas are between Wye Bridge and Bishop's Meadow and we believe the brick wall would be the best solution as it should offset the villas and warehousing which is predominantly brick. Whilst stone could have been an option, it would have been difficult to gain a match and therefore brick would appear to be the correct option. It should be noted that ideally we would have preferred a completely demountable system but as this was not practicable we believe the solution reached would be the best option given the circumstances. A minor improvement would be to remove the pillars between the iron railings and Wye Bridge as this feature adds to the clutter of the area.

#### 4.17 Landscape Officer/Arboriculturalist:

##### Trees

I am concerned that the mature trees along the western edge of Bishops Meadow will be very vulnerable to root damage, during the construction phase, because the site layout plan (drawing no. 5024678) shows that the sheet pile wall will run through the root zone of many of these trees. It is essential that the arboriculturalist prepares an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) as set out in British Standard 5837:2005. The AMS should make allowance and plan all construction operations which will be undertaken in the vicinity of trees and the TPP should include the precise location for the erection of protective barriers and any other physical protection measures.

In addition, I recommend that there should be a requirement for the arboriculturalist to supervise key stages of the construction work, in the locations where existing trees, of high amenity value, will be very vulnerable to damage: the area adjacent to The Watershed, where the ramped access to Bishop's Meadow is to be constructed, and the western edge of Bishops Meadow, as detailed above. In our experience Arboricultural Method Statements and Tree Protection Plans are often not adhered to on site, unless an arboriculturalist has a supervisory role. This approach would be cost-effective, because otherwise, the arboriculturalist's input in the research and design phases may be squandered.

In the Environmental Statement it is stated that it is estimated that the loss of trees will be limited to 3 mature trees together with 13 small trees and a hedge on Hinton Road. I wonder whether there is scope to further reduce the loss of trees on Hinton Road. With regard to the southern corner of King George's Field (the area to the south-east of the existing vehicular access gates, I note that the proposal is to continue the flood wall right to the corner of King George's Field, which will necessitate the removal of two trees. It may be possible to omit this section of wall and instead, create a dogleg at the end of grass embankment along the south-



eastern side of the cycle track, and run a grass embankment in front of the area of trees, to meet the south-eastern boundary of the King George's Field.

#### Compensatory planting

If extending the embankment, as suggested above, would serve as an alternative to the wall, as a flood protection measure, there would be an opportunity to locate some of the proposed compensatory planting in this corner of King George's Field, to create an area of wildlife habitat. This would be a good location for denser tree and shrub planting, which would be of greater benefit to wildlife, for a number of reasons. Wildlife in this area would be less disturbed because access by people and dogs would be somewhat restricted by the grass embankments and hedgerow along Hinton Road. Having denser planting contained in a corner would not conflict with safety concerns, providing that the embankment beside the cycle track was kept clear. Otherwise users of the cycle path might feel unsafe if they perceived that people could hide within planted areas.

It is stated that there are opportunities for further tree planting to provide succession to mature trees within Bishop's Meadow and King George's Field. At this stage I would expect the applicant to put forward a strategic approach with regard to the replacement tree planting – an indication of where it is to be located and what form the planting might take. Possibilities might include individual specimen trees, groups of trees, avenue planting, community orchard and planting for wildlife habitat. Planting proposals should capitalise on the opportunity to use new tree planting to create a stronger spatial structure to both the Bishop's Meadow and King George's Field, without destroying the simplicity of the existing large-scale, open grass spaces.

#### Other landscape design issues

With regard to Hinton Road, the only entrance to the King George's Field which has a strong presence and visual identity, the King George IV Memorial Gates, will be lost, as the flood protection wall will extend across this entrance point. I note that the King George IV Memorial Gates and heraldic stones are to be removed and passed back to Herefordshire Council for relocation.

The existing entrance in the south-eastern corner of the King George's Field is unattractive and cluttered, consisting of vehicular access gates, pedestrian barriers, a litterbin, lamppost, bollards and disparate pieces of signage. Given that this entrance has to be reconstructed in order to construct the embankments and cycle access ramp, there is an opportunity to *design* this entrance so that it has a strong presence and visual identity, which is appropriate given that it will be the main entrance to King George's Field from Hinton Road. For example, creating a unique design for new gates for this entrance, possibly by a competition, would be an ideal opportunity to incorporate public art into the design for the scheme, which is one of the aspirations set out in the Environmental Statement. Alternatively, the existing King George IV Memorial Gates could be re-used in this location. It is important that the whole of the entrance zone is designed, so that signage and any street furniture enhance the entrance, rather than detracting from it.

I note that the proposed flood defence wall along Hinton Road will have a brick facing to the roadside and textured concrete to the park side. I do not think that textured concrete is an acceptable finish on the park side. Brick facing should be used on both sides of the wall. The wall is a prominent element as it forms the backdrop to King George's Field. In addition, the loss of hedgerow and trees along Hinton Road will degrade the appearance of this part of the King George's Field, so it is important that the wall finish is high quality in terms of its appearance. This face of the wall is

therefore worthy of the same level of care, with regard to the design and materials, as has gone into the design of the other walls which form this flood defence scheme.

4.18 Ecologist:

I have had further information supplied by Vicky Schlottmann of the Environment Agency, but there are still some aspects that need clarifying and/or further work.

1. The issue of bats in the trees to be felled. Further surveying of these trees needs to be done to ascertain whether they are being used
2. I would like to see the creation of new otter lying-up areas along the riverbank to be affected by the works if possible.
3. Herefordshire Council need to be informed exactly when the work will start, the dates of the final surveys for otters, badgers etc that are to precede this, and the findings of these surveys prior to the work commencing.

I have carried out an Appropriate Assessment under the Habitat Regulations and Habitat Directive and conclude the works will not adversely affect the integrity of the River Wye.

The breeding bird survey will be difficult to carry out in the spring when the construction works will already have commenced, but I have had confirmation from the EA that survey work is also in progress now to ascertain the presence/likelihood of birds nesting in the walls on the riverbank at Wye View Villas.

I recommend approval of the scheme subject to conditions when the above matters have been dealt with. The conditions should cover the timing of works, further survey work of protected species, habitat enhancement and follow up monitoring of certain habitats.

4.19 Archaeologist:

The site is one of considerable archaeological sensitivity, being largely within the designated Hereford Area of Archaeological Importance. It is furthermore in close association with a number of nationally important individual sites such as the Old Wye Bridge and the Row Ditch.

As acceptable archaeological assessment and evaluation reports have already been submitted, there is no need in this instance for the applicant's to submit further archaeological information prior to the determination of this application. The application has been the subject of very extensive pre-application discussions and surveys and accordingly I have every confidence that an appropriate archaeological result is achievable. In essence therefore my view would be that although some damage to the archaeology of the site is inevitable, it is possible to acceptably mitigate this through a suite of suitable archaeological conditions. Accordingly, I have no objections subject to conditions.

4.20 Forward Planning Manager:

The main concerns with this proposal would be the fact of its location in such a sensitive area alongside the river. Policy states the importance of protecting and enhancing conservation areas, and within Policy CON13 in the Hereford Local Plan it states that any development, "within the conservation area should be of a high standard of design, in scale and keeping with adjacent buildings as a whole, constructed in materials and finishes appropriate to the character of the area, and will

not give rise to detrimental impacts on, character or appearance of the area". Also the protection of the townscape should also be considered as noted in CON19 of the Local Plan. As quoted in 6.35 of the Local Plan, "A key component of townscape are the vistas afforded by roads, streets, and open spaces, which often provide characteristic and well known townscape views comprising buildings, landscaping and other features. Such vistas should be respected and maintained."

The design of the flood defences mean that there are embankments across the most sensitive part of Bishops Meadow, which will continue to allow the area to be aesthetically pleasing, and will maintain the townscape subject to appropriate materials. The walls which will be replacing the railings currently there will, I feel, contribute more to the townscape.

The Policy relating to the above in the Unitary Development Plan is HBA6, where it states that, "Development within conservation areas will not be permitted unless it preserves or enhances its character and appearance...any hard landscape features, including street, surfaces and boundary treatments, should maintain consistency with, and be appropriate to the use of the area...the setting of and views into and out of the conservation area, including protection of vistas and landmarks should be safeguarded". Having been out to visit the site and taking into account the changes proposed I feel that this application is compliant with the above policies, and that views of the area will not be tremendously altered, except for what needs to be done to prevent flooding into the surrounding infrastructure and housing sites. The only concern that could be contrary to policy is the design of the inside wall which runs parallel with Hinton Road towards Wyelands Close, where it is stated on the plans that it will be textured concrete, maybe this could be amended to include a more appropriate material sympathetic with the conservation area.

In Policy NC3 of the Unitary Development Plan it states that, "where such development may have an adverse effect directly or indirectly on the special interest of the site it will not be permitted unless the reasons for the development clearly outweigh the nature conservation value of the site itself...where development is permitted proposals should make provision for the enhancement of such sites in order to improve their nature conservation status". The reason for this development is very important and will help to protect many other areas. The flood defence walls may also serve to protect these areas more from outside influences such as pedestrians, pollution etc...and from being washed away in the floods. The Council will encourage the management of nationally important sites and habitats to sustain and enhance their biodiversity interest.

The River Wye is now also a SAC, therefore Policy NC2 is relevant. Biodiversity will need to be consulted as to whether the application would directly effect the river and therefore may need an Appropriate Assessment (Habitats Directive 92/32/EEC) to be completed.

This proposal also complies with Policy CF1 of the Unitary Development Plan, as it does not show that it will adversely affect the amenities of nearby residents, or have any extreme environmental impact.

Policy T7 has made a requirement for all existing cycle network to remain and for the provision of the new planned routes to be safeguarded, therefore where this development overlaps with the cycle paths along Bishops Meadow it must be ensured that the replacements are of the same quality and value as the existing, the

onus of which is placed on the applicant, and that all areas that are accessible to cyclists currently will remain so.

In summary, after reading through the relevant policies mentioned above in the Hereford Local Plan and the Revised Deposit Draft Unitary Development Plan, I feel that it complies with all of the policies mentioned above.

Conservation, Bio-diversity and the County's Tree Officer's comments should also be taken into account due to the sensitivity of the site and the loss of many trees through the works.

4.21 Head of Environmental Health & Trading Standards:

No objection. Controls are available regarding construction noise under the Control of Pollution Act 1974.

4.22 Minerals and Waste Officer:

I have no objections in principle but would make the following comments:

1. My main concern would be about the source and type of material to be used to create the bunds such as composition and providence of any imported soils and a means of testing the material for suitability. Because of the sensitivity of the River Wye, this needs careful consideration, particularly in the context of flood waters having direct contact with the bunding, and bearing in mind the market pressures for disposing of waste soils from construction sites.

2. Comprehensive and effective measures are needed to prevent mud and dust from entering the highway, open space and other public access areas.

3. The loss of trees, particularly mature ones, should be taken seriously and their protection during construction and after completion from damage, compaction of roots, excess soil around them etc. considered carefully. Every opportunity should be taken to provide environmental enhancement and improve biodiversity. There is a potential to create a flag ship example of how the construction of a scheme can also encourage urban wildlife and habitats for the benefit of all with very little additional expense given some imagination. The Environmental Statement points out the Bishop's Meadow area is currently species poor being mostly a green desert of short grass. This scheme offers a chance to change this.

4.23 Public Rights of Way Manager:

The proposed flood defence walls and other works will effect public bridleways HER32A, HER32B and HER33. Town and Country Planning Act Public Path Diversion Orders will be required to divert the legal line of both bridleways to align with the proposed ramp off Queen Elizabeth Avenue. Applicants should allow six months for an unopposed Order to be made from the date an application is submitted.

During the construction period it will also be necessary to close both bridleways using a temporary closure order whilst works are carried out which may endanger the public. The applicant will be expected to pay the Council's costs of making the orders. The applicant should also ensure that alternative routes are available and well signed for members of the public during the closure period.

A specification for the up and over steps is also required. The step riser ratio and the surface treatment of the steps should take account of wet weather, wet leaf fall and generally damp conditions existing by the river. The objective is to make the steps safe in all conditions and usable by as wide a public as possible. Consideration should also be given to the colour of the bridleway surface running alongside the river walk. A light colour surface will create a more open aspect and the surface should be suitable for heavy pedestrian and cycle usage as well as regular usage by wheelchairs, prams etc. A lighting scheme should also be considered. The proposed ramp in terms of gradient and surface treatment is acceptable.

At present there is an offset barrier to prevent cyclists joining the road without stopping, slowing down. The proposed plan does not show this safety feature but should be retained or improved to a standard approved by Highways. The proposed walls and embankments along Hinton Road, St. Martin's Avenue and swimming pool will not have an effect on the public bridleway.

4.24 Traffic Manager/Integrated Transport Officer:

There are no objections in principle but we recommend the following:

1. The reinstated fence on the Wye Street access to the ramp should include either 2 x 1 metre minimum/1.5 metre preferred gaps either side of the gate or a single 2 metre minimum/2.5 metre preferred gap to allow cycle access.
2. To avoid pedestrian/cycle conflict on the crossing over Hinton Road we suggest this access is either relocated to the west on Hinton Road or allow the cycle track to emerge further east on Hinton Road.
3. There is a requirement to have a flushed dropped kerb at the exit of the cycle track onto Hinton Road to allow access from and to Hinton Road and across to Hinton Crescent.

4.25 Head of Children's Services: No objection.

4.26 Parks and Countryside Manager: Comments awaited.

## 5. Representations

5.1 Hereford City Council:

The City Council has no objection to this application for planning permission plus Hereford City Council welcomes the philosophy behind the application which would appear to safeguard tourism and leisure use visitors to the River Wye.

5.2 A letter of objection signed by residents at 119, 121, 123, 127, 129 and 131 Hinton Road has been received. The main points raised are:

The proposed works along with the works undertaken by ASDA will put our properties in greater danger from increased flooding as the Agency intend to obstruct the natural levels from an existing ancient flood plain will inevitably increase the heights of flood water. If this occurs we will hold Herefordshire Council directly responsible. We feel let down by the lack of inclusion and consultation on the scheme between the Environment Agency, Herefordshire Council and ourselves.

5.3 A further seven letters of objection and comment have been received. The main points raised are:

- A wire fence should be installed on top of the flood wall from St. Martin's Avenue to prevent it people climbing over. Security lights and CCTV should also be installed.
- The existing area between the mature trees and the rear of St. Martin's Avenue is used as toilets by dogs and people. We would ask that new shrub planting be undertaken to remove this opportunity.
- The proposed plans remove access to the boat moored adjacent to Riverside Court. This was a significant part of Hereford's City's tourist attraction until a change in the Navigation Authority caused the service to stop at the end of 2002. Public money was used to enable the service to start. Any flood defence plans should protect this investment and not reduce the number of tourist attractions in Hereford.
- We question who is liable after the flood defences have been erected if other properties particularly north of the river suffer increased flooding due to the works
- There is a danger that the ramped barrier by the tennis courts will be covered in graffiti. We would ask that this be softened with hedges to make it more difficult to get to.
- There is no room or hardstanding link to the river for emergency services to get to the river, the playing field being inaccessible for fire engines during muddy periods.
- A nice green embankment would be considerably better than the proposed wall along Hinton Road which is likely to be a target for graffiti.
- The wall along Hinton Road will be unsightly and is unnecessary at the height proposed.
- The hedge provides cover and nesting places for the bird population and should be retained.
- If a wall is required it should be constructed behind the hedge with earth banked up against it on the park side.

5.4 A further three letters from Hereford Conservation Advisory Panel, Hereford Civic Society and the Manager of Hereford Leisure Pool have been received. The main points raised are:

1. The application is complex and difficult to understand being made up of a large number of drawings and it is impossible to assess the full implications for the city. A model and more perspectives are required to assist in understanding and assessing the impact.
2. There is shortage of information on how the proposals will affect listed buildings and the Conservation Area as a whole.
3. The wall and ramps do not appear to be user friendly and remove a large number of mature trees.
4. The brick finish is out of context with the area and stone would be more appropriate material and the detail and design of the piers is poor.
5. The concrete section along Hinton Road will not be an asset to the city environment and will be a target for graffiti.
6. The proposal looks very bland, more a civil engineering than a design solution to this very important tourist attraction.
7. The bank of the river by the medieval bridge is an area of outstanding character and demountable barriers would be more appropriate.

8. The proposal will remove the visibility of the tennis courts and tennis hut from St. Martin's/Wye Street area, many tourists access the playing fields from this area and as the works will take over a year the tennis facilities will suffer greatly.
  9. The proposals use the Leisure Pool as part of the actual flood defence and in times of flood the pool begins to flood when water levels exceed 14 feet. The proposal may exacerbate this problem.
  11. No thought appears to have been given by the Council to a more inclusive longer term approach to the problem of flooding by considering the redevelopment above flood level of the whole of the area east of St. Martin's Street along the lines of the Edgar Street Grid.
  12. The layout and location of the wall and ramps around The Watershed interrupts the access and flow of pedestrians and cyclists along the river bank and is visually intrusive.
  13. The proposals will have a devastating effect on a number of mature trees that will either be felled or in danger from sheet piling. The alternative proposals for this area prepared by RRA are less disruptive to important amenities of the area providing better access for all concerned and cheaper.
- 5.5 A detailed response has been received from RRA Architects including an alternative proposal for the pedestrian/vehicular ramp from Wye Street to Queen Elizabeth Avenue. The main points raised are:
1. The statement within the Environmental Assessment that the works would have a slightly adverse impact on the existing landscape resource within the Conservation Area is an over simplification at best that and at worst will cause lasting and long term damage to the Conservation Area.
  2. The new wall in front of Wye Villas should be red sandstone rather than brick which is the predominant material in the locality.
  3. The loss of mature trees over 150 years standing is detrimental to the Conservation Area and more extensive mitigation beyond tree planting for the regeneration of the area should be sought.
  4. The alternative scheme prepared by RRA Architects retains all but one of the mature trees and the setting of the Conservation Area and Listed Building and is supported by the Local Flood Forum, St Martin's Residents and Business Forum, Conservation Advisory Panel and Civic Society.
  5. The EA proposals would impact on the ability of the Watershed to trade and the closure of Queen Elizabeth Avenue and Wye Street would make the Watershed inoperable for the duration of the works which may result in compensation being sought.
  6. Wye Street should not be used as one of the major access routes for construction, more suitable accesses off Hinton Road and St Martin's Avenue exist.
  7. As the construction works last for 52 weeks the impact on the Watershed would be significant.
  8. Drawing no. 432 does not highlight an important tree that has been felled and the tree works should be clearly identified for each tree.
  9. The spirit of regional planning guidance is to protect and enhance the quality of the environment strengthening the interrelationship with the economic and social progress and health and well being will be met if the RRA alternative scheme were adopted.
  10. The impact of the works on the watershed as a business as failed to be recognised the area proposed do not recognise that 14 Wye Street incorporating the watershed are listed buildings.
  11. The proposed convoluted ramps/steps/wall and loss of trees in the area around the Watershed is understated by the EA and its impact is not fully considered.

14. The statement by the EA that listed buildings are preserved as they will no longer flood is foolhardy and is not in the spirit of what is meant by preserving and enhancing.

15. The Watershed has an ancient mooring and riparian rights to the river and therefore will require a gated access directly in front of the existing arched doorway affording us access to the river similar to that which is proposed adjacent to the Saracens Head and Wye View Villas.

16. The proposals remove considerable numbers of existing public art including the Munday Tree, the Trout Memorial, the Ark Tree and King George's Playing Field Gate.

17. The proposals to provide ornamental handrails to some of the walls is a token gesture and should be resisted an art could be accommodated as part of the proper scheme of regeneration for the area.

18. The effect of subsidance on existing buildings including listed buildings as a result of tree removal has not been fully considered.

19. Ground levels around the Watershed should not be raised as this building has no foundation and no damp proof course..

The RRA scheme would overcome the majority of the concerns expressed but if it is not considered and included as part of the overall proposals, we wish to object to the development.

5.6 Finally, a letter has been received from the Environment Agency in response to the objection from Sport England who the comments are as follows:

1. The flood bund and indeed the entire Flood Alleviation Scheme has been designed in consultation with all parties in order to minimise the impact on the open recreation space to retain it and enhance it.

2. The playing pitch layout is to be reordered in order that no pitches are lost through the construction of the scheme.

3. We have been in consultation with the Council regarding this proposal for many years and the issue of compensation for loss of playing fields has not arisen until recently.

4. The project funds are set and based on our understanding of the Council's requirements following full discussions and does not include compensation for a new football pitch. We are thus unable to exceed to the request to fund a relocation package.

5.7 Detailed information has been provided by Atkins on behalf of the Environment Agency including an Environmental Statement under the Environmental Impact Assessment Regulations. The detail of this report and the ancillary information will be referred to in the Officer's Appraisal.

5.8 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

6.1 Following on from section 1 of this report (Site Description and Proposal) the assessment of the proposed works is broken up into six areas.

### Section 1: Greyfriars Bridge to Wye Bridge.



- 6.2 This section perhaps has the least impact as the majority of the flood defences already exist. English Heritage had concerns with the proposed first section under the arch of Greyfriars Bridge. In order to address their concerns, the Environment Agency (EA) have agreed that this small section can be safeguarded through a demountable barrier. Detailed plans of this amendment are awaited.
- 6.3 Elsewhere, existing walls are to be increased by an average of 300mm using matching stone. As the walls are set back from the river's edge and essentially form part of the existing car park enclosures, the works will have no impact on the riverside walk and minimal impact on the Conservation Area or setting of the adjacent listed buildings. As such, the proposed works within this section subject to plans identifying the agreed English Heritage amendment are considered acceptable.

Section 2: Wye Bridge to Wye Street.

- 6.4 The EA propose within this section the construction of around 100 metres of wall from the Old Bridge (Wye Bridge) to the proposed ramp off Queen Elizabeth Avenue adjacent to 'The Watershed'. The original proposals for this area were for a solid wall of around 1.85 metres high along the edge of the river bank. Due to concerns expressed as a result of the consultation exercise regarding the visual impact of this wall the scheme was amended to a wall of around 1.1 metres high with brick pillars constructed at 3 metre intervals at a height of 1.9 metres. In the event of a severe flood, demountable barriers would be fixed between the pillars. Access to the river is maintained via a removable section of wall. A further river access point within the wall has been requested by The Watershed and this is being investigated by the EA.
- 6.5 This is a particularly sensitive area not only due to its location in a Conservation Area, alongside listed buildings and a Scheduled Ancient Monument but also due to the prominence of this area in townscape terms and its importance as an attractive riverside walk for tourism. Whilst fully demountable barriers would have the least impact, neither the Environment Agency nor Herefordshire Council are prepared to take the responsibility for erecting and removing these at the time of every flood. Therefore a more permanent solution is considered the only realistic option.
- 6.6 There is no doubt that even the revised scheme will visually, have a significant impact on this part of the riverside. However, the revised height of the wall will ensure that this impact is minimised in that it will now allow views across the river from the footpath and will appear a less imposing and dominating structure when viewed from Wye Bridge and other properties/buisnesses on the north side of the river. This view is shared by English Heritage who comment that although the wall would be a disbenefit in historic environment terms, they are prepared to accept the principle of the proposals. The principle is also supported by the Conservation Manager. A minor amendment to create a more elegant transition between the wall and existing railings have been requested and is being considered by the EA. The wall will entail the removal of a semi-mature Beech tree but this is regrettably unavoidable.
- 6.7 Considerable discussion has taken place and representation received regarding the design and particularly the materials for the wall. The design and materials proposed have been chosen to largely replicate and complement the existing wall which encloses the front gardens of Wye Villas. The materials and design is supported by the Conservation Manager. The introduction of pillars will assist in breaking up the visual mass of the wall whilst also serving a functional purpose of enabling demountable barriers to be installed. The stone string course and coping will also introduce visual interest to the wall and provide a contrast with the brick.

- 6.8 The consensus amongst a number of interested parties is that natural stone is more appropriate material in this location given the number of existing buildings in the locality which are constructed from stone. Whilst there is no reason in principle why stone could not be used, it is not considered to be the most appropriate material in this instance. It would firstly have a much heavier appearance competing with the setting of the listed buildings in the locality which are all constructed from stone and moreover, it would be extremely difficult to find an appropriate matching stone that complements the existing buildings in the locality. It should, however, be relatively easy to source an appropriate brick for the wall. Therefore, on balance, the proposal represents the best practical option in terms of serving the functional requirements of the flood defence whilst reducing the impact on the use of the riverside walk and adjacent listed buildings and the Conservation Area.

### Section 3: Pedestrian and vehicle ramp from Queen Elizabeth Avenue to Wye Street.

- 6.9 The works within this section have been, once again, subject to considerable debate and discussion. The proposals attempt to achieve a balance between retaining the footpaths and bridleways available for use by all, providing a vehicular access for maintenance and emergency vehicles to the playing field and minimising the overall impact of the proposals. Up and over steps are proposed along the line of the existing footpath to provide a direct continuation of the riverside walk. Access for disabled is proposed via a ramp arrangement travelling south and then returning in a northerly direction back to the riverside walk. Vehicular access is then proposed off Wye Street travelling to the south of the tennis courts which is also linked in with the disabled access off Queen Elizabeth Avenue. Discussions are still ongoing with respect to the design of this ramped arrangement and at the very least, minor modifications are required to enable access to the river by the Fire Service with their 4x4 and trailer carrying a boat.
- 6.10 The proposals as they currently stand do require the removal of at least one relatively mature tree (Beech) and possibly a semi mature sycamore trees at the end of Wye Street. The design of the ramp is somewhat elaborate although this is largely dictated by its functional requirements. Neither English Heritage nor the Conservation Manager have objected to this element of the proposals. They will, to some degree create visual clutter and will largely terminate the current views from the end of Wye Street of the river and part of the tennis courts and playing fields. This issue is clearly regrettable but is unavoidable if an appropriate flood barrier is to be created. However, the impact of the ramp is to be softened through raising the ground levels on both sides which will mean that less built development will be visible. The use of sandstone cladding in a contemporary manner will also compliment the contemporary appearance of the Watershed.
- 6.11 Ultimately, the current proposals are not considered unacceptable. However, a revised option for this area has been prepared by RRA Architects and comments are awaited from the EA on this option. There is no objection from a planning and conservation perspective to the alternative option being considered and/or adopted but there may be functional problems with its design. Further comments will be provided on this at Committee but the end result may be a compromise of the two schemes.

### Section 4: Wye Street Car Park to Swimming Pool Car Park.

This section essentially amounts to the construction of a wall connecting from the proposed ramp at a height of around 700mm running along the rear of the Wye Street car park to St Martin's Avenue properties rising to a height of 2 metres at its highest point. The low wall around Wye Street car park will be a more attractive boundary enclosure to the car park than the existing concrete bollards and the height is such that it will still allow views from the car park through the trees into the playing fields. Elsewhere, the wall is considerably higher but will form a new boundary for the existing properties within St Martin's Avenue and will largely be screened by a row of existing mature Lime trees. The use of brick for the wall is also considered acceptable. Concerns have been expressed regarding the impact of the construction of this wall and particularly its sheet pile foundations on the health and survival of the Lime trees. A specialist arboriculturalists report has confirmed that the sheet pile wall which will extend to around 6 metres below ground will sever all the roots of the trees but they should still survive. Detailed recommendations particularly with regard to the construction phase on how the trees and land surrounding the trees must be protected are included within the report and the recommendations of the report can be enforced by conditions.

To facilitate access for all along St Martin's Avenue, a ramp constructed from brick following the line of the existing footpath is proposed. This is considered to be the option which has least impact on the Conservation Area or the amenity of nearby properties within Prospect Place. The eastern end of the proposed new ramp may encroach on to the ancient Row Ditch, which is protected as a Scheduled Ancient Monument. Archaeological investigations have been undertaken and whilst the construction of this ramp will have some impact on the archaeological remains, this impact can be minimised through appropriate conditions such as low impact foundation design. The use of brick is again, considered the most appropriate material in order to complement existing residences including boundary walls within the immediate vicinity. Concerns have been expressed by English Heritage who ask that the appearance of the wall is softened so as not to compete visually with the monument. These views are supported and can be addressed through new tree planting or other soft landscaping and additional interest in the wall. The proposals will terminate the existing (undesignated) pedestrian link from the playing fields to the Leisure Pool car park and the play area and proposals will provide an alternative, all be it slightly longer route to access all of these facilities. Overall, however the works proposed within this section are considered acceptable.

#### Section 5: Leisure Pool Car Park to Hinton Road

The proposals within this area are to construct two sections of earth embankments to provide a continuous barrier from the ramp on St Martin's Avenue through to Hinton Road. Due to the existing topography and soft landscaping in the area, earth bunds or embankments are considered to be the most appropriate option particularly given the height of the barrier that is required in this area. The proposals will provide a soft boundary between the play area and car park as exists currently around the Leisure Pool. Alongside the cycle track linking Hinton Road to St Martin's Avenue the embankment will have a shallow gradient to integrate into the existing playing fields. The proposals here will entail the removal of further trees but they are located within the embankment and the retention would jeopardise the structural integrity of the embankments as a flood barrier in the future and therefore their removal is unavoidable. Overall, the earth embankments proposed within this section are considered acceptable in principle and also in design and appearance.

- 6.12 The construction of the earth embankment alongside the cycle track has generated an objection from Sport England as it will intrude into the available space around a mini football pitch and possibly even encroach slightly onto the pitch itself. Planning Policy Guidance Note 17 requires that land around playing pitches as well as the pitches themselves are protected for maintenance and to achieve adequate safety margins. The guidance advises that the loss of this ancillary land in effect, may render the use of the pitch less practical or incapable of being used for its intended purpose. The Parks and Countryside Manager has investigated the possibility of reconfiguring all of the pitch layout within the playing fields to enable the retention of the mini football pitch and the required area around the pitches but this has not been possible as insufficient land exists.
- 6.13 Sport England recognise the importance of the flood defence proposals to the city and are prepared to consider compensatory measures which in this instance would be the provision of land and the finances to enable the creation of a new mini football pitch elsewhere. Aylestone Park has been identified as the only available location for a new pitch and as the Council own the land, no land acquisition costs will be incurred. To facilitate the construction of the pitch a financial contribution of up to £54,000 is required. This request has been put to the EA and they have declined to provide the money due to budgetary constraints and there are no surplus funds available as part of the development of Aylestone Park to provide the additional pitch. Without compensatory provision, Sport England maintain their objection to the proposals. A secondary concern of Sport England is the accessibility (both visual and physical) between the Leisure Pool, Children's Playing Area and playing fields. Indirect access between these facilities will be available but inevitably, the proposed earth embankment will sever the existing permeable links between the facilities. This is clearly unfortunate but is largely unavoidable. It may be possible to provide some form of informal access over the embankment to be used by the able-bodied and this is being investigated by the EA. Ultimately however, this is not considered to be a critical issue warranting the refusal of permission.
- 6.14 Whilst the concerns of Sport England are fully acknowledged and the need to retain existing sports provision is clearly an extremely important policy objective. However, this need must be balanced against the importance of the flood defence proposals to the city and this instance, the loss of a strip of land adjoining a mini football pitch and possibly part of the mini football pitch is considered to be of less importance than the provision of the flood defence works.

#### Section 6: Hinton Road to Wyelands Close

- 6.15 A number of objections have also been received to these proposed works which essentially amount to the removal of the existing hedge and construction of a brick wall along the full length of Hinton Road. A balance must be sought here between the need to provide a solid barrier and the retention of the mature trees. For example, an alternative option would be the construction of an earth embankment but this would entail the removal of a number of mature trees along Hinton Avenue and also encroach considerably into both the dog exercising area and possibly the adjoining playing fields and associated pitches potentially generating a further objection from Sport England. Therefore on balance, the construction of a wall is considered the most appropriate solution in this area.
- 6.16 Concerns do exist regarding the removal of the existing hedge. Therefore the EA are investigating whether the wall could be constructed on the park side of the hedge

allowing the hedge to be retained. This would obviously provide a softer boundary along the roadside particularly as the wall at its highest point would be around 1.9 metres. On the park side, levels are to be raised along the full length of the wall to soften its impact. If valid engineering, constructional and maintenance reasons exist for having to remove the hedge, the impact of the wall both on the park side and Hinton Road side is, ultimately considered acceptable subject to the selection of high quality materials.

- 6.17 The nearest properties which front onto Hinton Road are raised above road level by as much as 2 metres in parts and therefore whilst their outlook undoubtedly change, the difference in levels and distances of these properties from the proposed wall will be sufficient to safeguard their amenity and generally, their outlook. The existing King George Playing Fields Memorial Gates are also to be removed through the construction of the wall and a new ramped access off Hinton Road constructed for use by pedestrians and cyclists. This access will also be wide enough to facilitate use by maintenance vehicles or other vehicles when an event is taking place including emergency access but will be restricted generally by a staggered gate system. The impact of this ramp is also to be softened through raising of levels immediately alongside the ramp to reduce the mass of brickwork. The park side of the proposed wall is to be finished with textured concrete finish which is also a concern in terms of the visual impact of this wall from the park side. It would be desirable for the wall to have a brick finish on both sides but there may be significant cost implications with this option but is again being investigated by the EA and is an approach supported by the Landscape Officer.

#### Other matters

- 6.18 The Highways Agency have presently issued a Direction preventing a decision being made on the application as they require further information on traffic generation during the construction period which is to be around 12 months, commencing April 2007 subject to planning. This information is currently being prepared by the EA but their concerns are unlikely to be resolvable.
- 6.19 English Nature and the Council's Ecologist raise no objection in the principle to the proposals but some further survey work of the protected species which exist particularly in and around the river will be required prior to commencement of construction. However these matters can largely be dealt with by condition. An Appropriate Assessment under the Habitat Regulations and Habitat Directive has also been undertaken to establish the impact of the works on the River Wye which is has European Protection through its designation as a Special Area of Conservation and Site of Special Scientific Interest. The conclusion of which is that with the imposition of conditions, the works will not adversely affect the integrity of the River Wye subject to budgetary constraints.
- 6.20 The loss of a number of trees is clearly regrettable and elements of the proposals are being re-examined to establish whether additional trees can be retained. However, the loss of the trees in its own right is not considered a reason for refusal when viewed against the benefits of the proposals as a whole. Furthermore, with compensatory planting and the potential for landscape and biodiversity enhancement, the loss can be satisfactorily mitigated against. This can be dealt with by condition as can the opportunity for the introduction of public art into the proposals subject to budgetary constraints.

Conclusion

- 6.21 The need for some form of flood defence scheme to protect this part of the city is fully recognised by everyone involved with the application including the consultees and the majority of residents and business in the locality of the proposed works. However, a number of key elements of the proposals require further investigation and possibly amendments to ensure that the historic, ecological, environmental, recreational, tourism and commercial interests of this part of the city are satisfactorily safeguarded. There are no in principle objections to any of the works proposed but the outcome of investigations into alternative solutions for the ramp access to Queen Elizabeth Avenue and Hinton Road in particular are awaited. Further discussions are also ongoing between the Council, the Environment Agency and Sport England to try and resolve their objection but ultimately, the application is recommended for approval subject to referral to the Government Office for the West Midlands.

**RECOMMENDATION**

**That planning permission be granted subject to:**

- 1. It be 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 Highways Agency direct that planning permission be refused, officers named in the Scheme of Delegation to Officers be authorised to refuse planning permission for the reason(s) set out by the Highways Agency

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies





FIGURE 2.2

# ATKINS

**KEY**

- WALLS
- EMBANKMENTS
- CULVERTS

Page	Description	Rev	Date	Drawn	Checked

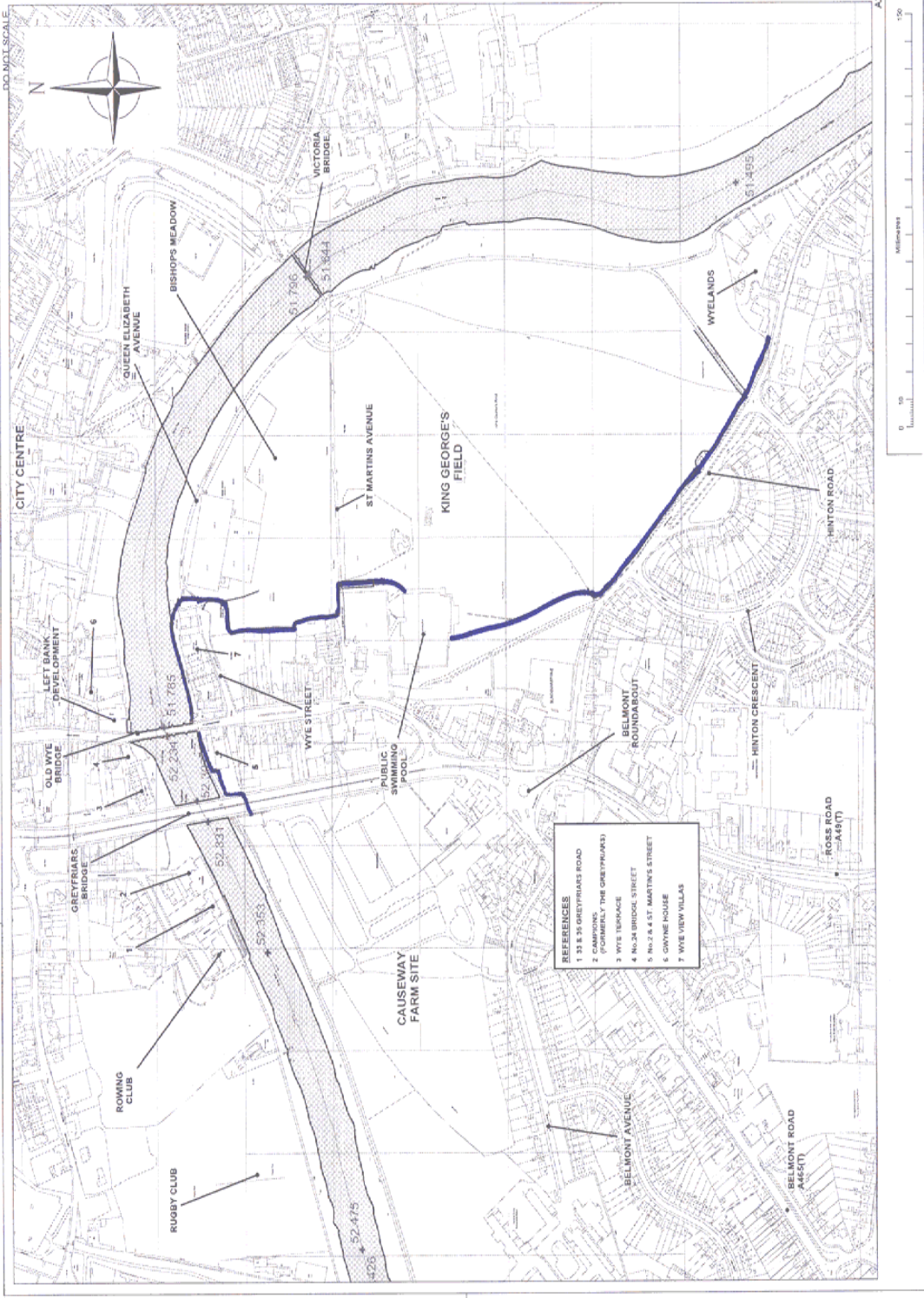
**PROJECT INFORMATION**

Project Name: **HEREFORD FLOOD ALLEVIATION SCHEME**

Client: **ASIAN TAETH YR AMGYCHIEDD CYMRU**  
**ASIAN TAETH YR AMGYCHIEDD CYMRU**  
**ASIAN TAETH YR AMGYCHIEDD CYMRU**

Scale: **1:5000**

Drawn By: **PREFERRED SCHEME OPTION OVERVIEW**





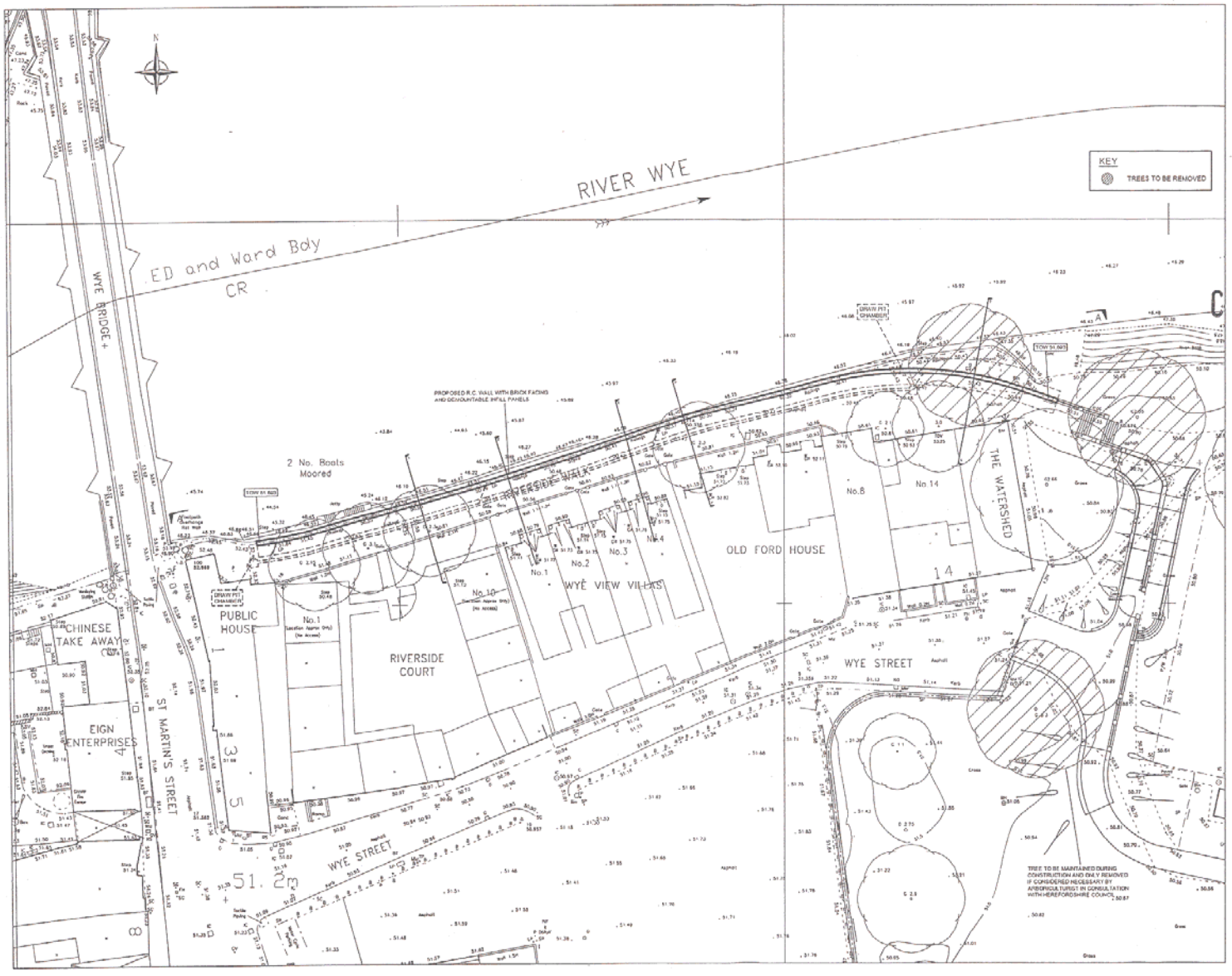
# Section 2

59

DO NOT SCALE

# ATKINS

5024678/WRE / FIGURE 2.4



CE 06 / 2037 / F 1

**KEY**  
 TOW TOP OF WALL  
 TOB TOP OF EMBANKMENT  
 TOR TOP OF RAMP

Rev.	Description	By	Date	CHK'd	Auth'd

**Atkins**  
 Consulting Engineers,  
 West Glamorgan House,  
 12 Orchard Street,  
 Swansea, West Glam., Wales. Fax (01792) 472010  
 SA1 5AD Tel. (01792) 641172

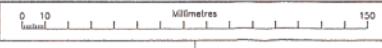
Client **ASIANTEITH YR AMGŴCHEID CYMRU ENVIRONMENT AGENCY WALES**

Project title **HEREFORD (BELMONT) FLOOD ALLEVIATION SCHEME**

Drawing title **RIVERSIDE WALK WYE VIEW VILLAS SITE LAYOUT PLAN**

Original Scale	Drawn	Checked	Authorized
1:500	DJW	R.G.L.	R.G.L.
Date 20/06/08	Date 20/06/08	Date 20/06/08	Date 20/06/08

WSA Drawing Number **5024678/WRE / FIGURE 2.4**



Articles for client signatures when required

Complete to show purpose of each issue

High section

Sub section

Detail

Other issue (Signature)

WSA No.

Fig. No.







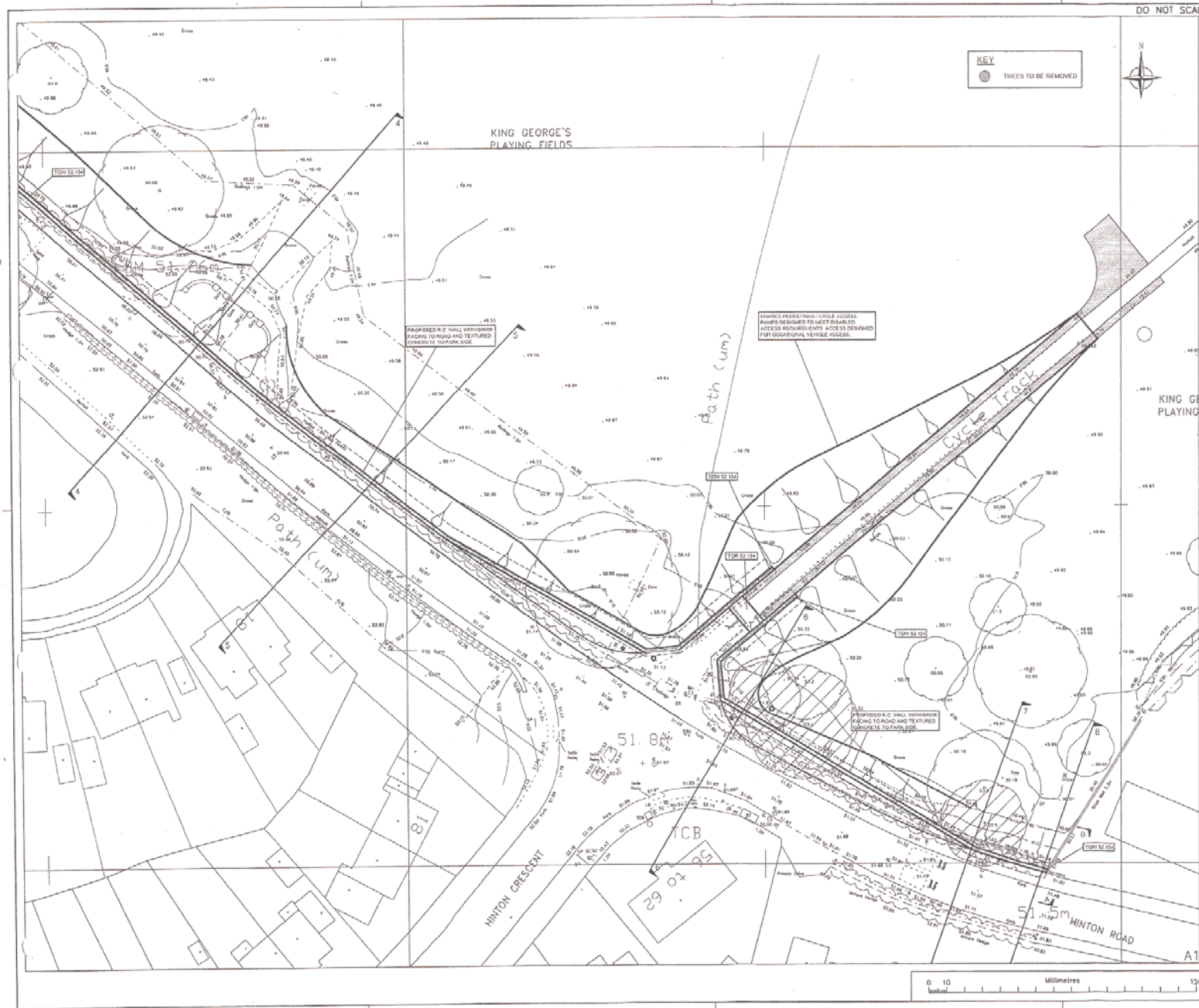






# Section 6

65



DO NOT SCALE

**KEY**  
 TREES TO BE REMOVED



## ATKINS

Drawing Number: 5024678/WRE / FIGURE 2.10

**KEY**  
 TOW TOP OF WALL  
 TOB TOP OF EMBANKMENT  
 TOR TOP OF RAMP

Rev.	Description	By	Date	Chk'd	Auth

Purpose of Issue	Rev	Date	Authorised

**Atkins**  
 Consulting Engineers,  
 West Glamorgan House,  
 12 Gichona Street,  
 Swansea, West Glam, Wales. Fax (01792) 472019  
 SA1 5AD Tel. (01792) 641172

Client: ASIANIATTH YR ANCYLLEDD CYMRU  
 ENVIRONMENT AGENCY WALES

Project title: **HEREFORD (BELMONT) FLOOD ALLEVIATION SCHEME**

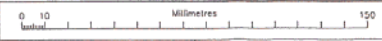
Drawing title: **HINTON ROAD TO WYLANDS SITE LAYOUT PLAN SHEET 2 OF 2**

Original Scale	Drawn	Checked	Authorised
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Date: 20/06/08	Date: 20/06/08	Date: 20/06/08	Date: 20/06/08

WSA Drawing Number: 5024678/WRE / FIGURE 2.10

Atkins for client signatures when required

Issue section  
 Site section  
 Detail  
 Issue date  
 Issue number  
 Rev. No.





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

**For: George Wimpey South West, Copse Walk,  
Pontprennan, Cardiff, CF23 8WH**

**Date Received: 21st July, 2006 Ward: St. Martins & Hinton Grid Ref: 50695, 38095**

**Expiry Date: 15th September, 2006**

Local Members: Councillors ACR Chappell, R. Preece and Mrs WU. Attfield

### **Introduction**

This application was considered by the Central Area Planning Sub-Committee at its meeting on 23rd August 2006 when Members resolved to refuse permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At its meeting the Central Area Planning Sub-Committee was recommended to approve this application. The recommendation took into account

- planning policies for residential development including non-statutory design guidance,
- the planning history of the site, in particular the approval for the same house type on two adjacent plots
- the distances between the new house and the objectors' houses
- the fact that, despite the retrospective nature of the application, it accorded with current policies and typical standards of development.

In the debate the members of the Area Sub-Committee gave significant weight to the objections of local Members and local residents who are all very concerned that, having got planning permission for one house type on this plot, the developer proceeded to build a larger house type, albeit one which had been approved on the adjacent two plots. Members were also concerned at the impact on the outlook of the nearest householders on Redhill Avenue, who now have a row of three adjacent three storey houses at the rear of their properties instead of just two at three storeys and one at two storeys. 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 on plot 2.

In terms of planning policies and typical design standards in urban areas, the scheme is not unusual. There is over 40 metres between the rear of the new house and the facing elevations of the objectors' houses in Redhill Avenue. This distance is more than adequate to protect their amenities. The new house is on the north side of the objectors' houses and hence there is no question of overshadowing. Above all, this house type has been approved on plots 3 and 4 of the development, and there is no convincing argument why it should not

have been approved on plot 2 as well. The reasons for refusal canvassed by Members seemed to be more concerned with the principle of retrospective applications than the planning merits of the case. Members also raised the issue of the impact of having three three-storey houses together on the street scene and, whilst this argument may have some merit, it is a relatively weak argument on its own. In any event, the Area Sub-Committee was firm in wishing to refuse the application on grounds of overdevelopment and over-intensity. In these circumstances, a refusal of permission would be very difficult to sustain at appeal.

## 1. Site Description and Proposal

1.1 The site is located on the southern side of Bullingham Lane and forms part of the land formerly associated with the SAS Camp known as Bradbury Lines. Immediately south of the site are existing semi-detached properties which front onto Redhill Avenue and land to the north has now been developed with new housing forming part of Phase 1 of the overall development. The southern boundary of the site bordering existing residential properties is largely enclosed by a combination of fencing and mature hedging. Levels within the site are generally flat.

1.2 Reserved matters planning permission was approved on the 8th February, 2006 for this phase of the whole development amounting to 21 units. The majority of these units are now under construction. The approved property to be built on Plot 2 which is the subject of this application is a 'Hereford' house type, this being a two bedroom two storey property with a ridge height 8.2 metres constructed as the end of a terrace of three properties. The property currently being constructed on site is a 'Middleham' house type which is a two-and-a-half storey three/four bedroom property with a ridge height of 10.1 metres. This application is retrospective and seeks planning permission to retain the property now under construction on site.

## 2. Policies

### 2.1 Hereford Local Plan:

ENV14	-	Design
H3	-	Design of new residential development
H12	-	Established residential areas – character and amenity
H14	-	Established residential area – site factors

### 2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
H13	-	Sustainable residential design
H15	-	Density
H16	-	Car parking

## 3. Planning History

3.1 CE2005/3706/RM - Proposed 2, 3 and 5 bedroom mixed residential development with 21 dwellings with associated accesses and garaging. Reserved Matters Approval 8th February, 2006.

- 3.2 CE2001/2757/O - Site for mixed use development to provide housing, open space, community and local retail uses at land at Bradbury Lines, Bullingham Lane. Outline planning approved 10th February, 2005.

#### **4. Consultation Summary**

##### Statutory Consultations

- 4.1 None required.

##### Internal Council Advice

- 4.2 Traffic Manager: No objection subject to the provision of the same parking for the adjacent similar house types already approved.

#### **5. Representations**

- 5.1 Hereford City Council: Recommend refusal on the grounds of inappropriate design out of keeping with the approved development.

- 5.2 One letter of objection has been received thus far from 7 Redhill Avenue. The main points raised are:

- When we moved to the property three years ago we had a view across to the Cathedral we now have a row of windows looking straight into our living areas and bedroom.
- We do not object to a two storey house as the windows would not be so intrusive, a three storey house is unacceptable.
- The only privacy currently afforded is by a hedge which is within the ownership of the new properties.
- It is unacceptable that the development has been constructed without planning permission first being obtained.

- 5.3 At the time of writing it is acknowledged that the consultation period has not expired and since it is likely that further representations will be made it is advised that these will form part of a verbal update. The objection letter received to date raises material concerns in respect of the visual impact of the additional floor and the effect on privacy, which are considered to be the main planning issues.

- 5.4 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

#### **6. Officers Appraisal**

- 6.1 The property now being constructed on plot 2 the subject of this application is of the same scale, form and design as the adjoining properties approved on Plots 3 and 4. This being two-and-a-half storey three/four bedroom property with the second floor rooms being accommodated within the roof space and light provided by dormer windows on the front and rear elevations. As such the development now proposed will be identical to that, which has been considered and approved by the Central Area Planning Sub-Committee on 8th February 2006 for, plots 3 and 4. Furthermore, there are other two-and-a-half storey properties of the same height in the immediate locality within phase 1.

- 6.2 On the approach into the site off the A49 the new dwelling will be seen alongside the existing two-and-a-half storey property constructed on Plot 1 and only glimpsed views are available due to existing mature vegetation, which exists in the locality. Views from the eastern direction are already shielded by existing approved development. As such the revised design of the dwelling will not appear unduly prominent in the locality or within the street scene given what is already built or approved.
- 6.3 The main issue is therefore whether the revised dwelling design has an unacceptable impact on the amenity of existing residences in the locality and particularly those properties to the south of the site on Redhill Avenue. In this regard, there is a degree of overlooking of the gardens from the rear elevations of existing dwellings in Redhill Avenue from the first floor and particularly roof windows of the dwellings approved on plots 3 and 4. The level of overlooking of the gardens will not, therefore, be materially increased by the additional height of this unit.
- 6.4 A distance of 43 metres exists between the rear elevation of the building currently under construction and the rear elevation of the properties on Redhill Avenue. The minimum standard distance for window-to-window relationships recognised nationally with any new residential development is 21 metres. As such, more than double the required minimum distance is available in this instance. Therefore, it is also not considered that there would not be any increased loss of privacy within the dwellings themselves on Redhill Avenue.
- 6.5 Notwithstanding the above, it is acknowledged that the outlook enjoyed particularly by Nos. 7 and 9 Redhill Avenue has already significantly changed and the approval of this development would further alter the outlook presently enjoyed. The perception of being overlooked can also be a material consideration and there is no doubt that even with the distances concerned from window to window, some of the properties on Redhill Avenue will have the feeling that their privacy is being invaded by existing and proposed dwellings. Ultimately, however, the situation is no different to many residential developments in and around the city particularly with the requirement to now achieve higher densities. Therefore, the combination of the already approved two-and-a-half storey properties to which the proposed dwelling is attached, the difference in levels between the properties and gardens within Redhill Avenue and the application site and the physical distances are sufficient to safeguard a satisfactory level of privacy.
- 6.6 The objector comments on the fact that the application is retrospective. This is clearly an unfortunate and a somewhat embarrassing situation for a national house builder to be in although they have advised that the amended plans were submitted but no record of receipt of the plans was ever received within the Council. The fact that the application is retrospective should not, however, influence Members consideration of the application, as it must be considered on its planning merits in accordance with the relevant development plan policies and on this basis, the proposal is considered acceptable.

## RECOMMENDATION

**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 approve the application.**

**INFORMATIVE:**

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

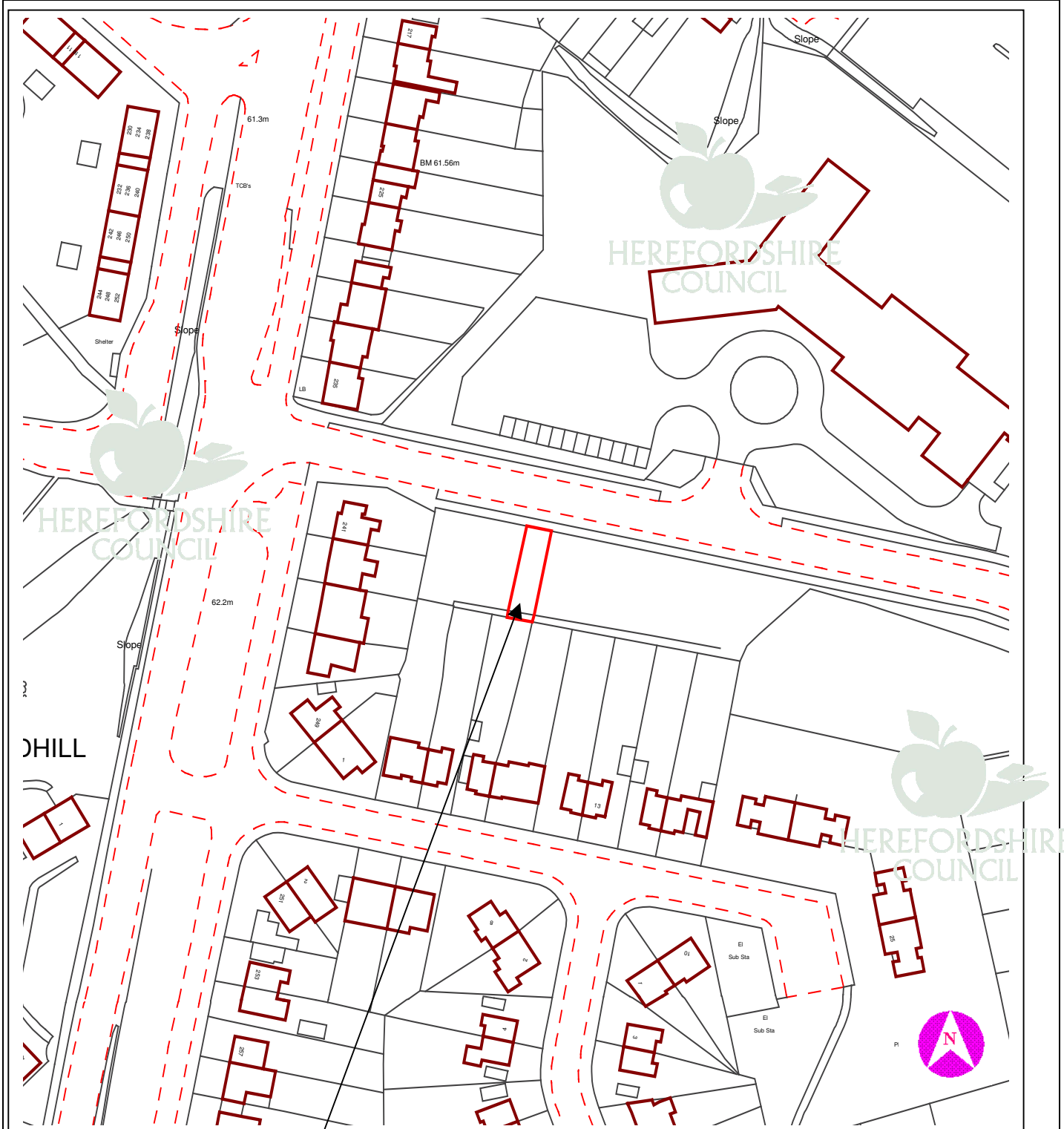
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2006/2347/RM

**SCALE :** 1 : 1250

**SITE ADDRESS :** Former SAS Camp, Land off Bullingham Lane, Hereford, Herefordshire

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