

MINUTES of the meeting of Central Area Planning Sub-Committee held at Council Chamber, Brockington on Monday, 1st December, 2003 at 2.00 p.m.

Present: D.J. Fleet (Chairman)
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, G.V. Hyde, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell, Mrs. S.J. Robertson, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams and R.M. Wilson

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

42. CHAIRMANS ANNOUNCEMENTS

The Chairman paid tribute to the passionate and devoted work of Councillor D.C. Short MBE who had passed away recently; a minute's silence was observed in his memory.

The Chairman asked that the best wishes of the Sub-Committee for speedy recoveries from illness be forwarded to officers Julie Preston and Hazel Mussell.

43. APOLOGIES FOR ABSENCE

Apologies were received from Councillors G.V. Hyde, W.J. Walling and R.M. Wilson. Apologies were also received from Councillor J.B. Williams (ex-officio).

44. DECLARATIONS OF INTEREST

The following declarations of interest were made.

<u>Councillor(s)</u>	<u>Item</u>	<u>Interest</u>
Mrs. S.J. Robertson	Item No. 5, Ref. 1 - DCCE2003/2639/F Convert existing outbuildings to annex apartment at: 15 JUDGES CLOSE, HEREFORD, HR1 2TW	Declared a prejudicial interest and left the meeting for the duration of this item.
A.C.R. Chappell, J.W. Newman and W.J.S. Thomas	Item No. 5, Ref. 2 – CW2002/3441/F Demolition of existing buildings and development of mixed-use scheme comprising Asda food store, community uses, residential development, replacement bowling green/club house, retained tramway	Declared personal interests.

	and flood defence wall, parking, servicing, landscaping, new accesses and other highways infrastructure improvements at: LAND TO THE WEST OF THE A49(T) AND NORTH OF BELMONT AVENUE, BELMONT, HEREFORD	
A.C.R. Chappell, J.W. Newman and W.J.S. Thomas	Item No. 5, Ref. 3 – CW2003/0729/C Demolition of Greyhound Dog Public House, associated outbuildings and former store office at: THE GREYHOUND DOG PUBLIC HOUSE, OUTBUILDINGS AND ADJACENT STORE ROOM, BELMONT ROAD, HEREFORD	Declared personal interests.
Mrs. M.D. Lloyd-Hayes	Item No. 5, Ref. 11 – DCCW2003/2728/F Two storey extension to dwelling at: WOOD VIEW COTTAGE, WELLINGTON, HEREFORDSHIRE	Declared a personal interest and left the meeting for the duration of this item.

45. MINUTES

RESOLVED: That the Minutes of the meeting held on 29th October, 2003 be approved as a correct record and signed by the Chairman.

46. ITEM FOR INFORMATION - APPEALS

The Sub-Committee noted the Council's current position in respect of planning appeals.

47. HEAD OF PLANNING SERVICES REPORT

The report of the Head of Planning Services was presented in respect of the planning applications received for the Central Area.

RESOLVED: That the planning applications be determined as set out in the appendix to these Minutes.

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: That under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION

48. ITEM FOR INFORMATION - ENFORCEMENT

The Sub-Committee received an information report about enforcement matters within the Central Area.

[12) Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:
(a) any legal proceedings by or against the authority, or
(b) the determination of any matter affecting the authority
(whether, in each case, proceedings have been commenced or are in completion)

14) Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.]

49. DATE OF NEXT MEETING

It was noted that the next scheduled meeting was Wednesday 14th January, 2004.

The meeting ended at 5.14 p.m.

CHAIRMAN

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APPENDIX

[N.B. To assist with the efficient transaction of business, the applications were considered in the following order: Ref. 1, Ref. 2, Ref. 3, Ref. 4, Ref. 5, Ref. 8 and Ref. 9, Ref. 10, Ref. 14, Ref. 7, Ref. 6, Ref. 11, Ref. 12, Ref. 13, Ref. 15.]

Ref. 1
HEREFORD
DCCE2003/2639/F

Convert existing outbuildings to annex apartment at:

15 JUDGES CLOSE, HEREFORD, HR1 2TW

For: **MR. & MRS. DEVERILL PER MR. J.E. SMITH, PARKWEST,
LONGWORTH, LUGWARDINE, HEREFORD**

Referring to paragraph 5.2 of the report, the Planning Officer advised the Sub-Committee that five letters of objection had been received and that a sixth letter outlined concerns.

Councillor D.B. Wilcox, a Local Member, thanked the Sub-Committee for having undertaken a site inspection and noted the conditions recommended in the report. Councillor A.L. Williams, the other Local Member, supported this view.

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 E15 (Restriction on separate sale)

Reason: It would be contrary to the policy of the local planning authority to grant consent for a separate dwelling in this location.

3 E29 (Occupation ancillary to existing dwelling only (granny annexes))

Reason: It would be contrary to the policy of the local planning authority to grant planning permission for a separate dwelling in this location.

4 The development hereby permitted shall not commence until a plan showing an area within the application site for the parking and turning of one car associated with the annex has been submitted to and approved in writing by the local planning authority. The approved parking and turning area shall then be used and retained thereafter free of any impediment to such use.

Reason: In the interests of highway safety and to help prevent indiscriminate parking on the highway.

5 The development hereby permitted shall not commence until a

plan showing an area within the application site for the storage of refuse has been submitted to and approved in writing by the local planning authority. The approved area for the storage of refuse shall then be used and retained thereafter free of any impediment to such use.

Reason: To ensure adequate provision for the storage of refuse from the dwelling in the interest of the amenities of nearby residents.

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

Reason: To protect the integrity of the Public Sewerage System.

7. **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.

8. **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.

Note to Applicant:

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

Ref. 2
HEREFORD
CW2002/3441/F

Demolition of existing buildings and development of mixed-use scheme comprising Asda food store, community uses, residential development, replacement bowling green/club house, retained tramway and flood defence wall, parking, servicing, landscaping, new accesses and other highways infrastructure improvements at:

LAND TO THE WEST OF THE A49(T) AND NORTH OF BELMONT AVENUE, BELMONT, HEREFORD

For: ASDA STORES/EIGN ENTERPRISES LTD. PER RPS GROUP PLC, 3RD FLOOR, PARK HOUSE, GREYFRIARS ROAD, CARDIFF, CF10 3AF

The Principal Planning Officer reported the receipt of the following correspondence:

- responses to a 'Community Connect' exhibition and newspaper notice, comprising: a petition of 123 signatures, 21 individual comments in support and 305 newspaper return slips, although only 261 had been received by the Planning Department;
- a petition, relating to a 'Big Event' exercise, of 1,108 signatures;

- a letter from St. Martin's Dental Practice expressing concern that refusal of planning permission could result in lost opportunities for flood defence, highway and drainage improvements;
- a letter of support from the Hereford Campaign for Flood Defences;
- a letter from St. Martin's Street Residents' and Traders' Association expressing concern about the loss of a flood plain without the construction of the full Hereford Flood Alleviation Scheme;
- an individual letter of support; and
- an individual letter of objection.

In accordance with the criteria for public speaking, Mr. Orgill and Mr. Meldrum spoke in objection to the application and Mr. Hoare (the applicants' agent), Mr. Lyons (speaking as an individual on behalf of the applicants) and Mrs. Davies spoke in support of the application.

The Principal Planning Officer explained the retail need considerations and emphasised that Officers and the Council's independent retail consultant concluded that the application failed to comply with Central Government advice contained in PPG6 and more recent Ministerial Statements. He also explained the three other reasons for refusal as detailed in the report.

Before the Members' debate on this application, the Chairman read out a statement which outlined the main issues for consideration. The Chairman reminded Members that the report had been prepared with the best professional advice based on information provided by the applicants and by consultees and in the light of local and national planning policies. He added that Members should refrain from straying into areas not covered by the report. The Legal Practice Manager noted that this application was complex and multi-faceted and reminded Members of their duty to abide by the Council's Code of Conduct for Members and Officers Dealing with Planning Matters.

Councillor R. Preece, a Local Member, thanked the Officers for their thorough and detailed report. Councillor Preece felt that on balance greater weight should be given to the benefits of the proposal, particularly the provision of 400-450 jobs and the infrastructure improvements. He questioned the Environment Agency's concerns about flood risk, commented on retail need and felt that the existing parking area to the front of the shops adjacent to Belmont roundabout should be retained.

Councillor A.C.R. Chappell, a Local Member, expressed his view that significant weight should be given to the regeneration and community opportunities of this proposal and noted the extent of local support. Referring to the comments of the Environment Agency regarding flood risk, Councillor Chappell expressed his dismay at the inference that the local community would not act promptly to evacuate vulnerable members of the public from any area at risk, particularly given that there was generally a large lead in time for the issue of flood warnings for this area. He also felt that precedents had been established through other developments in Hereford. Referring to concerns about the future viability of the proposed community facilities, he noted that work was ongoing with the South Wye Regeneration Partnership, that a number of consultation exercises had identified the need for community

provision and that such provision was supported in community development terms. Referring to the issue of retail need, he commented on anecdotal evidence about people who travelled from Hereford to shop at Asda stores in Cwmbran and Gloucester and commented that he would prefer to see such spending in Hereford. He felt that the potential for link trips to shops in the city centre had been underestimated. He noted that the Greyhound Dog building was almost dilapidated and that many local residents did not feel that it was worthy of retention. In concluding his comments, Councillor Chappell stressed his view that the proposal would bring about major regeneration, would provide the only short-term opportunity for improvement works on this heavily congested junction and would provide much needed community benefits. He added that refusal of this planning application could send a catastrophic message to other potential investors.

Councillor Mrs. W.U. Attfield, the other Local Member, commented on the present semi-derelict appearance of the site and the unsightly state of the Greyhound Dog building. She noted that much of the flooding in recent times was the result of inadequate foul and surface water drainage in this area. She felt that this proposal provided a rare opportunity for regeneration and to solve problems associated with the site.

The Principal Planning Officer responded to a number of points raised during the debate as follows: whilst Officers had questioned the rationale of comments regarding flood risk, the Environment Agency was a statutory consultee and maintained its objection to the development proposals; whilst the principle was supported, the fact that no end users had been identified to date had resulted in concerns about long term viability of the community facilities; Members were reminded that it was the application and not the applicant under consideration and that retail need had to be demonstrated; and that, whilst it was not argued that the building in its present condition was unsightly, adopted policies and Government guidance contained in PPG15 (Planning and the Historic Environment) meant that the demolition of the Greyhound Dog could only be supported as part of an approved comprehensive and appropriate scheme for the redevelopment of the site.

Councillor J.W. Newman felt that the arguments in favour of this site were very strong. He commented that the applicants were unlikely to make such a significant investment in the area if there was any suggestion that the proposals would not be sustainable. Councillor Newman felt that the proposals would significantly enhance the area and would provide more local shopping choice.

Councillor P.J. Edwards noted the professionalism of Officers but felt unable to support a recommendation of refusal in this instance. Councillor Edwards felt that the retail need generated by major residential development south of the city in recent times might have been underestimated. In respect of qualitative benefits, he suggested that consideration should be given to securing planning contributions towards facilities across the city if it proved too problematic to provide facilities on site. He felt that elements of the scheme fitted in with adopted and emerging policies; he added that referral of the application to the Office of the Deputy Prime Minister would help to highlight the constraints caused by flooding and inadequate highway infrastructure. He commented that the applicants were unlikely to invest in a project if

the flood risk was so critical, particularly given that much of the store's stock would be perishable. He queried why the risk of locating community facilities on this site was assumed to be greater than that for a store. Councillor Edwards commented on the potential architectural contribution of the 'landmark' residential building and felt that considerable weight should be placed on the highway infrastructure improvements and the financial contribution towards the cost of the Hereford Flood Alleviation Scheme.

Councillor J.C. Mayson commented that these proposals provided a chance to check the perceived divide in the provision of quality facilities in the north and the south of the city.

Councillor R.I. Matthews reminded the Sub-Committee of the seriousness of the issues under consideration and highlighted the consultation responses and representations that had been received in objection to the proposals. Councillor Matthews expressed his concern about the flood risks, including the consequences of piecemeal flood alleviation measures, and the implications of additional traffic in the vicinity of the site. He also expressed concern about the potential impact of the store on the vitality and viability of city centre retail units.

Councillor D.B. Wilcox supported the arguments put forward by the Local Members but felt that, if the Sub-Committee was minded to grant planning permission, further consideration should be given to the impact on other traders and to the design of the landmark residential building. The Officers were commended for their expertise but it was felt that the wider community benefits outweighed policy interpretations in this instance.

Councillor Ms. A.M. Toon noted the differences of opinion in relation to the flood risk issue and felt that the opportunity to move forward with this scheme should not be lost.

In response to a question from Mrs. P.A. Andrews, the Principal Planning Officer advised that the repositioning of the proposed community facilities within the site would not address the objections of the Environment Agency as it held the view that sites vulnerable to rapid inundation were unlikely to be suitable for those of restricted mobility.

Councillor Mrs. E.M. Bew expressed the view that regeneration opportunities of this magnitude generally only arose every few decades and felt that these proposals were worthy of support.

Councillor Mrs. M.D. Lloyd-Hayes expressed her support for the application, particularly given the inward investment and local benefits that could be secured as a result of the proposals. She noted that the area was one of the most deprived in the County and that retailer choice was very limited, especially when compared to the north of the city. She felt that the issue of road congestion and safety had to be dealt with. She concurred with the views of other Members that inadequate drainage was a significant factor in the localised flooding problems of recent years and that the opportunity to resolve such issues should not be allowed to pass by.

Councillor W.J.S. Thomas thanked the Officers and the speakers for

their considered contributions to the debate. Councillor Thomas noted that, whilst it was clear that there would inevitably be concerns regarding the presence of community facilities within an identified flood risk area, the response of the Environment Agency appeared to infer that there was opportunity for further consultations in respect of measures to mitigate the perceived adverse impacts of the proposals. He commented on the need to address the severe traffic problems in and around the city which were stifling economic potential.

Councillor Mrs. S.J. Robertson noted the complexity of the issues but felt that the extent of support for the application in the local community was an overriding consideration. She felt that further attention should be given to flooding concerns, the impact on other traders and design issues.

Councillor Mrs. J.E. Pemberton noted the need for appropriate developments at the entrances to the city.

Councillor Ms. G.A. Powell noted the significant amount of correspondence she had received in support of the application and felt that it should be supported given the prospect of new investment in jobs.

Councillor A.L. Williams spoke in support of the Local Members' views and felt that link-trips to the city centre should be encouraged. In response to this question, the Principal Planning Officer advised that in his opinion, the opportunity for linked trips from the site to the city centre was limited having regard to the distance (over 1000m from High Town to the store) and the nature of the route.

Councillor Edwards suggested that the applicants could provide additional contributions in respect of pedestrian and cycle facilities outside the application site.

A motion to refuse the application failed and the Sub-Committee subsequently approved a motion confirming that Members were minded to approve the application.

The Chairman noted that, under the Council's referral procedure, the Head of Planning Services had a limited amount of time to decide whether the application was referred to the Planning Committee for further consideration or, given the requirements of the Departure Regulations, the application should be referred straight to the relevant Government office.

Councillor Edwards asked that a list of conditions he had prepared be considered for inclusion in any planning permission granted.

RESOLVED:

It was the decision of the Members of the Central Area Planning Sub-Committee that they were minded to grant planning permission for the proposal on the grounds that there were significant local benefits in the form of new investment in jobs, urban regeneration of the conservation area, improvements to the local road infrastructure and provision of community facilities. Members considered that these benefits outweighed the policy

concerns outlined in the report. In addition, Members placed considerable weight on the financial contribution being offered by the developer to the Environment Agency towards the cost of the Hereford Flood Alleviation Scheme.

Ref. 3
HEREFORD
CW2003/0729/C

Demolition of Greyhound Dog Public House, associated outbuildings and former store office at:

THE GREYHOUND DOG PUBLIC HOUSE, OUTBUILDINGS AND ADJACENT STORE ROOM, BELMONT ROAD, HEREFORD

For: **ASDA STORES LTD/EIGN ENTERPRISES LTD. PER RPS GROUP PLC, 3RD FLOOR, PARK HOUSE, GREYFRIARS ROAD, CARDIFF, CF10 3AF**

For the reasons outlined the previous item, Members were minded to approve this application.

RESOLVED:

It was the decision of the Members of the Central Area Planning Sub-Committee that they were minded to grant Conservation Area Consent for the demolition of the Greyhound Dog Public House, subject to any conditions considered necessary by Officers.

Ref. 4
HEREFORD
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, HEREFORD

For: **GEORGE WIMPEY UK LIMITED PER GOUGH PLANNING SERVICES, MILL COURT, MILL STREET, STAFFORD, ST16 2AJ**

In accordance with the criteria for public speaking, Mr. Owen spoke on behalf of Lower Bullingham Parish Council.

Councillor R. Preece, a Local Member, noted the comprehensive nature of the report and commented on drainage issues and on open space provision.

Councillor A.C.R. Chappell and Councillor Mrs. W.U. Attfield, the other Local Members, expressed concerns about existing and potential traffic congestion into the city centre.

Councillor P.J. Edwards expressed concerns about traffic and drainage issues. He also felt that the provision and maintenance of open space had to be a priority.

Councillor W.J.S. Thomas noted the drainage problems in the area, felt that public transport needed to be supported for a number of years, and welcomed the planning obligations that had been negotiated by Officers.

Councillor Mrs. P.A. Andrews felt that a financial contribution to local

bus services would have a more significant impact than the provision of complimentary bus passes for residents. Councillor Mrs. Andrews commented on the significant cost to the Council of maintaining areas of open space and questioned whether the financial contribution to maintenance costs could be extended.

In response to comments by Members, the Principal Planning Officer explained: the structure of the recommendation; that Hyder had confirmed that adequate capacity existed within the public sewer; that the detail of the planning obligations was negotiable as this was an outline planning application; and commented that a 10-year maintenance period for open space was considered reasonable.

In response to a question from Councillor Edwards, the Principal Planning Officer advised that condition 19 (landscape management plan) would ensure that the open space would be maintained to an acceptable standard.

In response to a question from Councillor Ms. A.M. Toon, the Principal Planning Officer advised that the Council's Education and Policy Resources Officer had calculated that the overall proposal was likely to result in a requirement for two additional classrooms at nearby schools and this was considered reasonable.

RESOLVED:

- 1 The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 requiring the applicant to provide:**
 - (i) 36% of the housing units as affordable housing of which a minimum of one half to be provided through a Registered Social Landlord (and a minimum of two thirds of this 'half' to be for rent), all appropriately phased throughout the development;**
 - (ii) a financial contribution towards the provision of additional education facilities at the local schools;**
 - (iii) complimentary bus passes for owners/occupiers of the residential units for the first year of occupation and/or a financial contribution towards a bus service/re-routed service on the site;**
 - (iv) the provision of open space to include the LEAP, MUGA and 10 LAPs together with a financial contribution towards maintenance costs for the next 10 years;**
 - (v) the provision of a serviced and equipped community building and associated facilities (access, parking, landscaping) or a financial contribution and land for the provision of such a facility;**
 - (vi) a financial contribution towards the cost of providing safer routes to school facilities and improved pedestrian/cycle links within the vicinity of the site (to**

include a toucan crossing on Holme Lacy Road);

(vii) a financial contribution towards cemetery provision within the City.

And deal with any other appropriate and incidental terms, matters or issues.

2 Upon completion of the aforementioned planning obligation the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered necessary by Officers:

1 Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

2 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3 Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

4 Plans and particulars of the reserved matters referred to above relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

5 The development shall be carried out in all respects strictly in accordance with the approved plans except where otherwise stipulated by conditions attached to this permission.

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

6 No development shall take place until details or samples of

materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

- 7** No development shall take place until the applicants or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service.

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

- 8** The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow him/her to observe the excavations and record items of interest and finds. A minimum of 5 days' written notice of the commencement date of any works forming part of the development shall be given in writing to the County Archaeology Service.

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

- 9** The hours during which site plant and machinery may be operated shall be restricted to 8.00am to 6.00pm Mondays to Fridays and 8.00am to 1.00pm on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality.

- 10** The loading and unloading of service and delivery vehicles together with their arrival and departure from the site shall not take place outside the hours of 8.00am and 6.00pm Mondays to Fridays and 8.00am and 1.00pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality.

- 11** No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works and surface water run-off limitation has been submitted to and approved in writing by the local planning authority. Such scheme shall be implemented before the first use of the development hereby approved.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 12 There shall be no, direct or indirect, discharge of surface water to the public foul sewer.

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

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

Reason: To safeguard residential amenity and prevent pollution.

- 14 No phase of the development hereby approved shall commence until the scheme to deal with contamination of the site set out in the Remedial Action Plan - Bradbury Lines, Hereford (Document: 20971 rap2) dated September 2003 ("the Plan") has been implemented in accordance with the Plan to the satisfaction of the local planning authority. Following completion of de-contamination of each phase the applicant shall notify the local planning authority in writing prior to discharge of this condition as it affects the particular phase. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the Plan then details shall be submitted in writing to the local planning authority prior to decontamination works taking place.

Reason: To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority.

- 15 Prior to the commencement of each phase of the development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

- 16 No phase of the development hereby approved shall be occupied until a landscape design has been submitted to and approved by the local planning authority. The submitted design shall include drawings at a scale of 1:200 or 1:500 and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 17 The landscaping scheme approved under condition 16 above shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 18 The landscaping scheme required by condition No. 16 above shall include the following:

(a) Full details of all existing physical and landscape features on the site including the position, species, height, girth, spread and condition of all trees, clearly distinguishing between those features to be retained and those to be removed.

(b) Full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting.

(c) Full details of all protective measures to prevent damage during the course of development to trees and other features to be retained.

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

- 19 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of visual and residential amenity.

- 20 (a) The detailed siting and layout plans to be submitted under condition no. 4 shall include provision of a single area of public open space (the "Central Area") to be a minimum of 2.45 ha in area (to include a suitably equipped Locally Equipped Area of Play and a Multi-Use Games Area), other open areas/corridors to be a minimum of 0.72 ha; and a minimum of 10 suitably equipped toddlers' play areas (each a minimum of 0.2ha in area in accordance with the standards

adopted by the local planning authority).

(b) The Central Area and other open areas/corridors shall be provided and equipped for use in accordance with the approved siting and layout plans prior to the occupation of any part of phases 2 and 3 of the development or in accordance with a programme to be agreed in writing with the local planning authority. The first toddlers play area shall be provided and equipped prior to the occupation of the 50th dwelling, and subsequent toddlers play areas shall be provided and equipped after the occupation of each subsequent block of 50 dwellings or in accordance with a programme to be agreed in writing with the local planning authority.

Reason: To ensure the proper planning of the development in accordance with the Master Plan and ensure a phased and adequate standard of amenity for the development.

21 (a) A minimum of 36% of the dwellings hereby approved shall comprise affordable housing.

(b) One third of the total affordable housing shall be provided in each of the three phases of the development unless otherwise agreed in writing with the local planning authority.

(c) Within each phase of the development no more than 60 of the open market dwellings shall be occupied prior to the completion of the affordable housing unless otherwise agreed in writing with the local planning authority.

Reason: To ensure a satisfactory housing mix and to accord with local and national planning policy.

22 (a) The detailed siting and layout plans to be submitted under condition no. 4 shall include a new community building (the details of which are to be agreed in writing by the local planning authority) and access thereto from Hoarwithy Road on a site to be a minimum of 1 ha in area.

(b) The new community building and access thereto shall be provided and equipped for use in accordance with the approved details prior to the occupation of the 240th dwelling.

Reason: To ensure the proper planning of the site in accordance with the Master Plan and the policies for the provision of community facilities.

23 Prior to the commencement of Phase 3 of the development a reptile mitigation strategy that includes details of the timing, methodology, reptile fencing and personnel responsible for slow worm translocation shall be submitted to and agreed in writing by the local planning authority. The strategy must include all details of the proposed slow worm corridor alongside the railway line including its protection during construction and its future management including the construction of an artificial reptile hibernaculum. The

strategy shall be implemented as approved prior to the commencement of Phase 3.

Reason: To protect the nature conservation interest of the site.

- 24 Development shall not begin until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the local planning authority.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 25 The development shall not be occupied until the roadworks necessary to provide access from the nearest publicly maintained highway have been completed in accordance with details submitted to and approved in writing by the local planning authority.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 26 All roadworks shall be completed within a period of 2 years or other period agreed in writing from the commencement of work on the site, or within 6 calendar months of the substantial completion of 75% of the dwellings hereby approved if this is sooner. This will entail the making good of surfacing, grassing and landscaping in accordance with a specification submitted to and approved in writing by the local planning authority. (Nothing in this condition shall conflict with any phasing scheme, in which respect it will be interpreted as applying to the particular phase being implemented).

Reason: In the interests of highway safety and convenience and a well co-ordinated development.

- 27 Prior to the first occupation of any dwelling to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the local planning authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.

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

- 28 Before any other works associated with any particular phase of the development hereby approved are commenced, the construction of the vehicular access(es), footway/cycleway improvements to Bullingham Lane, and pedestrian links and pedestrian crossing refuges associated with the particular

phase shall be carried out in accordance with drawing no. HSL00466 - Fig 3 with the Traffic Assessment dated August 2002, and in accordance with a specification to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety.

- 29 The highway improvements shown on drawing no. HSL00466/005/Revision C, entitled Proposed Improvements to Ross Road/Bullingham Lane Junction and dated 27-05-03 shall be certified as completed in full by the Local Planning Authority in consultation with the Highway Authority prior to the occupation of the 161st dwelling within this development. Minor Amendments to this drawing may be made at the discretion of the local planning authority in consultation with the Highway Authority; these amendments can only be given effect if endorsed in writing by the local planning authority in consultation with the Highway Authority.

Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with section 10 (2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road.

- 30 The improvements to the Ross Road/Bullingham Lane junction will include the provision of traffic signal control equipment and the necessary telecommunication works to ensure that this junction can be operated either as an efficient stand-alone junction or as part of a wider co-ordinated network.

Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with section 10 (2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road.

- 31 The highway improvements shown on drawing no. HSL00466/024/Revision B, entitled Ross Road/Holme Lacy Road/Walnut Tree Avenue Junction Improvements and dated 22-05-03 shall be certified as completed in full by the local planning authority in consultation with the Highway Authority prior to the occupation of the 161st dwelling within this development. Minor amendments to this drawing may be made at the discretion of the local planning authority in consultation with the Highways Authority; these amendments can only be given effect if endorsed in writing by the local planning authority in consultation with the Highway Authority.

Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with section 10 (2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic

expected to be generated by the development, and to protect the interest of road safety on the Trunk Road.

- 32 The improvements to the Ross Road/Holme Lacy Road/Walnut Tree Avenue junction will include the provision of traffic signal control equipment and the necessary telecommunication works to ensure that this junction can be operated either as an efficient stand-alone junction or as part of a wider co-ordinated network.

Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with section 10 (2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road.

- 33 Means of vehicular access for construction traffic to the development hereby approved shall be from Bullingham Lane only.

Reason: In the interests of highway safety and to safeguard residential amenity.

- 34 Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interests of highway safety.

- 35 The detailed siting and layout plans to be submitted under condition no. 4 shall include full details of the bus link through the site including specification of construction and, if required, means of controlling access from Hoarwithy Road. The bus link shall be constructed as approved in accordance with a programme to be agreed in writing with the local planning authority.

Reason: To ensure the proper planning of the development in accordance with the proposed scheme.

- 36 There shall be no vehicular access(es) between the site and Hoarwithy Road other than for pedal bikes, buses and emergency vehicles in the event of an emergency, and to exclusively serve the community building. The reserved matters shall include details of the intended means of ensuring that there will be no vehicular access between the site and Hoarwithy Road; and these works shall be carried out as approved prior to the commencement of building works on the site or in accordance with a programme to be agreed in writing with the local planning authority.

Reason: To accord with the terms of the application and

safeguard highway safety.

- 37 There shall be no vehicular access between the site and Bradbury Close other than for pedal bikes and emergency vehicles in the event of an emergency. The reserved matters shall include details of the intended means of ensuring that there will be no vehicular access between the site and Bradbury Close; and these works shall be carried out as approved prior to the commencement of building works on the site.

Reason: To safeguard residential amenity.

- 38 There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within:

a) 5m of the top of any bank or watercourses; and/or

b) 3m of any side of an existing culverted watercourse, inside or along the boundary of the site, unless agreed in writing by the local planning authority.

Reason: To enable access to be maintained to the watercourses for maintenance or improvement purposes, and to provide for overland flows.

- 39 Prior to the commencement of phase 3 details of measures to protect those dwellings affected by noise disturbance from the railway line shall be submitted for approval in writing by the local planning authority. The details shall be carried out as approved prior to occupation of the affected dwellings.

Reason: In the interests of residential amenity having regard to the information contained in the Railway and Road Traffic Noise Assessment dated October 2001.

- 40 The detailed siting and layout plans to be submitted under condition no. 4 shall include a plan (to be entitled "Affordable Housing") for each phase appropriately coloured to show exclusively the affordable housing (a different colour to be used for the Discounted Low Cost Housing and RSL Housing). Ultimately at completion of the entire development a single plan for the whole site, again appropriately coloured, shall be submitted to show exclusively the affordable housing.

Reason: To clarify the location of all housing on the site and to ensure future certainty as to the specific location of the affordable housing.

- 41 (a) The detailed siting and layout plans to be submitted under condition no. 4 shall include details of the retail use, to comprise a Local Centre.

(b) The retail use shall be provided and equipped in accordance with the approved details prior to the occupation of the 60th dwelling in Phase 3 of the development or in

accordance with a programme to be agreed in writing with the local planning authority.

Reason: To accord with the terms of the application and to ensure the proper planning of the development.

[After 5th December 2003 all reasons for conditions to refer to Development Plan policy].

Notes to Applicant:

- 1 Your attention is drawn to the requirements of Part M of the Building Regulations 1991 in respect of the need to provide access and facilities for the disabled.
- 2 This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
- 3 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 4 Your attention is drawn to Section 80 of the Building Act 1984 whereby no demolition may be carried out without proper notice to the local authority and a counter notice issued under Section 81.
- 5 The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- 6 This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. A.G. Culley, Divisional Surveyor (South), Unit 3, Thorn Business Park, Rotherwas, Hereford Tel: 01432-261955, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.
- 7 No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact Mr. R.J. Ball, Lead Planner (Transportation), PO Box 236, Hereford, HR4 9ZH to progress the agreement.
- 8 The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations to Mr. A. Byng, Section 38 Manager, Engineering Services, PO Box 236, Hereford, HR1 2ZA. No works on the site of the development shall be commenced

until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.

- 9 It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, Herefordshire Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways.

The applicant is, therefore, advised to submit the engineering details referred to in this conditional approval to Mr. A. Byng, Section 38 Manager, Engineering Services, PO Box 236, Hereford, HR1 2ZA at an early date to enable surface water disposal arrangements to be assessed.

- 10 Reference in any condition to phasing, or phases, relates to the "Design Responses - Land Division" plan forming part of the Design Framework. For clarification, this divides the site into three phases - area 1; areas 2a, 2b and 2c; and 3b.
- 11 If you have any queries regarding the archaeological interest of the site or the requirements of the conditions relating to archaeological work, please contact Herefordshire Archaeology, Planning Services, Town Hall, St. Owen Street, Hereford (Tel: 01432-383351).
- 12 Slowworms are a protected species under the terms of the Wildlife and Countryside Act 1981. It is an offence to harm or kill a protected species or its habitat. The applicant is advised to contact English Nature regarding measures required to protect the species and any license requirements to carry out works close by.
- 13 For the purposes of condition no. 41, the term "Local Centre" is defined as a small grouping of local convenience shops as referred to in Annex A of PPG6".

Ref. 5
HEREFORD
CE2002/1901/F

Change of use of former military chapel to community use at:

BRADBURY LINES, HOARWITHY ROAD, HEREFORD

For: **GEORGE WIMPEY U.K. LIMITED PER GOUGH PLANNING SERVICES, SUITE 2, TREVITHICK HOUSE, STAFFORD PARK 4, TELFORD, STAFFORDSHIRE, TF3 3BA**

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

- 2 No community or social activities or functions shall take place at the site outside the hours of 7.00am to 23.30pm daily unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the amenities of the locality.

- 3 The existing parking and turning areas at the site (including those serving the former Palladrin Club) shall be permanently maintained exclusive for the purpose of parking and turning in connection with the use hereby permitted.

Reason: To ensure that there is adequate parking and turning at the site in the interests of highway safety.

Ref. 6

HEREFORD

DCCE2003/2592/F

Proposed two-storey extensions at:

HAMPTON GRANGE NURSING HOME, 48/50 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TH

For: **MRS. C. DOLAN PER HOOK MASON, 11 CASTLE STREET, HEREFORD, HR1 2NL**

Councillor Mrs. M.D. Lloyd-Hayes, a Local Member, noted the efforts of the nursing home to minimise noise disturbance. A number of Members spoke in support of the application.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

- 2 **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 Before any other operation hereby approved is commenced, the bin store shall be moved from its present location to the area annotated 'new fenced bin enclosure' on drawing no. 2334.5.2B, and the enclosing fence shall be erected to a height not less than 1.8m. Thereafter there shall be no storage of bins or other waste material in the area presently used for that purpose.

Reason: To safeguard the amenities of nearby residential properties and accord with the terms of the application.

- 4 The east facing en-suite bathroom windows shall be glazed with obscured glass.

Reason: To safeguard the amenities of nearby residential properties.

- 5 The east facing external doorway serving the stairwell shall be used as an emergency fire exit only and shall only be opened in the event of a fire or other emergency or for practices for a fire or other emergency. For the remainder of the time the door shall be kept shut.**

Reason: To safeguard the amenities of nearby residential properties.

- 6 B01 (Samples of external materials)**

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

- 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.

Note to Applicant:

- 1 There shall be no storage of materials or equipment by the river, either during or after construction works.**

Ref. 7
HEREFORD
CE2002/2405/O

Site for demolition of existing light industrial premises and construction of residential dwellings at:

THE OLD DAIRY, BULLINGAM LANE, HEREFORD

For: **J.S. BLOOR (TEWKESBURY) LTD. PER J.S. BLOOR (SERVICES) LTD., ASHBY ROAD, MEASHAM, SWADLINCOTE, DERBYSHIRE, DE12 7JP**

The Principal Planning Officer reported that the Environment Agency had no objections to the development.

Councillor A.C.R. Chappell, a Local Member, expressed his support for the application and, noting concerns about highway safety, suggested signage which could alert drivers to potential hazards. These views were supported by the other Local Members.

A number of Members felt that Welsh Water should be asked for a detailed report into the state of the public sewerage system in Hereford as consultation responses to development proposals frequently raised concerns about capacity issues.

RESOLVED:

That subject to the submission of drainage run-off details to the satisfaction of the Environment Agency:

- 1 The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and**

Country Planning Act 1990 requiring the applicant to provide:

- (i) a financial contribution towards the provision of additional education facilities at local schools;**
- (ii) a financial contribution towards off site affordable housing provision;**
- (iii) the provision of open space to include a LAP together with a financial contribution towards maintenance costs for the next ten years**

and deal with any other appropriate and incidental terms, matters or issues.

2 Upon completion of the aforementioned planning obligation the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered necessary by Officers:

1 Approval of the details of the design and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

2 Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

4 (a) Plans and particulars of the reserved matters referred to above relating to the design and external appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

(b) The means of access to the site and the siting of the units shall be in accordance with the approved site layout plan no. TE010 - 21/A except where otherwise stipulated by condition attached to this permission.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990, and to ensure adherence to the approved plans.

- 5 The reserved matters shall include details of a revised layout and/or a reduction in units on plots 31-34 and 35.**

Reason: To ensure a satisfactory layout in the interests of visual and residential amenity.

- 6 No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

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

- 7 No development shall take place until the applicants or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service.**

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

- 8 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.**

Reason: To protect the amenity of local residents.

- 9 Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of the buildings hereby permitted.**

Reason: In order to ensure that satisfactory drainage arrangements are provided.

- 10 No development approved by this permission shall be commenced until:**

(a) The application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved by the Local Planning Authority.

(b) Detailed proposals in line with current best practice for

the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the local planning authority.

(c) For each part of the development contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such developments appropriate.

(d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then revised 'Contamination Proposals' shall be submitted to the local planning authority.

(e) If during development work site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out inline with the agreed 'Contamination Proposals'.

Reason: To prevent pollution of the water environment.

- 11 There shall be no, direct or indirect, discharge of surface water or land drainage run-off to the public foul sewer.

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

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

Reason: To safeguard residential amenity and prevent pollution.

- 13 Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

- 14 No development shall commence on site or machinery or materials brought onto the site for the purpose of development until a landscape design has been submitted to and approved by the local planning authority. The submitted design shall include drawings at a scale of 1:200 or 1:500 and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 15** The landscaping scheme approved under condition 14 above shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 16** No more than 25 dwellings shall be occupied until the areas shown on drawing no. TE010-21/A as 'children's play area' and 'paddock to be retained as public open space' have been laid out in accordance with details to be submitted and approved as a requirement of condition nos. 17 and 18 and those areas shall not thereafter be used for any purpose other than as a public open space.

Reason: To ensure a reasonable standard of amenity for future occupants of the development.

- 17** Prior to development commencing details of the 'children's play area' including equipment, surfacing, landscaping, means of enclosure and provision of seating and litter bins shall be submitted to and approved in writing by the local planning authority. The play area shall be constructed in accordance with the approved details and thereafter retained.

Reason: To ensure the play area is suitably equipped.

- 18** The details of the landscaping of the site required to be submitted shall include details of a scheme for the preservation or laying out of that part of the submitted plans indicated as being 'paddock to be retained as public open space'.

Reason: To ensure a reasonable standard of amenity for future occupants of the development.

- 19** Details of any walls, railings or fences to be erected on the site, including location, height, materials and a timetable for their erection, shall be submitted to and approved in writing by the local planning authority before the development commences. The walls, railings or fences shall be constructed in accordance with the details and timetable agreed with the local planning authority.

Reason: In the interests of residential and visual amenity.

- 20 Before any other operation commences the proposed highways works shown on Halcrow drawing no. KW/HBHH/505A (comprising a new access to Bullingham Lane, new pavements alongside Bullingham Lane, traffic calming and visibility splays) shall be constructed in accordance with the drawing and a specification to be submitted to and approved in writing by the local planning authority, and the visibility splays shall be kept permanently clear of any obstruction.**

Reason: In the interests of highway safety.

- 21 Prior to the occupation of any dwelling hereby approved the existing vehicular accesses onto the adjoining highway shall be permanently closed. Details of the means of closure and reinstatement of this existing access shall be submitted to and approved in writing by the local planning authority prior to the commencement of work on the development hereby approved.**

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

- 22 Prior to the first occupation of any dwelling to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the local planning authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.**

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

- 23 The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.**

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

- 24 Development shall not begin until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the local planning authority.**

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 25** Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interests of highway safety.

Notes to Applicant:

- 1** The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- 2** This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. A.G. Culley, Divisional Surveyor (South), Unit 3, Thorn Business Park, Rotherwas, Hereford Tel: 01432-261955, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.
- 3** No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact Mr. R.J. Ball, Lead Planner (Transportation), PO Box 236, Hereford, HR4 9ZH to progress the agreement.
- 4** The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations to Mr. A. Byng, Section 38 Manager, Engineering Services, PO Box 236, Hereford, HR1 2ZA. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.
- 5** It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, Herefordshire Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways.

The applicant is, therefore, advised to submit the engineering details referred to in this conditional approval to Mr. A. Byng, Section 38 Manager, Engineering Services, PO Box 236, Hereford, HR1 2ZA at an early date to enable surface water disposal arrangements to be assessed.

- 6 The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.
- 7 The attention of the applicant is drawn to Section 175A(3) of the Highways Act 1980 within which the Highway Authority shall have regard to the needs of disabled persons when considering the desirability of providing ramps at appropriate places between carriageways and footways.
- 8 This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
- 9 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 10 This permission does not extinguish any rights of way which may exist over the site nor does it imply that such rights of way may be diverted or otherwise altered.
- 11 Your attention is drawn to Section 80 of the Building Act 1984 whereby no demolition may be carried out without proper notice to the local authority and a counter notice issued under Section 81.
- 12 Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

Work on an existing wall or structure shared with another property

Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property

Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 - explanatory booklet. Copies are available from the Planning Reception, Blueschool House, Blueschool Street, Hereford.

- 13 If you have any queries regarding the archaeological interest of the site or the requirements of the conditions relating to archaeological work, please contact Herefordshire Archaeology, Planning Services, Town Hall, St. Owen Street, Hereford (Tel: 01432-383351).

Ref. 8
HEREFORD
DCCE2003/2814/F
&
Ref. 9
HEREFORD
DCCE2003/2815/C

Demolition of existing house & outbuildings and erection of 11 no. flats with associated car parking:

&
Full demolition of existing buildings and associated single storey outbuildings at:

SOUTHBANK HOUSE, 33 SOUTHBANK ROAD, HEREFORD, HR1 2TL

For: **H. MORGAN PER JAMIESON ASSOCIATES, 30 EIGN GATE, HEREFORD, HR4 OAB**

The Principal Planning Officer reported the receipt of a further objection from a neighbour. The receipt of correspondence from the applicant's agent, in relation to drainage issues, was also reported.

In accordance with the criteria for public speaking, Mr. Leach and Mrs. Horsfield spoke in objection to the applications.

Councillor D.B. Wilcox, a Local Member, noted that a proposal for a similarly positioned and proportioned block of flats had been dismissed on appeal. Councillor Wilcox did not feel that the design of the current proposal preserved or enhanced the character and appearance of the Bodenham Road Conservation Area and, therefore, proposed that the applications be refused. Councillor A.L. Williams, the other Local Member, also expressed concerns about the design of the proposal.

In response to a question, the Central Divisional Planning Officer noted that it was evident from the Inspector's decision letter that assessment of the applications had to be narrowed to design issues.

The Principal Planning Officer explained how this proposal differed from the dismissed scheme. He added that the proposal was now considered acceptable in terms of its impact on the Established Residential Area and Conservation Area.

Councillor P.J. Edwards spoke in support of the Officer's Appraisal.

In response to a question from Councillor Mrs. M.D. Lloyd-Hayes, the Principal Planning Officer commented that there should be less light pollution compared to the original scheme as changes had been made to reduce the areas of glass.

In response to a comment by Councillor Mrs. P.A. Andrews, the Principal Planning Officer confirmed that it was critical that appropriate materials were used and he drew attention to the recommended conditions in respect of external treatments.

In response to comments by Councillor Ms. A.M. Toon, the Central Divisional Planning Officer reiterated that it was evident from the Inspector's decision letter that the impact of the previous proposal on residential amenity, highway safety and landscape features was considered satisfactory. The Principal Planning Officer added that, whilst additional height had been created by the introduction of pitched roofs, the proposal was now considered to have a domestic scale which

respected its context.

A number of Members felt that the proposal addressed a number of previous objections and spoke in support of the applications.

Councillor Wilcox drew attention to the detail of the Inspector's decision letter and expressed a view that the proposal was unacceptable having regard to the guidance given in PPG15 and in local policies.

Councillor Ms. Toon felt that the building would be overbearing and suggested that consideration should be given to reducing the height of the design.

The Principal Planning Officer reminded the Sub-Committee that the Inspector did not feel that the proposal would lead to an unacceptable loss of privacy.

A number of Members felt that consideration of the applications should be deferred for further negotiations with the applicant.

RESOLVED:

That consideration of planning applications DCCE2003/2814/F and DCCE2003/2815/C be deferred.

Ref. 10
HEREFORD
DCCE2003/2210/F

Conversion and extension of existing retirement home to form 14 self-contained flats (11 x 1 bedroom; 3 x 2 bedroom) at:

STRATFORD HOUSE, BODENHAM ROAD, HEREFORD, HR1 2TN

For: **MR. & MRS. WATKINS PER DAVID EDWARDS ASSOCIATES, STATION APPROACH, BARRS COURT, HEREFORD, HR1 1BB**

The Principal Planning Officer advised the Sub-Committee that paragraph 1.2 of the report should refer to '3 x 2 bedroom' and not '3 x 3'. The Principal Planning Officer reported the receipt of 7 further letters of objection.

In accordance with the criteria for public speaking, Mr. Read spoke in objection to the application.

Councillor D.B. Wilcox, a Local Member, noted that the number of units had been reduced from the original proposal but expressed reservations about the limited size of each unit.

The Principal Planning Officer advised that it was considered that the units provided adequate accommodation which, in any event, was a matter for the market to decide.

Councillor A.L. Williams, the other Local Member, noted that there was demand for smaller units but expressed reservations about the intensity of development in this instance.

A number of other Members also expressed concerns about the standard of accommodation.

In response to questions from Members, the Principal Planning Officer advised that: the number of units was appropriate given the size of the building; the proposal would not have a direct impact on the Conservation Area; Building Regulations would deal with fire escape matters; and it was unknown who the likely occupants would be.

A motion to refuse the application on the basis of over-intensive use of the site failed and, with the Chairman using his casting vote, the resolution detailed below was approved.

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. The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. 2949 (proposed elevations), 2949.5C, 2949.6B, 2949.7B, 2949.8B, 2949.12), except where otherwise stipulated by conditions attached to this permission.

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

3. B02 (Matching external materials (extension)).

Reason: To ensure the external materials harmonise with the existing building.

4. The side elevation "lounge" window of the unit contained in the extension hereby approved shall be glazed with obscured glass.

Reason: To safeguard the amenities of the adjoining residential property.

5. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

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

Reason: To safeguard residential amenity and prevent pollution.

7. The front garden area shown as open space on drawing no. 2949.12 shall be permanently retained as open amenity space for the occupiers of the flats and shall not be used for any other purpose.

Reason: To safeguard the amenities of the Conservation Area

in accordance with Policy HBA6 of the Hereford Local Plan.

8. The basement store area and cages shown on drawing no. 2949.5C shall be permanently retained as a domestic storage area for the occupiers of the flats and shall not be used for any other purpose.

Reason: To accord with the terms of the application and to ensure the proper planning of the site in the interests of amenity.

9. This permission is to be exercised as an alternative to and not in addition to or in combination with any part of the planning permissions issued on 25th July 2000 under reference CE2000/0026/F and 29th November 2001 under reference CE2001/2754/F.

Reason: To accord with the terms of the application and to ensure the proper planning of the site in the interests of amenity.

10. Prior to the commencement of development a scheme for the storage of refuse shall be submitted for the approval of the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted.

Reason: In the interests of amenity.

11. 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.

12. The existing access to the site from Southbank Road shall be used for occasional servicing purposes only and shall not be used for regular entry or exit to the parking areas.

Reason: In the interests of highway safety.

Notes to Applicant:

1. N01 - Access for all
2. N07 - Housing Standards
3. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environment Protection Act 1990.

Ref. 11
WELLINGTON
 DCCW2003/2728/F

Two storey extension to dwelling at:

WOOD VIEW COTTAGE, WELLINGTON, HEREFORDSHIRE

For: **MR. K. TOBIN PER MR. N. LA BARRE, 38 SOUTH STREET,
 LEOMINSTER, HEREFORDSHIRE, HR6 8JG**

Councillor J.C. Mayson, the Local Member, noted the advice that no planning objection could be sustained on this application.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. **A06 (Development in accordance with approved plans).**

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

3. **B01 (Samples of external materials).**

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

4. **E17 (No windows in side elevation of extension) (east or west elevations).**

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

Ref. 12
FOWNHOPE
DCCE2003/2886/F

Proposed change of use of a former chapel to create 1 no. dwelling and 2 no. car spaces at:

**FERRY LANE CHAPEL, FERRY LANE, FOWNHOPE
HEREFORDSHIRE**

For: **MALVERN PROPERTIES ESTATES LTD., PER INTERPLAN
DESIGN PARTNERSHIP LTD., HALBURY HOUSE, MUCH
BIRCH, HEREFORD, HR2 8HJ**

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. **The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. DM/03/CH/02A, /03A, /04A, /05A), except where otherwise stipulated by conditions attached to this permission.**

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

3. The roof lights shall be of the conservation type.

Reason: To safeguard the amenities of the Conservation Area in accordance with Policy C23 of the South Herefordshire District Local Plan.

4. The north-west facing rooflights and existing north-west facing window (serving stairs) shall be glazed with obscured glass and fixed shut.

Reason: To safeguard residential amenity in accordance with Policy GD1 of the South Herefordshire District Local Plan.

5. C07 (Painted finish to windows/doors).

Reason: To safeguard the character and appearance of this building within the Conservation Area.

6. C12 (Repairs to match existing).

Reason: To safeguard the character and appearance of this building within the Conservation Area.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed in any elevation of the property other than those expressly authorised by this permission.

Reason: To safeguard the character and appearance of the building having regard to its location within the Conservation Area and to accord with Policy C23 of the South Herefordshire District Local Plan.

8. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

9. Foul water and surface water shall be drained separately from the site.

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

10. There shall be no, direct or indirect, discharge of surface water or land drainage run-off to to the public foul sewer.

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

Notes to Applicant:

1. N03 - Adjoining property rights.
2. N14 - Party Wall Act 1996.

3. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.
4. The proposed development is crossed by a trunk/distribution watermain. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the Developer.

Ref. 13
HEREFORD
 DCCE2003/2937/F

New industrial unit and driver training centre with service yard and car parking development at:

LAND AT FIR TREE LANE, ROTHERWAS, HEREFORD

For: **HFT FORKLIFTS LTD., PER MR. P.C. MOSELEY, RIBA, THE OLD POST OFFICE, 29D PARK ROAD, BARRY, VALE OF GLAMORGAN, CF62 6NX**

The Principal Planning Officer reported the receipt of correspondence from Dinedor Parish Council.

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. **The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. 1201/AL/11/B, /12/A, /13/A, /14, /15/A, 16/A), except where otherwise stipulated by conditions attached to this permission.**

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. **The maintenance, repair, servicing and/or preparation of fork lift trucks and/or other vehicles shall not take place anywhere on the application site other except within the "workshop" as shown on drawing no. 1201/AL/12/A. The instruction in use of fork lift trucks and/or other vehicles shall not take place anywhere on the application site except within the "driver training centre" as shown on drawing no. 1201/AL/12/A and the "external rough terrain driver training area" as shown on drawing no. 1201/AL/11/B.**

Reason: To protect the amenities of nearby properties.

5. F15 (Scheme of noise insulation).

Reason: To safeguard the amenity of the area.

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

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

7. F22 (No surface water to public sewer).

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

8. F27 (Interception of surface water run off).

Reason: To prevent pollution of the water environment.

9. G04 (Landscaping scheme (general)).

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

10. G05 (Implementation of landscaping scheme (general)).

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

11. 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.

12. 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.

Notes to Applicant:

1. HN01 - Mud on highway.
2. HN05 - Works within the highway (South).
3. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.
4. The site is crossed by a trunk/distribution watermain. The applicant is advised to contact Dwr Cymru Welsh Water's Network Development Consultants regarding the exact location and any requirements.

Ref. 14
HEREFORD
DCCW2003/2792/F

Proposed conversion of buildings into 3 dwellings at:

HOLMER PARK, OFF ATTWOOD LANE, HEREFORD

For: **MR. D. EDWARDS, STATION APPROACH, HEREFORD, HR1 1BB**

The Principal Planning Officer reported that further information was required by statutory consultees and, therefore, it was requested that consideration of this application be deferred.

In accordance with the criteria for public speaking, Mr. Owen had registered to speak on behalf of Holmer Parish Council but decided to defer his opportunity to speak until this application was considered again.

RESOLVED:

That consideration of planning application DCCW2003/2792/F be deferred.

Ref. 15
HEREFORD
DCCW2003/2671/F

Single storey extension to form cardio training room at:

HOLMER PARK OFF ATTWOOD LANE AND CLEEVE ORCHARD, HEREFORD

For: **MR. D. EDWARDS, DAVID EDWARDS ASSOCIATES, STATION APPROACH, HEREFORD**

The Principal Planning Officer advised that a condition would be added to any planning permission granted to ensure that windows associated with this application were non-opening.

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. **B01 (Samples of external materials).**

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

3. **F02 (Scheme of measures for controlling noise).**

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

