

AGENDA

Planning Committee

Date: **Wednesday 12 October 2011**

Time: **10.00 am**

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

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

For any further information please contact:

Ricky Clarke, Democratic Services Officer

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If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail rclarke@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Planning Committee

Membership

Chairman	Councillor PGH Cutter
Vice-Chairman	Councillor BA Durkin
	Councillor PA Andrews
	Councillor AN Bridges
	Councillor PJ Edwards
	Councillor DW Greenow
	Councillor KS Guthrie
	Councillor J Hardwick
	Councillor JW Hope MBE
	Councillor RC Hunt
	Councillor Brig P Jones CBE
	Councillor JLV Kenyon
	Councillor JG Lester
	Councillor MD Lloyd-Hayes
	Councillor G Lucas
	Councillor RI Matthews
	Councillor FM Norman
	Councillor GR Swinford
	Councillor PJ Watts

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

AGENDA

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4.	MINUTES To approve and sign the Minutes of the meeting held on 14 September 2011.	1 - 14
5.	CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6.	APPEALS To be noted.	15 - 20
7.	DMS/112085/RM - LIVE STOCK MARKET & ADJ LAND, EDGAR STREET, HEREFORD, HR4 9HX Application for approval of reserved matters following outline application DMS/103136/O for the redevelopment of the livestock market and adjacent land.	21 - 40
8.	DMS/112097/F - DADNOR COURT, DADNOR, ROSS-ON-WYE, HR9 6QL Proposed change of use of agricultural land to a private ménage.	41 - 44
9.	DMN/112240/FH - GLEN HELEN, 1 ELMSDALE ROAD, LEDBURY, HEREFORDSHIRE, HR8 2EG Proposed installation of solar thermal panels on roof of existing garage together with bio-mass flue.	45 - 48
10.	DMS/111901/F & DMS/111902/C - FRIARS HOUSE, 9 FRIARS STREET, HEREFORD, HR4 0AS Demolition of existing building and construction of 3 storey block of 6 apartments.	49 - 58
11.	DMS111656F - LAND OPPOSITE THE BELL INN, TILLINGTON, HEREFORDSHIRE, HR4 8LH Proposed variation of condition 10 of planning permission DMS/102193/F – to allow unlimited access and flexible loading and unloading times.	59 - 64
12.	DATE OF NEXT MEETING Date of next site inspection - 1 November 2011 Date of next meeting - 2 November 2011	

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- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

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

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

Councillors: PA Andrews, AN Bridges, PJ Edwards, DW Greenow, RB Hamilton, J Hardwick, JW Hope MBE, RC Hunt, JA Hyde, JLV Kenyon, MD Lloyd-Hayes, G Lucas, PJ McCaull, JW Millar, FM Norman, GJ Powell, GR Swinford and PJ Watts

In attendance: Councillors LO Barnett

56. APOLOGIES FOR ABSENCE

Apologies were received from Councillors BA Durkin, KS Guthrie, Brig. P Jones CBE, J Lester and RI Matthews.

57. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors RB Hamilton, JA Hyde, JW Millar, GJ Powell and PJ McCaull attended the meeting as substitute members for Councillors BA Durkin, KS Guthrie, Brig. P Jones CBE, J Lester and RI Matthews.

58. DECLARATIONS OF INTEREST

7. DCNW2008/1289/F - REEVES HILL, REEVES LANE, NEAR KNIGHTON, HEREFORDSHIRE.

Councillor PGH Cutter, Personal, Member of the Wye Valley Area of Outstanding Natural Beauty Partnership Board.

59. MINUTES

Councillor DW Greenow advised the Committee that he gave two reasons in declaring a personal interest on agenda item 8, he asked for it to be noted that he also rented a farm from Bloor Homes.

RESOLVED: That the Minutes of the meeting held on 31 August 2011 be approved as a correct record and signed by the Chairman.

60. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements made.

61. APPEALS

The Planning Committee noted the report.

62. DCNW2008/1289/F - REEVES HILL, REEVES LANE, NEAR KNIGHTON, HEREFORDSHIRE

The Chairman advised members that the case officer had produced a detailed list of updates which should be noted prior to the application being discussed. Members were therefore given suitable time to read the update sheet. In response to a question, the Development Manager advised that the updates could not be circulated 5 days before the meeting as the Council's constitution required any information received before 12 noon the day before the meeting to be reported to the Committee. The update sheet is attached as an appendix to these minutes.

The Development Manager gave a detailed presentation on the report. He advised Members of a number of details, including:

- The application had been submitted in 2008.
- In 2009 the Planning Committee had effectively granted planning permission subject to conditions.
- The Planning Committee had visited the site as well as visiting a working wind farm.
- The site was located in north-west Herefordshire and that the nearest settlements were Norton, Knighton and Presteigne.
- Some parts of the access would require planning permission from Powys County Council.
- The proposed turbines were 105m in height to the top of the blade tip, and 70m to the top of the hub.
- The secretary of state had not called in the 2009 decision however it had been bought back to Committee as some further clarification had been required following regulation 19 requests by the Council regarding wind shear and other noise data, the landscape enhancement fund, the methodology used in the visual impact assessment and hydrology/hydrogeology matters.
- Once the information had been received in 2010 it was decided that a further consultation exercise should be undertaken.
- There had been minor changes to national policies but there had been no changes to the Council's Unitary Development Plan in respect of wind turbines
- Further advice needed to be given in respect of Shobdon Airfield.

In summing up the Development Manager advised the Committee that there were four recommendations in the report and that these had been subject to a minor amendment as detailed in the updates sheet. He also requested that if the Committee were minded to approve the application it would be beneficial to delegate the final wording of the conditions to Officers as some of the conditions may require minor amendments.

In accordance with the criteria for public speaking Mr Andrews, representing Knighton Town Council, and Mrs Bywater and Dr Hugh-Jones, representing the Stonewall Hill Conservation Group, spoke in objection to the application and Sir Gourlay and Mr Corker, on behalf of the applicants, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor LO Barnett, the local ward member, commented on a number of issues, including:

- The application was controversial and had divided the community.
- There had been 38 letters of objection since the re-consultation.
- As local ward member she had a duty to represent the people who had made representations; those who had written in previously; and the local residents who had not written in.
- Mrs Bywater, who was thanked for attending, had raised the concerns of the neighbouring residents in her submission.
- Stonewall Hill was a beautiful area of great landscape value.

- The concerns raised in the various letters and emails received included the following; the turbines were not energy efficient; the turbines would be a blot on the landscape; there would be no local benefit; tourism would suffer; the detrimental impact on wildlife.
- The local residents and Dr Hugh-Jones and his wife had remained courteous and polite throughout the application process.
- She had not been put under any pressure from the applicants, officers, fellow councillors or any member of the community and that there had been no communication from the developers.
- There had been a considerable amount of detailed technical information circulated throughout the application process which she had attempted to digest and understand.
- That she cared deeply for the people she served from within her ward.

The debate was opened with a member of the committee commenting that in the 15 years that he had been involved in planning the application being discussed had caused the most public interest. He added that the Committee had visited the site as well as a working wind farm in South Wales and that the members who also served on the previous Planning Committee had also visited a working wind farm in North Wales. It was noted that the key considerations appeared to be in respect of noise, visual impact, and the potential output of the turbines. The application was moved subject to the revised conditions detailed in the update sheet.

In response to a question, the Development Manager advised the Committee that the proposed Section 106 Agreement required the applicant to be in receipt of planning permission for the areas of the site that fell within the remit of Powys County Council prior to any development being commenced.

The local concerns in respect of the application were noted, however a member of the committee who had attended the recent site visit noted that the turbines produced very low levels of noise and that in her opinion the turbines would not have an adverse effect on tourism in the County.

Another Member of the committee had reservations in respect of the application. Concern was expressed in respect of the national guidance regarding wind farms. It was noted that the proposal would benefit from a substantial government subsidy and the question was asked as to whether the application would have been forthcoming without the subsidy. It was also noted that the applicants had requested a 25 year permission, the question was asked as to whether this was based on the government subsidy or as a result of the lifespan of the turbines.

In response to a question regarding the reason for a 25 year permission, the Senior Planning Officer advised that the period was as requested by the applicants. Additionally the Assistant Director - Economic, Environment & Cultural Services, advised that this was in keeping with national policies as well as being based on government subsidies. He added that the financial viability of the proposal was a matter of consideration for the operator and land owner and not a material planning consideration. It was also noted that there was a considerable capital investment being made by the applicant and that a 25 year permission reflected this. Finally he advised members that the conditions recommended would ensure that any landscape impact could be reversed.

In response to a question regarding overhead cables, the Senior Planning Officer advised members that this matter did not form part of the application but that the applicant had indicated that turbines would be linked to the national grid via underground cables.

In response to the comments made by the committee, the Assistant Director - Economic, Environment & Cultural Services, advised them that they were required to make a judgement in respect of the application based on all the key issues that had been raised. He drew their attention to PPS22 which gave advice in respect of material planning considerations, which included the landscape concerns and the technical findings. In summing up he advised members that the case officer was satisfied with the technical details and also that the committee could give weight to the landscape and noise issues in making a judgement.

The Committee noted the concerns of the local residents and felt that the issue of flicker needed to be addressed, they therefore requested further clarification from the case officer in respect of this issue.

Members continued to discuss the application and noted a number of issues. They noted that the environmental statement submitted with the application indicated that the magnitude of change in the landscape was judged to be high. Some members had concerns in respect of wind turbines but noted that the technology was available and ready for installation. They noted that other forms of renewable energy production may come forth in the future and felt that this was where a 25 year permission would be beneficial. The educational facility on the site was also welcomed.

In response to a number of questions raised by the committee, the Senior Planning Officer advised members of the following points:

- There were 15 dwellings within 1000 metres of the site. He added that the health issues were addressed on paragraph 6.1 of the report.
- The issue regarding the mitigation of shadow flicker had been addressed in the previous report at page 81.
- The depth of the base of the turbine was 2m, conditions required 1m to be removed if the turbines either became redundant or at the end of the 25 year permission.
- No bridleways or footpaths would be affected and the public rights of way officer had not objected to the application.

Councillor LO Barnett was given the opportunity to close the debate. She reiterated her opening remarks and made the following additional comments:

- The policy issues and the need for renewable energy were accepted but did not reflect the views of the local residents.
- That she was representing the views of those local residents who had contacted her in respect of the application.
- Members needed to consider the views of the local community before voting.

63. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES (Pages 1 - 10)

The meeting ended at 11.40 am

CHAIRMAN

PLANNING COMMITTEE

14 September 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.

DCNW2008/1289/F - Proposed erection and operation of 4 Wind Turbines and associated access tracks, hardstanding and sub station building at Reeves Hill, Reeves Lane, Near Knighton, Herefordshire.

FOR: Mr Corker per Mr Michael Phillips, Unit 1 Dyfi Eco Park, Machynlleth, Powys, SY20 8AX

ADDITIONAL REPRESENTATIONS

A letter has been received from Richard Buxton Solicitors, on behalf of the Stonewall Hill Conservation Group stating in consideration of noise issues, in relationship to wind turbine development, consideration be given to the attachment of a condition with regards to 'amplitude modulation' (AM), to any approval notice issued.

Officer's sought advice with regards to whether the request for such a condition is reasonable, in consideration of the conditions as attached to the Committee report, should members be mindful to support the application.

Enviros, (commissioned by the Council), have responded to the concerns as raised by Mr. Buxton concluding that they consider that conditions as proposed by Officers are fit for purpose and covers issues of concern in relationship to AM and that there is no compelling need to add an additional condition that specifically attempts to set limits on excess AM.

The applicants' noise specialists Hayes McKenzie Partnership Ltd have also made comment in respect of concerns as raised by Mr. Buxton on AM, concluding that the planning condition as proposed by Mr. Buxton has no scientific basis. Their response states that the DEFRA report entitled 'Wind Farm Noise Statutory Nuisance Complaint Methodology' referred to by Mr. Buxton, is aimed at helping Local Planning Authorities deal with wind farm noise complaints, should they arise using statutory nuisance powers and that this guidance does not replace any planning guidance as suggested by Mr. Buxton.

The Council's Environmental Health Manager has responded stating in his view the DEFRA report referred to above, by Mr. Buxton, gives advice purely on how complaints might be investigated should they arise.

OFFICER COMMENTS

It is considered the issue with regards to AM is adequately addressed in the report to Committee. Condition number 36 attached to the report refers to a noise management plan, which represents an appropriate and reasonable control mechanism which allows for the management and monitoring of AM.

ADDITIONAL REPRESENTATIONS

A further letter has been received from Richard Buxton Solicitors on behalf of the Stonewall Hill Conservation Group raising concerns that a 'significant portion' of the development site is within Powys and therefore falls within the jurisdiction of Powys County Council and that this includes the adjacent public highway which requires significant widening for access purposes and therefore a planning application needs to be submitted to Powys County Council for planning determination, which would need to be subject to an Environmental Impact Assessment under EIA Regulations.

OFFICER COMMENTS

The application site in accordance with information submitted in support of the application is on land within Herefordshire Council's administrative area, and involves access into the site at two separate points from land directly within Powys County Council's administrative area. (The western boundary of the site being adjacent to a public highway situated within Powys).

The applicants as part of their application submitted a detailed construction traffic management plan which indicates necessary public highway improvements, which does not include detail for significant highway widening adjacent to the application site. Furthermore a letter dated 15th June 2011 from Mr. S. Packer, Specialist Services Manager, Powys County Council to the applicants indicates that the necessary highway improvements do not need to be subject to an Environmental Impact Assessment. Powys County Council Highways Authority Development Control Manager has indicated satisfaction with suggested public highway conditions to be attached to any approval notice issued. (See later in this update report).

ADDITIONAL REPRESENTATIONS

A letter dated 5th September 2011 has been received from Mr. Rod Greenough, (Noise expert), raising concerns and questions that background noise data as submitted by the applicants is wholly inadequate in consideration of surrounding residents to the application site. Concerns are also raised about Amplitude Modulated Noise, (AM), in that it cannot be 'simply ignored'.

OFFICER COMMENTS

Issues as raised by Mr. Greenough have been considered as part of the evaluation of noise issues in relationship to the proposed development. Appropriate conditions in relationship to noise issues are attached to the Committee report. Herefordshire Council's Environmental Health Manager considers issues as raised by Mr. Greenough have been adequately considered.

ADDITIONAL REPRESENTATIONS

A letter dated 12 August 2011 was received from Mr. S. Packer, on behalf of Powys County Council. The letter required clarification on land ownership issues in relationship to noise impacts on 'properties' within Powys.

Concerns were also raised about public highway access implications to the site and the letter stated that he has advised the applicants to withdraw their current application currently registered with Powys County Council for public highway improvements on land within Powys leading to the site in order to re-

submit a revised application to include the requirement for the two turbines access points into the site from the adjacent public highway.

The letter also makes comment that in his opinion it would be good practice if the wind farm application registered with Herefordshire Council and the access proposals subject to a separate application to Powys County Council were finally considered by the respective Planning Committees at the same time.

OFFICER COMMENTS

Officers' are not aware of any changes in land ownership in relationship to the proposed wind turbines or their supporting infrastructure. Noise monitoring results at the selected sites within Powys concluded that background noise met with the requirements of ETSU-R-97 (as recognised by PPS22), and the more recently published Institute of Acoustics Bulletin, both recognised guidelines on noise monitoring requirements, at all dwellings selected whether in the applicants control or not. Furthermore Powys Environmental Health have responded raising no objections on noise issues,

Matters with regards to access to the site, on land within Powys County Council's control are issues to be considered by Powys County Council. The principle of the proposed access details have been discussed between representatives of both Powys and Herefordshire Council's Transportation Sections, and it is considered that the issues with regards to public highway access can be processed by the respective Council's. Attached to the Committee report is a Heads of Terms in relationship to a Planning Obligation under Section 106 of the Town and Country Planning Act 1990. This gives consideration to public highway issues ensuring no development is commenced on site until the public highway issues have been fully resolved.

The application for the proposed wind farm development is on land within Herefordshire, and the proposed access improvements on land within Powys, and therefore although closely linked, they are two separate proposals on land in their respective sole Council's planning control and as such are not considered joint applications that require Committee consideration at the same time.

ADDITIONAL REPRESENTATIONS

A further letter dated 31st August 2011 was received from Mr. S. Packer, Powys County Council, raising concerns about noise issues at a property known as Black Bach and concerns about land ownership in respect of public highway access to the proposed development site.

OFFICER COMMENTS

Herefordshire Council and Powys County Council Environmental Health Officers' raise no objections in relationship to noise issues at the property known as Black Bach. (Property located on land within Powys County Council's administrative area).

The land ownership issue refers to two access points into the site from the adjacent public highway in Powys County Council's control. This issue has been discussed between representatives of both Powys and Herefordshire Council's Transportation/Highways teams and both have concluded that any issues that may arise can be resolved between the two separate Councils. Conditions recommended as attached to the report have been considered by Powys County Council's Transportation Officers' and are copied out in full below for Member consideration.

ADDITIONAL REPRESENTATIONS

In consideration of the close proximity of the application site to Powys and potential cross border issues in respect of public highway issues, with regards to suggested conditions as attached to the report on public highway issues in relationship to access points, off the adjacent public highway in Powys County

Council's control, further clarification has been sought from Powys County Council Highways in respect of suitable worded conditions that are acceptable to each Authority on highway issues.

Both Herefordshire and Powys Council's Transportation/Highway teams have confirmed that the conditions below are acceptable to each of their respective transportation specifications.

The conditions and informatives' as attached to the Committee report are printed out below in full for clarification purposes, with one additional condition with regards to implementation of suitable access into the site on completion of the development and cessation of abnormal load movements to the development site.

19. H03 Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 60 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

20 H05 Any new access gates/doors shall be set back 15 metres from the adjoining carriageway edge and shall be made to open inwards only, and the development hereby permitted shall not be brought into operational use until a scheme and specification has been submitted and approved in writing by the local planning authority for the alteration of the accesses serving the development site to minimise the width of access and set back the gate 5m from the edge of the adjoining carriageway.

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

21 The approved scheme and specification referred to in condition number 20 above shall be fully implemented to the written satisfaction of the local planning authority within one month from the first operational use of the wind farm.

Reason: In the interests of highway safety and to conform to the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

22.H06 Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by Herefordshire and Powys County Councils as Local Planning Authorities, at a gradient not steeper than 1 in 12.

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

23. H13 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

24. H21 Development shall not begin until wheel cleaning apparatus has been provided in accordance with details to be submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved.

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

25 H27 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 and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

26. H30 Prior to the commencement of the development a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

Informatives:

2. HN01 It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. 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.

3. HN04 This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Amey Herefordshire (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 845900), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 845900.

4. HN05 This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Amey Herefordshire (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 845900), 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, and supervision arranged for the works.

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 845900.

5. HN07 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 the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.

6. HN10 Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

7. HN24 It is the responsibility of the developer to arrange for a suitable outfall or discharge point. It cannot be assumed that the highway drainage system can be used for such purposes.

8 HN25 In connection with Condition number 26 the applicant is advised that advice on its formulation and content can be obtained from the Sustainable Travel Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford HR4 0WZ

9. HN28 The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.

11 The applicants or successors in title are reminded that permission is required from Powys County Council with regards to the shared access from the adjacent public highway to turbine numbers 1 and 2 and the access from the public highway to turbine number 4 as indicated on the 'Proposed red line boundary map.

OFFICER COMMENTS

Clarification on suitably worded public highway conditions in respect of the separate Council's Highways/Transportation sections is welcome, as it confirms that in the event of development on site in relation to cross border issues, that both the respective Councils' agree to the wording of the recommended conditions from a public highway perspective.

ADDITIONAL REPRESENTATIONS

- Additional clarification from the Environment Agency was sought on publication of the Committee report, in consideration of the wording of condition number 13(e), attached to the Committee report. The advice given was that this section of the condition be revised to read as follows:

'the arrangements for undertaking sampling measurement and analysis of private water supplies, before, during and following construction (a period of up to 6 months, or as otherwise agreed as part of the Private Water Supply Protection Plan').

OFFICER COMMENTS

It is recommended that condition number 13(e) is reworded in accordance with the advice as given by the Environment Agency.

ADDITIONAL REPRESENTATIONS

An additional letter has been received from Herefordshire Branch of the Campaign to Protect Rural England. The letter raises concerns about the previous report to Committee on 12th February 2009, in that it did not give sufficient weight to the quality of the surrounding landscape. The letter makes comment that the site is within close proximity to the Shropshire Area of Outstanding Natural Beauty, (AONB), and that the site is in an area known as Mortimer Country and that this is a stunningly beautiful landscape, that is home to several historic parks of national importance. Comment is also made that weight be given to the energy benefits of wind farms now seems to be a lot less than in 2009.

OFFICER COMMENTS

Whilst it is acknowledged that the application site is situated within an area known as Mortimer Country, and this landscape is appreciated as a landscape of significant value, the fact is that this has no recognised landscape designation and Officers consider that the previous report to Committee did give sufficient consideration to the surrounding landscape in which the application site is situated in, in consideration of national and local designations.

ADDITIONAL REPRESENTATIONS

A letter has been received from Charlie Hopkins, Planning and Environmental Consultant acting on behalf of Stonewall Hill Conservation Group. The letter raises concerns about boundary issues in relationship to the application site, in relationship to public highway access issues. Concerns are also raised about the planning fee and area of land subject to the planning fee paid to the Council in respect of the application.

OFFICER COMMENTS

The public highway access to the site is proposed via a road within Powys County Council's administrative control from the A4113 public highway. Public highway issues are subject to a Section 106 agreement under the Town and Country Planning Act 1990 drawn up between representatives of Shropshire, Powys and Herefordshire Council, who will be signatories to this agreement with the applicants, who have confirmed agreement to its contents. (The key issues subject to the agreement form part of the Heads of Terms attached to the Committee report). Paragraph 3 of the Heads of Terms makes reference to suitable access to the site prior to any development on site to the satisfaction of Powys County Council. Powys County Council Highways Authority have confirmed that the suggested public highway conditions forming part of this update to Committee are acceptable.

It is understood that the applicants have an application registered with Powys County Council for public highway improvements, and the issue as to whether the current application is amended to include public highway access into the application site or whether it is withdrawn and a revised application submitted is a matter between the applicants and Powys County Council.

The Council has reviewed the concerns about the planning fee paid to the Council in relationship to the proposed development, which includes allowance for micro- siting and are satisfied with the planning fee paid and area of land in relationship to the proposed development, it refers to.

ADDITIONAL REPRESENTATIONS

A letter has been received from Geoffrey Sinclair, Environmental Information Services, on behalf of Stonewall Hill Conservation Group. The letter raises concerns that his submission on behalf of the Conservation Group is not referred to in the Committee report.

OFFICER COMMENTS

The report by Mr. Sinclair was submitted prior to the application being referred to Committee on 12th February 2009. It is acknowledged the report was submitted on behalf of the Action Group, and this Group are referred to in the report, being one of many representations received and therefore Officers are of the opinion that issues as raised by Mr. Sinclair were addressed. No response from Mr. Sinclair has been received in consideration of the public consultation to the additional information received subject to the Regulation 19 request under EIA Regulations.

ADDITIONAL REPRESENTATIONS

A letter has been received from Dr. Hugh-Jones on behalf of Stonewall Hill Conservation Group who acknowledges that members of the Group have read the report to Committee and that they seek clarification with regards to the separate planning application to Powys County Council for highway improvements.

The letter also makes comment with regards to visual radii with regards to their opinion that no assessment has been made in respect of individual properties and that their Solicitors (Richard Buxton), requested a condition with regards to amplitude modulation, (AM), in consideration of current best practice.

Comment is made about the wording of condition numbers 8, 13(e) and 32 as attached to the report.

Comment is also made in respect of the Draft Heads of Terms and who are the intended signatories and that there is no mention of the total height of the turbines indicating that even taller ones could be installed on site.

OFFICER COMMENTS

A planning application is presently registered with Powys County Council for highway improvements in consideration of the requirement for abnormal loads to be transported to the site.

The Construction Traffic Management Plan in support of the application details necessary highway improvements to the site such as a stretch of new road way on land within Powys County Council's administrative area as well as highway improvements to the existing public highway nearer to the application site.

It is a planning matter between the applicants and Powys County Council on how to resolve the public highway issues with regards to land within Powys County Council's administrative area, and whether the applicants withdraw the current application and re-submit a revised application to include access in to the site off the adjacent public highway or amend the existing application.

The visual impact of the proposal from residential dwellings was reported at paragraph 6.35 of the original Committee report as being significant. Consideration to the information originally provided in respect of Visual impact and visual radii and the additional information received as a result of the Regulation 19 request conclude that information on this issue as provided by the applicants is acceptable.

The issue with regards to AM has been addressed earlier in this update in respect of communication received from Richard Buxton, that condition number 36, noise management report adequately addressed issues in respect of AM.

The wording of condition number 8 is considered acceptable as allowances need to be made for micro-siting.

It is acknowledged that the wording of condition number 13 (e), is confusing and as indicated earlier not considered necessary and therefore recommended for re-phrasing.

Clarification is required in relationship to rating value as indicated in condition number 32; however this appears to be a typing error that can be easily rectified.

The intended signatories in respect of the Draft Heads of Terms and the Section 106 agreement are the persons who have interests in the land, as well as the relevant Councils.

The original report to Committee, (attached as appendix one), in paragraph 1.8 refers to the total height of the proposed turbines and condition number one attached to the report refers to plans that the proposed development refers to.

ADDITIONAL REPRESENTATIONS

75 additional letters of objections have been received from members of the public. Some of these letters are from the same households. Many are from dwellings in Wales as well as throughout England. Issues raised are various and cover concerns about the principle of the proposed development, as well as commenting upon the additional information received, as a result of the Council's EIA Regulation 19 request to the applicants.

Key concerns raised that are considered not to have been considered subject to the Committee report are as follows:

- Economics of wind power and the requirements for other sources of energy to back up power generated by wind energy.
- Concerns about the validity of the proposed Landscape Enhancement Fund.
- Consultations with Powys County Council.
- Procedure at the previous planning Committee in relationship to this application.

OFFICER COMMENTS

- It remains Government policy to encourage different forms of renewable energy and this includes wind energy. Planning Policy Statement 22 clearly states that small scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally and that Planning Authorities should not therefore reject planning applications simply because the level of output is small.
- The Landscape Enhancement Fund is proposed in consideration of advice as given by Natural England in consideration of landscape/biodiversity enhancement/mitigation as set out in the draft Heads of Terms attached to this report. The proposed landscape fund was not at the request of the Council but offered by the applicants in consideration of comments made by Natural England. The principle of the fund is considered reasonable, as it offers landscape/biodiversity enhancement/mitigation that is considered a planning consideration.
- The Council has engaged in consultation with Powys County Council as well as Shropshire County Council whose administrative boundary is also located near to the proposed development site. Many of these issues have been subject to the information received as a result of the Council's Regulation 19 request under EIA Regulations, to which Powys have not made comment, other than a response from their Environmental Health Section indicating no objections on noise issues.

- The Council considers the procedure at the previous Committee meeting on 12th February 2009 in respect of this application was in accordance with Council policy on presentation of applications to Committee, with consideration also given to the Article 14 Direction issued to the Council by the Secretary of State, who requested time to consider the application in-light of concerns raised by the public.

NO CHANGE TO RECOMMENDATION

However in consideration of potential cross border issues, it is recommended that the following condition is attached to any approval notice in respect of highway safety issues.

- **The approved scheme and specification referred to in condition number 20 above shall be fully implemented to the written satisfaction of the local planning authority within one month from the first operational use of the wind farm.**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

- **Condition number 13 (e) is re-worded to state: *'the arrangements for undertaking sampling measurement and analysis of private water supplies, before, during and following construction (a period of up to 6 months, or as otherwise agreed as part of the Private Water Supply Protection Plan')*.**

MEETING:	PLANNING COMMITTEE
DATE:	12 OCTOBER 2011
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not a key decision

Recommendation

That the report be noted

APPEALS RECEIVED

Application No. DMS/102895/F

- The appeal was received on 26 August 2011
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Miss Karen Harris
- The site is located at Losito Stud, Harris Lodge, Ross on Wye, Herefordshire, HR9 6EG
- The development proposed is Retrospective application for siting of mobile home for residential occupation associated with equine business on part industrial part agricultural land.
- The appeal is to be heard by Hearing

Case Officer: Mr M Tansley on 01432 261815

Application No. DMN/111007/F

- The appeal was received on 1 September 2011
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr Peter Sanderson
- The site is located at Tick Bridge Farm, Tick Bridge Lane, Hamnish, Leominster, Herefordshire, HR6 0QL
- The development proposed is Proposed retention of two mobile homes for one year for temporary agricultural dwelling and storage as originally granted for applications DCN2007/2648/F & DCN/2008/2739/F

Further information on the subject of this report is available from the relevant case officer

- The appeal is to be heard by Hearing

Case Officer: Mr A Banks on 01432 383085

Application No. DMN/103149/O

- The appeal was received on 1 September 2011
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr Peter Sanderson
- The site is located at Tickbridge Farm, Tickbridge Lane, Hamnish, Leominster, Herefordshire, HR6 0QL
- The development proposed is Outline planning application for agricultural dwelling.
- The appeal is to be heard by Hearing

Case Officer: Mr A Banks on 01432 383085

Application No. EN11/001404/ZZ

- The appeal was received on 9 September 2011
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr Peter Sanderson
- The site is located at Tick Bridge Farm, Tick Bridge Lane, Hamnish, Leominster, Herefordshire, HR6 0QL
- The breach of planning control alleged in this notice is Without planning permission the use of the land as a site for the positioning of 2 mobile homes both used for mixed residential and storage use.
- The requirements of the notice are: Remove the 2 mobile homes, hard standing and associated buildings from the land and reinstate the land to grass
- The appeal is to be heard by Hearing

Case Officer: Mr A Banks on 01432 383085

Application No. DMS /111132/F

- The appeal was received on 16 September 2011
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr John Lee
- The site is located at Field, The Leys, Lynne Down, Much Marcle, Herefordshire, HR8 2NS
- The development proposed is Change of use of land from agricultural to a one family traveller site including siting of one mobile home, touring caravan, shed and new access.
- The appeal is to be heard by Hearing

Case Officer: Mr A Prior on 01432 261932

Application No. DMN/111718/F

- The appeal was received on 16 September 2011
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mrs Milbro Phillips
- The site is located at 28 Uplands, Fromes Hill, Ledbury, HR8 1HR
- The development proposed is Proposed detached two bed bungalow.
- The appeal is to be heard by Written Representations

Case Officer: Ms R Jenman on 01432 261961

APPEALS DETERMINED

Application No. DMN/102792/F

- The appeal was received on 7 June 2011
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Andrew Fielder
- The site is located at Floodgates, Winslow, Bromyard, Herefordshire, HR7 4SE
- The application dated 27 October 2010 was refused on 28 February 2011
- The development proposed was Installation of single mast wind turbine (maximum height of 17.25m).
- The main issue is the effect of the proposed wind turbine on the character and appearance of the surrounding landscape

Decision: The application was refused under delegated powers on 28 February 2011.
The appeal was **allowed** on 5 September 2011.

Case Officer: Mr A Banks on 01432 383085

Application No. DCSE2009/1568/F

- The appeal was received on 6 November 2009
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Tom Maguire
- The site is located at Marsh Farm, Upton Bishop, Ross-On-Wye, Herefordshire, HR9 7UP
- The application dated 20 July 2009 was refused on 15 September 2009
- The development proposed was Change of use of land and full planning, to retain existing 1 mobile home, retain existing log cabin mobile home, four additional log cabin mobile homes, 6 touring caravans for nomadic use only, 6 utility day rooms.
- The main issues are:
 - i) Do the proposals comply with the criteria of policy H12, considering the location of the site in relation to local services and facilities, its effect on landscape character, the size and design of the site.
 - ii) In relation to the appeals for Marsh Farm only, the effect of the developments on the wildlife and biodiversity of the land it's surrounding, the setting of heritage assets, and the living conditions of nearby occupiers.
 - iii) The effect of the proposals on highway safety.
 - iv) What is the level of need for gypsy and travellers' sites in Herefordshire and how is the council seeking to address the identified need?
 - v) How would the development contribute towards meeting general need and more specifically the accommodation needs of the appellants and their extended family?

Decision: The application was refused under delegated powers on 15 September 2009.
The appeal was **dismissed** on 16 September 2011.
An application for the award of costs, made by the Council against the appellant, was **allowed**

Case Officer: Mr D Thomas on 01432 261974

Application No. DMS/100514/F

- The appeal was received on 10 September 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr B Tapsell
- The site is located at Holmes Grove, Upton Bishop, Ross on Wye, Herefordshire, HR9 7UQ

Further information on the subject of this report is available from the relevant case officer

- The application dated 4 March 2010 was refused on 11 August 2010
- The development proposed as amended - was Change of use of land - three log cabins for gypsies and travellers
- The main issues are:
 - i) Do the proposals comply with the criteria of policy H12, considering the location of the site in relation to local services and facilities, its effect on landscape character, the size and design of the site.
 - ii) In relation to the appeals for Marsh Farm only, the effect of the developments on the wildlife and biodiversity of the land it's surrounding, the setting of heritage assets, and the living conditions of nearby occupiers.
 - iii) The effect of the proposals on highway safety.
 - iv) What is the level of need for gypsy and travellers' sites in Herefordshire and how is the council seeking to address the identified need?
 - v) How would the development contribute towards meeting general need and more specifically the accommodation needs of the appellants and their extended family?

Decision: The application was refused by committee, contrary to Officer recommendation, on 11 August 2010.

The appeal was **dismissed** on 16 September 2011.

An application for the award of costs, made by the Council against the appellant, was **allowed**

Case Officer: Mr D Thomas on 01432 261974

Application No. EN2009/0023/ZZ

- The appeal was received on 6 November 2009
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr T Maguire
- The site is located at Marsh Farm, Upton Bishop, Ross-On-Wye, Herefordshire, HR9 7UP
- The breach of planning control alleged in this notice is the unauthorised material change of use of land from agricultural to a mixed use of agriculture for the stationing of caravans, (some, maybe all of which are occupied in residential use) and associated hardstanding, and the unauthorised material change of use of an agricultural building to a mixed use of agricultural and residential use.
- The requirements of the notice are:
 - i) Permanently cease the use of the land for the stationing of caravans for residential use and remove all caravans and any domestic paraphernalia from the land which is coloured green on Plan B accompanying this notice.
 - ii) Remove from the land any hardstandings that have been created within the areas on Plan B. Restore the land to the condition it was in prior to the breach of planning control, including re-seeding with grass seed where necessary.
 - iii) Permanently cease the use of the building at the approximate location marked X on Plan B for residential purposes, remove from the building any domestic items and restore to a solely agricultural use.
 - iv) Remove from the land any materials that arise from the removal of the caravans and from the cessation of the use of the building for residential purposes.

The main issues are:

- i) Do the proposals comply with the criteria policy H12, considering the location of the site in relation to local services and facilities, its effect on landscape character, the size and design of the site.
- ii) In relation to the appeals form Marsh Farm only, the effect of the developments on the wildlife and biodiversity of the land and its surroundings, the setting of heritage assets, and the living conditions of nearby occupiers.
- iii) The effect of the proposals on highway safety.

- iv) What is the level of need for gypsy and traveller sites in Herefordshire and how is the Council seeking to address the identified need?
- v) How would the development contribute towards meeting general need and more specifically the accommodation needs of the appellants and their extended family?

Decision: The appeal is **dismissed** and the enforcement notice, as varied by the substitution of nine months as the time for compliance, was upheld on 16 September 2011.

Case Officer: Mr D Thomas on 01432 261974

Application No. DMS/110419/F

- The appeal was received on 13 June 2011
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr S Pearse
- The site is located at Plot At Somerville, Burghill, Hereford, HR4 7RN
- The application was refused on 14 April 2011
- The development proposed was Proposed new 3 bed dwelling
- The main issues are:
 - i) The effect on the character and appearance of the area; and,
 - ii) Whether the proposal would result in suitable living environments for the residents of the existing and proposed dwellings.

Decision: The application was refused under delegated powers on 14 April 2011
The appeal was **dismissed** on 22 September 2011.

Case Officer: Ms K Gibbons on 01432 261781

Application No. DMS/111199/FH

- The appeal was received on 8 August 2011
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr David Wadge
- The site is located at The Oxlet, Bishopswood, Ross on Wye, Herefordshire, HR9 5QX
- The application was refused on 15 July 2011
- The development proposed was 2 Storey extension to rear of property.
- The main issue is the effect of the proposal on the character and appearance of the area.

Decision: The application was refused under delegated powers on 15 July 2011
The appeal was **allowed** on 27 September 2011

Case Officer: Mr D Thomas on 01432 261974

If members wish to see the full text of decision letters copies can be provided.



MEETING:	PLANNING COMMITTEE
DATE:	12 OCTOBER 2011
TITLE OF REPORT:	<p>DMS/112085/RM - APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPLICATION DMS/103136/O FOR THE REDEVELOPMENT OF THE LIVESTOCK MARKET AND ADJACENT LAND AT LIVE STOCK MARKET & ADJ LAND, EDGAR STREET, HEREFORD, HR4 9HX</p> <p>For: Stanhope Plc per Savills Plc, Embassy House, Queens Avenue, Bristol, BS8 1SB</p>

Date Received: 1 August 2011 Ward: Central and Aylestone Grid Ref: 350943,240328
Expiry Date: 14 November 2011

Local Members: Councillors MAF Hubbard, PA Andrews, EMK Chave and C Nicholls

1. Introduction, Site Description and Proposal

Introduction

- 1.1 On 23 March 2011, outline planning permission was granted for the demolition of all existing buildings within the site of the former Livestock Market, Hereford (except the listed Old Market Inn) and the redevelopment of the site comprising retail, financial and professional services, food, drink and leisure uses, new public realm, landscaping, car parking and general highway works. This permission represented the bringing forward of development proposals provided for within the Unitary Development Plan and other policy documents. These proposals were designed to allow for the extension of the city centre and an expansion of the City's retail and leisure offer, to support Hereford's sub-regional shopping role and reduce the loss of expenditure to competing centres away from Herefordshire.
- 1.2 The permission was a form of outline application known as a hybrid application. The permission included full details of the proposed means of access and associated highway works with the layout, scale, appearance and landscaping being reserved for future consideration. However, unlike a traditional outline submission, the application was also accompanied by a 'Masterplan Principles and Parameters Document'. This identified seven fixed objectives for the master planning process to follow.
- 1.3 The document also set minimum and maximum parameters relating to the siting and height defined both in plan and elevation form along with a minimum and maximum floorspace schedule specific to each category of land use along with parking thresholds. The document also includes masterplan principles plans relating to servicing, pedestrian and cycle routes, strategic key views and landmark buildings. This document has effectively set relatively specific ground rules that this current application has to adopt in relation to the layout, scale, appearance and landscaping of the development.

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

Site Description

- 1.4 The site extends to five hectares of brownfield land located immediately north of Hereford City's historic core and the city centre itself. The site is essentially bounded by Edgar Street (A49) to the west, Newmarket Street (A438) to the south, Widemarsh Street (B4359) to the east and Blackfriars Street (U80332) to the north. The application site area also encompasses additional highway land eastwards forming part of Blueschool Street, all of Newmarket Street and part of the Edgar Street northwards beyond the junction with Blackfriars Street.
- 1.5 Presently occupying the majority of the site is the former livestock market which comprises a range of 1950's single storey steel framed and corrugated clad, monopitch roofed livestock buildings. Fronting the Edgar Street/Newmarket Street roundabout and extending northwards up Edgar Street is a two storey barrel roofed brick building most recently used for a range of purposes including a furniture sales room, agricultural supplies retailer, auctioneers offices and tyre retailer. To the rear (north and east) of this building are further brick flat and barrel roofed predominantly single storey buildings. Fronting part of Blackfriars Street are further brick barrel roofed two storey buildings most recently used by the Council as offices. Nearly all these buildings are now vacant.
- 1.6 Continuing eastwards along Blackfriars Street are three detached Victorian Villa properties which are predominantly used as offices. These properties fall outside the application site. Further businesses occupy two and three storey premises fronting the corner of Blackfriars Street and extending southwards along Widemarsh Street. Again, these do not form part of the development area.
- 1.7 South of here is the red brick Garrick House multi storey car park which effectively rises to five storeys at a height of around 16 metres. To the rear of which is Garrick surface level car park and Western Power's primary sub-station building and compound. Around 40% of the rear surface level car park along with the southern lift access of the multi storey fall within the development area, the remainder of the car park and multi storey is unaffected by the development proposals. Occupying the corner of Widemarsh Street and Newmarket Street is Garrick House most recently used as offices and the Councils information centre. This rises to three storeys constructed from red brick dropping down to two storeys adjacent the Grade II listed Old Market Inn. The public house is 19th century in origin with later additions to the side and rear.
- 1.8 The development site is presently served by four vehicular accesses via Edgar Street, Blackfriars Street and two on to Newmarket Street, one of which solely serves the public house. Further pedestrian access also exists adjacent Garrick House, via the Newmarket Street subway and via the multi storey. Levels are relatively flat across the site and two small groups of trees and vegetation exist immediately north of the Old Market Inn and by the subway entrance.

Site Context

- 1.9 The site sits within a mixed land use context. West and set back from Edgar Street are a row of predominantly detached red brick three storey Victorian villa properties, the majority of which are now converted to flats and all are grade II listed. North of these is the Richmond social club and Salvation Army centre and further residential properties. North of Blackfriars Street is Hereford United Football Club, east of which is the access to public car parks, a furniture retailer unit and Council Offices. West of Widemarsh Street is predominantly town centre uses (retail, restaurants, hot food takeaways) and the Herdsman Public House. On the south side of Newmarket St opposite the Hereford Centre is JD's public house, next to which is the grade II* listed Farmers Club. Continuing westwards are a terrace of residential properties and Tesco's Supermarket beyond.

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

- 1.10 The southern side of Newmarket Street is bounded by the historic City wall which is a Scheduled Ancient Monument. This also forms the boundary of the Central Conservation Area which also encompasses part of the Widemarsh junction and Blueschool Street parts of the application site. Land west of Edgar Street is also within Central Conservation Area and the south eastern corner of the site falls within Hereford Area of Archaeological Importance. The entire site also falls within the Central Shopping and Commercial Area as identified within the adopted Herefordshire Unitary Development Plan (UDP). Within the site, the Old Market Inn is grade II listed.

The Proposal

- 1.11 The proposal involves the mixed use redevelopment of the site for primarily retail and leisure purposes. With the exception of the Old Market Inn, all other buildings within the application site are to be demolished. The detailed layout plan for the development is principally centred around the construction of three new detached buildings structured around two new retail streets that directly connect in with the existing city centre to the south with secondary links to the north, west and east.
- 1.12 The largest of the buildings hereafter referred to as 'Building A' is sited along part of Newmarket Street returning northwards into Edgar Street towards Blackfriars junction. This is a mixture of three and four storeys with a maximum height of 18.6 metres. At its southern end, this building will contain a department store orientated primarily southwards towards Edgar Street roundabout and Newmarket Street and eastwards fronting one of the new internal streets. North of here will be a series of eight two storey primarily retail units with a retail frontage onto the new internal street.
- 1.13 Framing the northern end of this building is proposed to be the food store most likely to be occupied by Waitrose. This predominantly occupies only the ground floor. At first floor will be non food retail along with ancillary offices. A new gated service access will be created to the rear of Building A off Edgar Street which will also include the closure of the existing vehicular access (this is already approved). This service yard will contain six service bays. A roof level car park totalling 364 spaces is proposed above the retail units within Building A except above the department store which will be partially covered. This will be accessed via a vehicular ramp off the northern end of Building A adjacent to Edgar Street.
- 1.14 Building B is sited adjacent to, and will form a new frontage with Newmarket Street to the south and new retail streets to the west and north. This accommodates two floors but is effectively a mixture of two and three storeys in height with the central cinema element being at a height of 18.4 metres. Building B comprises of fourteen new non-food predominantly retail units at ground floor, five of which occupying the western half of the building would also include a first floor trading area. The northeast corner is to incorporate an entrance lobby providing access to the first floor central area which is proposed to be a six screen fully digitalised cinema to be occupied by Odeon. The configuration and design of the cinema has been amended since submission of the application to better integrate and soften the impact of this building within the street scene. A new gated access (already approved) is to be created off Newmarket Street to an enclosed service yard with capacity for two service bays and the appropriate turning and manoeuvring space. Immediately north of building B is a row of three single storey detached oak frame retail kiosks.
- 1.15 Building C comprises a row of six two storey units located immediately to the rear (west) of Garrick Multi Storey Car Park and directly opposite The Old Market Inn. This building would have a primary frontage on to the new internal street overlooking the public house and secondary frontage to the west. One of the units is likely to be retail; the remaining five are proposed to be restaurants and cafes. This building is essentially two storeys in height at

fourteen metres which is comparable in height to the multi storey car park. This building is serviced from the rear via Blackfriars Street (already approved).

- 1.16 Framing the principal pedestrian entrance to the development from Widemarsh Street are three two storey pavilions likely to be occupied as restaurants. Two are detached and one is attached to the eastern end of Building C. Pavilion 1 being the largest is located parallel with the southern end of the multi storey at a height of 10 metres and pavilion 2 sits adjacent the Old Market Inn fronting Newmarket Street with a height of 9 metres. The third pavilion is of a different scale being slightly higher at 10.5 metres albeit smaller in footprint than the others.
- 1.17 Planning and Listed Building Consent has also been approved to partly re-orientate The Old Market Inn to ensure it addresses the new internal street to the north. In addition, a new enclosed garden area to serve the public house is proposed to be created adjoining the public house fronting Newmarket Street.
- 1.18 Detailed public realm proposals have also been provided. These identify surface level car parking totalling 153 spaces in the north west corner of the site, along the northern boundary of the site adjacent to Blackfriars Street and more centrally within the site. These areas will be subdivided with significant new tree planting and will have a single surface throughout. Where required, natural oak bollards are proposed to demark vehicular routes which will link in with the wider movement strategy for the site.
- 1.19 Various other highway works already have the benefit of planning permission approved at the outline stage. These works comprise of the closure of the existing vehicular access from Blackfriars Street and construction of a new access opposite the existing access to Merton Meadow Car Park which will serve as the only public vehicular access to the site. This junction as a whole will also be fully signalised with a number plate recognition pay on exit charging system. One new unsignalised pedestrian crossing will be created on Blackfriars Street west of the new vehicular access to the site and a further signalised crossing on Blackfriars Street is proposed linked in with the new site access. A second new vehicular access is to be created further eastwards on Blackfriars Street which will be the service access for Building C. The junction with Blackfriars and Edgar Street is also to be modified to create a signalised junction. These works entail the creation of an additional turning lane within the junction and the relocation of the existing east/west pedestrian crossing on Edgar Street further southwards to integrate with the new junction design.
- 1.20 The entire length of Newmarket Street is to be upgraded to create a more attractive and pedestrian friendly retail street. The works include the removal of the existing central reservation barriers and the creation of a wider central reservation incorporating new tree planting and cycle stands, reduction in the width of the eastbound highway lanes and the resurfacing of both the carriageway and pavements either side within this street with higher quality materials. The proposals also include the removal of the existing bus lay-by and closure of the subway. This is to be replaced with a new two stage raised table surface level pedestrian crossing creating a link between the development site through the existing gap in the city wall and beyond to Eign Gate. This pedestrian crossing is also to be a signalised crossing.
- 1.21 Permission was also secured at the outline stage to re-model the Newmarket Street/Blueschool Street/Widemarsh Street junction to facilitate quicker and more direct pedestrian and cyclist connections between the city and development. The entire junction hereafter referred to as 'Widemarsh Gate' will be a raised table design constructed at grade with Widemarsh Street and the development to the north. The existing sheep pen pedestrian barriers will be removed to allow for a single phase traffic light controlled pedestrian crossing north to south. In addition, the junction will include two new turning options right (eastwards) from Wall Street on to Newmarket Street and right (northwards) from Blueschool Street into Widemarsh Street.

1.22 The outline development proposals were screened in 2010 against the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and the Town and Country Planning (Environmental Impact Assessment) (England and Wales) (Amendments) Regulations 2006. A Screening Opinion was issued on 23 September 2010 confirming that the application was an EIA development and that an Environmental Statement (ES) was required. A Scoping Report for the ES was subsequently adopted by the Council on 4 November 2010. The detailed proposals now forming part of this application largely follow the masterplan principles and parameters established at the outline stage. Minor changes to the outline parameters have been agreed but neither the changes nor the content of this application raise any new or materially different environmental issues that were not fully considered at the outline application stage.

2. Policies

2.1 National Guidance:

PPS1	-	Delivering Sustainable Development (including the supplement on climate change)
PPS4	-	Delivering for Sustainable Economic Growth
PPS5	-	Planning for the Historic Environment
PPS9	-	Biodiversity and Geological Conservation
PPG13	-	Transport (2010)
PPG24	-	Planning and Noise

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
S4	-	Employment
S5	-	Town Centres and Retail
S6	-	Transport
S7	-	Natural and Historic Heritage
S8	-	Recreation, Sport and Tourism
S10	-	Waste
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR13	-	Noise
DR14	-	Lighting
TCR1	-	Central Shopping and Commercial Areas
TCR2	-	Vitality and Viability
TCR20	-	Eign Gate Regeneration Area
T1	-	Public Transport Facilities
T6	-	Walking
T7	-	Cycling
T8	-	Road Hierarchy
T11	-	Parking Provision
T12	-	Existing Parking Areas
T16	-	Access for All

LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC8	-	Habitat Creation, Restoration and Enhancement
HBA4	-	Setting of Listed Buildings
HBA6	-	New Development Within Conservation Areas
HBA10	-	Shopfronts
ARCH1	-	Archaeological Assessments and Field Evaluations
ARCH3	-	Scheduled Ancient Monuments
ARCH7	-	Hereford AAI
W11	-	Development – Waste Implications
CF1	-	Utility Services and Infrastructure
CF2	-	Foul Drainage
CF4	-	Renewable Energy

2.3 Other Guidance - Supplementary Planning Documents:

Archaeology
 ESG Design Framework
 Statement of Community Involvement
 Biodiversity

2.4 Other Material Considerations:

Edgar Street Grid Master Plan (November 2009)
 Streetscape Design Strategy

3. Planning History

3.1 Extensive planning history exists relating to the various buildings on the development site, the majority are not directly relevant to the proposed application given that the buildings are nearly all to be demolished. Of relevance are the following:

S/111694/F	Demolition of existing building and comprehensive site clearance including the removal of foundations and storage tanks at Hereford Livestock Market. Application undetermined at the time of writing the report.
S/103138/F & S/103139/L	Partial demolition works and reinstatement of north elevation and windows to east elevation, Old Market Inn, Newmarket St. Planning and Listed Building Consent approved 22 March 2011.
S103136/O	Redevelopment of the site including demolition works to provide mixed use scheme comprising retail, professional and financial services, food drink and leisure (use classes A1, A2, A3, A4 & D2), new public realm, landscaping, car parking, servicing and general highway works including new access arrangements on Newmarket Street, Blackfriars Street and Edgar Street at livestock market and adjacent land, Edgar Street, Hereford. Outline planning permission approved 23 March 2010
CW/100511/F	Demolition of Blackfriars terrace and replacement with all new seated stand. Demolition of existing floodlight towers and replacement with new floodlights mast. Creation of new emergency access on to Blackfriars Street at Hereford United Football Club. Planning permission approved 23 June 2010.

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

DMCE092576/F Demolition of existing buildings and construction of a new highway, cycleway, drainage, landscaping and associated works between the A49 Edgar Street and A465 Commercial Road along with a new link road to Blackfriars Street, Canal Road. Planning permission approved 30 March 2010.

4. Consultation Summary

Statutory Consultees

- 4.1 English Heritage: No further comments to make but we commend the advice of the Council's Conservation Officer on the details of the reserved matters.
- 4.2 Environment Agency: No objection subject the conditions; as already imposed on the outline planning permission.
- 4.3 Western Power Distribution: No objection.
- 4.4 Highways Agency: No objection but the Highways Agency would like to highlight the following:
1. One of the proposed electrical sub stations is sited on Edgar Street. Consideration should be given to night time working to install the high voltage services to this sub-station.
 2. The widening of the footway in the south east corner of the site may create a pedestrian bottleneck in the future.
- 4.5 The Police: The Crime and Disorder Act 1998 section 17 places an obligation on planning authorities to consider crime and disorder reduction. The Design and Access Statement for this application fails to address and support crime prevention, anti-social behaviour issues or the fear of crime. In relation to car parking, consideration should be given to applying and achieving the Park Mark Safer Parking Award. Attention to the mature height of the boundary hedging on the Blackfriars Street/Edgar Street elevations will ensure good natural surveillance both from and into the car parking areas. Planting and maintenance of trees and shrubs should be carefully considered so that security lighting/CCTV is not compromised. Car park access should be controlled by barrier to reduce anti-social use of the car park and ensure all users pay for the actual time the facility is used. Possible parking migration from the football ground on match days should be considered and its effect on car parking availability and traffic flow. The area of the development between Building B and C and the Old Market Inn is more condensed and less open than other areas of the development. The pedestrian access between Building B and the Old Market Inn should be as wide as Blueschool Way and Blackfriars Lane so that users have a uniformity feeling of safety throughout the development, and be as straight as possible. The current design features a 'dogleg' at the Newmarket Street entrance which will reduce visibility through the footpath. Counter terrorism measures should be considered in the design and construction of features such as bins, inbuilt seating, cycle stands, bollards, walling and public art. Any recessed entrances should be of limited recess or security shuttered during closing hours, and any external pipe work recessed/built in to prevent climbing aids.
- 4.6 Welsh Water: No comments received.
- 4.7 Fire Service: No comments received.

Internal Council Advice

- 4.8 Traffic Manager: Recommendation for approval. Discussions with the applicant and their team are on going regarding the materials to be used in the highway works. From the information provided to date, and our own investigations, the use of natural stone materials is very unlikely to provide the longevity and durability required on this currently heavily trafficked

road. The much greater time involved for construction in natural materials, and for future maintenance/repairs such as statutory undertakers works, also weighs heavily against their use. It is therefore considered far more likely that the Widemarsh Street junction and Newmarket Street raised areas both will need to be constructed in flexible surfacing materials, with the use of a suitably coloured surfacing to blend with the natural materials to be used outside of the carriageway areas. Provision of sample areas is to be undertaken together with further research to assess the use, visual appearance and performance of materials such as Mastertint, where currently in use elsewhere, before a final decision is taken. The length of carriageway between the crossing areas, and probably extending to Edgar Street roundabout, is likely to be surfaced in coloured chipping asphalt, and suitable products are being investigated to achieve visual enhancement to the area. The inclusion of cycle racks in the central reserve of Newmarket Street may assist in changing the nature of the street, however this should be balanced against their accessibility and likely desirability of use, with consideration given to ensure adequate provision within the development itself. It is considered that enhancement of the street will be achieved by the use of suitably chosen materials, and improvements in pedestrian connectivity, whilst limited by the current traffic volumes, will be achieved by the removal of the subway and replacement by the at grade crossing and provision of the single stage crossing at Widemarsh Gate. Therefore my recommendation is for approval subject to inclusion of any conditions considered necessary to supplement Conditions 10, 20 and 38 of the outline consent DMS103136/O to control final submission and approval of the highway materials and highway works.

- 4.9 Conservation Manager (Landscape and Trees): No objection - I have previously provided comments on the outline application (ref: DMS/103136/O, February 2001), which supported the principle of this development. Revisions are still being made to the detail of the drawings, however this response is based on the design intention of the overall proposals that has been provided in the substantial Public Realm document, with associated plans and details. The landscape scheme submitted meets with the principles of Policy LA6 and the streetscape design strategy. I look forward to further involvement with the applicants throughout the final stages of design and construction.
- 4.10 Conservation Manager (Historic Buildings and Conservation Areas): No objection - Reconciling large scale new developments with historic city centres is always difficult and whilst in some ways the livestock market has the advantage of being a pre existing, self-contained site, it also poses the particular challenge of re-establishing an organic connection with the city centre. It is considered that the current application meets the objectives recommended in the English Heritage guidance.
- 4.11 Conservation Manager (Archaeology): The development proposal in question has been the subject of detailed and extensive discussions and correspondence over a lengthy period. It would appear that these details are in essence as discussed, and I regard them as fully in order.
- 4.12 Environmental Health and Trading Standards Manager: No objection.
- 4.13 Public Rights of Way Manager: No objection.

5. Representations

- 5.1 Hereford City Council: No objections to the principle of the development. Anxieties remain about the highways issues, especially the traffic implications of re-organisation of Newmarket Street. On-site provision should also be made for a taxi rank (or alternatively for taxis to be able to pick the customers up with no parking fee attached to it). We also recommend that some anti-seagull measures are put in place.

5.2 The full text of these letters can be inspected at Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB and prior to the Committee meeting.

6. Officer's Appraisal

6.1 As explained in the introduction, the vehicular and pedestrian access arrangements were approved at the outline stage. Moreover matters of layout and scale are provided for in the approved masterplan through the setting of principles and parameters relating to siting, height and floorspace.

6.2 Therefore the matters to be considered within this reserved matters application are scale, layout, appearance and landscaping of the development and any associated issues within the context of the outline planning permission and the approved masterplan.

6.3 This report will therefore consider the following:

- 1) Building A – Scale, layout, design and appearance
- 2) Building B – Scale, layout, design and appearance
- 3) Building C – Scale, layout, design and appearance
- 4) Pavilions – Scale, layout, design and appearance
- 5) Shopfronts
- 6) Old Market Inn Public House
- 7) Public Realm, Landscaping and Connectivity
- 8) Car Parking
- 9) Sustainability
- 10 Conclusion

Building A (adjoining Edgar Street and Newmarket Street):

6.4 This is the largest of the proposed buildings running for 145 metres along the boundary with Edgar Street wrapping around into Newmarket Street for a further 100 metres. Although this building is large, it is considered this part of the site can accommodate a building of this size being predominantly lying adjacent to the heavily trafficked Edgar Street to the west and Edgar Street roundabout to the south where a building with greater presence is required. The scale, mass and height are, however, broken up into several different elements.

6.5 One of the most prominent views into the development is from the corner of Edgar Street and Newmarket Street. The development recognises this through the introduction of a visual landmark building to be occupied by the department store. The building is designed to provide a prominent elevation to both the Edgar Street roundabout, Newmarket Street and the internal streets and at a height of 18.5 metres, will have the required presence. The design is distinguished from the remainder of the development through the layout following the curve of the junction between Edgar Street and Newmarket Street and also the introduction of a sawtooth profile roof. The historic reference for this being some of the former livestock buildings currently on site but the roof will be covered with standing seam metal sheeted roof with a zinc or aluminium finish to create a contemporary appearance. The predominant material for this part of the building will be a Herefordshire red brick punctuated with recessed cladded panels and small arrow slit style windows. It is also proposed that this elevation incorporates climbing plants. All these design features will emphasise this elevation overlooking the roundabout creating a recognisable focal point to the development as a whole in the future for vehicles travelling along the trunk road.

6.6 The alignment of this building then wraps around the corner of Edgar Street turning into Newmarket Street effectively providing the building with a double street frontage. The angled frontage is articulated with a lower, curved flat roofed section which marks the transition between the two street frontages. The frontage then rises back up to a height of 14.6 metres.

On the corner, a series of shopfronts are proposed which will signify the start of a retail street when walking from Edgar Street into Newmarket Street. The predominant material in this area is also brick with relief in the elevation provided by additional glazed shopfronts and arrow slit style windows at upper floors.

- 6.7 The layout of the department store has been purposely angled to break up the linear street pattern and to align with the new pedestrian crossing on Newmarket Street. The height of this part of the building then rises up to 17 metres to accommodate not only two floors of retail but also a two storey pedestrian colonnade along the face of this elevation. This reinforces this prominent corner position and highlights one of the key pedestrian linkages with the city but also will provide high level views southeastwards towards All Saints Church and across the city beyond. The retail frontage will be accentuated with two storey glazed shopfronts which will marry in with the higher proportions of the building.
- 6.8 Travelling northwards, the entrance to the department store is to be reinforced at ground and first floor through the alignment of the shopfront and the use of different materials - likely to be render or stone. The east elevation of this building then creates a new retail street with a series of eight one and a half storey shopfronts of identical proportions within a predominantly brick façade. The pedestrian colonnade feature is continued at second floor level along this retail frontage and will be defined by a timber pergola structure with climbing plants. This will allow further city views whilst providing a legible route for pedestrians from the roof level car parks. The upper level roof car park is to be set back around 4 metres from the face of the building to ensure the cars are largely screened from wider vantage points.
- 6.9 The northern end of building A is occupied by a food store at ground floor with retail at first floor. The frontage effectively kicks out eastwards and is further reinforced with a full height (15.4 metres) metal frame canopy infilled with timber louvers which will provide a focal entrance to the food store and a feature on the north elevation of this building to balance out the south elevation.
- 6.10 The north elevation of the food store is predominantly brick and largely glazed at ground floor which will ensure this unit also addresses the proposed car park immediately to the north. This elevation is framed at either end by an entrance canopy to the east as described above and the proposed service yard screen to the west. This takes the form of a metal frame incorporating three different size horizontal grid lines relating to the building's internal organisation. At street level, this will take the form of a dense metal screen which will support climbing plants. The middle section is a series of closely spaced vertical timber louvers installed at varying angles to create a different and changing visual effect whilst travelling along the elevation and ensuring that equipment mounted on the roof is screened from all angles. At upper level, more openly spaced timber louvers are proposed incorporating occasional gaps to create additional visual interest and enable further views from the upper level car park. It should be noted that sufficient distance and intervening trees exist between this elevation and nearest residential properties to ensure their amenity is safeguarded. At its northern end, this building incorporates an access ramp screened behind a brick wall to provide access to the upper deck car parks.
- 6.11 Although this elevation is effectively the rear of the building, it is nevertheless a very prominent elevation. The proposed screen provides an appropriate solution which in functional terms, ensures the service yard and equipment are screened effectively whilst architecturally, creates a softer edge to the development respectful of the setting of the adjacent Conservation Area. The use of climbing plants and timber louvers will also harmonise with the adjacent mature trees within the central reservation of the trunk road.
- 6.12 The elevations have been articulated to read as a series of separate buildings rather than a single block. Additional detailing such as the entrance to the food store, the roof of the department store, the Edgar Street screen and views from pedestrian walkways will further

enhance the visual interest of this building and ensure it respects its prominent location on the corner of the development and adjoining the Conservation Area. The layout, scale and appearance of Building A are therefore considered acceptable in accordance with the requirements of UDP policies DR1 and TCR20.

Building B: (Adjoining Newmarket Street):

- 6.13 This building contains predominantly retail at ground floor with a six screen cinema at first floor. The elevational and roof plans for this building have been amended during the course of the application to address officer concerns. The alignment of the Newmarket Street frontage follows that of the department store to the west; the eastern elevation is broadly parallel with the Old Market Inn, whilst the north and west elevations follow the linear alignment of the new internal streets.
- 6.14 This building, at a maximum height of 19 metres, is comparable with the highest part of the Edgar Street/Newmarket Street frontage of the department store on Building A. This is principally dictated by the need to accommodate the cinema at first floor and the required floor to ceiling heights associated with this use. However, it should be noted that this height is 1.4 metres less than the maximum height parameter approved at the outline stage. The applicant has recognised the complexity of integrating the cinema successfully into the overall scheme, and their architect has proposed a design approach which is considered to overcome officer concerns at the time of the outline application.
- 6.15 The north and west elevations are the primary retail streets. In keeping with historic buildings with the city centre, the proportions of these elevations are broken up through changes in size and design of the shopfronts and mix of materials whilst retaining a rhythm of buildings within the retail street. The impact of the roofscape is equally as important in its contribution to the appearance of the street and this is proposed to be broken up through a combination of pitched roofs and flat roofs behind parapets. Architecturally, this creates additional interest to the building frontages and creates the opportunity to assimilate the different buildings with the development as a whole.
- 6.16 On the north elevation, the entrance to the cinema is reinforced with a slightly higher section returning along the full east elevation. This is punctuated with large glazed panels which will provide views into the cinema lobby. First floor access to the cinema lobby will be via elevators along with separate lift access for those of restricted mobility. With the exception of the cinema element, the predominant materials are brick, with feature timber and metal at upper floors to provide additional visual interest and variation in the shopfront designs. Minor concerns exist regarding the interface of the east elevation with the Old Market Inn but this can be addressed through reviewing the materials and the possible introduction of further climbing plants to soften and break down this elevation.
- 6.17 On the south elevation, the height and mass can be absorbed within the wider street frontage due to the width of Newmarket Street and location of nearest buildings. Indeed, this street currently lacks any form of building enclosure and therefore the height and presence this building provides is welcomed in this respect. The height of the building is softened through differentiation in materials and roof form. To the west of the cinema and fronting onto Newmarket Street will be a series of Dutch gable style pitched roofs, the last one of which steps up in height to connect with the cinema and similarly to the east, the roof drops down towards the Old Market Inn to respect its scale.
- 6.18 The southern elevation and particularly the central section of this building presents the greatest challenges due to the scale of the cinema element and the limited opportunity to break up the mass of the upper floor. Either side of the cinema at ground floor, retail frontage is proposed with further animation at first floor created through the introduction of large glazed panels above both the retail units and the cinema. This ensures these elements appropriately

address Newmarket Street and will assist in drawing in additional footfall along the street changing its character. However, the area below the cinema is predominantly occupied with the service yard and fire escape access which creates limited opportunity for active frontage within this section. New bus shelters are proposed to be an integral part of the elevation which will add some visual interest at pedestrian level but the need for the upper elevation to include additional visual interest is considered essential.

- 6.19 Following discussions since the submission of the application amendments are being proposed, which will ensure this prominent elevation contains the required visual and architectural quality without impacting upon the functionality of the uses.
- 6.20 Notably the applicants have agreed to change the materials used to clad the cinema from a cement board to timber, and are proposing to introduce a series of illuminated reveals into the first floor which visually combine with the windows on the flanking retail units. The materials will provide a much softer appearance and will complement the rich Herefordshire red brick proposed for the remainder of the elevations. This elevation will be further animated through the introduction of subtle lighting features.
- 6.21 The overall height of Building B is fully supported but the massing of the cinema element and the manner in which the various components of the building knit together is a challenge. The further amendments are welcomed in that they break down the mass of the cinema and reinforce the shopping street as the primary element to the north whilst providing a softer articulation of the elevation to the south. Subject to the proposed changes being accommodated, the layout, scale and appearance of this building is therefore considered acceptable in accordance with the requirements of UDP policies DR1 and TCR20.

Building C: (West of Garrick Multi Storey):

- 6.22 This sits immediately west of the Garrick multi-story car park and predominantly comprises two storey restaurant uses. This unit is broadly rectangular in shape and has its primary retail frontage to the south facing the Old Market Inn Public House and the new internal retail street with secondary frontage to the west overlooking the car park. The height at 14 metres is lower than the other buildings but contextually, is comparable in height with the highest part of the multi-storey car park. The mass of the retail frontage is broken up through creating a series of six individual frontages following the proportions of the shopfronts and a series of Dutch gable pitched roofs similar to that proposed for parts of Building B. The rhythm of the elevation, whilst repeated in building scale, is varied in terms of the punctuation of the first floor elements through different size glazed and clad panels along with a larger shopfront on the western most unit which also turns the corner. This will again provide visual and architectural interest to the street and ensure the areas of brickwork at upper floors are broken and do not dominate the setting of the Listed Building.
- 6.23 The predominant material for the main part of the building is again brick with the exception of the rear elevation where slate grey cement board cladding is proposed. The introduction of climbing plants on the western elevation is proposed and opportunities also exist for the re-use of some of the stone signs present within the fabric of the existing buildings on site. Along the frontage, bespoke awnings will also be incorporated into six of the units to enable some of the restaurant uses to spill out into the street creating additional activity day and night. As well as creating architectural interest, the roof form of this building also cleverly enables all plant to be concealed with the roof void whilst the top of the Dutch gables roofs will host renewable energy equipment.
- 6.24 Attached to the southeast corner of the Building C is a further unit known as Pavilion 3. This is a flat roofed design and is proposed to be clad with timber. This is purposely of a different scale and appearance to marry in with the two proposed detached pavilions to the east and

south whilst also providing the continuity of retail frontage and assisting in masking the southern elevation of the multi-storey car park.

- 6.25 The scale and appearance of this building is appropriate to its prominent location on the main pedestrian gateway into the development from the city centre and proximity to the listed public house. The rhythm of the elevations creates a harmonious appearance whilst the detail and changes in materials will ensure a high quality streetscape is achieved. The scale, layout and appearance of this building is therefore considered acceptable in accordance with the requirements of UDP policies DR1 and TCR20.

Pavilions and retail kiosks:

- 6.26 The pedestrian gateway into the development from the city centre is framed by two detached two storey pavilions likely to accommodate restaurant uses. Pavilion 1 is sited alongside the south face of the multi-storey car park and at a height of 10 metres will assist in partially screening the multi-storey without being too overpowering within the entrance into the development. The design references for this pavilion have been taken from historic market halls still remaining in Ledbury and Ross-on-Wye. This pavilion will have an external timber frame with a predominantly glazed frontage at ground floor on the eastern, western and southern elevations so as to address existing and proposed streets and new areas of public realm. In addition, at ground floor on the south elevation the building incorporates a small covered colonnade as a modern interpretation of historic examples. Additional interest is created at first floor through timber shutters alongside the windows.
- 6.27 Pavilion 2 is of similar footprint but at 9.0 metres is lower in height. This pavilion is proposed to be in brick but the applicants are also considering a softer pallet of materials such as elements of render and timber cladding to contrast with and reinforce the prominence of the Listed Building. This pavilion incorporates a glazed frontage to all four of its ground floor elevations which is considered necessary to reflect its prominent location fronting both Newmarket Street and all areas of public realm within the entrance to the development. Some of the detail of Pavilion 1 is replicated in Pavilion 2 such as the first floor timber shutters and the roof form to ensure the two buildings harmonise with each other.
- 6.28 Immediately north of Building B is a series of three small retail kiosks. These are designed to have an external timber frame with a hipped roof and could be partially or fully enclosed. They are sited to create a degree of retail enclosure to the south side of the car park and provide continuity of retail frontage and will offer lower cost, easily changeable retail units.
- 6.29 The pavilions create a visual landmark at the end of Widemarsh Street linking old and new, whilst the kiosks add interest to the scheme and act to define the transition between the car park and pedestrianised areas. Subject to the possible amendments detailed above, the scale, layout and appearance of the pavilions and kiosks are considered acceptable in accordance with the requirements of UDP policies DR1 and TCR20.

Old Market Inn:

- 6.30 Planning and Listed Building Consent was approved earlier this year for the removal of the more modern extension on the north elevation of the public house and the introduction of three sets of glazed patio doors to provide access directly onto the new internal retail street. In addition, the traditional sash windows are to be reinstated within the principal elevations to the listed building. Alongside these works, the masterplan incorporates a new enclosed garden adjoining Newmarket Street. This will not only provide a useful amenity space to serve the public house and provides an opportunity for planting of larger specimen tree but also assists in breaking up the alignment of buildings on Newmarket Street.

- 6.31 The scheme has been designed from the outset to take proper account of the need to provide an appropriate setting for the listed building. The careful selection of materials, the articulation of adjoining elevations and the wider changes to the public realm combine to provide an appropriate and enhanced setting for the building.

Shopfronts:

- 6.32 The appearance of the shopfronts will heavily influence the primary elevations to the buildings and the shopping and leisure experience. The majority of the future occupiers are not yet known and therefore to ensure a consistent framework for the design and appearance of shopfronts and associated signage, the applicants are preparing a shopfront design guide. The submitted elevation plans identify the proportions for the shopfronts associated with each unit. The design guide will then identify the architectural parameters and palette of materials which each occupier will have to follow.
- 6.33 To ensure a degree of flexibility and variation in appearance, the design guide will include a range of options for the height of the glazing, configuration of entrance doors, first floor features ranging from glazing of varying sizes to fully clad timber, metal or cement board panels. Fascia signage is all likely to be internal with different options for projecting signs and associated illumination also included. The final details of the design guide are yet to be submitted but this will ensure a consistent design theme for both shopfronts and signage whilst allowing sufficient flexibility for individual occupiers to create their own identity or incorporate some of their corporate branding. This will also fulfill the requirement of UDP policy HBA10.

Public Realm: Hard Landscaping:

- 6.34 Whilst the architecture of the buildings is clearly important, also key to the success of the development is the quality and functionality of the spaces and streets and the manner in which they connect the development together. The application is supported by full details of the proposed hard and soft landscaping.
- 6.35 Internally within the site the buildings are connected by two new primary streets running north/south and east/west. The pedestrianised area in front of the pavilions will be surfaced with the same natural Pennant stone found within Widemarsh Street to the south. This will create a visual link between the new development and existing shopping areas. Elsewhere within the scheme, precast concrete flags which have a contemporary appearance and which will complement the natural stone is proposed. The areas of paving are to be broken up through use of textured conservation kerbing creating a grid effect which will also serve as drainage channels. To further visually connect the new development with existing streets, this paving is also to continue along the north and south sides of Newmarket Street.
- 6.36 The width of the streets varies between 8 and 13 metres which will ensure they do not feel claustrophobic and the siting and form of the buildings assists in breaking up the street alignment. The layout is also designed to be permeable allowing for free movement particularly onto Newmarket Street around the Old Market Inn but also through the creation of a new direct pedestrian link to the north on to Blackfriars Street surfaced with the same paving material. The existing enclosure along the eastern boundary is also to be removed allowing pedestrian access to the development from the east. The Police have expressed concerns regarding some of the narrower pedestrian routes around the public house but these are a typical feature of the city centre and are short in length. The remainder of the development is more open and the development will have the benefit of CCTV coverage. The development satisfactorily addresses crime related considerations in its design and layout as required by Planning Policy Statement 1.
- 6.37 The northern quarter of the site along with part of the central section is dedicated to surface level car parking which is to be surfaced with standard black macadam. Within the car parking

area, pedestrian routes are defined through the application of thermoplastic buff coloured surface and elsewhere, surface dressed bitumen macadam is proposed to create a more informal textured surface around the retail kiosks.

- 6.38 A shopper's experience of the public realm can also be heavily influenced by the proposed street furniture. There are several areas within the development where bollards are required to delineate vehicular routes. These are proposed to take the form of low level square oak posts which will complement the use of timber cladding within the buildings throughout the development. This theme is continued by the use of timber benches, timber framed retail kiosks and the covered trolley and cycle parking. Lighting within the pedestrian streets is to be building mounted and of a contemporary design that complements the building elevations. This will also minimise the amount of fixtures within the streets themselves. A similar strategy exists for all proposed signage.
- 6.39 The proposed hard surfacing materials within the development and the manner in which they are laid out will ensure that the buildings and streets are legibly connected whilst the mix of materials and proposed street furniture will add to the architectural diversity and visual interest for shoppers. These elements are consistent with the Streetscape Design Strategy and satisfy the requirements of policies DR1 and TCR 20 of the Herefordshire Unitary Development Plan.

Public Realm: Soft Landscaping:

- 6.40 Extensive new tree planting within the car parking areas are proposed to break up these areas and where feasible, new tree planting is being incorporated within the streets themselves. Within the entrance off Widemarsh Street and adjoining the Old Market Inn, the opportunity also exists for larger specimen trees such as evergreen oak and walnut to be introduced which will provide a green entrance into the development. This will be supplemented by the creation of planting beds along the southern base of the multi storey car park, softening the impact of this building.
- 6.41 Reflecting the existing mature trees along the central reservation within Edgar Street, new trees are proposed to be planted on the northern boundary supplemented by a mixed beech and holly hedge, with additional trees being planted along part of the east and west boundaries. The northwestern boundary of the site will be further defined with architectural railings to create the enclosure that is required without obscuring views into the development. Wherever possible, soft landscaping such as ivy and hydrangea has also been introduced into the building elevations including along the department store frontage, along the roof level pergola adjoining the car park, along the Edgar Street elevation and along the western elevation of Building C. More unusual tree species such as Austrian pine are proposed adjacent the vehicular entrance into the site off Blackfriars Street to create a focal entrance feature and add to the diversity of tree species. Fruit trees are also proposed in some peripheral areas which will enhance the biodiversity value of the planting. The soft landscaping strategy within the site is considered acceptable in accordance with Policy LA6 of the Herefordshire Unitary Development Plan.

Public Realm – Connectivity:

- 6.42 Fundamental to the success of the development is the manner in which pedestrian connectivity between the city centre and the site is enhanced. The design of the new pedestrian crossings for Widemarsh Gate and Newmarket Street were approved at outline stage. At Widemarsh Gate, the works will facilitate a single stage traffic signal controlled crossing whilst the removal of all pedestrian barriers will mean that confident pedestrians can cross at any time within any part of the junction. The whole crossing will be a raised table design which will mean there will be no changes in levels from the footpaths on Widemarsh Street to the new streets within the development. The same principles and design are

proposed for the Newmarket Street crossing to the west, except this is a two stage staggered crossing.

- 6.43 In both cases, in terms of appearance the strategy is to emphasise the single surface pedestrian zone, by utilising a material and colour for the highway elements that harmonises with the natural Pennant stone in existence on the southern section of Widemarsh Street and proposed within the development fronting the pavilions to the north of Widemarsh Gate. In this way the appearance will be significantly enhanced with higher quality materials that visually change the definition of the crossing from highway to pedestrian priority. Whilst the materials for these crossing areas are yet to be finalized, it is more likely that a flexible surfacing material, rather than natural stone, will be used for the highway elements. Flexible materials are expected to offer significant benefits in terms of both shorter construction time (and hence reduced traffic impacts) and greater longevity given the volume of traffic that Newmarket and Blueschool Streets carry. The extent of road markings and other street clutter such as bollards are also proposed to be minimised partly through consideration of the introduction of a 20mph zone.
- 6.44 This design will reinforce the pedestrian routes between the development and the city centre and will signify to drivers a change in the nature of the street, thereby allowing improved interaction between drivers and pedestrians.
- 6.45 The remainder of Newmarket Street is also to be upgraded through the resurfacing of the pavements on the north and south sides of the street with the same material as is proposed in the development, removal of the central reservation barrier, widening of the central reserve and the introduction of a central strip of surface dressing material creating a softer appearance. These works will be supplemented with additional tree planting both on the south side of Newmarket Street and along the full length of the central reservation between the crossings. Consideration is also being given to the surfacing of the carriageway elements between and west of the new crossings with an appropriate coloured surface. Some of the works in this area are likely to require Scheduled Ancient Monument Consent due to the proximity to the City Wall. It is not anticipated that this will present any issues and if approved, the works and development as a whole will enhance the setting of the city wall.
- 6.46 The combination of the works both to Newmarket Street and the proposed new crossings will assist breaking down the barrier that the road currently poses, changing the character and appearance of Newmarket Street from a vehicle dominated highway to a retail street which confident pedestrians can cross at any point. The requirements of policies DR3 and TCR20 have therefore been satisfactorily met.

Car Parking:

- 6.47 The development includes the provision of 517 new car parking spaces for visitors. Excluding ad hoc parking around some of the commercial units, the development would result in the loss of around 250 existing spaces within the site and therefore the total increase will be 267 spaces. This level of provision was deemed acceptable at the outline stage by both the Highways Agency and the Traffic Manager given the sustainable location of the site and existence of other public car parks nearby that will not be affected by future ESG proposals.
- 6.48 The car parking is to be split between surface level car parking along the northern boundary with Blackfriars Street and centrally within the site totalling 153 spaces along with roof level car parking above Building A totalling 364 spaces. The car parking is to be managed by Stanhope and will operate on a pay on exit number plate recognition system. The charging regime is yet to be finalised but the development agreement requires that the pricing structure cannot be lower than the highest tariff charged by the Council for its city centre car parks. In addition, it is likely that there will be a short term free entry/exit for taxis to pick up and drop off within the site which addresses one of the city council concerns. The development does not include a

dedicated taxi rank but a safe zone has been provided along the frontage of the food store for taxis to pick up and drop off customers.

- 6.49 The design and layout of the car parking is relatively standard but the mass is broken up with extensive tree planting and variation in the type and colour of surface materials with pedestrian routes reinforced with different materials. The layout and level of parking provision and associated operation, management and pricing restrictions are considered acceptable.

Sustainability:

- 6.50 The applicants are committed to minimising the carbon footprint of the development through delivering a holistic sustainable design which can provide a benchmark retail scheme for the county, against which future developments will be judged. This has been driven by Hereford Futures sustainability policy which sets a target that all of the new build must achieve a Building Research Establishment (BREEAM) rating of 'Excellent' with existing buildings to be refurbished achieving a BREEAM rating of 'Very Good'.
- 6.51 The BREEAM assessment includes 10 categories of sustainability against which the development will be judged and the methodology will be a two phased process. Stage one will be the shell and core and phase two will be the retail fit out stage. The shell of the building will have a higher thermal performance than is required by current Building Regulations, reduced air permeability and incorporate design features to minimise peak solar gains on the retail elevations in order to naturally control temperatures. Internally, energy meters will be installed throughout, zonal thermal and lighting controls will be used and energy efficient lighting and displays incorporated.
- 6.52 In addition, a further requirement is that carbon emissions must be reduced by 10% through the use of renewable energy technology. The roofs of the all the buildings will accommodate photovoltaic panels and other options such as ground and air source heat pumps are being investigated. A development wide combined heat and power installation has been discounted on technical, energy profile and financial grounds and annual average wind speeds are not conducive to wind turbines. The required measures have been factored into the design process and the applicants have committed to the additional costs associated with delivering some of the required sustainability targets. Furthermore, to ensure measures are not diluted once tenants fit out and occupy the units, requirements will be written into the Heads of Terms with future tenants. This represents a significant commitment on a development of this size and will ensure the development is sustainable in terms of its construction and more resilient to climate change in line with the requirements of Planning Policy Statement 1.

Conclusion:

- 6.53 The success of the development and its ability to claw back some of the retail expenditure that currently leaks out of the County will be heavily influenced by the quality of the scheme. The three principal buildings each have an individual scale, appearance and detail as appropriate to their position within the site and context whilst the detail of the shopfronts and palette of materials will provide architectural synergy across the development as a whole. The primary connection between the city centre and the development is appropriately celebrated and reinforced with a combination of the pavilions and high quality public realm whilst the highway barrier that Newmarket Street currently presents has been broken down with the design and appearance of the new crossings and wider upgrade works.
- 6.54 The public realm will connect the buildings through a series of new streets, walkways and spaces which will be legible and will reinforce the linkages with the city centre whilst the soft landscaping both around and within the site will create a greener edge and environment within the development. Appropriate car parking provision is proposed given the sustainable location of the site and a high sustainability construction standard is being achieved ensuring that the

development reduces its carbon emissions and is resilient to climate change. The variation in the size, layout and format of the units to be created will also meet modern retailer requirements that the existing city centre cannot fully provide.

- 6.55 The development will result in £80 million of private sector investment into the city and county generating in excess of 1,000 new jobs once operational. Most importantly, the layout, scale, appearance and landscaping of the development has the appropriate quality that will complement and enhance the vitality and viability of the city centre as a whole for the benefit of current and future generations. An update will be provided at Committee regarding some of the design amendments currently being considered by the applicant but subject to these, the application is considered to be fully development compliant and is recommended for approval.

RECOMMENDATION

Subject to the receipt of satisfactory amended plans addressing the issues raised in this report, officers named in the scheme of delegation to officers be authorised to issue reserved matters approval subject to the following conditions and any further conditions considered necessary by officers:

- 1 Within twelve months of the commencement of development or in accordance with a timetable to be agreed in writing with the local planning authority, details to include scaled plans of the following shall be submitted for the approval in writing of the local planning authority:**
 - a) The design, materials and finish for the gates serving the service yards on Edgar Street and Newmarket Street.**
 - b) The material, finish and means of enclosing the retail kiosks.**
 - c) Details of the planting beds for the areas of climbing plants.**
 - d) The material, height, finish and means of enclosing the new garden associated with the Old Market Inn.**
 - e) Details of any externally visible rainwater goods.**
 - f) Plans, materials and finish for the trolley parks.**

Development shall be carried out in accordance with the agreed details and shall be completed prior to first occupation of any of the units hereby permitted.

Reason: To ensure a satisfactory design and appearance to the development and to comply with Policy DR1 of the Herefordshire Unitary Development Plan.

- 2 The siting, design and external appearance of all plant and equipment, including renewable energy generation, and any associated supporting structures shall be submitted, approved and completed prior to the occupation of the relevant unit(s) which they service.**

Reason: To ensure a satisfactory design and appearance to the development and to comply with Policy DR1 of the Herefordshire Unitary Development Plan.

- 3 C06: Development in accordance with the approved plans**

Informative:

- 1. N09 – Approval of reserved matters**
- 2 N15 – Reasons for the grant of planning permission**

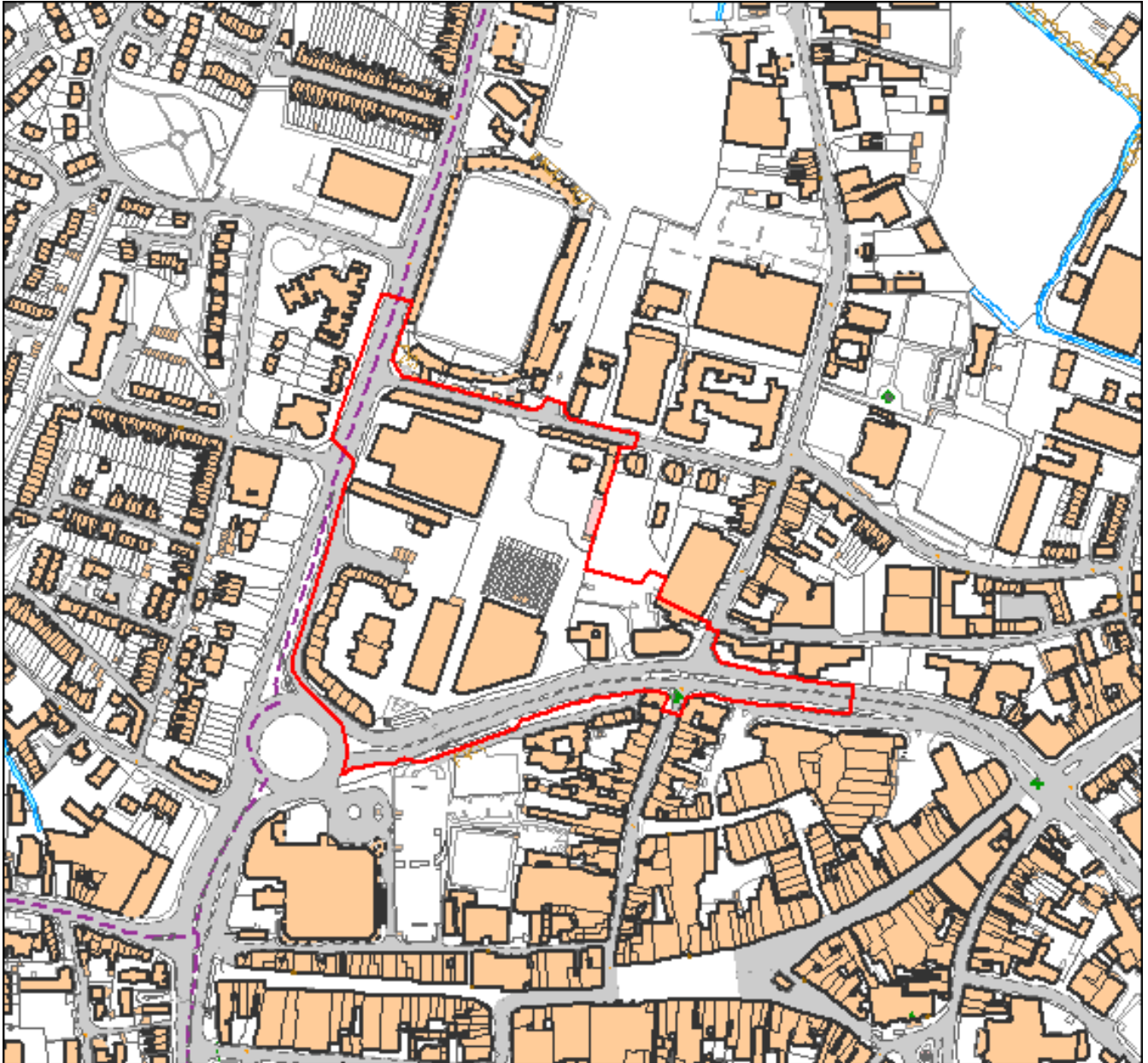
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/112085/RM

SITE ADDRESS : LIVESTOCK MARKET & ADJ LAND, EDGAR STREET, HEREFORD, HR4 9HX

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Further information on the subject of this report is available from Mr R Pryce on 01432 260288



MEETING:	PLANNING COMMITTEE
DATE:	12 OCTOBER 2011
TITLE OF REPORT:	<p>DMS/112097/F - PROPOSED CHANGE OF USE OF AGRICULTURAL LAND TO A PRIVATE MENAGE. AT DADNOR COURT, DADNOR, ROSS-ON-WYE, HR9 6QL</p> <p>For: Ms Lake per Mr Terry Egan, MF Freeman, Ruardean Works Varnister Road, Ruardean, Nr Drybrook, Gloucestershire, GL17 9BH</p>

Date Received: 1 August 2011

Ward: Llangarron

Grid Ref: 356762,226256

Expiry Date: 26 September 2011

Local Member: Councillor JA Hyde

1. Site Description and Proposal

- 1.1 Dadnor Court, a large country house and associated outbuildings is located on the southeast side of a narrow lane that exits onto the C1261 almost opposite its junction with the unclassified 71009 that leads to Lower Grove Common. Sarum and The Hollies are to the northeast. The site is located in open countryside to the northwest of Bridstow. It is located in the Wye Valley Area of Outstanding Natural Beauty.
- 1.2 This application involves the change of use of agricultural land that is on the northeast side of Dadnor Court to a ménage for private use that will be enclosed by a 1.2metre high post and 5 rail fence. Equine silica sand is proposed to surface the ménage. The northeast boundary of the site is defined by an evergreen hedge and a post and rail fence and trees run along the roadside boundary. There is an orchard on the southeast side of the site.

2. Policies

2.1 Planning Policy Statements:

PPS1 Delivering Sustainable Development
PPG17 Sport and Recreation

2.2 Herefordshire Unitary Development Plan:

S2 - Development Requirements
S8 - Recreation, Sport and Tourism
DR1 - Design

Further information on the subject of this report is available from Mr D Thomas on 01432 261974

- DR2 - Land Use and Activity
- DR3 - Movement
- LA1 - Areas of Outstanding Natural Beauty
- RST1 - Criteria for Recreation, Sport and Tourism Development
- RST2 - Recreation, Sport and Tourism Development within Areas of Outstanding Natural Beauty

3. Planning History

3.1 There is no planning history.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Consultations

4.2 Traffic Manager has no objection.

4.3 Conservation Manager (Landscape Officer) has no objection.

5. Representations

5.1 Bridstow Parish Council has no objection.

5.2 The full text of these letters can be inspected at Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB and prior to the Committee meeting.

6. Officer's Appraisal

6.1 This application proposes a ménage that will be used for private purposes only. The application site is well contained being set between Dadnor Court and an evergreen hedge and is reasonably flat. The site is set back from the adjoining lane and the existing screening along the road frontage is effective so as to minimise the visual impact of the proposal including the post and rail fencing that will enclose the ménage and the silica sand surface. As such there is no landscape objection. There are no neighbours affected by the proposal. The proposal is considered to comply with Policies S2, S8, DR1, DR2, DR3 and RST2.

6.2 Although the site is located in the Wye Valley Area of Outstanding Natural Beauty, the proposal will be well concealed so as not to have a detrimental impact on the acknowledged visual qualities of the area. As such, this small-scale proposal is considered to comply with Policy LA1.

RECOMMENDATION

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. **The ménage shall be used for the training of the applicant's own horses and shall at no time be used for any commercial training or other equestrian enterprise.**

Further information on the subject of this report is available from Mr D Thomas on 01432 261974

Reason: In order to safeguard the character and amenity of the area and to comply with Policy DR3 of Herefordshire Unitary Development Plan.

4. G02 Retention of trees and hedgerows

Informative:

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

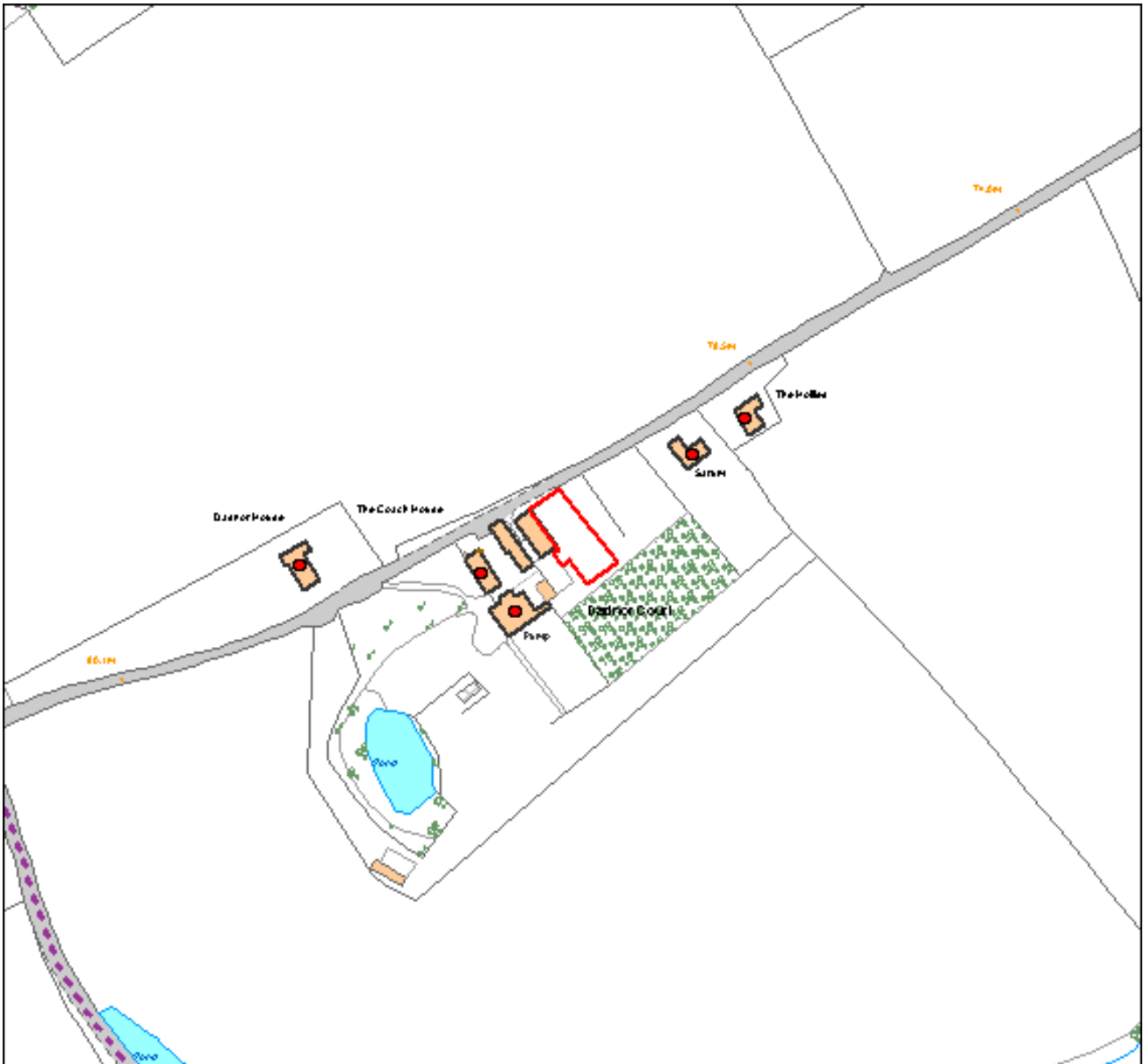
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/112097/F

SITE ADDRESS : DADNOR COURT, DADNOR, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6QL

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Further information on the subject of this report is available from Mr D Thomas on 01432 261974



MEETING:	PLANNING COMMITTEE
DATE:	12 OCTOBER 2011
TITLE OF REPORT:	<p>DMN/112240/FH - PROPOSED INSTALLATION OF SOLAR THERMAL PANELS ON ROOF OF EXISTING GARAGE TOGETHER WITH BIO-MASS FLUE AT GLEN HELEN, 1 ELMSDALE ROAD, LEDBURY, HEREFORDSHIRE, HR8 2EG</p> <p>For: Mrs Harvey per Mr Ian Guest, 22 Upper Chase Road, Malvern, Worcestershire, WR14 4XG</p>

Date Received: 15 August 2011 **Ward: Ledbury** **Grid Ref: 370757,237290**

Expiry Date: 10 October 2011

Local Members: Councillors PL Bettington, EPJ Harvey and PJ Watts

1. Site Description and Proposal

- 1.1 This site is in a residential area within the town and is surrounded by dwellings. The dwelling on site is a two storey house with a flat roofed detached garage in the rear garden. The garage has buff coloured facing bricks on the wall with a grey mineral felt roof. There is an existing hedgerow on the north west side and north east rear boundaries (approximately 3 metres high) and wooden fencing on the south west side boundary approximately 2 metres and 1.7 metres high.
- 1.2 The proposal is to erect solar thermal panels on the roof of the garage which will measure 4.8 metres long and face towards the south. The top of the proposed solar panels will be 1.75 metres above the roof of the garage. A bio-mass flue pipe (measuring 2.05 metres high by 0.25 metres wide) will also be erected on the roof and will be positioned directly behind the solar panels (i.e. on their northern side). The flue will be connected to a bio-mass boiler located in the garage. The purpose of the boiler and the solar panels are to provide hot water to serve the house and its heating system.

2. Policies

2.1 Planning Statements

- PPS1 - Delivering Sustainable Development
PPS22 - Renewable Energy

Further information on the subject of this report is available from Mr N Banning on 01432 383093

- 2.2 Herefordshire Unitary Development Plan
- S2 - Development Requirements
 - DR1 - Design
 - DR4 - Environment
 - H18 - Alterations and Extensions
 - CF4 - Renewable Energy

3. Planning History

- 3.1 None

4. Consultation Summary

Statutory Consultations

- 4.1 None Required.

Internal Consultations

- 4.2 The Transport Manager has no objections.

5. Representations

- 5.1 The Town Council comments are awaited.
- 5.2 A public notification process (i.e. letters to immediate neighbours and a site notice posted) expires on 28 September 2011. This date was after this committee report was prepared. However at the time the report was prepared no representations had been received.
- 5.3 The full text of these letters can be inspected at Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB and prior to the Committee meeting.

6. Officer's Appraisal

- 6.1 The main issues relate to:-
- (i) The visual appearance of the development and it's effect on the character of the area.
 - (ii) The effect of the proposal on the residential amenities of the occupants of nearby dwellings.

The most relevant policies in the Herefordshire Unitary Development Plan are S2, DR1, DR4, CF4 and H18.

- 6.2 The proposed development will not be prominent on the street scene. The rear garden of the applicants dwelling is fairly well screened although it can be seen from the side entrance gate and from the dwellings to the south. The proposed development will not be visually intrusive and will not adversely affect the visual appearance and character of the area.
- 6.3 Furthermore the proposal will not adversely affect the residential amenities of the occupants of the neighbouring dwellings. Although the proposal is near to the south east side boundary of the site it is not considered that it will be detrimental in any way to the residential amenities of the neighbour on that side. It will dominate nor take light from the neighbour's property.
- 6.4 The proposed development is therefore considered to be acceptable and be in keeping with the Council's Planning policies and guidance. In particular Policies S2, DR1, DR4, CF4 and H18 of the Herefordshire Unitary Development Plan which generally seek to protect the quality

Further information on the subject of this report is available from Mr N Banning on 01432 383093

and character of the surrounding area and the residential amenities of neighbours. The policies also seek to promote positive environmental benefits and minimise resource use including water and energy and maximise resource efficiency including passive energy absorption. The proposed development will contribute to the saving of energy and resource efficiency.

RECOMMENDATION

To take into account any letters of representation received as a result of the public consultation process and, subject to there being no representations received which would require any alteration to the recommendation, 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. **The external surface of the flue pipe, hereby approved, shall have a matt black finish unless otherwise first agreed in writing by the local planning authority.**

Reason: To ensure that the flue pipe is satisfactory in appearance and to comply with Policy DR1 of the Herefordshire Unitary Development Plan.

- 4 **CE2 Solar panels or other external renewable energy installations**

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMN/112240/FH

SITE ADDRESS : GLEN HELEN, 1 ELMSDALE ROAD, LEDBURY, HEREFORDSHIRE, HR8 2EG

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Further information on the subject of this report is available from Mr N Banning on 01432 383093



MEETING:	PLANNING COMMITTEE
DATE:	12 OCTOBER 2011
TITLE OF REPORT:	<p>DMS/111901/F - DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF 3 STOREY BLOCK OF 6 APARTMENTS AT FRIARS HOUSE, 9 FRIARS STREET, HEREFORD, HR4 0AS</p> <p>DMS/111902/C - DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF 3 STOREY BLOCK OF 6 APARTMENTS AT FRIARS HOUSE, 9 FRIARS STREET, HEREFORD, HR4 0AS</p> <p>For: Mr Galvin, Perfection Homes Ltd per Mr Alex Whibley, Hook Mason Ltd 41 Widemarsh Street, Hereford, Herefordshire, HR4 9EA</p>

Date Received: 15 July 2011

Ward: St Nicholas

Grid Ref: 350630,240013

Expiry Date: 9 September 2011

Local Members: Councillors SM Michael and JD Woodward

1. Site Description and Proposal

- 1.1 The application site currently consists of a two storey rendered dwelling that sits on the corner of Friars Street and Cross Street. The dwelling is sited approximately 3 metres from the edge of the highway, and has a driveway and garage sited to its north. The three storey residential development Red Lion Court lies to the rear (East) of the site. The southern boundary of the site consists of the car parking that serves Red Lion Court. This is accessed via Cross Street. Lord Scudamore School car park is situated directly opposite the site to the west, and Cathedral Court, a recent modern development lies to the south. To the northern boundary is a detached two storey traditional dwelling and its associated curtilage and outbuildings.
- 1.2 The site lies within the defined urban settlement boundary of Hereford City, within the Conservation Area and within the Area of Archaeological Importance.
- 1.3 The proposal is for the demolition of the dwelling and erection of a three storey modern development consisting of three one bed flats and three studio flats. The existing dwelling has a footprint of 10.1 metres (frontage) by 7.5 metres over two floors. The eaves height is 4.4 metres and ridge height 7 metres. The distance from the rear of the dwelling to the rear

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

boundary is 1.8 metres at its closest point. The application includes an application for Conservation Area Consent for demolition of this existing dwelling.

- 1.4 The proposed building would be sited immediately adjacent to the highway at the front of the site and would have a footprint of 11.2 metres by 10.5 metres. The building would be flat roofed and hipped to the rear elevation. The maximum height of the roof would be 8.7 metres with the hipped section reducing to eaves of 7 metres. The building has been designed in a contemporary manner, and would use modern materials. The walls would be a self coloured render above the ground floor storey that would be a facing brick. The flat roof would be obscured by view from the street by parapets. The front elevation would have feature bay windows (aluminium powder coated window system) that project at first and second floor level by 0.9 metres. The closest distance to the rear boundary would be 1.3 metres (to adjacent garage). The back to back distance with Red Lion Court being 8 metres.
- 1.5 The building would have no windows in the north elevation, and those to the east (rear) would serve staircase and bathrooms and be obscure glazed. The windows in the south elevation facing Cathedral Court would also be obscure glazed.
- 1.6 The application has been accompanied by a daylight analysis diagram and street scene elevation. A draft Heads of Terms has also been submitted and is attached at the end of this report.

2. Policies

2.1 National Planning Guidance:

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS5	-	Planning for the Historic Environment
PPG13	-	Transport

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S3	-	Housing
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
DR5	-	Planning Obligations
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H13	-	Sustainable Residential Design
H14	-	Re-using Previously Developed Land and Buildings
T11	-	Parking Provision
HBA6	-	New Development Within Conservation Areas
HBA7	-	Demolition of Unlisted Buildings Within Conservation Areas
ARCH7	-	Hereford AAI

3. Planning History

- 3.1 DMS/110001/F Proposed demolition of 9 Friars Street and construction of 6 flats.
DMS/110145/C Withdrawn 2 March 2011.

4. Consultation Summary

Statutory Consultees

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

4.1 None.

Internal Council Advice

4.2 Traffic Manager: Recommends conditions and makes the following comments:

“I am concerned about the proximity of the building to the kerbline, particularly with the upstairs projecting windows, and this would benefit from setting back and for a footway to be provided along the frontage and dedicated as highways, or at least give a 450mm clearance to the kerb. I would comment that the building has been brought forward significantly from the existing building line, I also note that the application states there is no existing parking, but there is often vehicles parked on the frontage and there is also a garage to the side of the existing dwelling.

We would normally seek a proportion of parking provision at this location, however as the development proposed is car free and cycle parking is provided, I do not consider this is grounds for refusal.

Reinstatement of the kerbing around the highway perimeter of the site would be required.”

4.3 Historic Buildings Conservation Officer: “It cannot be claimed that this is the most elegant of contemporary buildings, and the chamfer to reduce overshadowing is a particularly clumsy expedient, at odds with its simple cubic form, but as Friars Street is a rather mixed context with no strong identity, it is unlikely to stand out as either better or worse than its neighbours. Recommends no objection and that standard conditions should be required.”

4.4 Archaeologist: “Whilst the site is within the designated Hereford Area of Archaeological Importance, my recent appraisal suggests that the impact is in fact of low archaeological potential and very disturbed. I have no recommendations to make.”

5. Representations

5.1 Hereford City Council: Has no objections to the proposed building design but are concerned about parking and traffic problems.

5.2 Letters of objection have been received from:

- Richard Gee, on behalf, Red Lion Court Limited.
- T Minton, 15 Red Lion Court.
- Pat Bendall (email only)
- Mrs L Thomson, 9 Chalgrove, Herongate, Shrewsbury.
- Mrs Barnacle, 17 Red Lion Court.
- Mr Barnacle, 17 Red Lion Court.

5.3 Comments can be summarised as follows:

- Statement that no car parking on site is untrue, there is parking on the front and at the side.
- Lack of car parking will lead to occupants and visitors parking on the private car parking spaces that serve Red Lion Court (including parking for carers of people that reside there).
- The area has parking restrictions (Double yellow lines) but this is not policed at evenings and weekends.
- This will add to traffic ‘chaos’ at school drop off and pick up times to the detriment of highways and pedestrian safety (School children).
- Concern about impact during construction (Construction traffic and congestion and loss of car parking spaces during build).

- Where would plant and machinery be stored during construction.
- High Density / Overdevelopment of the site.
- The proposed building would overshadow Red Lion Court and be overbearing.
- The proposed building would lead to a loss of light to the living rooms / bedrooms that are all served by windows in the rear of the Red Lion Court building.
- The building would result in overlooking and loss of privacy if windows were opened.
- The building would be too high and is not in keeping with the character or scale of the existing buildings and would be detrimental to the character and appearance of the Conservation Area.
- The increased density of housing in the area is having a progressive negative impact on the environment for local residents
- The site is in a Conservation Area and although one large building has been allowed, more should not.

5.4 The full text of these letters can be inspected at Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB and prior to the Committee meeting.

6. Officer's Appraisal

6.1 The key issues for consideration are as follows:

- a) Principle of Development
- b) Design and impact on the Conservation Area
- c) Impact on the amenities of adjoining residents
- d) Parking and Highways Safety
- e) Planning Obligations

6.2 The site lies within the settlement boundary of the City of Hereford. Policy H1 states that residential development is considered to be acceptable subject to meeting the criteria of the other relevant policies of the Unitary Development Plan.

6.3 The site lies within a part of the Conservation Area that is predominantly residential, with a mix of modern and traditional properties that front the highway. The proposed development is a modern design and would sit in a position that immediately fronts the highways. As such it would command a prominent position in the street scene, along with Cathedral Court. The design of the building has been chosen to reflect the contemporary nature of Cathedral Court, but in scale and size is significantly less than Cathedral Court to the south and Red Lion Court to the east.

6.4 The existing dwelling has no historic or architectural merit and makes no significant contribution to the character of the area. There is no objection to the loss of this building and as such there is no objection to the Conservation Area Consent Application for its demolition in accordance with policy HBA7 of the Herefordshire Unitary Development Plan. Policies H13 and HBA6 of the Herefordshire Unitary Development Plan seek to ensure that new development respects the townscape and context of the site. The building is of a relatively modest scale, which provides a successful transition between the traditional dwelling of No. 7 Friars Street, Red Lion Court to the rear and Cathedral Court to the east. The materials would complement those of the surrounding developments. As such the proposed development would preserve the character and appearance of the Conservation Area, in accordance with the requirements of Policy HBA6 of the Herefordshire Unitary Development Plan and PPS5 – Planning for the Historic Environment. Conditions in relation to materials (including window details) would be required.

6.5 One of the key concerns about developing this site relates to the impact on the amenities of the adjoining residents. The previous application was withdrawn due concerns about impact.

In response to this concern, the footprint, height and scale of the building has been reduced and a daylight analysis has been undertaken and provided as part of the application. This clearly demonstrates that the light to the ground floor windows of Red Lion Court would not be affected by the proposed building. The rear section of the roof has also been designed as a hip to reduce impact.

- 6.6 The presence of the existing dwelling and its boundary walls to the rear of Red Lion Court are quite imposing existing features. It is considered that the proposed building, despite its increase in height would not be of a scale and position that would impact on the amenities of the residents to an extent that would adversely affect residential amenity. The eaves height of the hipped section of the roof being at the same height as the existing dwelling, sloping at a 45 degree angle to the flat roofed section that would be 1.6m higher than the existing dwelling. The distance from the windows at Red Lion Court to the rear of the proposed building would be 9.3 metres, with the new building being only 0.6 metres closer to Red Lion Court than the existing dwelling.
- 6.7 A site visit was undertaken from within Red Lion Court, and it is acknowledged that the existing building, and its proximity to the existing building could be considered overbearing, especially to those on the ground floor, the proposed building would have little additional impact and as such would not warrant a reason for refusal of this application.
- 6.8 Concern was also raised regarding the impact on number 7 Friars Street and in particular the close proximity to the side elevation of the dwelling and its windows. The building has now been pulled off the boundary giving a 2.3 metres gap between the two properties, widening to 2.6 metres at the rear. The proposed building would be approximately 1.2 metres closer to number 7, and would be 1.5 metres higher than the existing dwelling. Again, this proposal has been carefully considered, especially as the building line would also move forward but it is concluded that the proposed building would not have such an adverse impact on the amenities of this property as to warrant a reason for refusal.
- 6.9 All windows to the rear and side elevations are proposed to be obscure glazed. A condition can ensure this, as well as ensuring they are either fixed shut or top hung. This would protect the amenities of the occupants of Red Lion Court, Cathedral Court and 7 Friars Street.
- 6.10 Having regard to the above, the proposed development is considered to comply with Policies DR1 and H13 subject to the appropriate conditions.
- 6.11 Another concern raised by local residents relates to highway safety and parking issues. Red Lion Court has parking available to its residents accessed via Cross Street, immediately adjacent to the application site. This is private parking that would not be available to residents. The scheme is car free. Cycle parking would be provided within the site. Car free development is not always desirable, as it can lead to indiscriminate parking on the highway or in the immediate area. The streets surrounding this site are all restricted with double yellow lines, but there is a pay and display parking along Friars Street. Because parking is so restricted, with very little opportunity to park nearby, these properties are unlikely to be desirable for persons with a vehicle, and weight has to be given to the fact that these properties offer excellent access to alternative means of transport with quick and direct pedestrian links to the town centre. As such, it would be difficult to defend the position that the proposed accommodation does not provide parking on site.
- 6.12 Subject to conditions in relation to the reinstatement of the kerbs and the provision of cycle parking within the site, the proposal is considered to comply with the requirements of Policies DR3 and H13 of the Herefordshire Unitary Development Plan.
- 6.13 Local residents have also raised concern about the potential for impact during construction. Whilst some disturbance would be expected, a construction method statement, including

details of demolition (dust control etc), parking for site operatives and times of construction would be required. A condition is recommended.

- 6.14 The proposed development would also be subject to financial contributions as per the requirements of the SPD – Planning Obligations. The Draft Heads of Terms is attached to this report and is considered to be acceptable having regards to the SPD and Policy DR5 of the Herefordshire Unitary Development Plan.
- 6.15 Having regard to the above, the proposed development is considered to be of a scale, size and design that respects the character and appearance of the Conservation Area and locality. The impact of the proposal has been carefully considered and it is concluded that the proposed building would not adversely impact on the amenities of the adjoining properties in accordance with Policies DR1 and H13 of the Herefordshire Unitary Development Plan. The absence of parking provision has also been considered but given the sustainable location of the application, is acceptable. The proposal therefore complies with the relevant policies of the Herefordshire Unitary Development Plan and is recommended for approval subject to the appropriate conditions.

RECOMMENDATION

In respect of DMS/111901/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. No development whatsoever shall take place until a 'Construction Method Statement' has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:**
 - i. Demolition Method Statement (including methods of dust suppression).**
 - ii. The hours when building operations will occur. (Note: In any event the local planning authority will not allow any process to be carried out and/or machinery to be operated beyond the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00am-1 pm nor at any time on Sundays, Bank or Public Holidays).**
 - iii. The hours, between which deliveries can be received, taking into account school drop off and pick up times and therefore avoiding times of peak congestion on the local highway network.**
 - iv. The parking of vehicles of site operatives and visitors.**
 - v. The loading and unloading of plant and materials.**
 - vi. Storage of plant and materials used in constructing the development.**
 - vii. The erection and maintenance of site security hoardings, where appropriate.**

Reason: To protect the amenity of local residents and in the interests of highway safety. To comply with Policies DR3 and DR4 of Herefordshire Unitary Development Plan.

- 6. Prior to the occupation of the development hereby permitted, the kerb forming the boundary with Friars Street shall be reinstated to a specification submitted to and approved in writing by the local planning authority.**

Reason: In the interests of highway safety and the amenity of the locality having regard to Policies DR3 and H13 of the Herefordshire Unitary Development Plan.

- 7. I49 Implementation of measures to deal with contaminated land**
- 8. I51 Details of slab levels**
- 9. H29 Secure covered cycle parking provision**

Informatives:

- 1. HN05 Works within the highway**
- 2. HN10 No drainage to discharge to highway**
- 3. N03 Adjoining property rights**
- 4. N11C General**
- 5. N14 Party Wall Act 1996**
- 6. N15 Reason(s) for the Grant of PP/LBC/CAC**

In respect of DMS/111902/C:

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

- 1. D01 Time limit for commencement (Listed Building Consent)**
- 2. D13 Signing of contract before demolition**

Informative:

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

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NOS: DMS/111901/F & DMS/111902/C

SITE ADDRESS : FRIARS HOUSE, 9 FRIARS STREET, HERFORD, HR4 0AS

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**HEADS OF TERMS
PROPOSED PLANNING OBLIGATION AGREEMENT**

Section 106 Town and Country Planning Act 1990

Planning Application: DMS111901/F

Proposal: Demolition of existing building and construction of storey block of 6 apartments (3 x 1 no. Bed Apartments and 3 x Studios)

Site: Friars House, 9 Friars Street, Hereford, HR4 0AS

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £3276 to provide enhanced formal or informal recreational or public open space in the locality of the development. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £720 towards the provision of enhanced Library facilities in Hereford City. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
3. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1 and 2 above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
4. The sums referred to in paragraphs 1 and 2 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
5. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
6. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Kelly Gibbons, September 2011



MEETING:	PLANNING COMMITTEE
DATE:	12 OCTOBER 2011
TITLE OF REPORT:	<p>DMS/111656/F - PROPOSED VARIATION OF CONDITION 10 OF PLANNING PERMISSION DMS/102193/F - TO ALLOW UNLIMITED ACCESS AND FLEXIBLE LOADING AND UNLOADING TIMES AT LAND OPPOSITE, THE BELL INN, TILLINGTON, HEREFORDSHIRE, HR4 8LH</p> <p>For: Wetland Plants per Mr Richard Ball, Ilex, Ashfield Crescent, Ross-on-Wye, Herefordshire, HR9 5PH</p>

Date Received: 23 June 2011

Ward: Burghill, Holmer and Lyde

Grid Ref: 346381,245201

Expiry Date: 12 September 2011

Local Member: Councillor SJ Robertson

1. Site Description and Proposal

- 1.1 The site is a 0.5ha parcel of agricultural land sited on the east of the C1099 (Roman Road between Tillington and Credenhill). To the south west boundary of the site are two residential properties (Sunnycroft and Southview). The site sits in an elevated position with the boundary and both the adjoining roads and the neighbouring properties being at a lower level. The road drops to the south west and the cross-roads to the north-east are also lower.
- 1.2 In January 2011, following a site visit, Planning Committee permitted the formation of a new access and site road, construction of new packing shed, erection of one polytunnel and siting of four storage units in connection with the use of the site for the growing and packing of aquatic / wetland plants and the administration of the business. Works were implemented shortly after this and the business is now operational on the site. The majority of works have now been completed in accordance with the approved details, including the access and track, polytunnel, packing shed, storage containers.
- 1.3 The planning permission was subject to conditions. This application is for the variation of Condition 10 of Planning Permission DMS102193/F that reads:

The hours during which working may take place, including the loading and unloading of service and delivery vehicles together with their arrival and departure from the site, shall be restricted to 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays There shall be no such working on Sundays, Bank or Public Holidays.

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

- 1.4 The application requests that this be varied to allow for unlimited access to allow for the care of plants, to control the temperature of the polytunnel and for the feeding and care of site livestock. It has also been confirmed by the applicant that no variation has been sought in respect of loading and unloading of service vehicles and this would remain as Monday to Friday 0800 to 1800 and Saturdays 0800 to 1300.

2. Policies

- 2.1 PPS1 - Delivering Sustainable Development
PPS4 - Planning for Sustainable Economic Growth

- 2.2 Herefordshire Unitary Development Plan 2007:

- S2 - Development Requirements
DR2 - Land Use and Activity
DR3 - Movement
E11 - Employment in the Smaller Settlements and Open Countryside
E13 - Agricultural and Forestry Development

3. Planning History

- 3.1 DMS/102193/F Forming new access and site road. Construction of new packing shed. Erection of 1 no. polytunnel. Placing of 4 no. mobile storage units on site. Approved 12 January 2011.

4. Consultation Summary

Internal Council Advice

- 4.1 Traffic Manager: Has no objection to the grant of planning permission.

5. Representations

- 5.1 Burghill Parish Council: "If unlimited access is permitted to the site the Parish Council is most concerned with regard to the impact of additional traffic into and out of a dangerous access. When lorries and large vehicles wait to gain access the site they stop in the road partially blocking it at a very dangerous point, it has also been noted that vehicles to and from the site frequently travel at speeds unsuitable for the type of road particularly combined with the size of vehicle; both the parish council and local residents are very concerned with regard to road safety.

One of the reasons the applicant states he requires unlimited access to the site is for the 'feeding and care of site livestock' (goldfish in lily ponds and a cat (!) kept to control field voles), a member of Burghill parish is a retired veterinary surgeon and has confirmed that goldfish do not require feeding every day; the requirement for unlimited site access for a cat is tenuous to say the least.

In summary the Parish Council would like to object most strongly to the above application."

- 5.2 Letters of representation / objection have been received from the following:

Martin Symonds, Goose Ploc, Tillington.
Mrs Powell, The Wain House, Burlton Lane, Burghill.

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

Mrs Rosemary Lloyd, Ridgebourne House, Tillington.
Margery Watkins, Southview, Tillington.
Mr M Roberts, Sunnycroft, Tillington.
Alan Groves, 281 Kings Acre Road.
Melanie Preedy, 6 Cherry Orchard, Tillington.

The comments made in these letters can be summarised as follows:

- Concerns those previous conditions were not complied with.
- Impact on neighbour amenity is already felt with the regular comings and goings (including outside of restricted hours).
- Concern about traffic movements at any time of day and night and impact of these.
- Increased traffic impact would have potential impact on highway safety.
- The new access has had the effect of increased traffic speeds on this road.
- The development is an eyesore.
- The telegraph pole impedes visibility.
- The applicant previously stated that 24 hours care was not required.
- The Ancient hedgerow is dead / has been destroyed.
- The reasons given for this request are spurious.

5.3 The full text of these letters can be inspected at Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB and prior to the Committee meeting.

6. Officer's Appraisal

6.1 The development has been established and the permission implemented. The key consideration in the assessment of this application is the potential impact on the amenities of local residents and highway safety if the condition restricting on site activities were varied.

6.2 The key reason that this condition was imposed on the original planning permission related to the potential impact that activity on site may have on the amenities of the adjoining residential properties. Policy DR2 of the Herefordshire Unitary Development Plan seeks to ensure that land use and activity does not prejudice amenity of adjoining land and buildings.

6.3 During the application process more detailed discussion with the applicants to try and establish their processes and working practices on the site now that the site is operational has taken place. The applicants have provided examples and details of the tasks that would be undertaken outside of the existing restricted hours. These are described as follows:

- *Putting on or removing frost protection fleece, shade netting, windbreak. - manual process*
- *Opening closing ventilation to polytunnel for control of temperature and humidity.- manual process*
- *Walking round site to assess needs of plants.*
- *Watering*
- *Re-potting*
- *Moving plants to suitable position*
- *Feeding (fish, cats livestock)*
- *Pest control*
- *Weeding*
- *Seed sowing*
- *Care of seedlings*
- *Plant division*
- *Pruning*
- *Preparing plants for transport*

Some of this would take place within the building and polytunnel. It is also noted that this work is very seasonal with peak sales being between March and July and it is in that period there may be a need to operate during the available daylight hours. The hours in winter will be more limited. It is also noted that the planning permission restricts the lighting on the site, which has been approved as being two bulkheads lights with low energy light bulbs being attached to the North east corner of the packing Shed and north of the storage units. These will not illuminate the outdoor planting areas of the site to allow working outside of daylight hours.

6.4 It is considered that some restrictions are necessary to protect the amenities of the neighbours. The applicant is agreeable to restrictions on activity that may cause noise and disturbance, for example;

- *Hedge cutting*
- *Grass cutting*
- *Rotovating ground*
- *And other machinery as necessary for the general maintenance of the site.*

6.5 It is therefore recommended that varied conditions are imposed (in lieu of condition 10 above), that would allow Wetland Plants to operate, whilst also protecting the amenities of the local residents.

6.6 This condition would restrict access for service and delivery vehicles.

1. *The hours during the loading and unloading of service and delivery vehicles together with their arrival and departure from the site, shall be restricted to 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays.*

Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

This would represent no change to the existing position but would continue to protect the amenities of residents in accordance with Policy DR2 of the Herefordshire Unitary Development Plan.

6.7 A second condition is also recommended that would allow the applicants access to the site to ensure the care of plants and animals (e.g., the uses listed above (1st list)). These are quiet uses that should not impact on the amenities of local residents. It should be noted that the key, core hours of the business would not change and that these 'extra' hours are to allow for some flexibility to respond to demand and weather conditions.

6.8 The potential for additional noise and disturbance from vehicles moving in and out of the site has also been considered. It is your officer's opinion that due to the minimal nature of these, and having regards to the proximity of the road, this would not warrant the refusal of this application. It is also noted that a fence has now been erected between the application site and Sunny View and this would afford additional mitigation. It is also recognised that the original condition does not stop the applicants accessing the site, only working on the site.

6.9 The wording of the revised condition suggested would restricts the use of plant, machinery and power tools (such as rotavators, strimmers etc) to the hours that the existing permission allows. This would continue to protect the amenities of the adjoining residential properties.

2. *Working on site shall be restricted to 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays except for access for undertaking the care of plants and animals. The use of plant, machinery or power tools or equipment is not permitted outside of these hours.*

Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

- 6.10 Concern has also been raised in respect of the potential impact on highway safety. The proposal is unlikely to intensify the use of the approved access and a reason for refusal would be difficult to sustain on this basis. The Traffic Manager raises no objection to this proposal.
- 6.11 Representations received raise concern in particular with the breaches of condition that occurred during the construction period. These were fully investigated and were rectified by the applicant at our request, and within the timescales set out. The only outstanding matter relates to the replanting of the hedgerow. It will be necessary to assess this and consider what planting would be required in the areas in which its translocation was unsuccessful. As this can only take place during the planting season, discussions with the applicant will be pursued.
- 6.12 Having regard to the above the proposal, subject to the varied conditions listed above, is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **The hours during the loading and unloading of service and delivery vehicles together with their arrival and departure from the site, shall be restricted to 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays.**

Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

- 2. **Working on site shall be restricted to 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays except for access for undertaking the care of plants and animals. The use of plant, machinery or power tools or equipment is not permitted outside of these hours.**

Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

Informative:

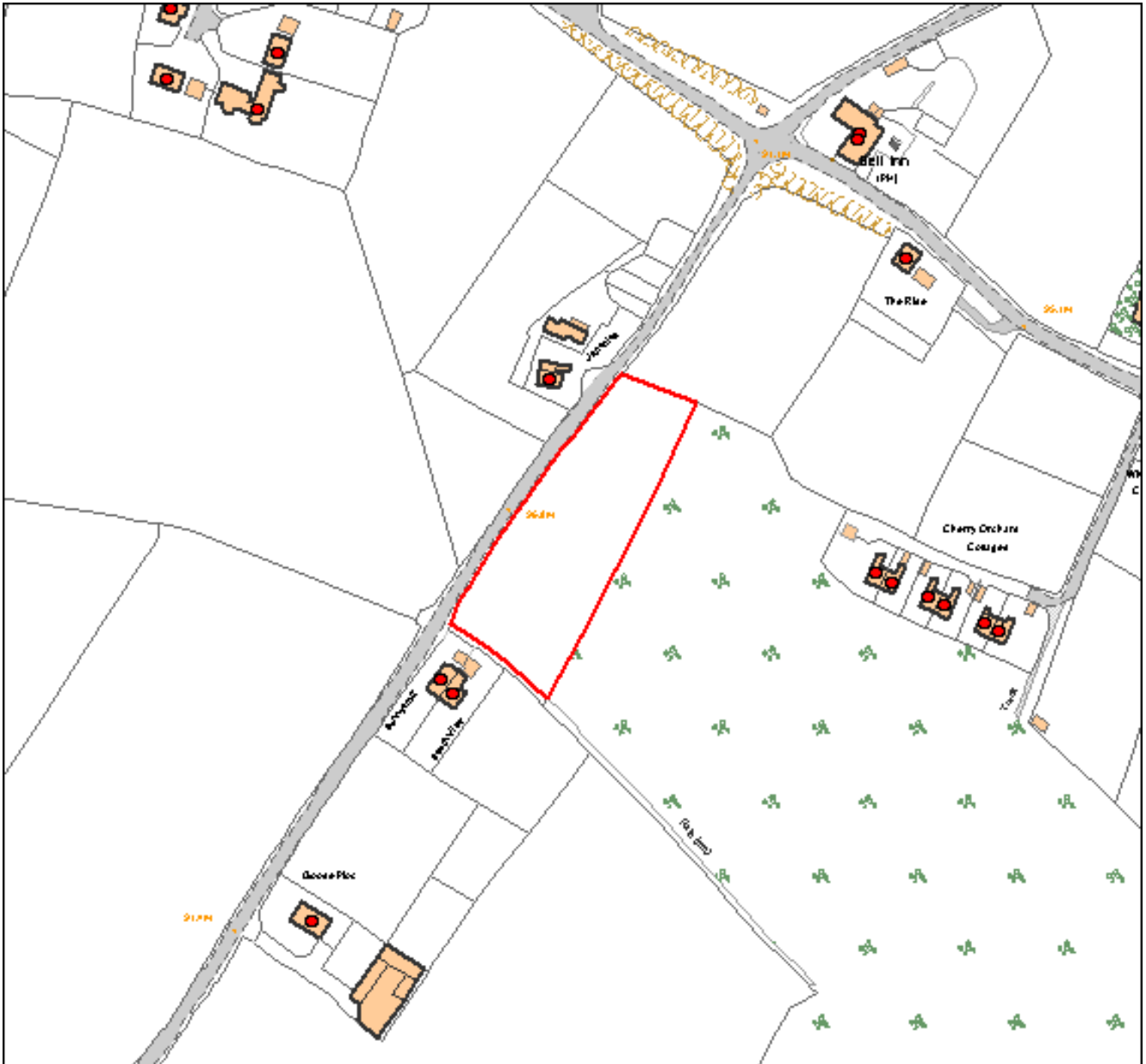
- 1. **N15 Reason(s) for the Grant of PP/LBC/CAC**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/111656/F

SITE ADDRESS : LAND OPPOSITE, THE BELL INN, TILLINGTON, HEREFORDSHIRE, HR4 8LH

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