

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 14 December 2011 at 10.00 am**

**Present:** Councillor PGH Cutter (Chairman)  
Councillor BA Durkin (Vice Chairman)

Councillors: PA Andrews, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, RB Hamilton, J Hardwick, JW Hope MBE, RC Hunt, JLV Kenyon, JG Lester, NP Nenadich, FM Norman, GA Powell, P Rone, GR Swinford, PJ Watts and JD Woodward

**In attendance:** Councillors SM Michael

**99. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors BA Durkin, Brigadier P Jones CBE, MF Lloyd-Hayes, G Lucas and RI Matthews

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

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors Rone RB Hamilton, JD Woodward, N Nenadich and GA Powell attended the meeting as substitute members for Councillors BA Durkin, Brigadier P Jones CBE, MF Lloyd-Hayes, G Lucas and RI Matthews.

**101. DECLARATIONS OF INTEREST**

8. DMS/111711/F - LAND AT LOWER LYDE (PARCEL 7209), SUTTON ST NICHOLAS, HEREFORD, HR1 3AS..

Councillor JLV Kenyon, Personal, The Councillor knows the Applicant.

10. DMS/112954/F - LAND AT UPPER HOUSE FARM, MORETON ON LUGG, HEREFORD, HR4 8AH..

Councillor J Hardwick, Personal, The Councillor knows the Applicant.

**102. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 23 November 2011 be approved as a correct record and signed by the Chairman.

**103. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman advised the Committee that Serinther Atkar, the Locum Lawyer who had been advising the Committee, was leaving the Authority shortly and the current meeting would be his last Planning Committee. The Committee thanked him and wished him the best in his future role.

**104. APPEALS**

The Planning Committee noted the report.

**105. DMS/110919/F - DMS/110920/C - CAMPIONS RESTAURANT, GREYFRIARS AVENUE, HEREFORD, HR4 0BE.**

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

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

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors SM Michael and JD Woodward, the local ward members, commented on a number of issues, including:

- It was agreed that the site was in need of regeneration.
- The proposed development was still too imposing and would not enhance the conservation area
- The 'green wall' referred to in the application would have to be maintained, who would be responsible for this.
- The majority of local residents were against the development.
- The current site was an eyesore, but it was not right to replace one eyesore for another.
- The proposed development was too high with three storeys being above the level of the nearby Greyfriars Bridge
- The application was contrary to Unitary Development Plan policy DR1 as it failed to promote the distinctive character and was not in keeping with the surrounding area due to its scale, mass and height.
- It was also contrary to UDP policy DR2 as it prejudiced the amenity of the neighbouring dwellings.
- It was contrary to UDP policy H13 on privacy grounds.
- Finally it was contrary to UDP policy HBA6 as it did not preserve or enhance the character or appearance of the conservation area.

The debate was opened with members of the Committee speaking in support of the application. They commented that although the design was modern it could fit in with the surrounding buildings due to its detail and quality. It was also noted that the site was derelict at present and that the proposed application would provide a site worthy of a prominent position at one of the gateways into the city. It was also noted that the site had initially been subject of an application for 52 dwellings and it was felt that the current proposal for 14 was more acceptable. It was also felt that both national and local policies had been addressed and any concerns raised had been successfully overcome. The comments from the Council's Conservation Manager and the withdrawal of Natural England's objection were also noted.

Some Members of the Committee did however have reservations in respect of the application. It was commented that the Council may have missed an opportunity to develop the site into a usage that would benefit the community. In response to this point the Committee were reminded that the site was allocated for housing in the Council's Unitary Development Plan.

Members also discussed the emergency footway to the existing bridge from the site. Concerns were expressed as to how this could be restricted to emergency use only.

One Member of the Committee felt that neither the current derelict nature of the site nor the previous refused applications on the site should have a bearing on whether the application was approved as the committee were required to determine the current application on its merits. A further point was made in respect of the conservation area with the member being of the opinion that the proposed building could not enhance or preserve the conservation area due to its modern design. He felt that due to its design and stature, it would clearly alter the conservation area considerably.

Members continued the debate and were generally in support of the application although some reservations were expressed. Further concerns relating to the size and scale of the proposed application were expressed with it being suggested that the proposed building was still one storey too high.

It was noted that other European cities had integrated historic and modern architecture in a sympathetic manner with Hamburg being given as an example of how this could be achieved successfully. It was also commented that the site lay on one of the main gateways to the city and needed an exciting and vibrant development.

The Committee asked for reassurances in respect of the evacuation of the building and the limitation of any blight caused by flooding. In response to this issue the Principal Planning Officer confirmed that the applicant had submitted a detailed evacuation plan. She also advised the Committee that the landscaping plan submitted with the application also utilised hard wearing materials which would help to address the concerns expressed. It was also further noted that the applicant would be required to make a financial contribution towards a suitable flood warning system. In summing up she advised that the Environment Agency had a significant input in the preparation of the flood evacuation plan and that it was an extremely detailed document.

In response to the Principal Planning Officer's comments the Committee stated that they would not want the building to be blighted after flood waters however it appeared that this issue has been addressed through the flood evacuation plan. The stairwell and lift areas were highlighted as areas which could be affected following a flood. It was felt that the flood evacuation plan should have measures in place to protect the site from any after effects of flood water.

The Principal Planning Officer advised the Committee that there was an 8 hour time frame to evacuate the site. She also advised that the building was on stilts which resulted in the entire building being above the known flood plain. It was however noted that the car park could possibly flood but that the Environment Agency had not objected to this.

Councillors SM Michael and JD Woodward were given the opportunity to close the debate. They reiterated their opening remarks and made additional comments, including:

- The application should not be approved on the basis that it will improve a derelict site, it will not preserve the conservation area.
- The lack of a section 106 agreement was disappointing.
- There is no guarantee that the highest grade of materials will be used.
- Welcome development on the site but needs to be right, this is wrong in terms of density, scale, height and mass.

## **RECOMMENDATION**

**In respect of DMS/110919/F:**

**That planning permission be granted subject to the following conditions:**

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **B07 Section 106 Agreement**
4. **C01 Samples of external materials**
5. **G10 Landscaping scheme**
6. **G11 Landscaping scheme - implementation**
7. **G04 Protection of trees/hedgerows that are to be retained**
8. **Prior to the commencement of any other works (excluding demolition of the building) development a detailed method statement in relation to the construction of the proposed car park shall be submitted to and approved in writing by the local planning authority. Works shall be undertaken in accordance with the approved details and shall not thereafter be altered without the prior written consent of the local planning authority.**

**Reason: The trees form an integral part of the visual environment and this consideration is imposed to ensure that the roots of trees within or adjacent to the car park are protected in the interests of protecting the character of the area in accordance with Policies DR1 and LA5 of the Herefordshire Unitary Development Plan.**

9. **Prior to the commencement of development (excluding demolition of the building) plans detailing the entrance to the site, including the gates, lighting, barriers, fence and bin store shall be submitted to and approved in writing by the local planning authority. Plans should include colour, finish and materials of these elements. Works shall be carried out in accordance with the approved details prior to the occupation of the development hereby approved.**

**Reason: In the interests of visual amenity of the area and to ensure that the development conforms with Policies DR1 and H13 of the Herefordshire Unitary Development Plan.**

10. **Prior to the commencement of development (excluding demolition of the building) a detailed design, construction and maintenance plan in relation to the proposed 'Green wall' to the east elevation shall be submitted to and approved in writing by the local planning authority. Construction and maintenance shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.**

**Reason: In the interests of visual amenity of the area and to ensure the long term success of this element of the proposal and that the development conforms with Policies DR1 and H13 of the Herefordshire Unitary Development Plan.**

11. **G14 Landscape management plan**
12. **H13 Access, turning area and parking**
13. **H29 Secure covered cycle parking provision**

14. H30 Travel plans
15. H27 Parking for site operatives
16. I16 Restriction of hours during construction
17. L01 Foul/surface water drainage
18. L02 No surface water to connect to public system
19. L03 No drainage run-off to public system
20. The recommendations set out in the ecologist's report dated 26 November 2010 should be followed in relation to the identified protected species [bats, great crested newts etc], unless otherwise agreed in writing by the local planning authority.

**Reasons:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

21. Prior to commencement of the development, a full working statement and mitigation strategy for bats and otters should be submitted to and be approved in writing by the local planning authority and the work shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

**Reasons:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

22. Prior to commencement of the development, a full Construction and Environmental Management Plan should be submitted to and be approved in writing by the local planning authority, and the works shall be implemented as approved.

**Reasons:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

23. Floor levels shall be set no lower than 53.56mAOD, in accordance with the submitted Flood Risk Assessment (Report Ref: 3647.FRA, November 2010). This figure includes an allowance for climate change, in accordance with PPS25.

Reason: To protect the development from flooding in accordance with Policy DR7 of the Herefordshire Unitary Development Plan and guidance contained within PPS25 - Flood Risk.

24. Prior to the first occupation of any dwelling a safe pedestrian access and egress route as shown on drawing reference 3873.P33, dated September 2010, shall be provided and maintained, in perpetuity, for the lifetime of the development.

Reason: To provide safe access and egress during flood events in accordance with Policy DR7 of the Herefordshire Unitary Development Plan and guidance contained within PPS25 - Flood Risk.

25. No development shall commence until a scheme for the provision and maintenance of the voided undercroft, as shown on drawing no. 3873.P10, and referenced in the submitted Flood Risk Assessment (para. 5.7) has been submitted to, and approved in writing by the local planning authority, in consultation with the Environment Agency. Thereafter the scheme shall be carried out and implemented in accordance with the approved plans.

Reason: To ensure no loss of flood storage and to minimise the impact on flood flows in accordance with Policy DR7 of the Herefordshire Unitary Development Plan and guidance contained within PPS25 – Flood Risk.

26. Prior to the first occupation of the development, a Flood Evacuation Management Plan shall be submitted to and approved in writing by the local planning authority in consultation with the local authority Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles), training of staff and method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revisions of the Plan.

Reason: To minimise the flood related danger to people in the flood risk area in accordance with Policy DR7 of the Herefordshire Unitary Development Plan and guidance contained within PPS25 - Flood Risk.

27. No development shall take place until a plan for the long term maintenance of the 10 metre buffer zone (from the top of bank) within the boundary of the site, as shown on 3873.P20 dated September 2010 has been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency.

Reason: To secure the long term maintenance of the watercourse and access to the watercourse for maintenance or improvements in accordance with Policy DR7 of the Herefordshire Unitary Development Plan and guidance contained within PPS25 - Flood Risk.

28. No development shall commence (excluding demolition of the building) unless and until details of a pedestrian bridge access arrangement have been submitted to and approved by the local planning authority in consultation with the Highways Agency. The arrangements to ensure that the bridge remains for pedestrian use only and opened only in case of emergency situations. The arrangements approved by the local planning authority shall be implemented and completed prior to the first occupation of the development.

Reason: To enable the A49 Trunk road to continue to be an effective part of the national systems of routes for through route in accordance with Section 10 (2) of the Highways Act 1980 and to protect the interests of road safety in accordance with Policy DR3 of the Herefordshire Unitary Development Plan.

29. E01 Site Investigation – archaeology
30. E04 Submission of foundation design
31. Prior to the commencement of development the following information shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out strictly in accordance with the approved details unless otherwise agreed in writing the local planning authority:
- a) A detailed demolition method statement
  - b) A detailed waste management plan
  - c) Full details of reinstatement of land following demolition (plan including site levels, landscaping details and ecological protection area)
  - d) Timetable for works (including demolition, repair / reinstatement of land, landscaping and ecological mitigation)

Reason: In the interests of visual amenity of the Conservation Area and SAC and to ensure that the development conforms with Policies DR1, HBA6, HBA7, NC1 and NC6 of the Herefordshire Unitary Development Plan.

32. Prior to any other works being undertaken the, the existing building (Campions) shall be removed from the site in accordance with the details agreed in condition 31 above unless a revised timescale is submitted to and approved in writing by the local planning authority.

Reason: To define the terms of this permission and having regard to the issue of Flood Risk and impact on the character and appearance of the Conservation Area in accordance with policies DR7 and HBA6 of the Herefordshire Unitary Development Plan.

**Informatives:**

1. HN10 No drainage to discharge to highway
2. HN05 Works within the highway
3. N11A Wildlife and Countryside Act 1981 (as amended) - Birds
4. The Environment Agency recommends that in areas at risk of flooding, consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include

removable barriers on building apertures such as doors and air bricks and providing electrical services into the building at a high level so that plugs are located above possible flood levels. Additional guidance, including information on kite marked flood protection products, can be found on the Environment Agency web site [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) under the 'Managing Flood Risk' heading in the 'Flood' section.

5. Developers should incorporate pollution prevention measures to protect ground and surface water. The Environment Agency have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)
6. Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.
7. The proposed link to Greyfriars Bridge associated within the consent involves works within the public highway, which is land over which you have no control and is subject to the provisions of the Highways Act 1980. In order for these works to proceed, the highways Agency requires the developer to enter into an agreement under the Section 278 of the Highways Act 1980. The Highways Agency therefore requires you to enter into a suitable legal agreement to cover the design and construction of the works. Please contact Mr. Jon McCarthy of the Highways Agency, Area 9 Network Delivery Team, at an early stage to discuss the details of the highways agreement. His contact information is as follows: Highways Agency, The Cube, 199 Wharfside Street, Birmingham, B1 1RN – 0121 6788742.
8. The proposed development site is crossed by a public sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of a building will be permitted within 3 metres either side of the public sewer.
9. ND02 Area of Archaeological Importance
8. N15 Reason(s) for the Grant of PP/LBC/CAC

In respect of DMS/11920/C:

That Conservation Area Consent be granted subject to the following conditions:

1. D01 Time limit for commencement (Listed Building Consent)
2. D17 Notification of Commencement
3. The building shall not be demolished until such time that:
  - a) a contract carrying out of the work of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides OR

**b) a detailed method statement in respect of the demolition of the building, disposal of waste material and restoration has been submitted to and approved in writing by the local planning authority.**

**Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to comply with the requirements of Policy HBA2 of Herefordshire Unitary Development Plan.**

**Informative:**

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

**106. DMS/111711/F - LAND AT LOWER LYDE (PARCEL 7209), SUTTON ST NICHOLAS, HEREFORD, HR1 3AS.**

The Team Leader (Enforcement) gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with the criteria for public speaking Mrs Stevenson, representing Holmer & Shellack and Pype & Lyde Parish Councils, spoke in objection to the application and Mr Smith, the applicant's agent, spoke in support.

The Chairman advised the Committee that Councillor SJ Robertson, the local ward member, could not be present at the meeting but had prepared a written statement that would be presented by Councillor PJ Edwards. The statement addressed a number of issues, including:

- The application had caused concern as there was a question as to whether the proposed usage could be classed as agricultural.
- The usage of the site was the rearing of ducks for the game industry.
- The applicant lived near the site.
- The site had a difficult and complex planning history.
- The application was contrary to Unitary Development Plan PPS7.
- The Committee should attend the site prior to making a decision.

A site visit was proposed on the grounds that the setting and surroundings were fundamental to the determination of the application.

Members discussed whether a site visit would be beneficial with the general view being that it would be of benefit to see the site and the surrounding areas prior to making a decision in respect of the application.

**RESOLVED**

**THAT the determination of the application be deferred pending a site inspection on the following ground:**

- **The setting and surroundings are fundamental to the determination or to the conditions being considered, and cannot be reasonably made without visiting the site in question.**

**107. DMS/112395/CD - NORTH MAGAZINE SITE, ROTHERWAS INDUSTRIAL ESTATE, HEREFORD.**

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

The Chairman advised the Committee that Councillor P Sinclair-Knipe, the local ward member, could not be present at the meeting but had prepared a written statement that addressed a number of issues, including:

- Both Dinedore and Lower Bullinghope Parish Councils were happy with the application.
- The Enterprise Zone was vital to the economic viability of Herefordshire.
- He supported the application.

The Committee were in support of the application but requested clarification in respect of a number of points including the possible impact on the water levels for Bartonsham Farm and the residents of Park Street; details in respect of the protection and retention of trees on the site; and whether the Environment Agency endorsed the proposal

In response to a number of questions asked by the Committee, the Principal Planning Officer advised that the Environment Agency supported the proposal and had been involved in the initial study which had formed the basis of the application. She added that the Environment Agency had responded in detail and had no objection to the application. In response to the question regarding any possible detrimental effect on the residents of Park Street, she confirmed that the proposal would improve the flood issues in that area. She went on to discuss the preservation and retention of trees on the site and confirmed that this was addressed through conditions 3, 4 and 5 which were extremely robust. In summing up she felt that the site had been allowed to become a natural woodland park which needed to be protected and would be through suitable conditions.

In response to a further question regarding recreational use of the site for anglers, the Principal Planning Officer confirmed that the proposal was purely for flood alleviation and that any recreational use would require further facilities to be built on the site which would require a recreational permission and further planning consent.

**RESOLVED**

**That planning permission be granted subject to the following conditions:**

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. Before the development begins a Management Plan for the flood storage area, swales, balancing ponds and associated structures shall be submitted in writing for the approval of the local planning authority. The Management Plan shall include:**
  - a) A clear indication as to who is to be responsible for all structures and infrastructure for the lifetime of the development**
  - b) Details of soil handling methodology during construction and after completion, and**
  - c) Timescales for long-term monitoring and management of the Plan.**

**The Management Plan shall be implemented as approved unless otherwise agreed in writing in advance by the local planning authority in consultation with the Environment Agency or successor authority/ies.**

**Reason: To ensure adequate management of surface water run-off and ensure compliance with policies S1, S2, DR4 and DR7 of the Herefordshire Unitary Development Plan.**

- 4. Before the development begins, an additional Tree Protection, Planting and Management Plan shall be submitted to and approved in writing by the local planning authority. The scheme shall include in particular:**
- a) The appointment of a suitably qualified and experienced arboriculturalist to advise on the condition of all the trees previously identified as to be retained and provide recommendations for their immediate and long-term protection and management;**
  - b) A Working Method Statement for implementation of the scheme including timescales and provision for toolbox talks and review;**
  - c) Adequate protection measures for all trees and hedges on both the donor and receptor sites which are, or have previously been, identified for retention, in accordance with BS 5837:2005 Trees in Relation to Construction**
  - d) Measures for ensuring that any mature trees identified at any time as needing to be felled are first checked for the presence of bats and/or nesting birds and appropriate protection undertaken (including any licensing required) in consultation with the Council's**
  - e) Conservation Officers and/or Natural England;**
  - f) Specific proposals for significant additional tree, shrub and hedge planting along the northern site edge and within the wider site, for example near the soakaway pond;**
  - g) Details of the proposed species, sizes and positions or density for all planting;**
  - h) Timescales for planting, within the next available season or phased if necessary;**
  - i) That the trees shall be maintained for a period of 5 years from the planting date. During this time, any trees that are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the local planning authority gives its written consent to any variation. If any trees fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.**

**The Tree Management Plan shall be retained by the applicant as a working written document and implemented as approved and/or reviewed or updated, unless otherwise agreed in writing in advance by the local planning authority.**

**Reason: To maintain visual amenity of the area, to enhance wildlife habitats and biodiversity, and to comply with PPS9, the NERC Act and policies LA5, LA6, NC1, NC3, NC4, NC6, NC7, NC8, and NC9 of the Herefordshire Unitary Development Plan, having regard to the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 .**

- 5. Before the development begins, an additional Ecological Enhancement Scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include:**

- a) **Commitment to the recommendations set out in the submitted Environmental Statement dated 24 August 2011 in relation to the identified protected and/or priority habitats and species;**
- b) **A plan showing specifically identified and described new habitats to be created for birds, invertebrates, small mammals, reptiles and amphibians, targeting species identified in the Biodiversity Action Plan;**
- c) **Clear prescriptions for soil-handling during the construction phase within areas identified for biodiversity enhancement, e.g. around the deep soakaway pond. These should be useable by on-site operatives, and include measures to retain the existing wild plant seedbank.**
- d) **A Working Method Statement for implementation of the scheme including timescales and provision for toolbox talks and review;**
- e) **The appointment of a named, appropriately qualified and experienced Ecological Clerk of Works to oversee the implementation and long-term management of the scheme;**
- f) **Proposals for appropriate wildflower seeding areas, identified on a plan and including detailed species lists;**
- g) **An allowance of identified 'wild' areas and corridors to enable wildlife to traverse safely through the site in conjunction with the river bank and measures to secure additional green-space within the wider side;**
- h) **A long-term Management Plan which specifies minimal intervention within the wild areas, precludes the use of chemicals, allows for hedges and trees to grow high, and enables wild flowers and plants to set seed and fruit to the benefit of biodiversity.**

**The Ecological Scheme shall be retained by the applicant as a working written document and implemented as approved or reviewed or updated unless otherwise agreed in writing in advance by the local planning authority.**

**Reason: To safeguard the setting of Hampton Park Conservation Area, to compensate for the loss of trees and impromptu habitats that had grown up on the site, to demonstrate a lasting commitment to enhancing biodiversity, to protect the biodiversity interest of the River Wye SSSI/SAC and to meet the requirements of PPS9, The NERC Act and policies LA3, LA5, LA6, NC1, NC3, NC4, NC6, NC7, NC8, and NC9 of the Herefordshire Unitary Development Plan, having regard to the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010.**

- 6. **No changes shall take place or alterations undertaken to the design of the surface water and/or flood attenuation infrastructure hereby approved, either prior to construction or following completion of the scheme, without the prior written agreement of the local planning authority or an appropriate further planning permission (whichever may be deemed necessary).**

**Reason: For the avoidance of doubt, to ensure that the Rotherwas Flood Attenuation Scheme operates as intended, and to comply with policies S2, DR2 and DR7 of the Herefordshire Unitary Development Plan.**

- 7. **Phases 1 and 3 of the Rotherwas Scheme and the Chapel Road site shall not be commenced until the flood attenuation measures hereby permitted have been implemented as approved.**

**Reason: To ensure the Rotherwas redevelopment project does not increase flood risk elsewhere and to secure timely implementation of the surface water attenuation measures hereby approved in accordance with policies S1, S2, DR4 and DR7 of the Herefordshire Unitary Development Plan.**

- 8. If during the course of the development unexpected contamination not previously identified is found to be present at the site then the work shall be stopped and no further development shall be carried out unless or until the developer has submitted a written Method Statement to be approved in writing by the local planning authority. The Method Statement shall include details about how the unsuspected contamination shall be dealt with. Thereafter the development of the site shall be carried out in accordance with the approved Method Statement.**

**Reason: To ensure appropriate investigation and remediation of any contamination, to protect controlled waters, to prevent pollution and to comply with policies S1, S2, DR1, DR4 and DR10 of the Herefordshire Unitary Development Plan.**

- 9. E01 Site investigation - archaeology**
- 10. Unless otherwise agreed in writing in advance by the local planning authority, there shall be no minerals, excavated material or any wastes brought into or taken out from the overall application site.**

**Reason: To ensure a satisfactory form of development, safeguard mineral resources, minimise waste volumes and movement, prevent pollution, and to comply with the requirements of policies S1, S2, S9, S10, DR4, DR11 and M2 of the Herefordshire Unitary Development Plan.**

- 11. Unless otherwise agreed in writing in advance by the local planning authority no stockpiles of any excavated material shall exceed 4 metres in height, measured from the existing ground level. Within six months of completion of the development hereby permitted, all such stockpiles shall be removed or remodelled in accordance with a landscaping scheme that has first been submitted to and approved in writing by the local planning authority.**

**Reason: In the interests of safety and stability, to safeguard visual amenity, and to ensure a timely and acceptable final landscape profile, in compliance with policies S2, DR1, LA6**

- 12. G09 Details of Boundary treatments**
- 13. I43 No burning of material/substances**

#### **INFORMATIVES:**

- 1. Any works within 7 metres of the top of bank of the River Wye require the Consent of the Environment Agency. Any temporary stockpiling of materials or raising of ground levels within the flood plain also requires Flood Defence Consent.**
- 2. Due to the site's former uses, there is a possibility of unforeseen contamination at the site. In the event of unexpected contamination being**

discovered, the applicant is advised to seek specialist professional advice in such circumstances. This should be reflected in the required Method Statement outlined above.

3. Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. All waste volumes should be minimised and excavated materials should be kept within the site for re-use/recycling.
4. Developers should incorporate pollution prevention measures to protect ground and surface waters. Guidance is available from the Environment Agency at [www.environment-agency.gov.uk/business](http://www.environment-agency.gov.uk/business).
5. N11A Wildlife and Countryside Act 1981 (as amended) - Birds
6. N15 Reason(s) for the Grant of Planning Permission

**108. DMS/112954/F - LAND AT UPPER HOUSE FARM, MORETON ON LUGG, HEREFORD, HR4 8AH.**

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors KS Guthrie, the local ward member, commented on a number of issues, including:

- Both Moreton and Burghill Parish Councils were happy with the application.
- The neighbouring ward member was also happy with the application.
- Happy to support the recommendation.

In response to a question regarding the need for two dwellings on the site the Principal Planning Officer confirmed that the financial and functional tests had been met. She added that the tests had highlighted a need for two poultry managers to reside on the site.

Concerns were expressed in respect of the size of the proposed dwelling with one member noting that farm dwellings had previously been limited to approximately 120 m<sup>2</sup> whereas the proposed dwelling was approximately 160-170 m<sup>2</sup>.

**RESOLVED**

**That planning permission be granted subject to the following conditions:**

1. **A01 Time limit for commencement (full permission) ONE YEAR**
2. **B01 Development in accordance with the approved plans**
3. **F27 Agricultural occupancy**
4. **F14 Removal of permitted development rights**
5. **The development hereby permitted shall not be commenced unless or until a Unilateral Undertaking has been completed to confirm the revocation of planning permissions reference DCCW2004/3699/O and DCCW2207/2438/RM.**

**Reason: To ensure that only one permission is implemented in the interests of a satisfactory form of development to comply with policies S2, DR2 and H8 of the Herefordshire Unitary Development Plan**

6. **C01 Samples of external materials**
7. **G09 Details of Boundary treatments**

**INFORMATIVE:**

1. **N15 Reason(s) for the Grant of Planning Permission**

**109. DMN/111756/F - MONSTAY FARM, BURRINGTON, LUDLOW, SHROPSHIRE, SY8 2HE.**

The Principal Planning Officer gave a presentation on the application and advised that the application had been bought before the Committee as the applicant's partner was employed in a politically restricted post with Herefordshire Council.

**RESOLVED**

**That planning permission be granted subject to the following conditions:**

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **No caravan shall remain on the site or shall the site be used for the purposes of camping between 1st October in any one year and 31st March in the succeeding year.**

**Reason: To conform to Policy RST14 of the Herefordshire Unitary Development Plan and to protect the visual amenity of the area.**

4. **G10 Landscaping scheme**
5. **G11 Landscaping scheme - implementation**

**INFORMATIVE:**

1. **N15 Reason(s) for the Grant of Planning Permission**

**110. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES**



# PLANNING COMMITTEE

14 December 2011

## Schedule of Committee Updates/Additional Representations

**Note:** The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

**7 DMS/110919/F & DMS/110920/C - Demolition of Champions Restaurant and erection of 14 apartments and associated parking, erection of Bat shelter at Champions Restaurant, Greyfriars Avenue, Hereford , HR4 0BE**

**For: Riverside Construction (Hereford) Ltd Per Mr Angus Jamieson, 30 Eign Gate, Hereford, HR4 0AB**

### ADDITIONAL REPRESENTATIONS

English Heritage have commented on the revised plans as follows:

English Heritage is content with the amended design for this scheme subject to a satisfactory case being made to the Council for the demolition of the existing building on the site and satisfactory investigation of the archaeological interest of the site.

### NO CHANGE TO RECOMMENDATION

**9 DMS/112395/CD - Construction of a flood attenuation scheme comprising a soakaway pond and associated lower ED scrape area, 3 no. balancing ponds and shallow swales at North Magazine Site, Rotherwas Industrial Estate, Hereford.**

**For: Herefordshire Council Ltd, Thorn Business Park, Rotherwas Industrial Estate, Hereford, HR2 6JT**

### ADDITIONAL REPRESENTATIONS

Ms N Goodwin of Garden Cottage, Chapel Road has raised concerns about possible noise and disturbance. She has asked if all residents of Chapel Road could be notified of any proposals relating to the general regeneration of Rotherwas.

### OFFICER COMMENTS

Further correspondence with Ms Goodwin has confirmed that she has no concerns about the actual works relating to the proposed Flood Alleviation Scheme, none of which would be near her property. It has been clarified that the main working areas would be between 650 and 1000 metres from her home, with other sites in between.

### NO CHANGE TO RECOMMENDATION

