

A G E N D A

Planning Committee

Date: **Friday, 25th August, 2006**

Time: **10.00 a.m.**

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:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Planning Committee

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

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

	Pages
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 July, 2006.	1 - 10
5. CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6. NORTHERN AREA PLANNING SUB-COMMITTEE To receive the attached report of the Northern Area Planning Sub-Committee meetings held on 12th July and 16th August, 2006.	11 - 12
7. CENTRAL AREA PLANNING SUB-COMMITTEE To receive the attached report of the Central Area Planning Sub-Committee meeting held on 26th July..	13 - 14
8. SOUTHERN AREA PLANNING SUB-COMMITTEE To receive the attached report of the Southern Area Planning Sub-Committee meeting held on 2nd August.	15 - 16
9. PLANNING OBLIGATIONS To inform members about the Planning Obligations Supplementary Planning Document (SPD), currently being produced.	17 - 32
Wards: Countywide	

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| <p>10. DEVELOPMENT BRIEF FOR LAND AT SHOBDON</p> <p>To consider a proposed Development Brief for land adjacent to The Birches Shobdon</p> <p>Ward: Pembridge and Lyonshall with Titley</p> | <p>33 - 72</p> |
| <p>11. REPORTS OF THE HEAD OF PLANNING SERVICES</p> <p>To consider and take any appropriate action in respect of the following planning applications and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.</p> | |
| <p>12. DCNW2006/1523/RM - ERECTION OF SIX NO. DWELLINGS AT BURNSIDE, HIGH STREET, LEINTWARDINE, CRAVEN ARMS, SHROPSHIRE, SY7 0LQ</p> <p>For: Homewood Developments Ltd, Wheelers Kiln, Bush Bank, Hereford, HR4 8ED</p> <p>Ward: Mortimer</p> | <p>73 - 82</p> |
| <p>13. DCNC2006/1129/F - ERECTION OF SHOPS AND DWELLINGS WITH ASSOCIATED DEMOLITION AND SITE WORKS AT 40-42 WEST STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8ES</p> <p>For: Mr M Thomas, Landmark, 8 Talbot Square, Cleobury Mortimer, Herefordshire, DY14 8BQ</p> <p>Ward: Leominster South</p> | <p>83 - 94</p> |
| <p>14. DCCE2006/1744/F - PROPOSED CHANGE OF USE TO CAR PARK. THE CAR CENTRE, 15-17, KYRLE STREET, HEREFORD, HR1 2ET</p> <p>For: A W & J R Davies, RPS Planning, Park House, Greyfriars Road, Cardiff, CF10 3AF</p> <p>Ward: Central</p> | <p>95 - 102</p> |
| <p>15. DCSW2006/1298/F - NEW NATURAL GAS PRESSURE REDUCTION INSTALLATION AND ASSOCIATED WORKS. (TIE-IN TO EXISTING PETERSTOW COMPRESSOR STATION AND NO. 2 FEEDER OUTSIDE THE COMPRESSOR STATION AND EXTENSION TO EXISTING SITE ACCESS ROAD), LAND ADJACENT TO PETERSTOW COMPRESSOR STATION, TREADDOW OFF THE A4137, HENTLAND, HEREFORDSHIRE, GRID. REF. SO: 545/240</p> <p>For: National Grid per Mouchel Parkman Gel, Meridian House, Wheatfield Way, Hinckley, Leicestershire, LE10 1YG</p> <p>Ward: Llangarron & Pontrilas</p> | <p>103 - 136</p> |

16. **DCSE2006/1358/O - ICT DEVELOPMENT, CUSTOMER SUPPORT AND SALES OFFICES AT MUDDY BOOTS SOFTWARE LTD, PHOCLE GREEN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7XU** 137 - 146
- For: Muddy Boots Software Ltd. per Paul Dunham Associates, 19 Townsend, Soham, Cambridgeshire CB7 5DD**
- Ward: Old Gore**
17. **DCSE2006/2479/F - INSTALLATION OF CELLULAR GRASS REINFORCEMENT TO FORM OVERSPILL PARKING AREA AT WALFORD PRIMARY SCHOOL, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SA** 147 - 152
- For: Herefordshire Council per Herefordshire Council Property Services, Franklin House, 4 Commercial Road, Hereford HR1 2BB**
- Ward: Kerne Bridge**
18. **DATE OF NEXT MEETING**
- Friday 29th September, 2006**
- Item identified for the Agenda:-**
Application no. DCCE2006/2037/F - Construction of Flood Defence Walls and Embankments together with strengthening of existing walls between Greyfriars Bridge and Wyelands Close. Provision of access over new Flood Defence at Queen Elizabeth Avenue from The Environment Agency.
- There will be a site inspection on Tuesday 5th September, 2006 which will be open to all Members of the Council.

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- 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.
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- 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.
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- The nearest bus stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday, 14th July, 2006 at 10.00 a.m.

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

Councillors: Mrs. P.A. Andrews, B.F. Ashton, Mrs. W.U. Attfield, P.J. Dauncey, Mrs. C.J. Davis, P.E. Harling, J.W. Hope MBE, B. Hunt, Mrs. J.A. Hyde, Brig. P. Jones CBE, R.I. Matthews, R. Mills, Mrs. J.E. Pemberton, Mrs. S.J. Robertson, D.C. Taylor and P.G. Turpin

In attendance: Councillors P.J. Edwards, Ms. G.A. Powell and R.M. Wilson

24. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors DJ Fleet, RM Manning, R Preece and WJ Walling.

25. NAMED SUBSTITUTES (IF ANY)

The following named substitutes were appointed:-

Councillor Mrs WU Attfield for R Preece; and
Councillor R Mills for Councillor RM Manning

26. DECLARATIONS OF INTEREST

Councillor Mrs WU Attfield declared a personal interest in Agenda item 14 (Minute 37) - DCCW2006/1728/F - remove existing defective perimeter fencing. erect new perimeter fencing and entrance gates at Haywood High School, Stanberrow Road, Hereford, Herefordshire, HR2 7NG.

27. MINUTES

RESOLVED: That the Minutes of the meeting held on 9th June, 2006 be approved as a correct record and signed by the Chairman, subject to the inclusion of the name of Councillor PJ Edwards in the list of attendees.

28. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Mr Andrew Ashcroft, the new Head of planning Services to his first meeting of the Committee. He also reported on the following matters:-

HEREFORD FLOOD ALLEVIATION SCHEME

A planning application would be considered at a forthcoming meeting of the Committee and would be preceded by a site inspection.

PERFORMANCE BY PLANNING SERVICES DEPARTMENT

(a) Development Control Performance

BV 109 – processing planning applications

In the quarter ending 30th June 2006 the Best Value performance figures for processing planning applications were as follows:

April to June 2006	Performance	Target
Major applications in under 13 weeks	75%	60%
Minor applications in under 8 weeks	85%	65%
Other applications in under 8 weeks	90%	80%

All three BV 109 targets were met.

No announcement has been made yet about next years Planning Delivery Grant but it is expected that the Development Control element of Planning Delivery Grant will be based on 12 months performance to June 2006. The BV 109 out-turn figures for this period were:

July 2005 to June 2006	Performance	Target
Major applications in under 13 weeks	63%	60%
Minor applications in under 8 weeks	77%	60%
Other applications in under 8 weeks	86%	80%

All three BV 109 targets were met for the relevant period and, hopefully, the Planning Delivery Grant will in due course reflect this.

BV 204 - Appeals

In the quarter April to June 2006 22 appeals against refusals of planning permission have been determined and, of these, only 4 have been upheld. This is a percentage of 18%. There is no national target for this figure, but the national average is around 33% and Herefordshire Council's local target is 25%. It follows that, in this first quarter of the year, performance has been well above target.

Enforcement

Currently there are no Best Value Performance indicators for enforcement, but data is being collected with a view to developing local enforcement indicators and during April to June 2006 some 235 new cases were notified to enforcement officers.

Data has also been collected on the number of planning applications received as a result of enforcement investigations. In the quarter April to June 2006 53 Applications have been received as a result of Planning Enforcement Action. These have generated in £8,800 application fees.

(a) Changes to the Development Control System

Further provisions of the Planning and Compulsory Purchase Act 2004 have been brought into effect. In particular, from 10th August 2006 most planning applications will need to be accompanied by a "Design and Access Statement". These statements will require developers to set out, in a formal statement, the justification for the following aspects of their proposals:

- the proposed use of the site
- the amount of development (including its density)
- the proposed Layout
- the Scale of the development
- Landscaping

Overall appearance

In terms of access developers will have to explain how the development makes provision for access to the site and within the site, and how it relates to the "Movement network" in the locality including roads, paths, and public transport facilities.

It is hoped that Design and Access Statements will allow a significant change in the way applications are assessed so that, for example, local planning authorities can consider whether the design is good enough to approve, rather than whether it is not bad enough to refuse.

29. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 14th June, 2006 be received and noted.

30. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 28th June, 2006 be received and noted.

31. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 7th June and 5th July, 2006 be received and noted.

32. EDGAR STREET GRID SUPPLEMENTARY PLANNING DOCUMENT

The Forward Planning Manager introduced his report about the Edgar Street Grid Supplementary Planning Document (SPD) which was included within the Council's Local Development Scheme and produced in line with the regulations of the new Planning Act. He said that the proposals provided a unique opportunity to develop an under-utilised area of land and to strengthen the role of Hereford as a sub regional shopping centre in the wider rural economy. He advised that the Local Development Scheme identified the requirement to produce additional design guidance for the Grid area and the Supplementary Planning Document (SPD) provided an urban design framework to guide the future development of the area. Supplementary Planning Documents were produced to expand on plan policy and provide additional information and guidance in support of policies and proposals in Development Plan Documents.

The role and purpose of the SPD is to:

- Establish an urban design framework for the Edgar Street Grid area in a positive and enabling manner providing a design concept early on in the process which will be used to guide landowners, developers and the community on the form development proposals should take
- Address and supplement with additional information the policies contained within the UDP
- Provide greater certainty for the market on what is expected from future schemes
- Ensure delivery of a comprehensive, coordinated and sustainable development for Grid area.

Consultation forms a key part of the SPD process and the following timetable has been prepared:

- Initial consultation (July – October 2006)
- Ongoing Consultation (November 2006 – March 2007)
- Formal consultation on the draft SPD and sustainability appraisal (April/June 2007)
- Adoption (October 2007)

The Committee endorsed the proposals put forward by the Forward Planning Manager.

RESOLVED

That it be recommended to the Cabinet Member (Environment) that the Edgar Street Grid Supplementary Planning Document be prepared as set out in the report of the Forward Planning Manager and in line with the requirements of the Town & Country Planning (Local Development)(England) Regulations 2004.

33. REPORTS OF THE HEAD OF PLANNING SERVICES

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

34. DCNW2006/1643/F - CONSTRUCTION OF DWELLING HOUSE AND GARAGE AT LAND ADJOINING THE FORGE, LINGEN, BUCKNELL, SHROPSHIRE, SY7 ODY

The Development Control Manager gave an outline of the planning application which was for a three bedroomed two storey detached dwelling and detached garage/store. He advised that the site was within a designated area as a Protected Area, adjacent to a Scheduled Ancient Monument and within the Lingen Conservation Area. The land was also within an Area of Great Landscape Value as designated in the Leominster District Local Plan. He said that English Heritage had drawn attention to the fact that Lingen Castle was a monument of national importance and that its open setting was important to retain. The remains of the castle may extend into the proposed development and remains of medieval settlement may be present in the area and may be damaged or destroyed by development. These views were supported by the County Archaeologist who emphasised the considerable historic significance of the site and the need to retain its open aspect. He felt that there was little difference in terms of impact from the similar application which had been refused in 2005 and that this should also be refused.

In accordance with the criteria for public speaking Mr Lloyd of Border Group Parish Council and Mr Taylor, the agent acting for the applicants, spoke in favour of the application.

The Committee discussed the details of the application and noted the particular family circumstances which had given rise to it. It was also noted that the applicants had strong ties with the local community and wished to remain within the village. Councillor JW Hope drew attention to the views of Lingen Parish Council which supported the application because it was similar to others granted in the vicinity and which also overlooked archaeological sites. It was felt by the parish council that the ancient monument was a grass mound and that the proposed dwelling would not have a detrimental effect upon it. He supported these views and felt that the application should be approved. Councillor BF Ashton was extremely sympathetic towards the difficult family circumstances facing the applicants but felt that these did not outweigh the Council's established and emerging Planning Policies. He felt it important to ensure that such ancient monuments were preserved, particularly those

which had internationally recognised importance. A similar application had previously refused and he was of the view that there were no planning grounds for this application to be approved.

Councillor Mrs JE Pemberton had concerns that whilst the reasons for refusal were extensively covered within the report, those put forward in support and why an exception could be made to the planning policies were not so well covered. She emphasised the reasons for the applicants to remain within the local community, drew attention to existing dwellings near to the ancient monument and said that the applicants had taken great care in the details of their proposals to ensure that the dwelling would be effectively screened by landscaping and would have a minimum impact upon it. Councillor JB Williams drew attention to the fact that there were over 170 historically important motte and baileys within Herefordshire, many of which had dwellings nearby which had not detracted from their historic setting. He did not feel that the design and location of the proposed dwelling would have a significant impact upon the historic setting.

Further discussion ensued about the application differing views about the impact of the proposed dwelling on the historic setting. A question was asked about the location of the dwelling within the village envelope. The Forward Planning Manager said that there were fewer settlement boundaries within the Herefordshire Unitary Development Plan and that the scheme did not satisfy Policy H6 regarding small settlements. The Head of planning Services advised that careful consideration needed to be given to all the facts regarding the application in relation to the Councils Policies and the advice which had been given by Officers and English Heritage regarding the setting of an important Ancient Monument. This needed to be carefully balanced against the needs of the applicants. Having considered all the details of the application the Committee felt that it could be supported within the planning framework with appropriate conditions to protect the ancient monument, the amenity of the area and subject to an appropriate landscaping scheme.

RESOLVED:

That the application be approved subject to appropriate conditions about landscaping and the architectural and historic interest of the area, and any further conditions felt to be necessary by the Head of Planning Services.

35. DCNC2006/0882/F - VARIATION OF CONDITION 14 OF PLANNING PERMISSION DCNC2005/0062/F TO EXTEND OPENING HOURS AT THE H.O.P.E FAMILY CENTRE, HEREFORD ROAD, BROMYARD.

In accordance with the criteria for public speaking Mr Morris, a neighbour, spoke against the application and Mrs Davies, the applicant, spoke in favour.

Details of the application were discussed and it was noted that some concerns had been raised that the later finishing time would be detrimental to residential amenity by virtue of noise and light pollution caused by vehicles entering and leaving the car park. This had to be balanced against the fact that the applicants required the extension to enable training to be offered to parents and carers around such skills as baby sitting courses, supported theory work for passing driving tests and wider skills for life around parenting, IT, healthy eating and family support more broadly. The applicants had said that the evening activities and training were necessary to enable flexibility to deliver the Government's agenda by Children's Centres with the aim of improving life chances.

Having considered all the facts the Committee was in favour of the application being

granted, subject to rigid adherence of the 9:00 pm finishing time and the extended hours not applying to weekends or bank holidays.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - The premises shall not be open to use after 9.00pm and before 7.00 am each day and shall not be open to use after 6.00pm and before 7.00 am at weekends or on bank holidays.**

Reason: In the interests of residential amenity.

- 2 - A10 (Amendment to existing permission) (DCNC05/0062/F) (20 May 2005)**

Reason: For the avoidance of doubt.

Informative:

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

- 36. DCCE2006/1711/F - AMENDMENT TO PERMISSION CE2005/0032/F TO AVOID SEWER. PROPOSED 3 STOREY BLOCK OF 15 APARTMENTS IN LIEU OF 17 APARTMENTS AND 3 BUNGALOWS AT THE ROSE GARDENS, INDEPENDENT LIVING SCHEME, LEDBURY ROAD, HEREFORD, HR1 2SX**

The development Control Manager said that the Environment Agency was satisfied with the revised proposals in respect of that part of the land which could be liable to flooding.

RESOLVED

That subject to no further objections raising additional material planning considerations by the end of the consultation period, the Officers named in the Scheme of delegation to Officers be authorised to approved the application subject to the following conditions and any further conditions considered necessary by Officers:

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

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

- 2. The permission hereby granted is an amendment to planning permission DCCE2005/0032/F dated 2nd March 2006 and, otherwise than is altered by this permission, the development shall be carried out in accordance with that planning permission and the conditions attached thereto.**

Reason: For the avoidance of doubt.

Informative:

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

37. DCCW2006/1728/F - REMOVE EXISTING DEFECTIVE PERIMETER FENCING. ERECT NEW PERIMETER FENCING AND ENTRANCE GATES AT HAYWOOD HIGH SCHOOL, STANBERROW ROAD, HEREFORD, HEREFORDSHIRE, HR2 7NG

It was reported that the C.A.B.E did not wish to comment upon the application.

In accordance with the criteria for public speaking Mr Dillon, a supporter, spoke in favour of the application.

The Committee was in favour of the application subject to careful selection of the fencing materials to help them to blend into the site.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2. G18 (Protection of trees).

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

3. G20 (Remedial work).

Reason: The trees form an integral part of the visual environment and this condition is imposed to preserve the character and amenities of the area.

4. G21 (Excavations beneath tree canopy).

Reason: To prevent the unnecessary damage to or loss of trees.

Informative:

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

38. DCCW2006/1743/F - NEW PRIMARY SCHOOL AND DEMOLITION OF EXISTING SCHOOLS AT RIVERSIDE PRIMARY SCHOOL (FORMERLY HUNDERTON INFANT AND JUNIOR), BELMONT AVENUE, HEREFORD, HR2 7JF

The following updates were reported:-

- a Environment Agency - comments awaited on the flood risk assessment;
- b Welsh Water – no objections subject to appropriate conditions;
- c CAAP – objections to the design of the buildings;
- d Hereford Civic Society - objections to the design of the buildings
- e Sports England – no observations;
- f C.A.B.E: no observations;
- g Traffic Manager – proposes conditions regarding the cycle path and access;
- h Conservation Manager – in support of the application: Comments awaited;

- and
i Carbon footprint awaited.

that In accordance with the criteria for public speaking Mr Faulkner of Hereford Civic Society spoke against the application and Mr Preston the Head Teacher of the school spoke in favour.

Councillor Mrs WU Attfield one of the Local Ward Members expressed her support for the scheme and felt that it was an innovative design. Councillor Ashton was less impressed and hoped that it included ease of maintenance and would not become a problem in the future. The Director of Environment said that this point could be borne in mind in respect of future schemes for replacement schools.

RESOLVED

That subject to no further objection raising additional material planning considerations by the end of the consultation period, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application in consultation with the Chairman and Local Ward Members, subject to the following conditions and any further conditions considered necessary by Officers:

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

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

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

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

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

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

4. **H13 (Access, turning area and parking).**

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

5. **H27 (Parking for site operatives).**

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

6. **H29 (Secure cycle parking provision).**

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

7. **G01 (Details of boundary treatments).**

Reason: In the interests of visual amenity and to ensure dwellings have

satisfactory privacy.

- 8. F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.

- 9. F39 (Scheme of refuse storage).**

Reason: In the interests of amenity.

- 10. C02 (Approval of details).**

Reason: To safeguard the character and appearance of the building.

Informative:

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

39. DATE OF NEXT MEETING

The meeting ended at 12.00 p.m.

CHAIRMAN

PLANNING COMMITTEE

25TH AUGUST, 2006

REPORT OF THE NORTHERN AREA PLANNING SUB-COMMITTEE

Meetings held on 12th July and 16th August, 2006

Membership:

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

PLANNING APPLICATIONS

1. The Sub-Committee has dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended – 16
 - (b) applications deferred - 1
 - (c) applications minded to approve or refuse contrary to recommendation – 2 (not referred to Planning Committee)
 - (d) applications minded to refuse contrary to recommendation – 1 (referred to Planning Committee)
 - (e) site inspections - 2
 - (f) number of public speakers – 12 (parish councils – 1; objectors – 4; supporters – 7)

PLANNING APPEALS

2. The Sub-Committee received an information report about 9 appeals received and 10 determined (6 dismissed and 4 upheld).

J.W. HOPE M.B.E
CHAIRMAN
NORTHERN AREA PLANNING SUB-COMMITTEE

- **BACKGROUND PAPERS – Agenda for meeting held on 12th July and 16th August, 2006**

PLANNING COMMITTEE

25TH AUGUST, 2006

REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meeting held on 26th July, 2006

Membership:

Councillors: Councillor D.J. Fleet (Chairman)

Councillor R. Preece (Vice-Chairman)

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

PLANNING APPLICATIONS

1. The Sub-Committee has met on one occasion and has dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended – 7
 - (b) applications minded to refuse (not referred to Planning Committee) – 3
 - (c) applications minded to approve (not referred to Planning Committee) - 1
 - (d) applications deferred for site inspection - 1
 - (e) number of public speakers – 12 (parish - 3, objectors - 4, supporters – 5)

PLANNING APPEALS

2. The Sub-Committee received an information report about 2 appeals that had been received and 2 appeals that had been determined (1 withdrawn and 1 dismissed).

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

- **BACKGROUND PAPERS – Agenda for the meeting held on 26th July, 2006**

PLANNING COMMITTEE

25TH AUGUST, 2006

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

Meeting held on 2nd August, 2006

Membership:

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

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

PLANNING APPLICATIONS

1. The Sub-Committee has dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended – 3
 - (b) applications refused as recommended – 1
 - (c) number of public speakers – 4 (3 Supporters, 1 Objector)

PLANNING APPEALS

2. The Sub-Committee received information reports about 2 appeals received and 4 determined (4 dismissed).

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

- **BACKGROUND PAPERS – Agenda for the meeting held on 2nd August, 2006.**

PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT

Report By: Forward Planning Manager

1 Wards Affected

All

2 Purpose

- 2.1 To inform members of the Planning Obligations Supplementary Planning Document (SPD), currently being produced. This document is included within the Council's Local Development Scheme (January 2006) and will be produced in line with the regulations of the new planning system introduced under the Planning and Compulsory Purchase Act 2004.

3 Financial Implications

- 3.1 Costs such as printing and undertaking of consultation exercises will be met from the Planning Delivery Grant. Once adopted, the SPD will result in additional contributions, towards infrastructure costs and other community needs resulting from development, being received by the Council.

4 Background

- 4.1 Under the new planning system, Supplementary Planning Documents (SPD) are produced to expand on plan policy and provide additional information and guidance in support of policies and proposals in Development Plan Documents. When adopted, the Herefordshire Unitary Development Plan (UDP) will have the status of a Development Plan Document (DPD) and its policies will be "saved" as part of the Council's "Local Development Framework" for a minimum three-year period. Policies S1 and DR5 of the UDP refer to Planning Obligations.
- 4.2 The purpose of an SPD on Planning Obligations will be to make clear to all interested parties the Council's policy stance on the subject. Once adopted, it will become a material consideration in the determination of planning applications where contributions are sought.

5 Aims of the SPD

- 5.1 The aim of this SPD is to:
- Provide as much certainty as possible to landowners, prospective developers and other interested parties;
 - Ensure a uniform application of policy;
 - Ensure the process is fair and transparent;

- Enable developers to have a 'one stop shop' approach to establishing likely contributions expected; and
 - Facilitate a speedier response from the authority to development proposals.
- 5.2 The SPD will therefore assist in pre-application discussions and will provide a transparent and accountable procedure by which planning obligations are negotiated and secured for development within the Council.

6 SPD Outline

6.1 It is proposed that the SPD will address the following areas:

- Part 1: Introduction and purpose of SPD; Definitions, types and purpose of Planning Obligations; Policy Context.
- Part 2: A Code of Practice; Council Priorities; Topic areas and thresholds for when planning obligations will be sought.
- Part 3: Procedure for Negotiating, Preparing and Completing Planning Obligations; Standard Agreements; Monitoring and Review

7 SPD Process

7.1 The procedures to follow when preparing an SPD are laid down in the Town and Country Planning (Local Development) (England) Regulations 2004. The process is similar to that for a DPD e.g. a Core Strategy, but simplified. There is no requirement to prepare preferred options and SPDs are not subject to independent examination. As with DPDs however, their preparation should be informed by community involvement and sustainability appraisal.

The following provides a summary of the process of producing an SPD as set out in the Council's Statement of Community Involvement Submission Document (June 2006):

- **Preparation of draft SPD and scoping Sustainability Appraisal:** select a combination of community involvement methods appropriate to the SPD being produced at this informal stage of evidence gathering and preparation.
- **Regulation 17/18: Consultation on draft SPD** - Statutory 4-6 week consultation period on draft and sustainability appraisal report.
- **Regulation 18/19: Adoption of SPD** - The Council will adopt the SPD having considered all representations received.

7.2 A **consultation statement** will also need to be prepared which will document how consultation was undertaken and managed during preparation of the SPD.

8. Timetable for Production

8.1 The timetable outlined below shows the main stages in the production of the Planning Obligations SPD. The Council is currently in the early stages of the process involving initial consultation with developers, members, town and selected parish councils and other stakeholders on the basis of an options paper as well as internal discussions

with different sections of the Council. A copy of the initial consultation paper is attached as Appendix 1. Following initial consultation, the draft SPD will then be prepared ready for a formal public consultation exercise in October/November 2006. Representations will then be considered and the document amended where appropriate with a view to adopting the final SPD in March 2007 at the same time as the UDP.

8.2 Timetable for SPD on Planning Obligations

Timetable for SPD production	2006												2007		
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M
Information gathering															
Initial Consultation on options for SPD and Scoping SA															
Preparation of draft proposals															
Public Participation on Draft SPD and SA															
Consideration of representations															
Adoption of SPD															

RECOMMENDATION

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

Background papers

- Local Development Scheme (January 2006)
- Statement of Community Involvement – Submission Draft (June 2006)
- Herefordshire Unitary Development Plan Revised Deposit (May 2004)

**Planning Obligations
Supplementary Planning Document**

Initial Consultation

July 2006

Consultation Arrangements

This initial (non-statutory) consultation is being undertaken in accordance with Herefordshire Council's Statement of Community Involvement Submission Document (June 2006) to ensure the views of the public, developers and other stakeholders help shape a more informed and inclusive Supplementary Planning Document (SPD) on Planning Obligations.

Consultation on this initial document will take place over August 2006. We welcome comments on any aspect of this document, but we would be particularly interested in your views on the questions set out below.

How to Respond

Your comments should be returned to the address below, or e-mailed to ldf@herefordshire.gov.uk by **31 August 2006**. Please use the form provided with this document. A copy of this document and a form for comments is also available on our website at www.herefordshire.gov.uk, in the Quick Links Planning/Forward Planning/LDF/Supplementary Planning Documents page, or from **Emma Lawrence** at:

**Herefordshire Council,
Forward Planning,
PO Box 144,
Town Hall,
Hereford,
HR1 2PJ.
Tel: 01432 263357
Fax: 01432 260289**

Consultation Questions

1. Should the Council develop a Code of Practice setting out the processes it intends to follow in seeking planning obligations and the standard of service developers can expect in dealing with planning applications?
2. Which of the scenarios set out in Options 1-4 should the Council follow or do you have any suggestions for different scenarios?
3. What is an appropriate threshold size of development for housing proposals at which planning obligations should be requested?
4. Should the threshold vary for different locations e.g. between urban and rural?
5. At what threshold should planning obligations be sought from commercial development?
6. Should the number of topic areas for which contributions are generally sought be extended? If so, which particular topic areas should be brought within the scope of the SPD?
7. Could more use be made of standard agreements?

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1. Introduction

1.1 Herefordshire Council's Local Development Scheme (LDS), January 2006, outlines the commitment to producing a Planning Obligations Supplementary Planning Document (SPD). The LDS can be found at www.herefordshire.gov.uk.

1.2 The Planning Obligations SPD will provide guidance on the requirements and mechanisms for contributions from development for infrastructure and other related provision. It will:

- provide greater clarity for developers and applicants;
- speed up the processing of applications;
- provide a clearer framework for assessing requirements and for calculating contributions; and
- play an important role in ensuring community and infrastructure needs are fulfilled as part of new development.

1.3 This initial consultation paper explains how and when the SPD will be produced, what planning obligations are, options for how the SPD could be developed as well as the possible processes for receiving and spending contributions from planning obligations.

2. Timetable for Production

2.1 The timetable outlined below shows the main stages in the production of the Planning Obligations SPD. The Council is currently in the information gathering stage of the document's production. Following this initial consultation, the draft SPD will then be prepared ready for a public consultation process in October/November 2006. Representations will then be considered and the document amended where appropriate with a view to adopting the final SPD in March 2007.

2.2 Timetable

Timetable for SPD production	2006												2007		
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M
Information gathering				■	■	■									
Initial Consultation on options for SPD and Scoping SA							■	■							
Preparation of draft proposals								■	■	■					
Public Participation on Draft SPD and SA										■	■	■			
Consideration of representations												■	■	■	
Adoption of SPD															■

3. **Sustainability Appraisal**

- 3.1 As part of the SPD information gathering process the Council is preparing a Subsidiary Sustainability Appraisal Scoping Report. This will outline those plans and programmes that will be taken into consideration during the production of the SPD. It will also provide relevant baseline data for the County and establish a number of sustainability issues and objectives that the Draft SPD objectives and options will need to be appraised against. The report will shortly be available to view and download from the Council's website.
- 3.2 A complete SA report will be published along with the Draft SPD later this year. The report will also be subject to public consultation.

4. **What are Planning Obligations?**

- 4.1 New development often puts pressure on already over-stretched infrastructure and it is generally expected that developers will mitigate or compensate for the impact of their proposals by way of 'Planning Obligations'. These are usually concluded under Section 106 of the Town & Country Planning Act 1990 (as amended) and are agreements between local planning authorities and developers (and the landowner where the developer does not own the land) that secure contributions (in cash or in kind) to address community and infrastructure needs associated with development.
- 4.2 The Government is undertaking a review of the system of Planning Obligations, including consideration of options, which will require changes in legislation. In July 2005, however, it issued Circular 5/05, which updated policy guidance on the use of obligations within the existing legislative framework. This guidance has influenced some of the options and processes reviewed in this document.
- 4.3 Circular 5/05 reiterates previous guidance that planning obligations should only be sought where they meet the following tests:
- (i) relevant to planning;
 - (ii) necessary to make the proposed development acceptable in planning terms;
 - (iii) directly related to the proposed development;
 - (iv) fairly and reasonably related in scale and kind to the proposed development; and
 - (v) reasonable in all other respects.
- 4.4 The Circular also provides guidance on provision for subsequent maintenance of facilities and on pooling developer contributions from planning obligations in cases where individual developments will have some impact but not sufficient to justify the need for a discrete piece of infrastructure. It also encourages local authorities to use formulae and standard charges as part of their framework for negotiating and securing planning obligations. They can help speed up negotiations, and ensure predictability, by indicating the likely size and type of some contributions in advance.
- 4.5 In addition to Circular 5/05, guidance on the use of planning obligations in relation to specific aspects of development has been provided in Government Planning Policy Statements

(PPSs) and Planning Policy Guidance Notes (PPGs).

- 4.6 At a local level, the emerging Herefordshire Unitary Development Plan Revised Deposit (UDP) strategic policy S2 (criterion 9) on Development Requirements and development criteria policy DR5 on Planning Obligations set out the circumstances where obligations will be used and the benefits that will be sought in furtherance of the Plan's strategy. A Planning Inspector considered Policy S2 (criterion 9) and policy DR5 as set out in the Revised Deposit, as well as objections to them, at the UDP Public Inquiry in Spring 2005, but recommends no changes to their wording in his report of March 2006. The latter document can be viewed on the Council's web site.

DR5 Planning obligations

To further the strategy of the Plan planning obligations will be sought to achieve community, transport and environmental benefits where these benefits are reasonable, necessary, relevant, and directly, fairly and reasonably related to the proposed development. The circumstances in which such benefits will be sought will be identified in relevant Plan policies and may be further detailed in supplementary planning guidance.

- 4.7 Policy DR5 is supported by Supplementary Planning Guidance (SPG) on Affordable Housing (2004) and by requirements in the Local Transport Plan 2 (2005). Basic systems are currently used by the Council for collecting contributions from planning obligations for affordable housing, education, transport improvements and open space provision. An SPD on Planning Obligations will support policies S2 and DR5 of the emerging UDP (due to be adopted in March 2007).

5 Council Priorities

- 5.1 The government suggests a transparent process for developer contributions from planning obligations based on achieving the policy priorities for a particular area. As part of the information gathering stage for the production of an SPD on Planning Obligations (which has included a review of policies and practice in other local authorities, a consideration of relevant government guidance in the form of Circular 5/05, and an appraisal of its own policies and current processes) a number of areas where planning obligations might be appropriate have been identified. These include:

- Accessibility, Transport and Movement
- Affordable Housing
- Community Facilities
- Community Safety
- Economic development, Training and Employment
- Education Facilities
- Leisure Facilities and Open Space
- Safeguarding/Enhancing the Built Environment
- Safeguarding/Enhancing the Natural Environment
- Town Centres

5.2 It is recognised that there is, as yet, no formal mechanism for evaluating or prioritising these areas, although the Community Strategy (June 2006) highlights key outcomes for the County of Herefordshire. Those that are most relevant to the production of an SPD on Planning Obligations are:

- more and better paid employment;
- more adaptable and higher skilled workforce;
- reduced traffic congestion through access to better integrated transport provision;
- reduced health inequalities and promotion of healthy lifestyles;
- children and young people have healthy lifestyles and engage in positive behaviour;
- reduced levels of, and fear of, crime, drugs and anti-social behaviour;
- fewer accidents;
- cleaner, greener communities; and
- people are active in their communities and fewer are disadvantaged.

6. Developing the Options

6.1 This section describes options developed from analyses of the existing situation at the Council as well as plans and proposals used by other authorities, highlighting their key features, advantages and disadvantages. Each option is illustrated by an example with references to websites where further information can be obtained.

6.2 **Option 1 – “No SPD approach”** **Key Features**

This option is generally characterised by ‘ad hoc’ negotiations on a case-by-case basis on what is necessary to overcome a specific obstacle to development or secure compliance with an adopted national or local planning policy. Although policy and/or established practice may be developed in one or two areas e.g. affordable housing, it is not comprehensive and there is no clear process for identifying other service requirements or prioritising the contributions sought. This can often lead to protracted negotiations and lack of clarity for all parties concerned.

6.3 **Advantages and Disadvantages.**

It can be argued that this option allows the authority to concentrate on its key priorities at the time, and channel a greater proportion of contributions received into these areas. Officers may build up considerable expertise in negotiations, and there is clearly compliance with the tests for planning obligations set out in government guidance. On the other hand, the process is often time-consuming and may have a detrimental effect on development control performance. The approach places considerable responsibility on planning case officers and policy officers in other services to recognise opportunities as and when they arise, and have sufficient expertise to negotiate without the benefit of comprehensive policy guidance and established procedures. The absence of comprehensive policy guidance means the process is not fully transparent, resulting in uncertainty for developers and the public. It is also likely that the limited range of contributions sought leads to the full potential of developer contributions from planning obligations not being met.

Example: Herefordshire Council (Current Situation)

The Council's current approach reflects many of the characteristics of Option 1. Although detailed policy has been developed for affordable housing and systems are in place for collecting contributions, guidance in other areas is less well developed or absent. Discussions on planning obligations have identified a number of other areas where developer contributions might be appropriate, but there is as yet no formal mechanism for evaluating or prioritising them.

6.4 Option 2 – 'Qualitative Guidance'

Key Features

This option is characterised by a comprehensive framework of guidance, often in the form of a portfolio of documents, specifying the type of contributions that will be sought in respect of particular forms and sizes of development. However, there is generally a lack of information on how contributions will be calculated or the use of standard formulae, and often a lack of guidance on how particular needs will be prioritised. As with Option 1, this can lead to lengthy negotiations and uncertain outcomes.

6.5 Advantages and Disadvantages.

Option 2 can facilitate inter-departmental working in the process of identifying and justifying the types of contributions sought and the development of formal channels of communication to ensure that a wide range of community needs are considered in seeking developer contributions from planning obligations. The testing of Supplementary Planning Guidance (SPG) or SPDs through public consultation can also contribute to community involvement and test compliance with government and regional guidance. However, as with Option 1, the process of negotiation is often time-consuming and may have a detrimental effect on development control performance. The lack of quantitative information on contributions sought results in uncertainty for developers and the public and a lack of transparency. Circular 5/05 encourages local authorities to use formulae and standard charges as part of their framework for negotiating and securing planning obligations.

Example: London Borough of Hillingdon

The Council has published SPG (currently being updated) in the form of a portfolio of papers on specific issues brought together under an umbrella document setting out the Council's overall strategy for planning obligations. Of the areas covered by the SPG, only education, health facilities and particular elements of employment training include figures for contributions likely to be sought. (Information can be viewed at www.hillingdon.gov.uk following links to Environment & Planning, Planning, and Planning Publications).

6.6 Option 3 – 'Quantitative Guidance'

Key Features

This approach involves comprehensive guidance not only on the type of contributions that will be sought but also on the size of contribution to be sought. SPG/SPDs provide precise

information on the particular elements of infrastructure and community facilities for which contributions will be sought in respect of particular forms and sizes of development, and how contributions will be calculated (generally following a formula). The information can be conveniently set out in the form of a matrix.

6.7 Advantages and Disadvantages.

Like Option 2, Option 3 can facilitate inter-departmental working and the development of formal channels of communication to ensure that a wide range of community needs is considered in seeking developer contributions from planning obligations. The testing of SPG/SPDs through public consultation can contribute to community involvement and test compliance with Government and Regional guidance. Once the guidance is adopted, contributions can be easily calculated, reducing the need for extensive negotiations and contributing to improved development control performance. There is greater certainty for developers on what contributions will be sought, and it becomes relatively easy to pool contributions for specific projects. However, the approach requires a considerable amount of work to identify, justify and cost the infrastructure requirements.

Example: Wycombe District Council

The Council has published Draft SPD in the form of a single document in three parts addressing context, strategy and then separate “topic papers” on different areas where developer contributions will be sought. The approach lists the infrastructure and facilities which will normally be sought and their relationship to the type, scale and impact of the development. Formulae for off-site contributions are detailed for all types of proposal with related thresholds. Information can be found at www.wycombe.gov.uk and following the links to consultation for the new LDF via Imagine the Future3.

6.8 Option 4 – ‘Tariff Approach’

Key Features

This scenario is being pioneered in the Growth Areas identified in the government’s Communities Plan. In essence, it involves identification of all the elements of infrastructure expected to be required in an area, and costing those elements that are attributable to growth in housing and employment. After discounting those elements, which are funded from other sources, the remaining costs are divided by the number of new houses (and/or commercial premises) to be built in the plan period. The resultant sum is then applied to each new unit built.

6.9 Advantages and Disadvantages.

The comprehensive nature of the approach ensures that a wide range of community needs and infrastructure requirements are considered in seeking developer contributions, and partner organisations are involved in the process. In some cases contributions can overcome a particular constraint and allow development to proceed earlier than would otherwise be possible. Once the guidance is adopted, contributions can be easily calculated, reducing the need for extensive negotiations and contributing to improved development control performance. There is greater certainty for developers from the outset and contributions can be earmarked for specific projects. However, the approach requires a considerable amount of work to identify, justify and cost the infrastructure requirements reflecting the range of

infrastructure to be provided for, and the need to involve service providers outside of local government. Furthermore, the approach is at an early stage of development, and is also questionable whether it is appropriate to areas outside defined 'Growth Areas.'

Example: Milton Keynes Growth Area

The Milton Keynes Partnership – the delivery vehicle for housing growth in the city, has developed the approach. It applies specifically to the designated MK Urban Development Area; although it is possible it may be rolled out to a wider area in the future. Agreement has been reached with developers to pay a charge of £18-29k per dwelling. Under the system, developers would not only pay the tariff, but also provide land for local requirements such as schools and health centres. They would have to agree to make 30% of all homes in their schemes affordable. In return, developers and landowners would be guaranteed that no further contributions would be expected of them, either through traditional s106 or by planning gain supplement. Half the money raised by the tariff would be used to fund local infrastructure needs, whilst half would be spent on strategic infrastructure. The government has agreed to initially fund the infrastructure and recoup the expenditure through tariff contributions.

7. Developing the Process

- 7.1 Any strategy for seeking developer contributions needs to be complemented by internal working practices that ensure that the adopted approach does not impose demands on the authority, which outweigh the benefits derived. This means developing a clear, easily understood process that helps rather than hinders the authority's ability to meet national and local targets for the handling of planning applications. Circular 5/05 specifically states:

"It is important that the negotiation of planning obligations does not unnecessarily delay the planning process, thereby holding up development. It is therefore essential that all parties proceed as quickly as possible towards the resolution of obligations in parallel to planning applications (including through pre-application discussions where appropriate) and in a spirit of early warning and co-operation, with deadlines and working practices agreed in advance as far as possible."

- 7.2 The government intends to publish guidance on good practice later this year. However, the review of other local authorities has already identified some procedures, which are regarded as good practice, many of which are endorsed and commended in the Circular. These include developing Codes of Practice, Standard Agreements and systems for monitoring the receipt and spending of contributions from planning obligations.

7.3 Codes of Practice

Many local authorities have published comprehensive guidance notes for developers, explaining the Council's strategy for seeking contributions and how their processes operate, in order to make clear the level of service a developer can expect and increase public confidence in the planning obligations system. Explanation of the process can be assisted by diagrams, as for example in Westminster City Council's SPG on Planning Obligations (www.westminster.gov.uk).

7.4 Standard Agreements / Undertakings

Circular 05/05 encourages local planning authorities to use and publish standard heads of terms, agreements/undertakings or model clauses wherever possible in the interest of speeding up the determination of planning applications. Westminster City Council has published a standard agreement on its website (see website information above).

7.5 Monitoring of Agreements

Once planning obligations have been agreed, it is important that they are implemented or enforced in an efficient and transparent way, in order to ensure that contributions are spent on their intended purpose. The use of standardised systems is recommended, for example, IT databases, in order to ensure that information on the implementation of planning obligations is readily available to the local authority, developer and members of the public. It is increasingly common for authorities to employ an officer with specific responsibility for monitoring agreements.

8.0 Summary

As part of an initial consultation on the production of an SPD on Planning Obligations, this document suggests some options and ways forward for the preparation of a Draft. We would like your views on any of the above – please see the “Consultation” section at the beginning of this document.

DEVELOPMENT BRIEF FOR LAND AT SHOBDON, HEREFORDSHIRE

Report By: Forward Planning Manager

1. Wards Affected

Shobdon

2. Purpose

- 2.1 To consider and agree the development brief for the land adjacent to the Birches, Shobdon, as amended, for adoption as a Supplementary Planning Document. The brief has been amended following an extensive consultation exercise, including a public meeting. This site at Shobdon is proposed for housing development under Policy H5 of the Revised Deposit Draft Unitary Development Plan.

3. Background

- 3.1 As a UDP housing allocation, this proposal has been the subject of a small number of objections, which were considered by the Inquiry Inspector. In his report the Inspector has agreed that the land is suitable for housing development as set out in the Plan, recommending no modification to the proposal. The Inspectors specific comments and recommendations are available in the UDP Inspectors Report, March 2006.
- 3.2 To further the development of this site a draft brief was agreed for consultation purposes. The six-week consultation period took place between 1st May and 15th June 2006 when all relevant statutory bodies and local residents were invited to make comment. A total of 20 responses were received.
- 3.3 In addition, a public meeting was held at the Primary School on the 15th May 2006, at which the development brief was explained. Approximately 50 people attended that meeting. Whilst concerns were raised regarding the proposals, support for the new housing was also expressed. A summary of all comments made is set out in Appendix 1. Details of the consultation process, responses made and actions taken are set out in the Consultation Statement in Appendix 2. From this summary it can be seen that there was concern over the design and layout of the housing, its relationship with existing housing particularly at The Birches, vehicular and pedestrian access, the capacity of the sewerage system and location and form of the open space/play area.

4.0 Main changes

4.1 In essence the main changes being made largely respond to the concerns of local residents with further factual information and guidance for the future developer. Whilst no major changes are required to the main thrust of the brief there are, however, limited wording changes suggested for factual accuracy and clarification as well as expanding on extra information required of any developer. In addition, the indicative layout has been replaced with a 'constraints and opportunities' diagram as this was felt to be the best way forward to address layout and design concerns. In summary, these include references to:

- The requirement of a contaminated land risk assessment to accompany the planning application and the method and approach that this should adopt
- The requirement of a flood risk assessment to accompany the planning application
- The use and implementation of sustainable water and drainage techniques
- Regard to the listed park nearby
- Consideration of local sports facilities in sustainability appraisal and developer contributions requirements
- Availability of grant funding to achieve higher sustainability ratings in regards to residential development
- More robust wording in regards pedestrian links to other parts of the village

4.2 It is considered that the brief, as amended, fully describes Herefordshire Council's vision for a sustainable development for housing provision and open space and will help prospective developers achieve a high quality development and maximise the site's contribution to the local area.

5. Process

5.1 The process that has been taken for the preparation of this brief has been through the Parish Council. The Parish Council have been instrumental in ensuring that the draft brief has been afforded full discussion with house to house leaflets and a public meeting as part of the Councils Annual Meeting. The Parish Council have been advised of the changes now being considered within this report and support the changes proposed. All the comments received as a result of the extensive consultation on this development brief have been taken into account in the preparation of the final document, which is reproduced in Appendix 1 (proposed alterations are shown as underlined and marked in the margin).

5.2 In accordance with the Town and Country Planning (Local Development)(England) Regulations 2004, the original Statement of Consultation has been updated to include a summary of the representations received as a result of the consultation exercise and how these issues have been addressed in the SPD (Appendix 2). In addition an Adoption Statement has been drafted (Appendix 3) which will be sent out to all those interested parties who have requested notification of adoption. Both the Consultation Statement and the Adoption Statement will be posted on the Council's web site when the brief has been formally agreed.

- 5.3 When agreed by Committee and Cabinet Member, the brief will form the basis of a Supplementary Planning Document (SPD) for the UDP allocation site and will be a weighted, material consideration in the determination of planning applications for its redevelopment.

RECOMMENDATION

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

Background Paper

Revised Deposit Draft Herefordshire Unitary Development Plan (UDP).

Appendix 1

Summary of Comments Received from the Written Consultation and Public Meeting on the Draft Shobdon Development Brief

Internal Comments

Development Control commented the brief is very well written and extensive and inclusive of all likely issues. They recommended a 'opportunities and constraints' diagrammatic approach might be better than a indicative layout, and also that the open space/ children's play area would be better located away from being adjacent to the B class road.

Transportation provided factual updates and clarification on a number of points, now incorporated into the text, including detailed wording in reference to transport contributions. Suggestions also made for the need for more robust wording in regards trying to implement linking The Birches to the rest of the village via the development brief site. Suggestion also to new pedestrian and cycle links from the site to the school/ main village and an identified route, in addition to upgrading of existing routes. The encouraging of cycling to school is also mentioned.

Environmental Health supplied alternative wording that has been incorporated into the Revised Draft in 2.9, which also now includes the necessity to undertake a contaminated land risk assessment and the subsequent requirements of the developer to do this.

Strategic Housing provided a factual update and also suggested additional text, which is now included, highlighting the availability of grant funding if the developer/RSL seek to achieve a rating of higher than 'excellent'.

Public Rights of Way commented in detail on and provided some historic information regarding dialogue concerning a public right of way linking The Birches to the rest of the village. Suggested routes are mentioned, and appraised, along with issues in implementing such a scheme, mainly concerning identification of landownership and associated issues. The requirements of any such route are also identified.

Parks and Countryside endorsed the relevant text and proposal and also included updated tariffs for section 106 agreements, which now replaces the previous Appendix.

Education acknowledged the Development Brief and offered no comments or amendments.

External Comments: Agencies and Organisations

The Environment Agency has contributed detailed comments in respect of flooding and drainage. It is considered the majority of these comments be best incorporated as an appendix as they are essentially a guide. Information from the EA's comments in regards to the flood zone the land is categorised, and the relevant circulars that must be followed, are now referenced in the text.

English Heritage supplied no detailed comments, however, their recommendation to have regard and reference the setting of the listed park nearby (grade II) has now been incorporated.

The local parliamentary representative, *Bill Wiggin, MP* offered no comments but thanked the Council for informing him of the scheme.

PUBLIC COMMENTS

Link to development and rest of village

Many residents did not want their estate to be linked to either the new development, or the village in a wider context, and consider The Birches as separate from Shobdon itself. The consensus from the Birches residents is summed up by a correspondence who stated that they want to be 'kept completely separate from any new development'.

In regards linking The Birches, the development site and the rest of the villages through an integrated pedestrian route/ cycleway, many residents of The Birches objected to this for various reasons, including encouraging people from other parts of the village to access the open space element of the development and then impact

upon the Birches through nuisance behaviour. Residents also stated historically that they had not enjoyed the benefit of an access screened and separate from the highways and that there was no need for such a facility. The lack of children on The Birches was also cited as a reason why a car free pedestrian route to the village/school facility was not needed.

Open Space

The open space and how it is used was also an issue. Comments claimed such a facility is unnecessary due the open space and play areas that already exist are i) adequate in providing such facilities, and ii) vandalised.

A joint statement of six signatures was received stating that the desire for the children's equipped play area was that it should take the form of a hard standing area for ball games and not be equipped with swings and slides etc.

The location of the open space, as denoted on the 'indicative layout' also raised comments and concern. Objections were raised to the location of the open space and it adjoining the existing bungalows at the north west of the site. Comments were made that the open space would be better located between The Birches and the new housing.

Housing

The issue of the village being able to accommodate the extra housing and people was raised, however this issue is considered to have be dealt with during the Unitary Development Plan Inquiry, where it has been endorsed by the Inspector, that the settlement of Shobdon is a sustainable and suitable village capable of accommodating a level of expansion and development, and is a local service point in the context of the countryside.

In regards to the affordable housing element, many residents of the Birches expressed concern at having '35% affordable housing' next to them, and also question the need for such houses, claiming existing units in the village are vacant or have difficult in being let.

The impact of the new housing on amenity was raised. It was explained the siting and layout would take into account the amenity of existing houses as required in

planning guidance. Whilst people were concerned about the loss of views to open countryside, it was pointed out that there is no 'right to a view' and that it was not a material planning consideration.

Traffic and Highways

The issue of traffic and highways brought many comments and was clearly an issue of overriding importance to the village. Whilst no suggestions were made and only issues and concerns raised, it was highlighted the development could facilitate highways improvements and that traffic calming measures could possibly be introduced as a consequence of the development, including a new lower speed limit through the section of road that the development adjoins (currently 40 mph).

The residents of the Birches were adamant that there should be no vehicular access between the development site and The Birches. Any such example has now been removed from the indicative layout in the Revised Draft.

Access to the site was raised as an issue, and it was explained the 'indicative layout' only acts as a guide to possible outcomes. The access point is to be at the eastern end of the site in the vicinity of the existing agricultural entrance, the exact location though would be determined in a full application.

Sustainable Development

The implementation of sustainable drainage and 'grey water' techniques was raised. It was noted that whilst sustainable drainage was mentioned in the draft brief, more express detailed reference to such measures could be made to encourage and promote its use and implementation. (The Environment Agency also mentioned this topic in their comments).

Drainage

Concern was expressed about the capacity of the sewerage system to accommodate the new development, and examples of local problems were cited. It was explained that a condition of any scheme coming forward is that any works required to remedy the deficiency in the capacity of the local sewerage system is met by the developer if work commences prior to Welsh Water undertaking the improvements.

Boundary

It was suggested the boundary between the site and The Birches should be enhanced.



Supplementary Planning Document

Land at Shobdon, Herefordshire

Revised Draft Development Brief
July 2006 ~~December 2005~~

Draft

**REVISED DRAFT DEVELOPMENT BRIEF
LAND AT SHOBDON, HEREFORDSHIRE**

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1. Introduction

1.1 Background

This draft development brief outlines how the existing greenfield site at Shobdon (Figure 1) should be redeveloped for housing and open space. This development brief supports emerging policies in the Revised Deposit Unitary Development Plan (UDP) May 2004. Once approved, the brief will form the basis of a Supplementary Planning Document (SPD) for the Shobdon site and will be a material consideration in the determination of planning applications for its development. Any enquiries relating to this brief should be directed to:

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1.2 Purpose of the Brief

The brief's main purpose is to describe Herefordshire Council's vision for a sustainable development of the allocated housing site and to help prospective developers achieve a high quality development and maximise the site's contribution to the local area. In doing this the brief will:

- Identify development constraints, requirements and obligations - a development framework - before land values are set to ensure certainty and the delivery of a viable scheme;
- Ensure the development is in accordance with local, regional and national planning policies;
- Describe how a high standard of housing design and layout, as well as new open space can be achieved through the provision of planning and design guidance; and
- Ensure integration with other initiatives and planning applications.

1.3 Site Description and Constraints

The site is located at the western end of Shobdon, a main village (Policy H4 of the UDP) located in the north of Herefordshire, 12 km west of the market town of Leominster and 19km east of Kington market town. The site comprises undeveloped agricultural pastureland used for sheep grazing, with an area of some 2.3 hectares. Vehicular access to the site is at present constrained to agricultural use only via two field gate access points located along the B4362 road. Figure 2 details the constraints and opportunities of the site.

The site's northern boundary abuts the B4362 road. The western boundary of the site is adjacent to the existing Birches housing development, with the eastern boundary of the site adjoining the curtilage of the existing individual dwellings 'Ceres' and 'Little Orchard'. The southern boundary is unconstrained.

In addition, there are a number of mature and semi-mature trees growing along the boundaries of the site, along with existing hedgerows, which vary in quality across the boundary. Existing trees and hedgerows of value should be retained. These are identified in Figure 25.

No public rights of way cross the site although a pedestrian route exists along the main road. The character of the immediate area around the site is mixed with 1960's style housing estates, open countryside with long panoramic views, individual larger dwellings and the entrance to a caravan park adjacent to the grounds of an historic park and garden, all featuring in the street scene.

1.4 Sustainability Analysis

The Shobdon area is well served with existing local neighbourhood facilities, including a primary school, village shop and post office, public house and garage. A frequent bus service is available into the market town of Leominster (Route 494). The site is in relatively close proximity to an existing employment area at Shobdon Airfield.

Appendix 2 details how the site meets existing requirements regarding accessibility to services and public transport, proximity to employment etc. It also details opportunities for improvements to any development of the site with sustainability objectives in mind. It reflects the issues raised in Policy S1 (Sustainable Development) of the Herefordshire UDP.

1.5 Planning Policy Context

At national level, the government gives guidance on development through Planning Policy Guidance Notes (PPGs) and Statements (PPSs). Those relevant to this site are:

- PPS1 – Delivering Sustainable Development
- PPG3 – Housing
- PPG13 – Transport
- PPG17 – Open Space and Recreation
- PPS23 – Planning and Pollution Control

At regional level, Regional Planning Guidance for the West Midlands (RPG) identifies Herefordshire as a Rural Regeneration Zone where the priority in such areas is to manage the rate and nature of further development to meet local needs, whilst ensuring that local character is protected and enhanced. The focus for such development is concentrated on existing settlements wherever possible.

At local level, the current development plan is the Leominster District Local Plan (November 1996). This Plan makes no proposals for this site. The emerging Revised Deposit Unitary Development Plan (UDP) will replace the local plan when adopted. Adoption of the UDP is expected early in 2007. The Revised Deposit UDP proposes a housing and open space allocation, which is contained within UDP Policy H5. The UDP is the main source of reference for planning policies affecting this development site and relevant policies will be referred to throughout this document.

2. Development Requirements

2.1 Land Use

UDP Policy H5 identifies the site as expected to provide a mix and range of housing types with an estimated capacity of 30 dwellings. Of this total a target of 35% is to provide for affordable housing to meet local housing needs. The housing element of

the scheme should not encroach onto the higher land in central parts of the site so to minimize the visual impact of development.

The site is also identified on the Proposals Map and in Paragraph 5.4.57 of the Revised Deposit UDP to provide for new open space uses/facilities. This open space facility of the proposal should comprise a new, equipped children's play area as per UDP Policy H19, and informal open space – see Figure 24, [Opportunities and Constraints. Development Option.](#)

It is envisaged that the development will also enable the adjoining Birches housing development to have better pedestrian and cycle links and become more integrated with the centre of the village.

2.2 Affordable Housing

UDP Policy H9 sets a target for affordable housing of 35% of total housing provision to be sought through negotiations with developers. Such housing should be provided as a mix of affordable house types, having regard to local needs, and contribute to a mixed and balanced scheme overall in terms of dwelling size, type and affordability. Whilst the provision of affordable housing is outlined within separate supplementary planning guidance ("Provision of Affordable Housing" March 2001 (updated November 2004)), developers will need to discuss this requirement with the Council's Strategic Housing Services to help ensure that local needs are best met and provided for. Any provision of affordable housing is likely to involve a partnership with a Council preferred Registered Social Landlord (RSL), the selection of the RSL partner can be discussed and agreed at an early stage in accordance with the Supplementary planning guidance above.

The Council undertook an assessment of affordable housing need in Shobdon parish in November 2004. This study has been further clarified by Home Point's records, which indicate a clear demand and desire for a range of different types of affordable housing in this location. Initial figures clearly demonstrate a significant demand exists, especially for 2 bed dwellings. It is also considered that there is a demand for bungalows, especially for elderly persons who require single storey living accommodation with the number of 'bids' per bungalow far exceeding supply. Supply of these types of affordable units ensures mixed and sustainable communities.

Worsening affordability ratios of house prices against median earnings in Herefordshire in the last 3 years mean that homes provided at a discount from open market values are unlikely to be affordable to the vast majority of local people unless the discount is upwards of 50%. Instead, rented and shared ownership homes will be sought, with a likely balance between them of around 80% and 20% respectively. However, this is dependent upon the proposed entry prices of the shared ownership homes, where, if the entry price is higher than 30% of the current gross median earnings for Herefordshire, as per the supplementary planning guidance above, then only homes for rent will be sought.

The sustainability of the affordable homes will, in part, be shown by the EcoHomes rating they achieve when meeting the Housing Corporation's Scheme Development Standards, for which they will require a minimum rating of "Good". [Should the developer/ RSL wish to achieve a high rating of 'Excellent' then grant funding could be considered for the difference to achieve this.](#)

2.3 Building Layout and Form

A comprehensive design approach will ensure the full integration of all components of the scheme in a cohesive manner in order to create a sense of place or identity. Policy DR1 of the UDP covers the issue of design generally and more detailed design guidance is provided in the Council's supplementary planning guidance, entitled Design and Development Requirements SPG (July 2004). The following requirements relate to the form and layout of any new development, while general design principles are addressed in Part 3 of this document.

There are opportunities to structure the internal road layout for the benefit of local residents, cyclists and pedestrians. The new development will also improve the permeability of the local area by creating new pedestrian and cycle routes from and through this site.

The creation of cul-de-sacs with no pedestrian or cycle route through, which deters connections between areas, should be avoided. Dwellings should back on to each other with rear gardens safely enclosed within any scheme. This improves security for properties but also ensures that new development provides overlooking and passive surveillance on to the road. Design should also seek to minimise the overlooking of existing properties. The new children's play area and open space should be edged by residential development, with frontages overlooking the play area and open space to provide improved security for those facilities. In addition, residential development should front onto pedestrian and cycle routes for similar reasons.

It is essential that new development should harmonise with the existing housing adjoining the site and the overall character and quality of this part of the village. The choice of building material should also complement the locality, which is principally brick and render elevations, pitched roofs and small to medium sized units. There is no set local vernacular, but naturally high quality design and detailing are expected and encouraged, which includes innovative new design and construction techniques. Existing development generally incorporates long garden curtilage behind dwellings with limited curtilage to the front. This plot layout should be replicated wherever possible in the most part to harmonise with the locality. ~~Shobdon features many examples of small housing estates fronting onto open space areas and set back from the highway in a village green style layout. This feature should be replicated within this scheme for the site, making use of the open space area as a key feature of the site.~~ Buildings should create a sense of architectural quality along the frontages by parallel alignment, ~~respecting building~~ respecting building lines, massing and rhythm.

The design of buildings should display a modern, high quality architectural style in order to create a contemporary environment, and one that draws elements from and harmonises with its surroundings. A range of two storey developments is expected, with a mix of individual and terrace styled units, although a limited number of single story dwellings would be permissible particularly along the south east corner of the site where there are exceptional long range vistas.

Roofs are an important visual element, which should be pitched and incorporate features to create visual interest. The Development Option shown in Figure 3 is one possible way that an appropriate layout could be achieved. Design options that build upon and improve this layout, or offer appropriate alternatives are encouraged.

The opportunity exists to create an interesting visual built element, utilising the stepping up and back of fronts, the use of different roof levels, along with different design detailing elements, including painted render, brick and combinations of both.

2.4 Access/Movement

Vehicular access to the site will be directly off the B4362 road, in a location to the approval, standards and requirements of the Council as highways authority. Standards are also referenced from Government publications including;

- 'Places, Streets and Movement'
- Design Bulletin 32
- 'Inclusive Mobility'
- 'Cycle Friendly Infrastructure'
- 'Roads Manual'

A pedestrian/cycle route crossing the site will be required to link with the existing Birches development on the western side of site. The opportunity to link both these sites with the existing play space and housing estate at The Grove is also to be considered, as this would achieve a safer route to school for children, both at the proposed site and at The Birches, whilst also enhancing the integration of both sites to of the village. The Parish Council through a separate public consultation process that formed the 'Rights of Way Improvement Plan' identified a pedestrian route. This route's entrance and exit points are indicated on the Opportunities and Constraints diagram (Figure 2). ~~centre~~. The existing pedestrian route from the site to the village should be upgraded where possible and appropriate. Traffic calming methods may also be required in the vicinity of the site, along with an extension of the 30mph speed limit through to the western end of the village.

In accordance with Policy DR3 of the UDP, applicants will need to submit a Transport Assessment to establish the likely impact of their proposals on the local highway network and must include as a minimum the effect of any change in traffic flows on the B4362 road.

Policy H15 of the UDP requires off-street parking provision for housing at the site to be restricted to a maximum of 1.5 spaces per dwelling, calculated as an average over the scheme as a whole.

People are very different in their needs and in the way they use the built environment. An "inclusive environment" recognises and accommodates those differences in a way that is universal. To ensure that access is considered at the earliest possible stage in the development process and to ensure that the facilities are integrated in an inclusive manner, applicants will be required to produce an Access Statement with their applications for planning permission. The statement should be more than just a statement that Part M of the Building Regulations and British Standard BS8300 has been complied with. It should explain how the needs of disabled people and everyone else are incorporated into the general design and arrangements of the scheme. Any applicant would also be advised to consider the implications of the Disability Discrimination Act 1995 (DDA) when designing the scheme.

2.5 Open Space Provision

Open space/landscaped areas that are well related to the development will be required as part of an integral the overall layout and design. The opportunity exists to utilise the open space element as a method of integrating the site with the existing housing at the Birches by locating it in the area denoted on the Opportunities and

Constraints diagram. The amenity of the houses fronting the development site is also safeguarded by this approach. Standard requirements for the planning and design for open space within new housing developments is provided at Appendix 3. The minimum provision required in addition to the landscaped open space designated on the higher ground at the centre of the site, is a properly equipped and fenced children's/infant's play/games area for both small and older children – Policy H19 of the UDP. This can take the form of a Multi Use Games Area (MUGA) fenced and, tarmac area marked for various ball games or comprise of formal equipment such as swings and climbing frames, or contain a mixture of both elements. -The exact nature of this provision can be agreed through negotiations/discussions at pre-application stage.

The substantial element of open space provided by this site will address the shortfall and lack of quality of the existing provision within the village identified through an audit of open space facilities and provision required by PPG17, undertaken by the Council's consultants in Autumn 2005. At present the open space provision within the village consists of a poorly located and under equipped playing field, which is not overlooked, and subject to unsociable behaviour. It contains and a community play area, which is very small, with limited play equipment (a climbing frame) and due to its size and location adjacent to the main road, difficult to develop further. The audit graded this equipped play area as 'below average' as a site, and in terms of the rating in regards to toddlers, juniors and teenagers all these individual categories scored 'poor'.

2.6 Sport

The Government is actively pursuing a program of increased participation in sports in all age groups and social sectors, with the benefits of not only increasing England as an active and successful sporting nation, but also reversing the obesity trend of the country.

Sport England and the Regional Plan require such developments as this to help contribute towards increasing participation in active sports through contributions, and this can be for external or internal sports. The Government aim is to increase the number of people participating regularly in active sport by 50,000 per year. Within the Shobdon area, local sports and clubs can provide an active community role in encouraging all ages to participate in sports, and acting as a community facility in regards to bringing people together. A contribution to such clubs and sports facilities in their work is both justified and sound, as the occupiers of the developments dwellings are likely to benefit directly from the sports on offer.

2.76 Nature Conservation

There are no known protected or endangered species present on the site, and the Council's Ecologist makes no comment or requirements for this development.

2.8

2.7 Landscaping and Boundary Treatments

A key issue in regards to this site is landscaping, especially at the southern boundary. The site is highly prominent and any development that is not screened appropriately would be unacceptably visually dominant within the landscape when viewed from the minor road, which runs due south of the site.

To mitigate the landscape impact of development the following measures recommended by the Council's Landscape Officer are to be incorporated within the overall scheme:

'A woodland screen planted with native tree species appropriate to the local area and to the landscape character at the southern edge of the site at a depth of 3 trees planted in a random manner to minimise 'gaps'. The Southernmost boundary should also be planted with a hedge of a native species appropriate to the local area and to the landscape character'.

The existing hedgerow on the northern boundary, which fronts the B4362 road, should be enhanced with appropriate planting, enclosing the open space from the road. The boundary between The Birches and the development site is poor quality but does contain two mature trees, which should be retained. The remaining existing boundary should be removed and where possible left open to further integrate the site with The Birches and also provide views into and out of the site.

In terms of existing landscaping at the site, there are a number of important mature and semi-mature trees growing along various parts of the site boundary. The hedgerow and trees that form the eastern boundary between the site and 'Ceres' should be retained as they have been recognized to form an important contribution to the character of the area and were safeguarded by a condition on planning application DCNW2005/3110/F.

A full existing tree/hedgerow survey will be required to accompany any application for development of the site.

In terms of proposed landscaping, the design of the site should address the biodiversity requirements as well as the public open space and internal development layout. This may result in some selective removal of vegetation and tree surgery as well as additional planting and seeding. New tree/hedgerow planting will be required to enhance existing unattractive boundaries and provide the required visual screening, especially from the south. New, appropriate fencing will be required around the children's play/games area.

~~The raised ground at the northern and central part of the site may be a result of tipping and depositing and not a natural landscape feature. Developers will be required to confirm the state and condition of this part of the site and its suitability for landscaping and as any open space for public use.~~

In terms of hard landscaping, the new design should draw upon elements of the open countryside e.g. timber features, and landscape furniture should reflect the rural location of the site. The delineation between pedestrian and cycle paths should be clearly marked for reasons of safety. To stop unnecessary light pollution, any proposed lighting should take account of the rural nature and surroundings of this site and of wildlife requirements – bats for example require unlit corridors of vegetation for foraging, along with limiting the effects of light pollution blight through the different means, including but not limited to:

- Appropriate low level wattage bulbs
- Intelligent lighting that turns off when not required or is sensor tripped
- Reducing upward and oblique spillage through fittings or direction of output

2.92-8 Listed Buildings/Archaeology

The site lies in close proximity to an Registered Grade II Park historic park and garden (policy LA4), which is to the northern boundary of the site. Due regard to the protection of the Parks' setting should be made. There is scope for enhancement and screening of the development of this boundary, which is currently bordered with gate

high hedgerow. The Council's Landscape Officer is of the view that a tree lined access or entrance to the site would enhance the setting of the approach to the site and village in general, and integrate with the wooded parkland detailed above.

In order to assess the impact of the development upon archaeology, it will be necessary to undertake a field evaluation (trial trenching), which in turn will allow the Council to assess the importance of any archaeological remains present on the site, and the need for preservation or recording in advance of the development taking place. Policy ARCH1 of the UDP applies.

2.102.9 Environmental Health

The current use of the site is agricultural land. PPS 23 identifies agricultural uses as a potential source of contamination for example, excessive use or spills of pesticides, herbicides, fungicides, sewage sludge and farm and waste disposal practices.

The developer should ensure that the site is suitable for residential and open space use, having regard to the guidance in PPS 23 and other contaminated land good practice guidance such as 'Contaminated Land Report 11 – Model procedures for the Management of Land Contamination'. As a minimum this would include a desk top study, site walkover and preliminary risk assessment and should include consideration of contamination and gases being present within any made ground. If the study indicates further assessment is required this work will need to be undertaken.

~~A soil sample from various parts of the higher ground at the centre of the site should be examined to ensure no existing land contamination, especially mindful of the fact that this part of the site is marked for open space provision. The stability of this section of the site should also be assessed as it is unclear if this part of the site exists naturally or through the dumping of earth and/or other material from an off site location.~~

2.102.11 Sewerage and Waste Water

The UDP Plan policy para 5.4.57 includes concern from Welsh Water in respect of the capacity of the public sewerage system and waste water treatment works. Developers will need to clearly demonstrate how their proposals deal with sewerage and waste disposal to the satisfaction of Welsh Water and the Council. Development connecting to mains public sewer system should accord with Planning Circular 3/99.

2.122.11 Flooding

The Environment Agency determine the site is located in Flood Zone 1 and the development of the site falls within their category 'operational development between 1 and 5ha'. As a requirement, a Flood Risk Assessment (FRA) must be submitted with any application. Particular regard must be made to the assessment of surface water flood risk. The site is not considered to be located within a flood risk zone. No comments were made from representations detailing incidents of localized flooding or water logging of the site.

The ditch that runs between the site and The Birches acts as a soakaway and should either be retained, or if part of any development developed, appropriate provision must be made to accommodate the road water run off at this section of The Birches. There is also the opportunity within the scheme for the use of Sustainable Urban Drainage Systems (SuDS), which could be incorporated into the open space aspect, or provide landscaping features. Examples include attenuation (balancing) ponds, which have additional benefits including biodiversity, wildlife and recreational enhancements.

2.132-12 Planning Obligations

Herefordshire Council will negotiate appropriate planning obligations with the developer that meet the requirements of Circular 05/2005 to ensure that the planning obligations are:

- Relevant to planning;
- Necessary to make the proposed development acceptable in planning terms;
- Directly related to the proposed development;
- Fairly and reasonably related in scale and kind to the proposed development; and
- Reasonable in all other respects.

It is expected that Section 106 and Section 278 agreements for the site are to be secured, comprising of:

- The provision of an element of affordable housing. The amount sought will be 35%.
- A financial contribution of £1000 per family dwelling to provide for educational/ joint community use infrastructure in accordance with Children's Services/ local requirements.
- A landscape scheme for the provision of on-site open space throughout the development, to the standards set out in Appendix 3. This will incorporate an area of active play containing play equipment. The open space will be adopted by the Council for future maintenance subject to the payment of a one-off commuted sum representing 10 years maintenance of the site.
- Contributions as per the guidance of Sport England for off site local facilities benefiting the community.
- Contributions for sustainable transport measures of £1500 per dwelling towards schemes such as, but not limited to, Safe Routes to Schools, walking and cycling provision within the village but off-site, public and community transport services and Local Transport Plan integrated transport improvements.~~highway maintenance, public and community transport services and Local Transport Plan integrated transport improvements.~~ (Off site highway works will be at cost).
- The allocation of a minimum of 1% of the construction cost of the development towards the provision of works of art or craft for the benefit of the development and the public in general (Policy DR1 of the UDP).
- Potential contribution to essential improvements to the public sewerage system and waste water treatment works if the site is developed prior to Welsh Water undertaking such works.

Draft Heads of Terms for any S106 Agreements will be expected to form part of any formal submissions and should incorporate a commitment to completing within government defined timescales.

2.142-13 Planning Application Requirements

Prospective developers are encouraged to hold early pre-application discussions with the Council. The developer will be responsible for obtaining all necessary planning permissions, Building Regulation Approvals and any other relevant consent. Planning applications should be for full permission.

Planning applications for development of this site should include the following information as detailed in section 2.1 to 2.10:

Transport Assessment and Travel Plan
Design Statement (see 3.1 below)
Access Statement
Tree Survey
Landscaping and Management Scheme
Sustainability Appraisal (including approach to sustainable urban drainage).
Statement of Community Involvement

Significant applications for development will require applicants to have undertaken community involvement at pre-application stage. Applicants will need to:

- Write to local residents, ward members and the Parish or Town Council to inform them of their proposals; and
- Arrange a public meeting or exhibition in the locality at an accessible venue to explain their proposals to the public and to gauge their response; and

Support their application with their own “Statement of Community Involvement” giving details of the meeting/exhibition and explain how any comments made have been taken into account in the final submission for planning permission.

Applications should be accompanied by coloured plans and illustrative material that is easily understood for the benefit of planners, councillors, residents and amenity groups - three dimensional drawings and architectural models are particularly helpful.

3. DESIGN

3.1 Design Statement

A Design Statement is now a requirement of any planning application where the design of the development proposed needs to be accompanied by a set of design principles – Policy DR1 of the UDP. Its purpose is to illustrate the overall design concept that has been adopted in relation to the application site and its wider context based upon survey and analysis data. It should not just be a descriptive analysis of the proposals however, it should also set out how the designs will satisfy the requirements set out in this brief which are summarised in the following “Design Principles” section.

3.2 Design Principles

In summary, the following principles will need to be addressed within any development proposal:

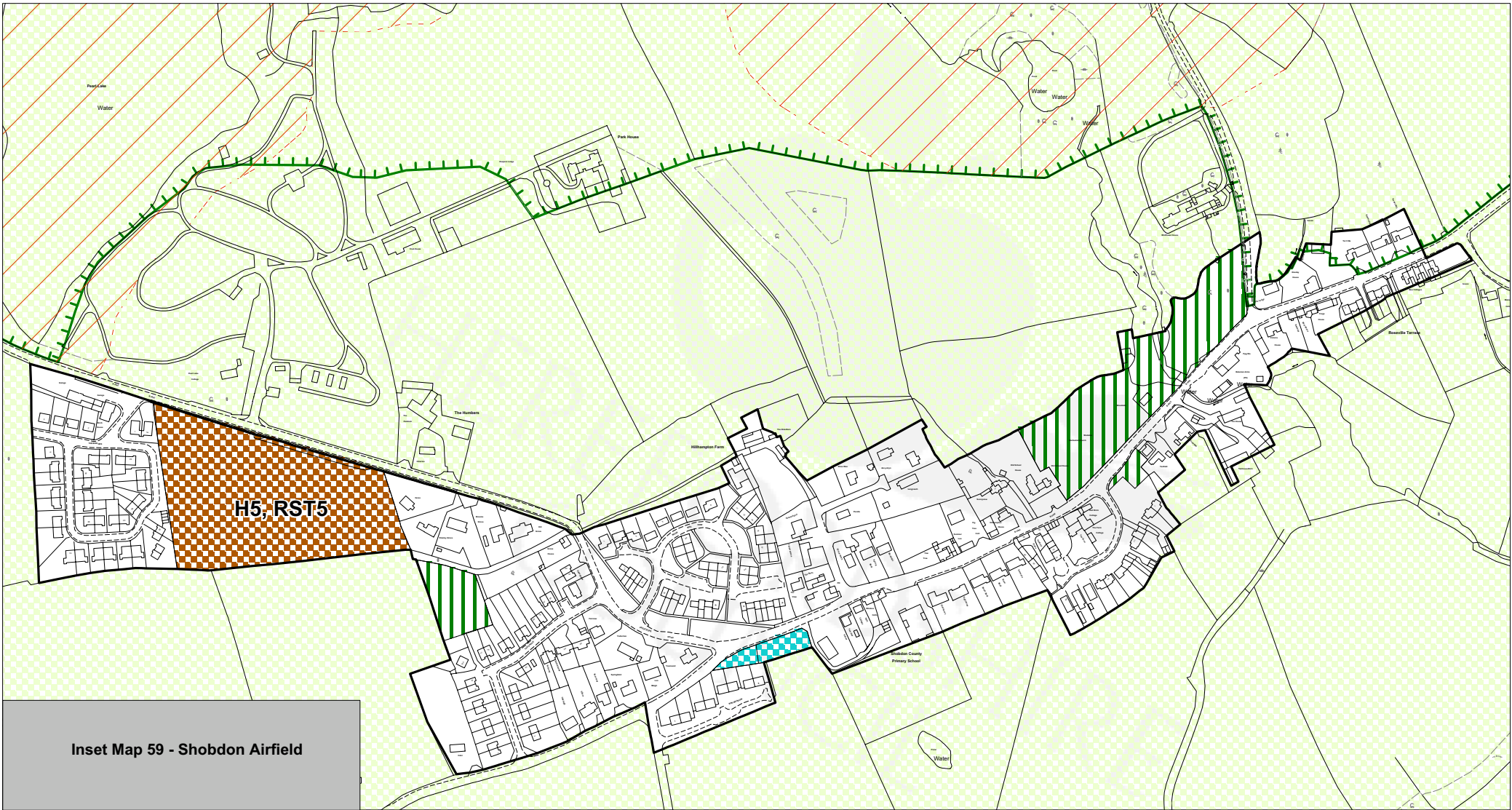
- Create a land efficient development linking to adjoining uses
- Provide a mix of densities and accommodation which reflect the character of the local area and provide for affordable housing
- Set out attractive, active, safe and useable public areas/open space
- Respond to the constraints and opportunities as identified in the site analysis – Figure 2
- Respond to the design advice regarding building layout and form in Section 2.3
- Incorporate soft and hard landscaping in an integrated way which respects the villagescape and landscape context of the site and the distinctive character and appearance of the locality
- Encourage walking and cycling throughout, and into/from, the site
- To Improve highways safety in and around the site with traffic speeds reduced to a 30mph maximum at the western end of the village
- Integrate with existing infrastructure
- Be easily understood and easy to move through

- Incorporate local distinctiveness
- Use sustainable drainage techniques
- Introduce new materials that are reflective of local distinctiveness
- Introduce new highway infrastructure where deemed necessary
- Incorporate new public art
- New development should be designed with “Secure By Design “ principles in mind
- Address the energy efficiency of new buildings, including energy conservation measures, sustainable energy generation, layout and orientation.
- Minimise light pollution and
- Incorporate an “inclusive environment” design approach with regards access for all.

3.3 Conclusion

The development of this site offers an opportunity to provide a modern, exciting and vibrant mixed-use development that will:

- Provide greater public access to open space and play facilities
- Provide for local needs housing, including affordable housing
- Increase permeability through the site and into the village centre through access to new pedestrian/cycling routes



Inset Map 35 Shobdon Location

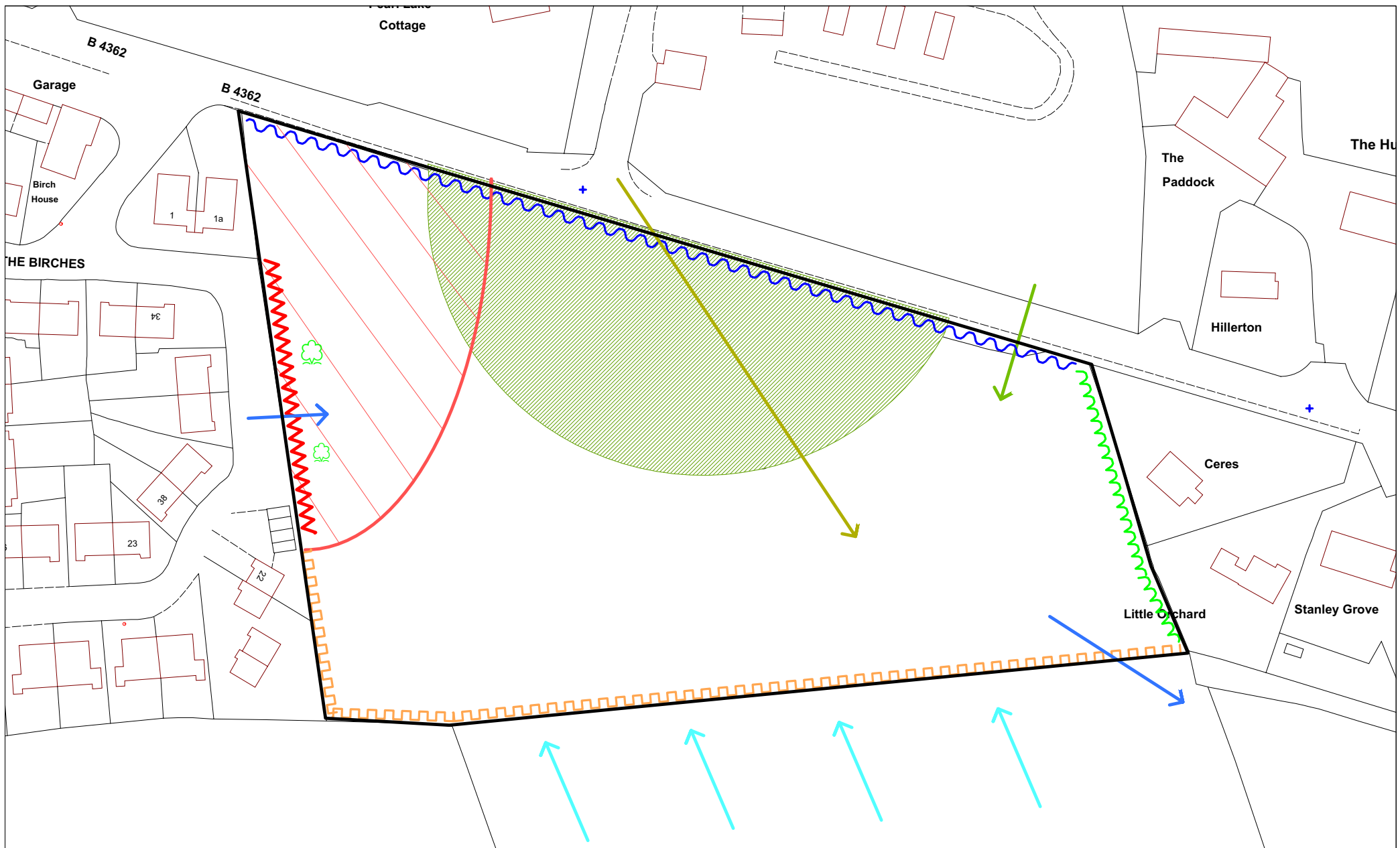
Deposit Draft • September 2002



Herefordshire Unitary
Development Plan



Scale 1:5000



55



Figure 2 - Site Analysis

Scale 1: 1250

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Site

Elevated ground

Vehicular access

Important long-range vista

Highly visible aspect

Pedestrian access

Openspace and Play Area

Retained mature trees

Poor quality boundary

New boundary hedge

Established hedgerows

Important hedgerow/trees

Herefordshire Council
 Planning Services
 Town Hall
 PO Box 144
 HEREFORD
 HR1 2PJ
 Tel: 01432 260000
 Fax: 01432 260289

APPENDIX 1 - CONTACT LIST

HEREFORDSHIRE COUNCIL

PARKS/COUNTRYSIDE SERVICES

Ruth Jackson – Principal Leisure and
Countryside Recreation Officer
Tel: 01568 798328

Paul Seville – Assistant Public Rights
of Way Officer
Tel: 01432 260785

PLANNING SERVICES

Mark Tansley – Team Leader DC
Tel: 01432 261956

Chris Botwright – Forward Planning
Tel: 01432 260133

Jane Patton - Landscape officer
Tel: 01432 260150

Dr Robert Widdicombe - Ecologist
Tel: 01432 260128

Neil Robertson – Conservation Officer
Tel: 01432 261950

STRATEGIC HOUSING SERVICES

Jane Thomas/ Sharon Rivers Chris Watson –
Senior Enabling Manager Officer
Tel: 01432 261910 261975

TRANSPORTATION

David Davies Adrian Smith – Area
Engineer

Tel: 01432 261925 260978

Susan White – Asst Public Rights of
Way Officer

Tel: 01432 260572

ENVIRONMENTAL HEALTH

Marc Willimont - Senior Environmental
Health Officer
Tel: 01432 261986

ENGINEERING SERVICES

Brian Lee- Drainage Engineer
Tel: 01432 260788

PROPERTY SERVICES

Alison Hext – Estates Section
Tel: 01432 261985

EXTERNAL AGENCIES

ENVIRONMENT AGENCY

Mr Mark Davies
The Environment Agency,
Hafren House,
Welshpool Road,
Shelton,
Shrewsbury.
Tel: 01743 272828

WELSH WATER

Mr Ryan Bowen,
Welsh Water,
Ffynnon Menter,
Phoenix Way,
Enterprise Park,
Llinsamlet,
Swansea
SA7 9HW
Telephone: 01432 357411.

TRANSCO

Mr. A. Read,
Network Assistant,
Transco W. District,
P.O. Box 502,
Malago House,
Bedminster Road,
Bedminster,
Bristol,
BS99 5RS.
Tel: 01199 535444.

NATIONAL POWER

Property Services Manager,
National Power PLC,
Windmill Hill Business Park,
Whitehill Way,
Swindon SN5 6PB.

APPENDIX 2 – SUSTAINABILITY ANALYSIS

Site Sustainability Analysis		
Criteria	Existing situation	Opportunities
Can protected wildlife areas and ecological sites or locally valued habitats or species be enhanced or at least be avoided?	No protected wildlife on site or areas of ecological interest.	To link any such areas and features as a recreational route.
Is the character of any listed buildings safeguarded?	None affected	
Are any Areas of Outstanding Natural Beauty (AONB) or Areas Least Resilient to Change (ALRC) affected?	Yes	Suitable landscaping of site boundaries and of development within the site through appropriate tree and hedge planting
Does the site avoid best and most versatile agricultural land?	Yes	
Impact on Conservation Areas?	None affected	
Proximity to employment sites?	Yes – existing employment sites at Shobdon Airfield and former Tarmac site	Opportunity for improvement to pedestrian/cycle access to B4362 footway as well as improvements to footway linking to village centre and bus stops
Any areas susceptible to flooding?	Site not known to flood according to most recent land liable to flood data supplied by the Environment Agency.	
Quality and proximity of open spaces?	Existing open space on nearby housing estate is poor quality, on sloping land	Opportunity for more public use and better quality of sports pitch/children's play area provision and informal open space that meets the needs and requirements of the local community
Are any archaeological sites safeguarded?	To be determined – field evaluation needed.	

Criteria	Existing situation	Opportunities
Is contaminated land avoided?	To be determined.	
Is there spare capacity in the water supply/surface and foul water drainage system?	No	Contribution from developer in regards to upgrading capacity of the public sewerage system and waste water treatment
Is there a peak time bus/rail service available within 800m?	Yes - peak time bus service to Leominster from village (Route 494).	
Is there a primary school with capacity within 800m?	Yes – Shobdon Primary	Opportunity for contribution towards educational improvements at primary school
Is there a health centre/doctor within 800m?		
Is there a grocery store/ post office/recycling facility within 800m?	Yes	
Is there a children's playground within 800m?	Yes – very small, limited play opportunity	Need for equipped children's play area on site to cater for infants and juniors
<u>Are there any external or internal sports facilities in the locality</u>	<u>Yes</u>	<u>Contribution from developer to accommodate increase use of facilities through initiatives engaging the local community</u>
Can the site provide for local housing need?	Yes – 35% affordable	Target of 10 dwellings on site
Is the site flat or sheltered to maximise solar gain and reduce energy loss?	Sloping site with high ground in centre	Opportunity for landscaping buffer along northern and southern boundaries
Are there any “bad” neighbours?	No	
What is the character of the surrounding area (use/heights/building lines)? Any assets/focal points/relationships/landmark buildings in design terms worth	See Figure 2. Long range views across open countryside to Hergest Ridge and Bradnor Hill, no landmark buildings in immediate vicinity of site.	To link new development with existing Birches development through landscaping, access and open space facilities. Building design and layout

exploiting?	Site adjoins isolated existing housing site The Birches	maintaining important views across open countryside
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Criteria	Existing situation	Opportunities
Does the proposal utilise previously developed land/reuse of existing buildings?	No	
Is there reasonable road access to the site without exceeding physical or environmental capacity of the network?	Yes – but needs upgrading from current field gate status. Opportunity also exists for access through into site from The Birches	Vehicle access into site from B4362 is achievable but needs to accord with highways department criteria. Also opportunity for vehicular access from The Birches into part of the site for enhanced integration.
Could the site provide for or protect educational, health or other local services for all sections of the community?	Yes	Opportunity for community use of open space as equipped play area. Need to consider whether any other community uses are required in the area
Can the site integrate well with adjoining development? (Any overlooking issues/block patterns)	Yes – see Development Option – Figure 24.	
Is the site well served by existing/potential walking and cycling routes to local facilities?	Not at present but potential to improve	Pedestrian and cycle links through the site linking The Birches and the village centre. Also, improvements to the existing pedestrian and cycle access along the B4362 into the village centre
What is the local vernacular architecture (local distinctiveness)?	The Birches – 1960's style Council housing, mixed in quality with semi detached houses the main. Limited detached bungalows. Larger detached dwellings within good sized curtilage to the east	Opportunity to create contemporary scheme which can enhance The Birches development through layout and landscaping
Are there any existing trees/hedgerows worthy of preservation?	Yes – see Figure 2 – along some boundaries only.	Improved landscaping across whole site required.
Are there any views into/out of the site worthy of retention?	Yes – view south across to Hergest Ridge and Bradnor Hill	Suggest low height development to retain open character.

APPENDIX 3 - STANDARD REQUIREMENTS FOR OPEN SPACE IN NEW HOUSING DEVELOPMENTS

All public open space located within a new housing development should be in accordance with UDP Policy RST5 and be an integral part of the development. They should be:

- Functional, Usable and Accessible
- Spaces should ideally be of “village green” size and not small areas dotted around, e.g. SLOAP areas - (Space Left Over After Planning).
- It should be located, so as to form an integral feature of the housing development and should not be in a “back-land” situation
- For example, on larger residential development sites or sites in sensitive locations, landscaping may be provided to act as a buffer or screen. These landscape areas could also be suitable for informal recreational uses.

LOCATION:

- Consideration should be given to existing open spaces and networks and in particular for links to be established where appropriate
- The siting of public open spaces on new developments should ensure no damage will be caused to properties by the legitimate use of the open space

MAINTENANCE:

- Design and layout of open spaces should ensure maintenance machinery access and use is considered
- No “steep” grass banks to hinder mowing machinery
- Small sites are often “underused or unusable” and difficult and expensive to maintain

LANDSCAPING/PLANTING:

- Planning conditions will include for a landscaping scheme to be approved by the Council, which should provide details of planting trees, shrubs, grass seed etc. for open space areas.
- Public Open Space will be sown with grass seed mixture suitable for site-use and landscaping (trees and shrubs) will be in accordance with the location and site conditions.
- Public Open Space should have adequate perimeter protection to prevent the unauthorised entry of vehicles on to the area and to ensure the safety of uses of the area to any adjacent roadway
- Public Open Spaces may need to have litterbins and/or seats provided for users of the area.

- Public Open Space may require pathways to be constructed to facilitate access/use of the areas.

ADOPTION/COMMUTED SUMS:

- The acquisition of new public open space areas will engage the Council in increased revenue maintenance funding in future years.
- Any open space within a development intended/agreed for Adoption by the Council will require the developer to pay a Commuted Sum to cover the maintenance costs for 10 years.
- Whilst “left over” areas of amenity areas will not form part of the open space provision, they will be eligible for adoption and future maintenance under the Council’s separate scheme for adoption.

CALCULATING COMMUTED SUMS:

For improvement or provision of Public Open Space, the calculation of the commuted sum is based on actual costs of cutting and maintaining play areas over a 10-year period, together with any remedial works necessary before the adoption of the open space by the Council. The cost is based on year one prices multiplied by 10 and does not account for any element of inflation during that period. The commuted sum calculation also includes for the cost of maintenance of horticultural features, hedges, grassland areas, trees, fences, gates and footpaths in addition to play area costs.

Herefordshire Council – Parks and Countryside Service
TARIFF FOR CALCULATION OF COMMUTED SUMS 2006 – Section 106
Agreements

Grounds Maintenance figures to increase by 3% p.a.		
Fortnightly Grass Cut and Drop – April to September	£19.07 per 100 m ²	X 10 years
Weekly Grass Cut and Drop – April to September	£35.40 per 100 m ²	X 10 years
Bank Cut – May and September	£6.82 per 100 m ²	X 10 years
Hay Cut – August	£3.82 per 100 m ²	X 10 years
Trees, Whips	£0.68/No	X 10 years
Trees, Heavy Standard	£8.17/No	X 10 years
Trees planted less than 5 years	£2.74/No	X 10 years
Trees planted over 5 years	£1.38/No	X 10 years
Trees, Mature	£6.84 per tree	X 10 years
Trees, Heavy Standard – Supply and Replacement of dead tree (incl planting)	£81.64 per tree	
Formal Shrub Bed	£2.39 per m ²	X 10 years
Informal Shrub Beds	£0.69 per m ²	X 10 years
Flower Beds	£11.25 per m ²	X 10 years
Rose Beds	£4.78 per m ²	X 10 years
Hedges, including Laying once within 10 years	£2.81 per linear metre	X 10 years
Fencing, Metal	£0.32 per metre	X 10 years
Fencing, Wood	£1.11 per metre	X 10 years
Play Area figures to increase by 5% p.a. in line with average increases from Suppliers		
Play Area Maintenance Based per £5,000 (or part) combined value of play equipment, safety surfacing and fencing	£143.33	X 10 years
Play Area Inspections Weekly inspections plus annual independent inspection (3% increase)	£403.14 per site	X 10 years
Play Area Re-surfacing (Wet pour or Tiles)	£92.06 per m ²	Once
Play Area Loose Fill Annual Top Up	£14.33 per m ²	X 10 years

NB : In view of current legislation regarding Disabled Access to playgrounds loose fill safety surfacing will not be acceptable for any sites that the Council may adopt after the end of 2003

HEREFORDSHIRE COUNCIL PARKS AND COUNTRYSIDE AND LEISURE
DEVELOPMENT SERVICE
TARIFF FOR CALCULATION OF COMMUTED SUMS 2005

Grounds Maintenance figures to increase by 3% p.a.		
Fortnightly Grass Cut and Drop – April to September	£18.51 per 100 m ²	X 10 years
Weekly Grass Cut and Drop – April to September	£34.37 per 100 m ²	X 10 years
Bank Cut – May and September	£6.62 per 100 m ²	X 10 years
Hay Cut – August	£3.71 per 100 m ²	X 10 years
Trees, Whips	£0.66/No	X 10 years
Trees, Heavy Standard	£7.93/No	X 10 years
Trees planted less than 5 years	£2.66/No	X 10 years

Trees planted over 5 years	£1.34/No	X 10 years
Trees, Mature	£6.64 per tree	X 10 years
Trees, Heavy Standard—Supply and Replacement of dead tree (incl planting)	£79.26 per tree	
Formal Shrub Bed	£2.32 per m ²	X 10 years
Informal Shrub Beds	£0.67 per m ²	X 10 years
Flower Beds	£10.92 per m ²	X 10 years
Rose Beds	£4.64 per m ²	X 10 years
Hedges, including Laying once within 10 years	£2.73 per linear metre	X 10 years
Fencing, Metal	£0.31 per metre	X 10 years
Fencing, Wood	£1.08 per metre	X 10 years
Play Area figures to increase by 5% p.a. in line with average increases from Suppliers		
Play Area Maintenance Based per £5,000 (or part) combined value of play equipment, safety surfacing and fencing	£136.50	X 10 years
Play Area Inspections Weekly inspections plus annual independent inspection (3% increase)	£391.40 per site	X 10 years
Play Area Re-surfacing (Wet pour or Tiles)	£87.68 per m ²	Once
Play Area Loose Fill Annual Top Up	£13.65 per m ²	X 10 years

NB: In view of current legislation regarding Disabled Access to playgrounds loose fill safety surfacing will not be acceptable for any sites that the Council may adopt in the future.

Development Brief for Land at Shobdon, Herefordshire Supplementary Planning Document

Adoption Statement

In accordance with Regulation 19 of the Town & Country Planning (Local Development) (England) Regulations 2004 notice is given that on xxxxxx Herefordshire Council formally adopted its Land at Shobdon, Herefordshire, development brief as Supplementary Planning Guidance (SPD). The brief sets out the Council's vision for the redevelopment of the site and will be a material consideration in the assessment of planning applications affecting its development.

Copies of the SPD, Final Consultation Statement and all supporting documents are available for public inspection at the following places (please check for opening times):

Herefordshire Council
The Town Hall,
St Owen Street,
Hereford
HR1 2PJ

Leominster Library,
8 Buttercross,
Leominster,
HR6 8BN

Kington Library,
Bridge Street,
Kington,
HR5 3DJ

Herefordshire Council
Blueschool House,
Blueschool Street
Hereford
HR1 2ZB

Leominster Info Point,
11 Corn Square,
Leominster,
HR6 8YP

Kington Info Point,
Mill Street,
Kington

Copies of the document and the supporting documents can also be viewed on the Council's website (www.herefordshire.gov.uk). Copies of the document can be downloaded from the website or purchased from the Forward Planning Section, Hereford Town Hall Annexe.

Any person who feels aggrieved by the Council's decision to adopt the Land at Shobdon Development Brief SPD may make an application to the High Court for permission to apply for judicial review of the decision to adopt the Supplementary Planning Document.

Any such application to the High Court must be made promptly and in any event within three months of the date of adoption specified above.

Dr. D. Nicholson,
Forward Planning Manager,
PO BOX 144,
Hereford,
HR1 2YH
Tel: 01432 260133
Fax: 01432 260289

Final Statement of Consultation

Development Brief - Land adjacent to The Birches, Shobdon, Herefordshire

Supplementary Planning Document (SPD) – June 2006

Background

The Planning and Compulsory Purchase Act 2004 sets out the requirements of a Local Development Framework as part of the new planning system. This enables Supplementary Planning Documents (SPD) to be prepared to further planning policy. This SPD outlines in more detail, through a development brief, the planning requirements for the development of land adjacent to The Birches, Shobdon, Herefordshire.

Regulation 17 of the Town and Country Planning (Local Development)(England) Regulations 2004 relates to public participation and states that the Local Planning Authority should prepare a consultation statement when preparing planning policy. The requirement is for the consultation statement to set out the standards to be achieved by Herefordshire Council in involving the community in the preparation, alteration and continuing review of planning policy.

This statement shows how and when the community were involved in the preparation and adoption of the brief.

It sets out:

- consultation undertaken in preparing the draft
- public participation undertaken
- who was consulted
- the forms of consultation and where and how the consultation took place; and
- a summary of the main issues raised and how they have been addressed in the final SPD.

Consultation undertaken in preparing the Draft SPD

Extensive public consultation was carried out during the preparation of the Herefordshire Revised Deposit Unitary Development Plan (UDP), which highlighted the land adjacent to the Birches as a proposal site for residential development (Policy H5). Whilst there were objections to this proposal at the draft Plan stage, these were not considered to fundamentally affect the principle of developing this site for housing and open space.

Internal consultations between departments of the Council regarding affordable housing, open space and education provision, issues around environmental health, impact on biodiversity and nature conservation as well as impact on the highway network have taken place and were considered in preparation of the draft version

SPD. Sport England, the Environment Agency and English Heritage were also consulted in the preparation of the draft version and offered no objection in principle.

Public consultation undertaken

In order for Herefordshire Council to adopt the development brief as a supplementary planning document, it had to be subject to a formal six-week public consultation process that enabled all interested parties, including statutory organisations, private developers and the public, to make comments on the proposals.

The six-week formal consultation process on the draft development brief took place between **1st May 2006 and 15th June 2006.**

In addition, a public meeting was held at the school, on the 15th may 2006. The public meeting was held to outline the key objectives and proposals of the brief and received feedback and comments, along with answer questions. Approximately 50 members of the public attended the meeting, including the Parish Council and IWard Member.

Who was consulted?

The Council sought to provide opportunities to comment for everyone who lives in Shobdon parish. Immediate neighbours were notified directly by post, and the Parish Council delivered a information flyer indicating the drafting of the brief and detailing the public meeting to all houses in the parish.

In addition to the statutory consultees identified in relevant planning legislations and guidance, other key stakeholders, community groups and interest groups that have an interest in the school site were identified by the Council to ensure that the consultation was as inclusive as possible. All are identified in Appendix 1. A Public Notice was issued in the local Press and posters were supplied to the Parish Council to advertise the brief and the public meeting in the local area.

The public consultation process

The public were invited (through advertisement (see Appendix 2), press release and direct mailing) to comment on the draft brief by submitting written representations to the Council before the closure of the formal consultation period. Copies of the draft brief and the original consultation statement were made available for the public to view in key public buildings within Herefordshire. These locations were:

Herefordshire Council,
Town Hall,
Hereford
HR1 2PJ

8 Buttercross,
Leominster,
HR6 8BN

Herefordshire Council,
Blueschool House,
Blueschool Street
Hereford
HR1 2ZB

Leominster Info Point,
11 Corn Square,
Leominster,
HR6 8YP

Kington Library,
Bridge Street,
Kington,
HR5 3DJ

Kington Info Point,
Mill Street,
Kington

Leominster Library,

Key locations around Shobdon,
including the village hall, shop and
hairdressers.

Notice of the public meeting was made on the Council's website and all the documents referred to in consultation letters were also made available via the Internet on the Council's web site: www.herefordshire.gov.uk. Printed copies of the documents were also made available on request.

Herefordshire Council recorded all comments received, both written and verbal (at the public meeting) for consideration.

Main issues arising as a result of the consultation exercise and how the issues have been addressed in the SPD

Following the closure of the consultation period, all responses were summarised and recorded in a single document. A statement listing a summary of the representations received and how the issues have been addressed in the SPD is contained in the table below.

Comment received	How addressed in the SPD
The sustainability analysis does not address any external or internal sports facilities and this should be addressed.	New reference is made in the sustainability analysis.
Contributions should be sought for either external or internal sports facilities.	Reference is now made to this area and that planning contributions are expected for external or internal sports facilities.
Access from The Birches to the new development is unacceptable.	There is now no vehicular access to or from the new development from The Birches.
Pedestrian access between the Birches and the new development is unacceptable.	The Parish Council have expressed a desire for a link, and the allocation of this site in the UDP also aims to improve the cohesiveness of the village. Reference is made to this aim in the text.
Children's play area is unnecessary.	The initial findings of the PPG17 audit indicate inadequate levels and quality of provision in Shobdon and reference is made to this fact.
Retain mature trees opposite The Birches	These have been indicated on the constraints and opportunities diagram, and also in the text.
Do not want to be joined with a development consisting of affordable housing.	National guidance requires that developments be mixed so not to encourage ghettoisation and achieve mixed, balanced and cohesive communities. This is reflected in the text.
Regard to protecting the setting of the nearby Registered Park should be given.	This is now referenced in the text.
The site is located within Flood Zone 1 and a flood risk assessment is required.	New reference is made in the text.
More emphasis should be placed on sustainable water techniques.	This now referenced explicitly in the text, including reference to sustainable drainage systems and other techniques.
Want a hard standing area marked for various ball games and not an area of swings, slides, etc.	This is of a level of detail to specific to be included, but reference is made to the various options and approaches to the

	equipped aspect of the open space facility, and that the wishes of the local community should be taken into account.
Transportation recommends a set of wording detailing contributions and the areas of which such monies can be directed.	The wording is now incorporated within the text.
More robust wording considering access and links between The Birches, development site and the rest of the Birches.	A new set of wording has been added.
A new pedestrian and cycle route away from the main road, through The Birches and new development site to the shop and school should be incorporated	Possible linkages through the site have been identified on a constraints and opportunities diagram, along with a revised set of wording on this issue.
Encourage cycling to school/ shop through improving and upgrading current pedestrian routes around the site.	Incorporated in more robust detail in the text.
Opportunity for funding to achieve high ratings within affordable housing is available through grant schemes.	This is now mentioned in the relevant text.
Mention of available funding for affordable housing element to achieve a higher rating	This is now mentioned in the text.
A contaminated land risk assessment is required	This is now mentioned in the text also with what is required as part of the assessment.
The play area would be better located away from the main road	This is now been incorporated in the text and also on the site opportunities and constraints diagram.
Reference and regard to the nearby listed park should be made	This is now referenced in the text.
Concern raised over the capacity of the sewerage system	The text already makes reference to the requirement of the developers to undertake any required works.
Concerns about the developments impact on residential amenity of houses at the Birches	Amenity and impact upon existing residential amenity is already mentioned in the text. The constraints and opportunities diagram also identifies how this can be further mitigated through the siting of open space.
Concern about loss of countryside views from properties at The Birches	The issue of amenity is fully covered and protected in the text. There is however no 'right' to a pleasant view or aspect.
The boundary between the site and The Birches should be enhanced.	This is already mentioned in the txt and indicated on the constraints and opportunities diagram.

Appendix 1

List of Consultees

Organisation
Local Members for Pembridge and Lyonshall with Titley ward (Cllr. Roger Phillips)
Shobdon Parish Council
Herefordshire Health Authority
West Mercia Constabulary
Open Spaces Society
Campaign to Protect Rural England
Countryside Agency
Age Concern
English Nature
Environment Agency - Upper Severn Area
Sport England
Bill Wiggin – Member of Parliament
Government Office for the West Midlands
National Grid Plc
British Gas Transco
Welsh Water
National Power Plc
Nuclear Electric Plc
Community Council of Hereford and Worcester
Friends of the Earth (Herefordshire)
Herefordshire Nature Trust
British Telecom
English Heritage
Health and Safety Executive
Midland Red First
Transport 2000 (Hereford and Worcester)
Herefordshire Wildlife Trust
House Builders Federation (South West)
RSPB
Herefordshire Sports Council
Hereford and Worcester Fire Brigade
Herefordshire Cycle Forum
Hereford Diocese
Herefordshire Youth Consortium
Hereford & Worcester Ambulance Service
NPFA
Adjoining Occupiers/ Owners of all dwellings at The Birches and The Grove estates, Pearl Lake caravan park, Ceres, Little Orchard, Birch House, garage, The Paddock, Hillerton, and The Humbers

Appendix 2

Town and Country Planning (Local Development (England)) Regulations 2004

Supplementary Planning Document (SPD)

Draft Development Brief - Land adjacent to The Birches, Shobdon, Herefordshire

PUBLIC CONSULTATION EXERCISE – 1ST MAY 2006 TO 15TH JUNE 2006

Notice is hereby given that a 6-week public consultation exercise will be taking place from the **1st May 2006 to 15th June 2006** on the contents of a Draft Development Brief affecting **Land adjacent to The Birches, Shobdon, Herefordshire**. The draft brief outlines how the site could be redeveloped for **housing and new open space provision**.

The draft brief and associated consultation statement can be viewed on the Council's web-site at www.herefordshire.gov.uk or at the Town Hall, St Owen's Street or Blueschool House, Blueschool Street between the hours of 9a.m and 5p.m (Mon-Fri). Copies of both documents have also been placed at Hereford, Kington and Leominster Libraries and Council Info Points, which are open at varying times. Copies of the documents can also be obtained on request.

If you have any comments to make on the development brief, please can you make them in writing to Chris Botwright at the address below **before 5p.m on the 15th June 2006**. All comments received will be acknowledged and reported to a future Planning Committee, but please specify if you would like to be notified of the date of adoption of the brief.

Dave Nicholson
Forward Planning Manager

Planning Services,
Herefordshire Council,
PO BOX 144
Hereford,
HR1 2YH
Tel: 01432 260133
Fax: 01432 260289
Email: cmjbotwright@herefordshire.gov.uk

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

For: Homewood Developments Ltd, Wheelers Kiln, Bush Bank, Hereford, HR4 8ED

Date Received:
19th May 2006

Ward: Mortimer

Grid Ref:
40338, 74527

Expiry Date:
14th July 2006

Local Member: Councillor Mrs O Barnett

INTRODUCTION

This application was considered by the Northern Area Planning Sub-Committee at its meeting on the 12th July 2006 when Members resolved to refuse permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At its meeting on 12th July 2006 the Northern Area Planning Sub-Committee was recommended to approve this application. The recommendation took into account

- the planning policies for the area, including the Village Design Statement for Leintwardine,
- the planning history of the site which included a recent appeal decision where the Inspector dismissed an appeal for three dwellings on the site because the density was so low that it conflicted with current planning policy. In particular he took the view that the site was suitable for a density of development in accordance with PPG3 advice for previously developed land, and
- the fact that this is an application for reserved matters following a grant of outline planning permission for 6 houses in August 2005.

In the debate the members of the Area Sub-Committee gave significant weight to the objections of the Parish Council who take the view that this scheme would be an overdevelopment of the site and would not accord with the village design statement. Members considered that a terrace of six dwellings was not appropriate for this site which is slightly elevated above the main road through the village, and was formerly occupied by a single bungalow.

The planning history of the site is set out in the main report below and includes an outline permission for six houses. This site is within the Leintwardine settlement boundary but outside the Leintwardine Conservation Area. There are various examples of housing nearby at similar densities and in similar form. The proposal accords with national policy, in particular PPG3, and Herefordshire Council's own development plan policies. The village design statement is not so proscriptive as to demand a particular density or form of development on this site. As an application for the discharge of reserved matters the principle of development is not before the local planning authority to determine. The reasons

for refusal canvassed by Members seemed to be more concerned with the principle of development rather than the details which are the subject of this application. There is, therefore, a strong presumption in favour of approval and, in these circumstances, a refusal of permission would be extremely difficult to sustain at appeal.

The application proposals accord with current and emerging development plan policies, and the Area Sub-Committee was not able to put forward sustainable reasons for refusal of permission. Consequently, the application is referred to this meeting of the Planning Committee for further consideration. The original report to the Northern Area Planning Sub-Committee of 12th July 2006 is set out below.

1. Site Description and Proposal

- 1.1 The application site comprises a 0.198 hectare plot, located on the western side of the A4113 (High Street). An elevated site, the plot formally contained a detached bungalow behind a well-established screen of trees and shrubs. To the north and south of the application site are properties known as Needwood Rise and the Old Police Station House respectively, these have fenced and planted boundaries.
- 1.2 The rear boundary of the site benefits from mature landscaping, including coniferous trees and hedgerow along the boundary with Meadowbank to the west. Distinctive trees alongside the rear boundary include a copper beech, blue atlas cedar, rowan and a silver birch.
- 1.3 The site is within the settlement boundary of Leintwardine, outside of a designated Conservation Area. The prevailing character of the area is one of mixed residential development, including detached and terraced properties of single and two storey scale. The area is within a Landscape Protection Area.
- 1.4 The application is for Reserved Matters in respect of planning approval reference no. NW05/1542/O dated 26th August 2005 for demolition of existing dwelling, garage and outbuildings. Site for construction of a residential development of six dwellings.
- 1.5 The development proposal is for a terrace of six two-storey dwellings, each containing internally on the ground floor a lounge, kitchen and utility and three bedrooms and a bathroom on the first floor. Included within the development are three individual attached garages, one on either end of the terrace for the end properties and one in between two properties, thus the overall development scheme is one of a 'terrace development'.
- 1.6 An indicative 'view from High Street' has been provided as part of the application showing the visual relationship of the proposed development in relationship to the properties located on the northern and southern sides of the application site.

2. Policies

2.1 Government Guidance

PPS1 – Delivering Sustainable Development
PPG3 – Housing
PPS7 – Sustainable Development in Rural Areas
PPG13 – Transport
PPG15 – Planning and the Historic Environment

2.2 Leominster District Local Plan (Herefordshire)

A1 – Managing the District's Assets and Resources
A2(C) – Settlement Hierarchy
A9 – Safeguarding the Rural Landscape
A10 – Trees and Woodland
A18 – Listed Buildings and their Settings
A23 – Creating Identity and an Attractive Built Environment
A24 – Scale and Character of Development
A25 – Protection of Open Areas or Green Spaces
A54 – Protection of Residential Amenity
A55 – Design and Layout of Housing Development
A70 – Accommodating Traffic From Development

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
S2 – Development Requirements
S3 – Housing
S7 – Natural and Historic Heritage
DR1 – Design
DR2 – Land Use and Activity
DR3 – Movement
DR4 – Environment
H4 – Main Villages: Settlement Boundaries
H13 – Sustainable Residential Development
H14 – Re-Using Previously Development Land and Buildings
H15 – Density
H16 – Parking
LA5 – Protection of Trees, Woodland and Hedgerows
HBA4 – Setting of Listed Buildings

2.4 Supplementary Planning Guidance

Leintwardine Village Design Statement

3. Planning History

- 3.1 NW2005/1542/O - Demolition of existing dwelling and outbuildings and site for construction of residential development of six dwellings - Approved 26th August 2005.
- 3.2 NW2004/3350/F - Demolition of existing dwelling and outbuildings and construction of two five-bedroomed dwellings - Refused 5th January 2005.

- 3.3 NW2004/2056/F - Demolition of existing dwelling and outbuildings for construction of three four-bedroomed dwellings - Refused at Northern Area Planning Sub-Committee - 8th December 2004. Dismissed on appeal 30th March 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 Severn Trent Water - No objection subject to the inclusion of a condition with regards to disposal of surface water and foul sewage.

Internal Council Advice

- 4.2 The Transportation Manager - Raises no objections to the proposed development.
- 4.3 Conservation Manager - No objection raised.

5. Representations

- 5.1 Leintwardine Parish Council state in their response: "The Parish Council cannot accept the intended planning for the following reasons:"

1. It is in contradiction to the Village Design Statement which was wholly endorsed by Herefordshire Council Supplementary Planning Guidance.
 - a. It is not complementary with adjacent or opposing buildings.
 - b. It encroaches severely on adjacent properties destroying their quality of light and respect.
 - c. The pitch of the roofs is steep and with the structures being elevated from the road, it will add to its monolithic appearance.
 - d. It is planned as a terrace more suitable for an urban setting.
 2. It is too dense and potentially overcrowded with cars leading to likely social conflict.
 3. The access to the highway is direct and there is a blind spot. There is also no pavement. The number of cars and people would suggest the likelihood of accidents.
 4. The density of the housing could be disguised by designing them as flats in three separate units. This would create front and back spacing with access to garden views and reduction of the monolithic style. First floor flats are less likely to be occupied by families which would again help to reduce the density.
- 5.2 Letters of objection have been received from the following:
- H Campbell, All-Ardock, High Street, Leintwardine.
 - K A Farrell, Beau Vallon, High Street, Leintwardine.
 - Thain Hatherly, Roman Rise, High Street, Leintwardine.
 - Bridget Sudworth, Kinton Farm, Leintwardine.
 - Mrs M J Edwards, 5 Tipton's Lane, Leintwardine.
 - Mr & Mrs L G Knowles, Whispering Oaks, 6a High Street, Leintwardine.
 - Jerzy Josef Cebo, The Old Police House, High Street, Leintwardine.

Concerns raised can be summarised as follows:

- Concerns about south facing windows.
- Scale and character of overall development detrimental to the locality.
- Access to the site is dangerous off adjacent A4113 public highway.
- Insufficient public transport insufficient other than to Ludlow.
- No pavement outside the site.
- Proposal is conflict with the Village Design Statement.
- Poor overall design of the development.
- Proposal more appropriate to a urban scene.
- Concerns about existing vegetation on site.

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

6. Officers Appraisal

6.1 This is a 'Reserved Matters' application, which seeks approval for the development of six dwellings. This is the fourth application on this site and continues to generate significant numbers of objections.

6.2 An appeal decision on the site dismissed the development of three detached dwellings as an under development of the site contrary to guidance contained within PPG3 and Policy H15 of the Herefordshire Unitary Development Plan (Revised Deposit Draft). This application is in accordance with advice given in the appeal decision. The advice given in the appeal decision is a material consideration in respect of this application.

6.3 The key issues for consideration in the determination of this application are as follows:

- The density of the development.
- The effect of the proposal on the character and appearance of the surrounding built environment.
- Public highway and access issues.
- Amenity and privacy of surrounding dwellings.

The density of the development

6.4 This in principle has already been accepted and approved by Members of the Herefordshire Planning Committee by means of approval to the application reference no. NW2005/1542/O – Demolition of existing dwelling and outbuildings and site for construction of six dwellings – Approved 26th August 2005.

6.5 The proposal is in accordance with Government Guidance set out in PPG3 and Policy H15 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and the Inspector's Decision with regards to the appeal on the site.

The effect of the proposal on the character and appearance of the surrounding built environment

- 6.6 The site is not within a Conservation Area and an assessment of the site and its surroundings indicates a diverse mix of housing types and architectural styles and as such there is no predominant character of dwellings in the locality.
- 6.7 The plans submitted for planning determination indicate that the front building line of the proposed development will respect the existing building line established by the existing development to the north and south of the application site. The block plan indicates that the existing vegetative landscaping to the front, as well as the rear of the application site, will be retained with an access point to the public highway at the existing point, therefore minimal effect will be created to the existing south plantings on the frontal elevation adjoining the public highway.
- 6.8 Although the site is elevated and the proposal is for two-storey development, it is considered the proposed dwellings will not be overly prominent in the street scene. Furthermore the two-storey scale is one that exists in the locality and by reference of the proposed street scene, the development appears to be in keeping with the locality.
- 6.9 The proposal is for external construction of the development using brickwork for the external walls and tiles for the roof. It is proposed to use softwood for the external joinery.
- 6.10 External wall construction using brick is considered acceptable as the vast majority of surrounding properties are of brick construction with some external render construction. Tiles for the external roof construction is considered acceptable providing they are plain tiles. The amended plans received on 23rd June 2006 in support of the application indicate chimney pots and a slightly reduced ridge height, this is considered acceptable and an improvement on the previously submitted plans.
- 6.11 It is considered that the proposal is in accordance with the Leintwardine Village Design Statement in that the site is well screened by existing vegetation, to which it is proposed to be retained as part of the proposed development and the proposed development is in keeping with the surrounding built environment.

Public highway and access issues

- 6.12 The Traffic Manager raises no objection to the proposed development.
- 6.13 Public Highway issues have been an important factor in objections to the proposed development. This is an issue that the Planning Inspector in relationship to the appeal decision on the application site stated in his decision that there was no material considerations not to justify a scheme for six residential dwelling units on site.
- 6.14 In response to public concerns about lack of a pedestrian footway on the western side at the adjoining public highway and the fact that pedestrians will need to cross the public highway. Clearly the proposal will mean additional pedestrian activity and the need to cross the highway, however this is not so significant a threat to pedestrian safety on which grounds for refusal can be substantiated.

Amenity and privacy of surrounding dwellings

- 6.15 Inevitably the proposal will result in a more built up form of the site, than that of the previous development on site. However the proposal is of a form that overall is considered acceptable in accordance with the street scene, submitted as part of the applications, in that there will be a sufficient break between the built form on the application site and those of the adjoining properties on the northern and southern sides. The development is arranged as such that there will also be no significant overlooking onto the adjacent properties.
- 6.16 Concerns were raised about window proposals on both the northern and southern elevations, however these are windows for non-principal rooms. It is recommended to attach a condition, if Members are mindful to approve the application, that all windows on the northern and southern elevations of the proposed development are in opaque glazing and non-opening.
- 6.17 The Planning Inspectors report in relationship to the appeal decision for the site paid particular attention to the relationship of the application site and surrounding properties and the conclusion was that the privacy and amenity of surrounding properties could be adequately addressed through the imposition of appropriate conditions to any approval notice issued.
- 6.18 In consideration of the plans submitted for planning determination and the Inspectors report, officers are of the opinion that the proposal is in-line with the criteria of Policy A54 of the Leominster District Local Plan and other relevant planning policies on this issue.

Conclusion

- 6.19 The application has generated strong objections from the local Parish Council and members of the public. However in planning policy terms it is considered that the proposal is of a scale and character in-line with all relevant planning policies. The proposal is acceptable on public highway issues, enables the retention of all significant landscape plantings on site, with no grounds in planning terms to refuse on privacy and amenity issues.

RECOMMENDATION

That Reserved Matters be approved subject to the following conditions:

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

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

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

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

Informatives:

1 - N15 - Reason(s) for the Grant of PP

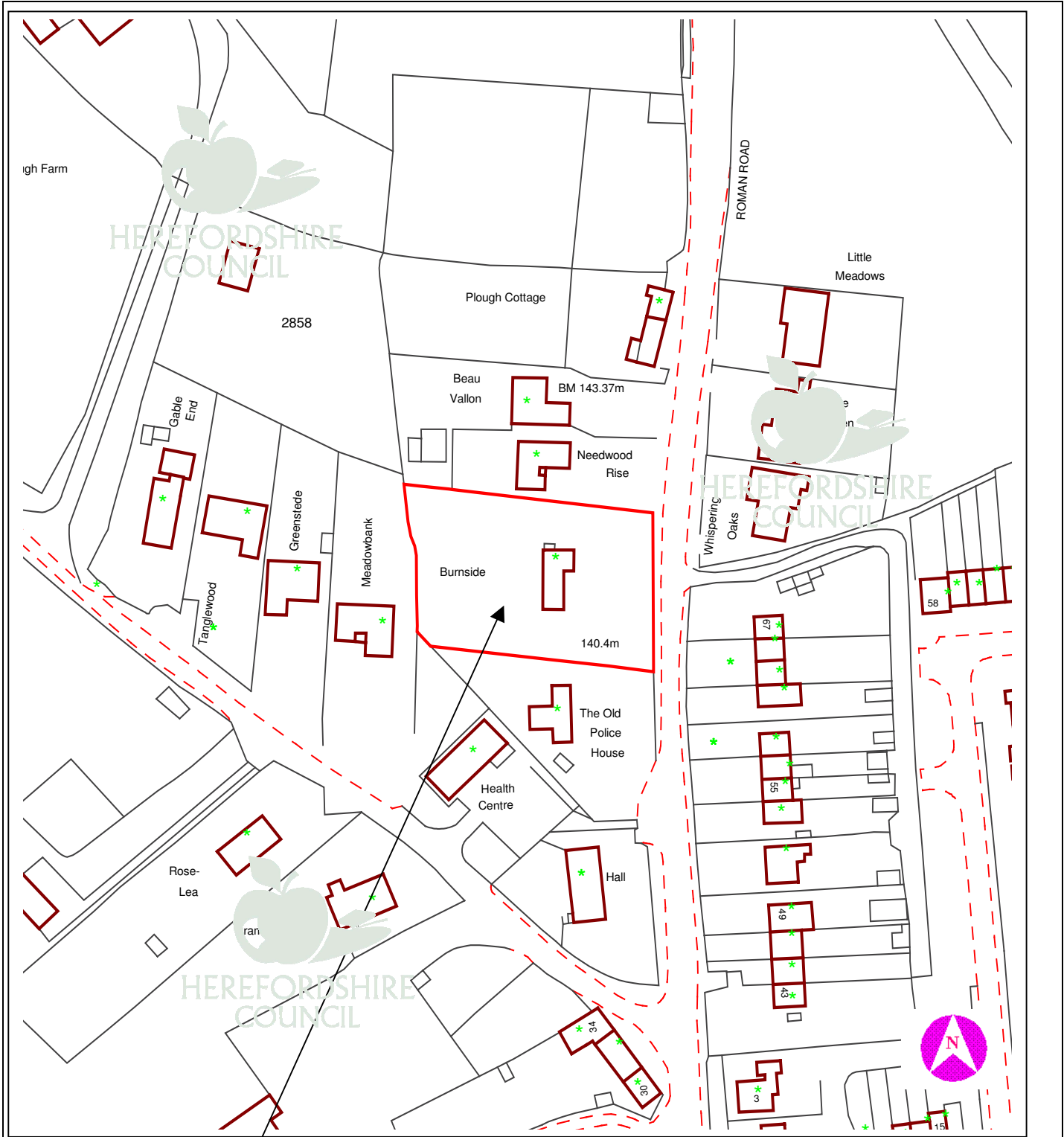
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2006/1523/RM

SCALE : 1 : 1250

SITE ADDRESS : Burnside, High Street, Leintwardine, Craven Arms, Worcestershire, SY7 0LQ

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Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

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

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

Date Received:

10th April 2006

Ward:

Leominster South

Grid Ref:

49498, 59035

Expiry Date:

5th June 2006

Local Members: Councillors RBA Burke & J Thomas

1. Site Description and Proposal

- 1.1 The application site covers an area of approximately 0.1225 ha (1225 m²), and is located to the rear of 40/42 West Street (currently occupied by the 'Powerhouse' retail shop). The site is located within the Conservation Area.
- 1.2 Presently on site is a flat roof office block of steel and brick external construction. The floor space of which is mostly unoccupied with the exception of the dental practice. This particular structure is considered unattractive, as is the rest of the application site in relationship to the surrounding Conservation Area.
- 1.3 The site is adjoined by other 'backland development' chiefly comprising residential and office accommodation. To the south of the site from which public highway access is obtained in West Street, this street is primary in retail use, forming part of the town's central shopping and commercial area. To the east of the application site is a public car park.
- 1.4 The application is for re-development of the site comprising of 10 two-storey dwellings, and 2 retail shops, with a residential flat above. It is proposed to arrange the development in two terrace blocks, one facing east alongside the eastern boundary of the application site consisting of 7 residential two-storey units, 2 retail shops and a flat above. The other terrace is located within the north western section of the site, facing south, and consisting of three residential two-storey units of similar individual design to the two-storey dwelling units in the main terrace.
- 1.5 The internal layout of the two-storey residential units consists of a lounge, kitchen and W.C. on the ground floor and two bedrooms and a bathroom on the first floor. The proposed flat above the two retail units is also of similar proportions.
- 1.6 It is proposed to landscape the remainder of the site, providing a parking space for delivery vehicles to the proposed retail shops and the existing retail unit adjacent to the southern side of the application site which is adjacent to West Street, and also in the applicants ownership. Vehicle access is also proposed alongside the western boundary of the application site towards the terrace positioned in the north western

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

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

2. Policies

2.1 Central Government Guidance

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

2.2 Leominster District Local Plan

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

2.3 Herefordshire Unitary Development Plan – Revised Deposit Draft

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

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

3. Planning History

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

4. Consultation Summary

Statutory Consultations

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

Internal Council Advice

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

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

5. Representations

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

6. Officers Appraisal

- 6.1 The key issues for consideration for this application are:-

- Principle of the development
- Land ownership
- Section 106 Agreement
- Surface and foul water disposal
- Archaeological survey

Principle of the development

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

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

Land Ownership

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

Section 106 Agreement

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

Surface and foul water disposal

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

Archaeological Survey

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

Conclusion

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

RECOMMENDATION

That planning permission be granted subject to:

- 1. The Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out heads of agreement) and any additional matters and terms as he considers appropriate.**
- 2. Upon completion of the afore mentioned planning obligation that the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:-**
 - 1 - A01 (Time limit for commencement (full permission))**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
 - 2 - A07 (Development in accordance with approved plans)**
Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.
 - 3 - B01 (Samples of external materials)**
Reason: To ensure that the materials harmonise with the surroundings.
 - 4 - F16 (Restriction of hours during construction)**
Reason: To protect the amenity of local residents.

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

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

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

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

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

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

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

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

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

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

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

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

- 11 - C05 (Details of external joinery finishes)

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

- 12 - C10 (Details of rooflights)

Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of the surrounding Conservation Area.

- 13 - C11 (Specification of guttering and downpipes)

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

- 14 - H21 (Wheel washing)

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

15 - H29 (Secure cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

16 - E16 (Removal of permitted development rights)

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

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

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

18 - No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

19 - No land drainage run-off will be permitted either directly or indirectly to discharge into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

20 - G04 (Landscaping scheme (general))

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

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

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

22 - D01 (Site investigation - archaeology)

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

23 - D04 (Submission of foundation design)

Reason: The development affects a site on which archaeologically significant remains survive. A design solution is sought to minimise archaeological disturbance through a sympathetic foundation design.

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

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

Notes

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

Informatives:

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

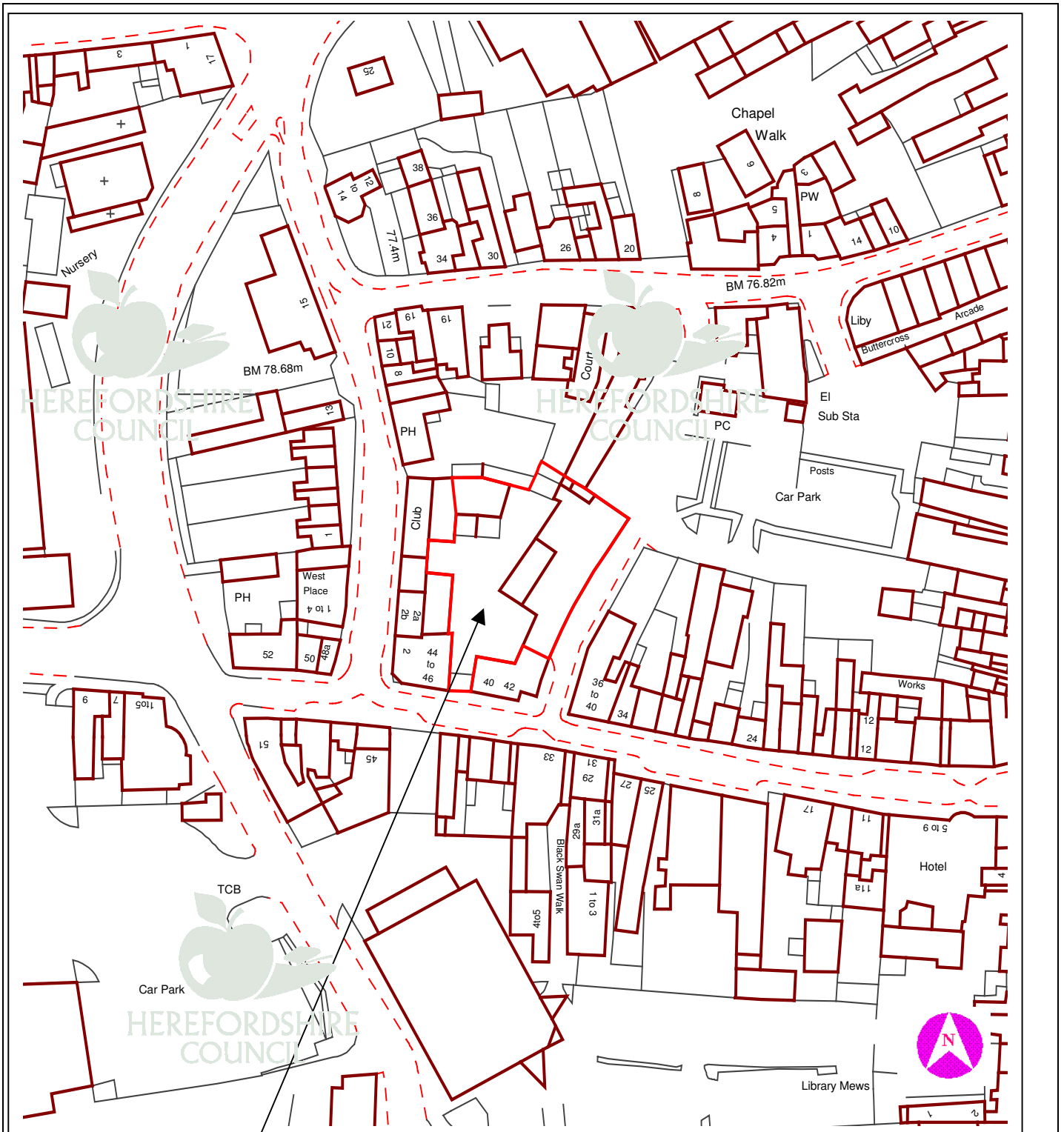
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/1129/F

SCALE : 1 : 1250

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

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

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

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

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

P. Mullineux, P. J. Yates 31st July 2006

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

**For: A W & J R Davies, RPS Planning, Park House,
Greyfriars Road, Cardiff, CF10 3AF**

Date Received: 31st May, 2006

Ward: Central

Grid Ref: 51439, 40162

Expiry Date: 26th July, 2006

Local Member: Councillor D. Fleet

1. Site Description and Proposal

- 1.1 The site is located on the north western side of Kyrle Street directly opposite the junction with St Guthlac Street. Nos. 15 and 17 Kyrle Street are semi-detached two-storey properties which occupy a central position fronting the road. These properties are presently being used as offices. Along the north western and south eastern boundaries are existing single storey buildings used as offices and storage in connection with the use of the remainder of the site for the sale of second hand vehicles. North east of the site is an existing privately run car park and south west is another pair of semi-detached properties which are occupied residentially. To the north are properties fronting Commercial Road including The Hop Pole and Wetherspoons Public Houses. The site lies outside but adjoining the Hereford City Conservation Area, Central Shopping and Commercial Area and also falls within the Area of Archaeological Importance as identified in the Unitary Development Plan.
- 1.2 Planning permission is sought for the demolition of all the existing buildings on site and change of use of the land to create a short stay car park for public use with a capacity for 59 vehicle spaces.

2. Policies

2.1 Hereford Local Plan:

ENV14	-	Design
CON12	-	Conservation areas
T7	-	Car parking – short stay

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
S6	-	Transport
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR14	-	Lighting
E5	-	Safeguarding employment land and buildings
HBA6	-	New development within conservation areas
T11	-	Parking provision

Planning Policy Guidance Note13 – Transport

Herefordshire Local Transport Plan 2

3. Planning History

- 3.1 CE2006/1844/F - Use of office as a taxi office for receiving phone calls and issuing of work by radio. Planning permission approved 20th July, 2006.
- 3.2 CE1999/3284/F - Continued use of office as base station for private hire taxi business. Approved 28th January, 2000.

4. Consultation Summary

Statutory Consultations

- 4.1 None received.

Internal Council Advice

- 4.2 Conservation Manager: No objection.
- 4.2 Head of Economic Development: No comments received.
- 4.3 Traffic Manager: There is presently a capacity problem within this part of the city and additional publicly available parking subject to the pricing structure being in line with the Council's car park charging will be of benefit. Therefore, on this occasion the proposal would be acceptable in terms of the strategic parking policy, the emphasis of which is on reducing uncontrolled private non-residential parking providing sufficient publicly available parking for the economic vitality of Hereford City.

5. Representations

- 5.1 Hereford City Council: No objection to the application.
- 5.2 Three letters of comment/support have been received including a letter from Hereford Hospital. The main points raised are:
 - The Trust has been concerned for some time that patients and staff have problems finding car parking spaces at peak times near the hospital. We have recently installed a Pay-on-Foot scheme on site which should help ease the problem but an alternative provision gives more choice.
 - We receive many complaints from customers and buyers about lack of parking in Hereford and this is having a detrimental effect on our businesses. This proposal would go some way to dealing with the problem.
 - Movements of cars associated with a public car park will be different to the current car sales use and therefore I would ask for appropriate boundary treatments, landscaping, lighting and bollards to protect existing boundaries to be considered.
- 5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The site adjoins, but lies outside of both the Hereford City Conservation Area and Central Shopping and Commercial Area and has no specific land use designation being classified as white land. The site may therefore be acceptable for a many different uses subject to normal planning considerations.
- 6.2 The existing uses of the site as offices and for the sale of cars clearly represent an employment use which policy E5 of the Unitary Development Plan seeks to protect. The existing tenant has been given the opportunity to renew their agreements for a further ten years but have declined. The current leases terminate on 31st December 2007. The applicant also advises that Nos. 15 and 17 Kyrle Street, which were formerly dwellings, are not ideally suited for commercial uses due to the internal arrangement and restricted access to first floor. On balance, the loss of the existing uses are not considered sufficient to warrant refusal of planning permission and therefore the principle of an alternative use of the site is considered acceptable.
- 6.3 It is unfortunate that numbers 15 and 17 Kyrle Street have to be demolished but it is not considered that they make such a contribution to the character of the area or the setting of the Conservation Area to warrant their retention as offices or for an alternative use. As such there is no objection to their demolition. The other single storey buildings to the rear of the site are more modern constructions and are of no merit and therefore again, their demolition can be supported.
- 6.4 The majority of the site is already taken up with the parking of cars for sale and therefore the impact on the character area would be largely the same. There will inevitably be additional vehicle movements to and from the site both day and night but given the location of the site in a semi-commercial area and subject to appropriate lighting and boundary treatments it is not considered that the amenity of the area would be adversely affected by the proposal.
- 6.5 The creation of a new car park will encourage the increased use of the private car leading to further pollution and congestion within the city centre, which is contrary to the principles of sustainable development. Planning Policy Guidance Note 13 states that the availability of car parking has a major influence on the means of transport people use for their journey. Some studies suggest that parking could be more significant than levels of public transport provision in determining means of travel (particularly for the journey to work) even for locations well served by public transport (Para 49, PPG13). The guidance goes on to state that authorities should generally refuse planning permission for car parks, which do not accord with PPG13, or the policies set out in the development plan or local transport plan. The Councils Local Transport Plan 2, however, identifies a quantified need for such provision within this part of the city.
- 6.6 Therefore, whilst the proposal does not support the principles of sustainable development there is a quantifiable need for a further appropriately managed and priced car park for public use in the locality and the relevant development plan policies and local transport plan do not preclude such a proposal in this particular location. On this basis the development is considered acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 A06 (Development in accordance with approved plans)

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

3 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

4 G01 (Details of boundary treatments)

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

5 G04 (Landscaping scheme (general))

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

6 G05 (Implementation of landscaping scheme (general))

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

7 H13 (Access, turning area and parking)

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

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

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

INFORMATIVE:

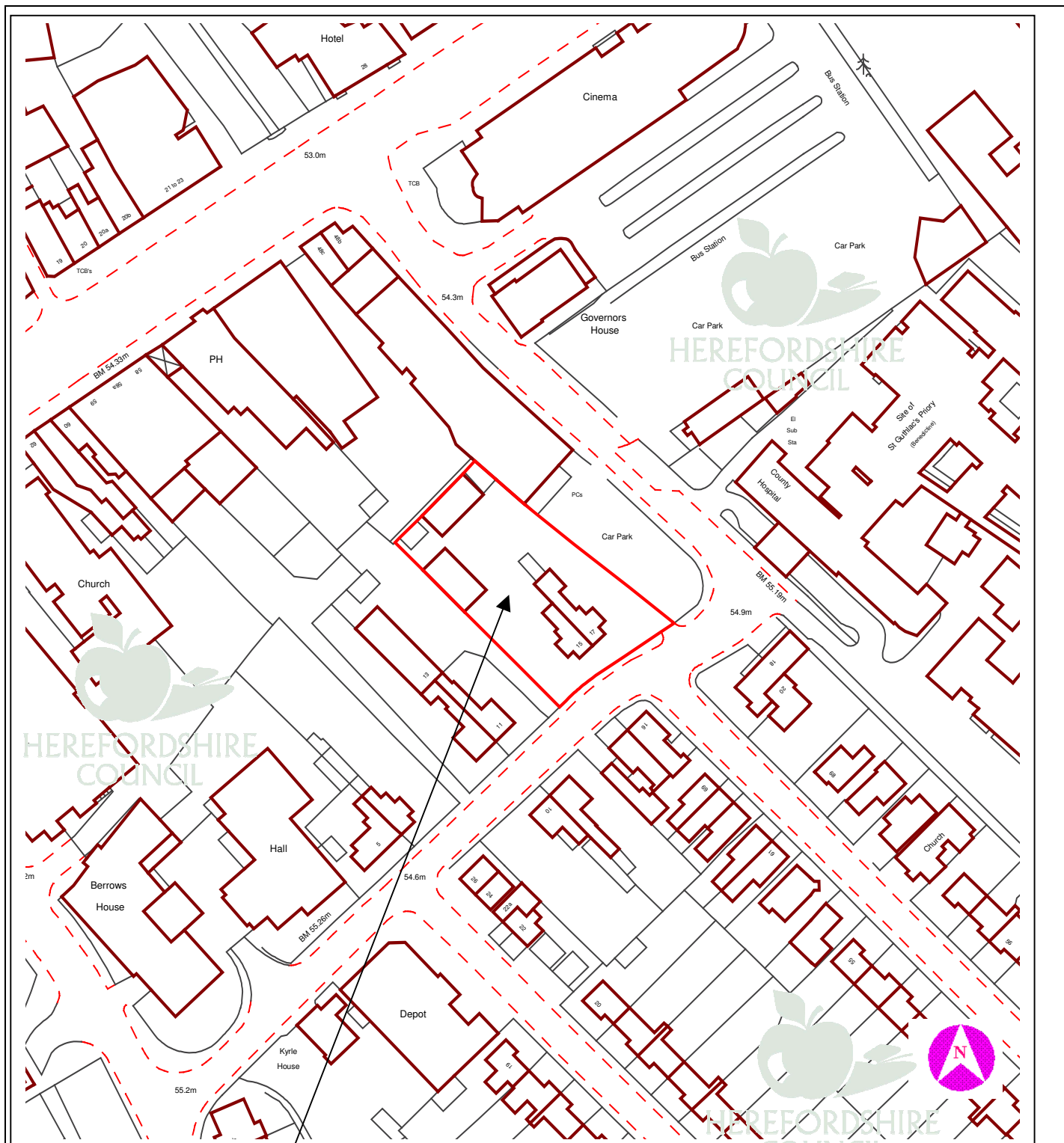
1 N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/1744/F

SCALE : 1 : 1250

SITE ADDRESS : The Car Centre, 15-17, Kyrle Street, Hereford, Herefordshire, HR1 2ET

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DCSW2006/1298/F - NEW NATURAL GAS PRESSURE REDUCTION INSTALLATION AND ASSOCIATED WORKS. (TIE-IN TO EXISTING PETERSTOW COMPRESSOR STATION AND NO. 2 FEEDER OUTSIDE THE COMPRESSOR STATION AND EXTENSION TO EXISTING SITE ACCESS ROAD), LAND ADJACENT TO PETERSTOW COMPRESSOR STATION, TREADDOW OFF THE A4137, HENTLAND, HEREFORDSHIRE, GRID. REF. SO: 545/240

For: National Grid per Mouchel Parkman Gel, Meridian House, Wheatfield Way, Hinckley, Leicestershire, LE10 1YG

Date Received: 4th May 2006

Ward: Llangarron & Pontrilas

Grid Ref: 54584, 23997

Expiry Date: 24th August 2006

Local Members: Councillor Mrs. J. A. Hyde
Councillor G. W. Davis

This application was considered by the Southern Area Planning Sub-Committee at its meeting on the 5th July 2006 when Members resolved to refuse permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At its meeting on 5th July 2006 the Southern Area Planning Sub-Committee was minded to refuse this application due to the adverse impact it would have on the wider landscape of the area and, in particular, the outlook from the nearest residential property at Little Peterstow Barn. Members expressed the view that an alternative site, known as "Site D" was available and the applicant should re-consider this option.

In the debate the members of the Area Sub-Committee took account of the importance of the scheme in the national interest and accepted that a site close to the existing compressor station was needed, however, having visited the site and looked at both principal options, they remained firmly of the view that the current proposal was unsatisfactory being an open field on rising ground where there would be a significant adverse impact on the landscape. By comparison they found that "Site D" was much more appropriate and, being in close proximity to the existing compressor station, should be technically achievable.

In assessing the application the following factors should be borne in mind:

1. The site as currently proposed is not in an AONB, AGLV or conservation area and its landscape impact therefore has to be considered on its own merits. It is, however, in the wider setting of listed buildings at Treaddow Farm (to the west of the site)

2. The site as currently proposed has the support of the Team Leader (Landscape and Biodiversity), the Team Leader (Building Conservation) Officer and the County Archaeologist, all of whom have been involved in negotiations with the applicants to minimise any adverse impacts on the setting of the nearest listed buildings, the landscape generally and the above and below ground heritage assets of the site.
3. The principal objectors, at Little Peterstow Barn, only have a direct view from the southern end of the garden; no principal living room windows face towards the site and views of the site from the raised decking immediately outside the lounge are obscured by trees along the southern boundary of the objectors' garden.

By comparison, the alternative "Site D" would bring the development closer to the setting of the listed buildings at Great Treadow and may give rise to new objections from the two residential properties which have direct views of Site D.

Notwithstanding the above comments a landscape based reason for refusal, as resolved by the Area Sub-Committee does have some merit (albeit, without the support of the expert advice of the officers noted above). The Sub-Committee's view is not one of opposition to the project but one of opposition to the specific site chosen.

Following the meeting the applicants advised that they would submit further details. These will be reported to the meeting.

In considering the merits of the application Members should bear in mind that the scheme is of national significance in terms of the security of energy supplies which are crucial to social and economic wellbeing of the UK. This is made clear in both the supporting information in the Environmental Statement which accompanied the application and in the Ministerial Written Statement of 16th May 2006 (appended to this report). Any refusal of permission should take this into account alongside the local landscape issues.

In view of the fact that the decision of the Sub-Committee to refuse this application raises a strategic issue the application is referred to this Committee for further consideration.

1. Site Description and Proposal

- 1.1 The site of the proposed installation is currently an open field with a standing crop due to be harvested in the current growing season. Immediately to the south is a double hedgerow which marks a historic parish boundary and has, in the past, been used as a route albeit not a public right of way shown on the definitive map. This double hedgerow is known locally as 'Hell's Ditch'. On the south side of this feature is the existing Peterstow Gas Compressor Station which is comprised of a secure compound containing several buildings, gas pipeline infrastructure and related plant. This existing site is surrounded by mature planting which is the dominant feature when the site is viewed from distance. Access is obtained by an un-metalled track from the A4137 south of Great Treadow.
- 1.2 Members visited the site on 20th June, 2006.
- 1.3 The proposal is to create a new 'Pressure Reduction Installation' on the north side of Hell's Ditch. The total site area will be around 1.9 hectares (4.5 acres) but much of this will be given over to a landscape belt around the installation itself. Within the landscaped perimeter there will be a secure compound containing five buildings and the pipeline infrastructure. In order to achieve a level site a degree of 'cut and fill' will be required because the site slopes downwards significantly from west to east.

1.4 The installation is required as part of the Brecon to Tirley (Gloucestershire) link for transporting natural gas from the port terminal at Milford Haven and feeding it into the National Grid. This overall project is of national importance.

1.5 The new long distance gas pipeline is permitted development, for town planning purposes, where it is underground. However, it is of such a scale that it is subject of its own Environmental Impact Assessment which will be submitted to the Secretary of State in the near future. Planning permission is required for the new Pressure Reduction Installation because the works are above ground. The planning application has also been the subject of its own Environmental Impact Statement which has assessed the proposal against the following headings:

- Cultural Heritage and Archaeology
- Ecology
- Water Resources
- Agriculture
- Landscape and Visual
- Noise and Vibration
- Traffic and Transportation
- Socio-Economic
- Air Quality
- Work Management

1.6 The Environmental Statement describes the detailed proposals in the following terms:

'The secure compound would be primarily surfaced with chipping with some areas of hardstanding and a concrete roadway running through the site. The buildings within the security fence would comprise:

- an instrument building
- two pipeline inspection gauge trap facility buildings
- a boiler house with vent stack, and
- a standby generator building

In addition, a number of above ground gas pipeworks would be located within the compound including:

- a meter area
- two boiler pressure reduction skids
- a heater area
- a filter area, and
- a regulator area

1.7 The non-technical summary of the Environmental Statement is attached as an appendix.

2. Policies

2.1 Planning Policy Statements

- | | | |
|---------------|---|--|
| PPS.1 | - | Delivering Sustainable Development |
| PPS.7 | - | Sustainable Development in Rural Areas |
| PPG.4 | - | Industrial and Commercial Development &
Small Firms |
| Circular 2/85 | - | Planning Control over Oil and Gas Operations |

2.2 Hereford and Worcester County Structure Plan

Policy CTC.6	-	Landscape Features
Policy CTC.9	-	Development Requirements
Policy A.1	-	Development on Agricultural Land
Policy E.6	-	Industrial Development in Rural Areas

2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy T.3	-	Highway Safety Requirements
Policy C.9	-	Landscape Features
Policy C.11	-	Protection of Best Agricultural Land
Policy C.16	-	Protection of Species
Policy C.48	-	Health and Safety

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Part 1

Policy S.1	-	Sustainable Development
Policy S.2	-	Development Requirements

Part 2

Policy DR.12	-	Hazardous Substances
Policy DR.13	-	Noise
Policy DR.14	-	Lighting
Policy CF.1	-	Utility Services and Facilities

3. Planning History

3.1	SH960993PF	Gas Compressor Station	-	Refused 13.11.96
	SH961054MZ	Proposed 132/11KV outdoor sub-station and associated overhead line supply	-	Objection 13.11.96
	SH1/96	Hazardous substances consent for a gas compressor station	-	Not determined
	SH970178PF	Gas Compressor Station	-	Withdrawn
	SH970179PF	Gas Compressor Station	-	Approved 02.05.97
	SH2/97	Hazardous substances consent for a gas compressor station	-	Approved 02.05.97

4. Consultation SummaryStatutory Consultations

- 4.1 The Environment Agency has no objections in principle but has suggested conditions to be attached to any approval.
- 4.2 English Nature have not commented.

- 4.3 The Countryside Agency have acknowledged receipt of the consultation but made no comment.
- 4.4 Department of Communities and Local Government has acknowledged receipt of the Environmental Statement but made no comments.

Internal Council Advice

- 4.5 The County Archaeologist is satisfied that the mitigation measures proposed are appropriate and has no objection subject to the imposition of an appropriate watching brief condition on any permission.
- 4.6 The Team Leader, Landscape and Bio-diversity, has been involved in negotiations with the developer over the precise siting of the development and its landscaping. She supports the view that the development will result in enhanced habitat opportunities through landscape mitigation works and that, along with the habitat which has been created around the existing site, the development will encourage a greater diversity of flora and fauna. She has requested adjustments to the details of the landscaping scheme which, at the time of drafting this report, are in preparation.
- 4.7 The Building Conservation Officer does not object and considers that the development will not detract significantly from the setting of the Grade II Listed buildings at Great Treadow.
- 4.8 The Transportation Manager does not object, subject to conditions on visibility splays and routing arrangements.
- 4.9 The Public Rights of Way Officer advises that there would be no effect on footpath HN.17.

5. Representations

- 5.1 Hentland Parish Council have no objection.
- 5.2 Peterstow Parish Council originally raised no objection. However, subsequently a letter has been received in which the view is expressed that the works will be visually very detrimental to the area and have a generally adverse effect on surrounding land and property, especially that of Little Peterstow Barn. It suggests that 'Site D' would be a more suitable option with far less visual impact. It also supports concerns relating to noise, air and light pollution made by Little Peterstow Barn.
- 5.3 Representations have been received from the Herefordshire branch of the Campaign to Protect Rural England:
- acknowledging the national importance of the development
 - expressing concern at the visual impact on 'this rolling countryside, which is very close to the Herefordshire part of the Wye Valley Area of Outstanding Natural Beauty'
 - recommending an increase in the landscaped 'bunds' around the site
 - questioning whether an alternative site nearby could be used instead
 - raising the issues of light and noise pollution.
- 5.4 Representations have been received from, and on behalf of, the following properties in the vicinity of the site:
- Minnett Farmhouse, Peterstow
Little Peterstow Farm

Little Peterstow Barn
Hendre Cottage, Glewstone
Little Peterstow Orchards

They raise the following concerns:

- an alternative siting to the south or to the west of the existing site would be less visually obtrusive and has not been fully considered
- the development would prevent the use of the historic right of way along Hell's Ditch
- expressing concern at the cumulative effect of a second installation
- concern about noise, fumes and light pollution
- the development involves the loss of grade 2 agricultural land
- there will be a severe adverse visual impact especially when viewed from Little Peterstow Barn
- it would be premature to approve this before approval has been given for the pipeline itself.

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

6. Officer's Appraisal

- 6.1 The development proposals which are the subject of this planning application are part of a wider strategic development of national importance, i.e. the connection from the port facilities at Milford Haven into the national grid for transporting natural gas. At some point along the route there has to be a connection with existing infrastructure and, as is made clear in the Environmental Statement, it needs to be somewhere along the length of the line east of the Brecon Beacons. The existing gas compressor station at Peterstow is the most practical point. The applicant has assessed some 13 alternative lines for the main pipeline and the one which passes through Peterstow is the result of exhaustive testing of alternatives. There can be no doubt that it is in the national interest to have this installation somewhere in the close vicinity of the existing Peterstow site.
- 6.2 The choice then becomes one of exactly where to place the new facility. It cannot, practically, be added on to the existing infrastructure within the existing compound and therefore requires its own separate compound. The Environmental Statement which accompanies the planning application canvasses five different options close to the existing site and demonstrates that the one now proposed is the one with the least impact on the wider landscape, including public views from the A4137 and the nearest dwellings, with one exception. The site is clearly visible from Little Peterstow Barn from a distance of around 260 metres and it will have an adverse impact on the outlook from that property.
- 6.3 The most appropriate development plan policy is the Herefordshire Unitary Development Plan Policy CF.1, Utilities and Infrastructure, to which the Inspector has recommended no change. It therefore carries significant weight. The policy is:

CF1 Utility services and infrastructure

Proposals for the development of new utility infrastructure or extensions to existing facilities or works designed to meet the needs of the community or the local economy or to improve the environment should not:

1. adversely affect the amenities of nearby residents or other sensitive uses; or
2. adversely affect the character and quality of the Malvern Hills or Wye Valley AONB or significantly impact upon the landscape character of other parts of the County.

Where necessary, proposals should include measures to mitigate any environmental impact.

6.4 One of the objectors has drawn attention to Regional Spatial Strategy Policy EN.1 but, as this is concerned primarily with renewable energy policy, it is not as directly relevant as UDP Policy CF.1.

6.5 In the above context the key potential adverse impacts of the development are likely to be:

impact on the wider landscape
impact on heritage assets
impact on bio-diversity
noise
light
visual impact on Little Peterstow Barn

Landscape

6.6 Considerable efforts have gone into minimising the impact of the proposed installation in the landscape. The total land take of two hectares is much larger than is required solely for the actual level area of compound itself. The total site includes a wide margin of landscaping along with a cut-and-fill layout to minimise impact of the site. However, because the land slopes down significantly to the east, at this end of the site it will sit up out of the landscape. An extensive perimeter planting layout has been negotiated and, assuming that the landscaping develops as well around this installation as it has around the existing installation, then within a few years public views will largely comprise of the perimeter planting rather than the installation itself.

6.7 There are significant constraints on all the other alternative sites examined, including those suggested by some of the objectors. The site currently proposed has the advantage of space around it for substantial planting which should ameliorate the adverse impact on the wider landscape.

6.8 In response to concerns about the impact on Little Peterstow Barn and the apparent availability of an alternative siting (identified as 'Site D') the applicant has submitted the following further information about site D.

"As part of the site selection process, Site D was considered but discounted for a number of environmental and engineering reasons.

Environment

The overall constraints map indicates the features in Site D. These include a locally important archaeological feature (a historic parish boundary) which runs across Site D to the corner of Peterstow Compressor Station and a field boundary with Site E, which is made up of a mature tree and hedgerow mix. Consequently, Site D would be too small to accommodate the proposed PRI without extensive loss of trees and hedgerow along field boundaries.

Drainage issues within Site D have also become apparent. Sites D, E and C naturally drain to the low-lying eastern corner of Site D. The high lying north and north-eastern areas of Site D also naturally drain into a wet area between Peterstow Compressor Station and the historic parish boundary, as witnessed in our recent site visit where significant surface water was evident on the site. These natural flows would require extensive diversions and it is doubtful if the Flood Risk Assessment would indicate the site acceptable.

Engineering

The overall constraints map also indicate engineering features, i.e. gas main feeders 2 and 23 extending east, west across the northern edge of Site D, these mains constrain the site making it too small to accommodate the proposed PRI.

Putting aside the environmental constraints, locating the PRI in Site D would require extensive engineering works. As the new 48" pipe approaches the site from the north-west, it would require pipework crossings of the gas main feeders in no less than 5 locations.

These include 2 nr. 48" dia. Crossings, 2 nr. 24" dia. Crossings for connection to feeder 2 and 1 nr. 24" dia. Crossing for connection to Peterstow Compressor Station. These works would generate significant additional excavations and associated earthworks, increasing the construction impact on the site.

In summary, considering the archaeological, environmental, potential drainage and engineering constraints, as well as the limitations in physical size of the site, D is considered unsuitable for the proposed PRI."

Heritage

- 6.9 The principal heritage assets are the setting of the listed buildings at Great Treaddow and the archaeology of the site. Both the Building Conservation Officer and the County Archaeologist find the proposals acceptable.
- 6.10 Hell's Ditch has been treated as a heritage asset not to be damaged in any way. An example of this is the pipework connections between the existing and proposed site will be bored underneath it rather than using a trench cut and fill. However, one objector has produced evidence that the former Hereford and Worcester County Council regarded it as a public right of way. The development proposals do not directly impact on it as a public (or private) right of way but future users will find themselves passing between two securely fenced compounds, one to each side, as they travel along the existing line of the route. The field access gate at the western end will be reinstated as part of the development but this does not of itself prevent its potential use as a right of way.

Bio-diversity

- 6.11 The Team Leader, Landscape and Bio-diversity has confirmed that the development will lead to an improvement in the bio-diversity of the site.

Noise

- 6.12 Apart from construction noise the new use is unlikely to create any noise nuisance to the nearest residential properties.

Light

- 6.13 The security lighting for the site will be as low key as possible. The lighting for the existing site is not visible from outside the site. It is only required in limited circumstances anyway and will not, typically, be evident outside the early evening hours in winter.

Visual Impact on Little Peterstow Barn

- 6.14 This is the key de-merit of the development as will have been seen from the site visit. Little Peterstow Barn is the only residential property with a direct line of sight to the site. It is approximately 260 metres away. The principal view affected is from the rear garden rather than the principal lounge windows in the house itself. The existing site is very well screened by Hell's Ditch such that the largest building on the site, which is over 8 metres high, can only just be seen. There is a realistic prospect that, when the landscaping around the existing site matures, a similar degree of screening will be achieved. In these circumstances the degree of impact on the view from this one residential property is not sufficient to demonstrate non-compliance with UDP Policy CF.1 or to outweigh the other material benefits of the development taking account of the mitigation measures set out in the Environmental Assessment and the degree of compliance with the other planning policies referred to in Section 2 above.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. B11 (Details of external finishes and cladding (industrial buildings))**

Reason: To secure properly planned development.

- 3. D01 (Site investigation - archaeology)**

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

- 4. F06 (Restriction on noise levels)**

Reason: To safeguard the amenity of the area.

5. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters.

6. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

7. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

8. Prior to the commencement of development a scheme for the treatment and disposal of condensate discharge from the boiler shall be submitted to and agreed in writing by the local planning authority.

Reason: To prevent pollution of the water environment.

9. All foul drainage shall be contained within a sealed and watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying.

Reason: To prevent pollution of the water environment.

10. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system including the use of Sustainable Urban Drainage Systems and pollution prevention techniques has been submitted to and approved in writing by the local planning authority. Surface water generated from the site shall be limited to the equivalent Greenfield run-off rate for the site (101/sec/ha). The scheme shall be implemented in accordance with the approved details.

Reason: To prevent pollution of the water environment and the increased risk of flooding.

11. F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

12. G01 (Details of boundary treatments)

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

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

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

14. G11 (Retention of hedgerows (where not covered by Hedgerow Regulations))

Reason: To ensure that the application site is properly landscaped in the interests of the visual amenity of the area.

15. G18 (Protection of trees)

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

16. H26 (Access location)

Reason: In the interests of highway safety.

17. Routing of vehicles during the construction phase shall be in accordance with the applicants' Environmental Statement, i.e. restricted to use of the 'A' and 'B' category road network.

Reason: In the interests of highway safety.

18. Traffic control and management (including temporary signs and traffic lights) shall be in accordance with the Traffic Management Plan submitted for the main pipeline project as set out in the Environmental Statement.

Reason: In the interests of highway safety.

19. H03 (Visibility splays)

Reason: In the interests of highway safety.

Informative(s):**1. HN01 - Mud on highway****2. HN05 - Works within the highway****3. HN22 - Works adjoining highway****4. Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice**

on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <http://www.environment-agency.gov.uk/business/444251/444731/ppg/>.

The applicant should also contact Jeremy Churchill to agree pollution prevention measures that may be required during construction and post construction phases.

- 5. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.
- 6. Your attention is drawn to Annex B10, of PPS.25, which states that ... 'In making an assessment of the impacts of climate change ... increases in rainfall intensities of up to 15% by 2110 may provide an appropriate precautionary response to the uncertainty about climate change impacts on rainfall intensities'.
- 7. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDS approach.

8. N15 - Reason(s) for the Grant of Planning Permission

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

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Introduction

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Murphy Pipelines Ltd has been appointed by National Grid to design and build a section of the proposed pipeline from Brecon to Treaddow to Tirley and its associated works.

This Environmental Statement is focussed upon the proposed Treaddow Pressure Reduction Installation (PRI) that would form one of the connections from the new Brecon to Tirley pipeline to the existing NTS. The function of the Treaddow PRI is to filter, meter and regulate the pressure of in-coming gas before relaying it into the existing NTS.

The proposed Treaddow PRI site is located in an agricultural field in the County of Herefordshire, approximately 500m east of the settlement of Treaddow and approximately 4km to the west of Ross-on-Wye. The existing Peterstow Compressor Station lies directly to the south of the proposed site. The site would be approximately 1.9 hectares in size and would be ringed by a security fence. It is anticipated that the site preparation for the development would begin in late summer/autumn 2006, subject to planning permission.

Site Selection

A connection to the existing NTS pipeline is required at Peterstow as this is the nearest practical point to the existing NTS pipeline network east of the Brecon Beacons National Park. A connection at this point is also required to provide greater security of supply in the event that the section of new or existing pipeline between Peterstow and Tirley needs to be closed for maintenance purposes.

Within the general vicinity of the existing Compressor Station at Peterstow, a number of locations were reviewed during design feasibility study having regard for environmental and engineering design considerations to identify the preferred site. Environmental considerations included avoidance of known environmental features and protected areas, possible visual impact, proximity to sensitive receptors, plus the ability to screen and landscape the site.

Archaeology and Cultural Heritage

An archaeological desk based assessment was undertaken to identify heritage features and the potential for archaeological finds within the locality of the proposed PRI.

The assessment identified the need to ensure that the setting of two listed buildings, Great Treaddow Farmhouse and Great Treaddow Farm, is not impacted by the proposed development.

The development site borders the Hentland and Harewood/Peterstow parish boundary on its south eastern perimeter which is of possible archaeological interest.

Mitigation strategies to avoid impacts to these archaeological features include the following main elements:

- design of the PRIs is being undertaken in conjunction with Landscape and Visual assessment work to ensure the design is in keeping with setting to avoid detrimental impact to the listed buildings;
- scale and colour of the installation would be carefully considered to avoid detrimental impacts;
- a geophysical survey of the whole site has been undertaken ahead of construction.
- an archaeology watching brief would be undertaken during construction to deal with any un-anticipated archaeological remains.
- where services must cross the parish boundary a cross section would be recorded and sampled.

Ecology

An ecological assessment was undertaken during January, February and April 2006. The report assessed the ecological value of the study area, with consideration for the possible presence of any rare or protected species or sensitive habitats.

No statutory protected sites are located within the study area although a Special Wildlife Site (designated by Herefordshire Wildlife Trust), Wilson Farm Ponds, is located approximately 1km east of the site. This is unlikely to be impacted by the works however.

The development would principally impact arable farmland and habitats of minimal ecological value. Construction of the access track would necessitate loss of a number of poorly conditioned crack willows and an isolated section of hedgerow.

Biodiversity is anticipated to be improved through landscaping and planting with native species typical of the local area, including berry bearing species that may benefit wintering birds as a food source, and through the construction of a reed bed habitat.

Surveys have been carried out to confirm the presence / likely absence of Great Crested Newts in ponds within 500m of the development site. Newts have been found in a pond to the west of PRI site, and a standard capture and exclusion programme will be implemented to minimise impacts to this species. These works will be completed under a licence issued by Defra. Mitigation will include the provision of suitable terrestrial and breeding habitat for this species

No habitats suitable for commuting, foraging or roosting bats are likely to be impacted by the scheme. However, a bat survey would be carried out prior to construction works to make an assessment of activity on site. The landscaping and planting proposals include provision for reinforcing existing hedgerows which should serve to improve their potential value as commuting routes.

Bird surveys have been undertaken to identify species likely to be breeding on site. Additional surveys will be undertaken to check for possible presence of ground nesting birds ahead of construction. Deterrent measures (e.g. use of bird scaring tape) will be implemented to deter ground nesting birds, notably sky lark.

Water discharges would be subject to Environment Agency (EA) control to ensure no detrimental impact to water quality in Luke Brook and other watercourses, including the Wilson Farm Ponds Special Wildlife Site.

The landscaping planting would include native species which would offer increased food and shelter for local species. It is considered likely that biodiversity would increase and overall the project is anticipated to result in a net slightly beneficial impact to ecology and biodiversity.

Water Resources

The proposed Treadow PRI is located within the catchment of the River Wye, which runs approximately 3km to the southeast. Luke Brook, a tributary of the River Wye runs past the east of the site in a south easterly direction. The site is underlain by a minor aquifer, as classified by the EA.

A series of best practice construction measures would be implemented by Murphy Pipelines Ltd to protect surface water runoff and prevent secondary impacts on adjacent water bodies and groundwater. These would include provisions to control storage and handling of fuel oils and chemicals, and measures to control erosion and wash out of silty waters and any effluents, for example. These are standard Murphy Pipeline Ltd environmental management procedures and will be implemented under the supervision of the Murphy Pipeline Ltd management team which includes a dedicated project Environmental Advisor.

Discharge consents would be agreed by the EA to control discharge of condensate from the proposed low pollution boiler as well as storm drainage. The whole site would be drained via an interceptor to prevent release of substances into surrounding water courses in the unlikely event of a leakage or spill.

This combination of effective mitigation measures would ensure that any impact of the development on surrounding water quality would be of minor significance.

The interception of the drainage system would have no more than a very minor impact on groundwater recharge and basal river flow.

Agriculture

The proposed Treadow PRI is located within an arable field classified as Grade 2 under the national Agricultural Land Classification system. Soil of either Grade 1 or 2 extends all around the proposed site and consequently the loss of this good quality Grade 2 field is unavoidable. Topsoil removed during the construction process would be utilised for landscaping purposes.

The field is currently designated under the Environmental Stewardship scheme and thus the development would result in a small reduction of land within the designated area.

Structural damage and soil compaction from construction activities would be minimised by best practice construction methods in accordance with standard Murphy Pipelines Ltd environmental management procedures. Temporary access routes would be covered with suitable material to protect the soil.

An overall adverse impact of minor significance to the local soils and agriculture is anticipated.

Landscape and Visual

The proposed development is in a rural location, characterised by a rolling landform comprising a series of low ridges and fields. Small hamlets and isolated farmsteads scatter the landscape with the existing Peterstow Compressor Station present to the south of the proposed site. The presence of electricity pylons traversing the study area detracts slightly from the overall character.

The loss of short stretches of existing established hedgerow adjacent to the proposed development site and the loss of an agricultural field would result in a minor loss of landscape features characteristic of the immediate area.

The landscape and visual assessment has regard for various sensitive receptors including surrounding residential properties, public rights of ways and highways. These receptors would be provided with a degree of visual screening from both existing, vegetation and proposed mitigation planting which would improve as it matures over time. Nevertheless elevated structures associated with the PRI (e.g. boiler stack) would

remain evident as new feature in the landscape. Earthworks, mounding and planting would impact on the existing rolling landform.

Mitigation would be provided in the form of low mounding and a robust planting framework, utilising species appropriate to the locality. During construction and in the first years of opening, the impacts are considered to be slight to moderately adverse. By year 10 the impacts are likely to be reduced to neutral to slightly adverse. The boiler house stack, which would rise above the vegetation screen, and associated water vapour plume would remain visible.

Noise and Vibration

Construction noise will be managed through standard best practice construction controls in accordance with the standard Murphy Pipeline Ltd environmental management procedures. These will include the specification of low noise generators, for example.

Controls over construction working hours would be agreed with the Herefordshire Council Environmental Health Officer (EHO). Any necessary out of hours work would be agreed in advance with the EHO.

The EHO would be advised in advance of any unusual noise generating events, for example during commissioning. Residents would also be advised of such events by letter drop and provided with telephone contact details for responsible Murphy Pipelines Ltd staff. Murphy Pipelines Ltd are committed to a transparent working relationship with the EHO and local residents to minimise any potential nuisance.

Noise in the operational phase would be mitigated through design and the specification of noise limits for plant to ensure that noise would not cause nuisance to residents of adjacent dwellings. The assessment is based on night time conditions as these are the most sensitive.

Overall a slight adverse impact can be expected as a result of disturbance from traffic and plant during the construction period and from running of plant during operations.

Traffic and Transportation

The generation of heavy vehicular traffic and movement of staff would have a slight adverse impact upon the local road system during the construction phase of the project. This would be managed through implementation of a Project Traffic Management Plan agreed with local highways authorities and police to control the routing and timing of traffic movements and provide for reinstatement of any road damage.

The operational activities associated with the PRI would generate minimal traffic given the low volumes of personnel attending the normally unmanned facility. The overall impact to traffic and transportation is considered to be neutral.

Socio-Economic

The scheme provides strategic national benefits in terms of improved security of gas supply.

The development of the Treadow PRI is not predicted to result in any significant change to the local economy in the long term. There would be some benefits to local trade during the construction period.

Tourists visiting the surrounding Peterstow area would not be significantly affected by the proposed development. The existing and proposed sites are well screened in the surrounding landscape.

Overall the residual socio-economic impact to the local area is considered to be neutral.

Air Quality

Best practice construction measures would be implemented to minimise generation of dust and prevent nuisance. These would include measures such as sheeting of bulk transport lorries and stockpile dampening, for example.

Traffic movements would be controlled in accordance with the Project Traffic Management Plan. Residual impacts of traffic on air quality would be localised and of slight adverse significance.

There is unlikely to be any significant impact on local air quality associated with traffic movements during the operation phase of the proposed development.

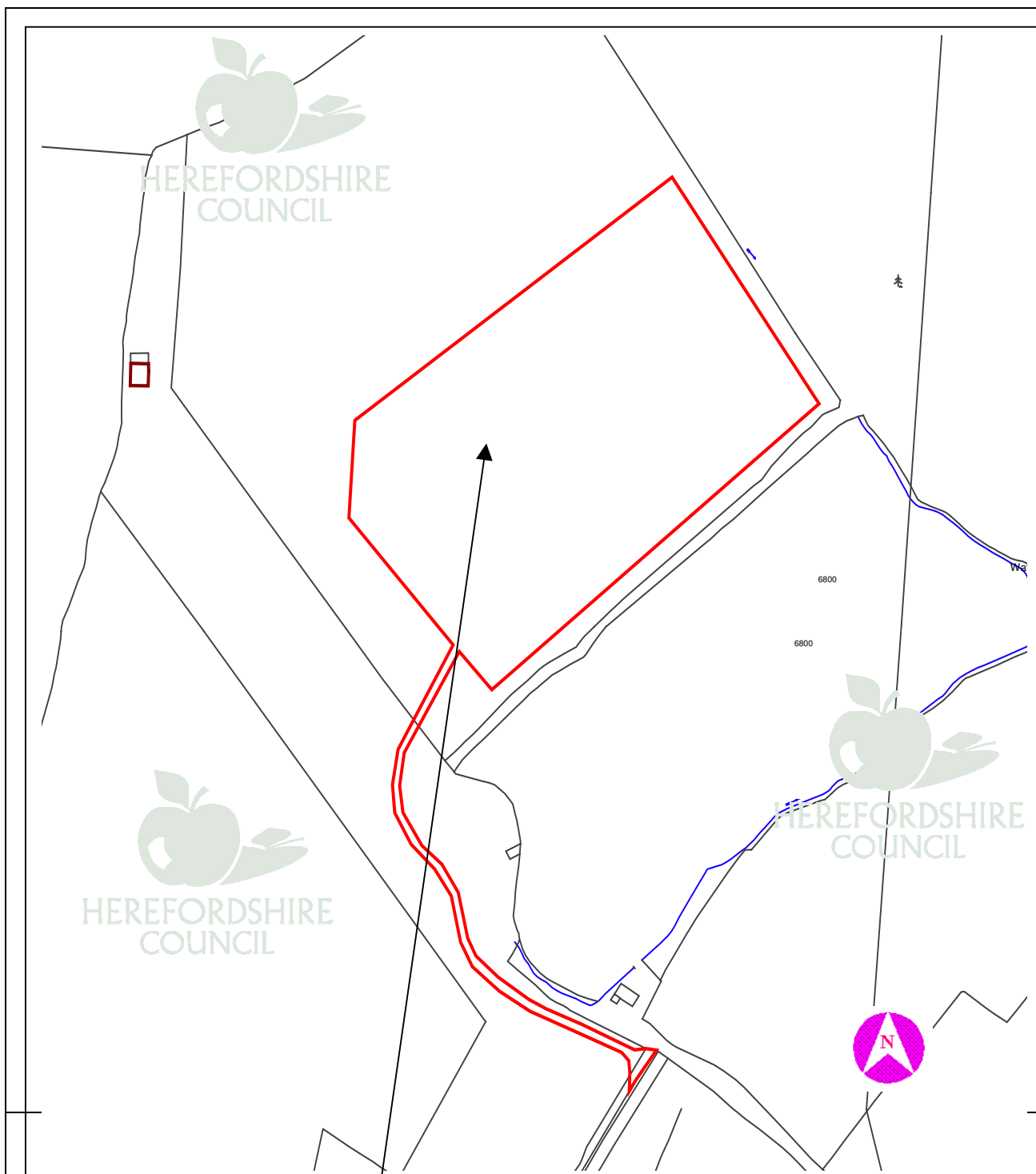
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The construction and operation of the Treadow PRI would generate small quantities of waste. Waste materials would be recycled where possible or disposed of off site using appropriate licensed waste management contractors. Options for eliminating, reducing, recycling and responsibly disposing of the wastes would be subject to regular review by both Murphy Pipelines Ltd and National Grid subject to the requirements of their respective ISO 14001 certified Environmental Management Systems.



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APPLICATION NO. DCSW2006/1298/F

SCALE: 1:2500

SITE ADDRESS : Land adjacent to Peterstow Compressor Station, Treaddow off the A4137 Hentland, Herefordshire, Grid. Ref. SO: 545/240

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Ministerial Written Statement

16 May 2006

Secretary of State for Trade and Industry

ENERGY STATEMENT OF NEED FOR ADDITIONAL GAS SUPPLY INFRASTRUCTURE

I am making a statement today to the House on the interaction of existing Government policy and planning procedures with regard to the need for additional gas supply infrastructure.

This statement reiterates previous public commitments¹ made by this Government on the importance of gas supply infrastructure and will help clarify the Government policy context for planning and consent decisions on gas supply infrastructure projects.

The UK economy faces a major challenge; our indigenous gas supplies are in decline and we are moving towards increasing import dependence on gas. To manage this change, new gas supply infrastructure is needed to increase Great Britain's capacity to import, store and transport gas efficiently. A regulatory environment that enables the development of timely and appropriately sited infrastructure projects is therefore vital.

The need for increased gas supply infrastructure, and a regulatory environment to allow such infrastructure to be delivered to the market in a timely fashion, was set out by the Government in the Energy White Paper of 2003²: 'Our Energy Future – creating a low carbon economy'. It identified four challenges, one of which was securing the reliability of energy supplies. This remains integral to an energy policy that meets the needs and expectations of all energy consumers. It is being considered as part of the DTI's Energy Review³ in the context of the measures that are required to develop the GB market framework for delivering reliable energy supplies. It is clear that any weakness in infrastructure could push up gas prices, or result in interruptions to supply, with harmful consequences for both UK markets and UK consumers.

The decline in our indigenous supplies has serious implications for our gas import infrastructure, storage and domestic transportation needs. The Government welcomes all solutions which could help address this need, and favours no particular route. The market is responding to this challenge, with actual and planned investment in gas import infrastructure, storage and related transportation of some £10 billion over 2005-2010. The projects have the potential to make a real difference to our gas supply infrastructure; by 2010, our storage capacity could more than double and our import infrastructure is planned to more than triple.

¹ Cf Annex A

² Energy White Paper, February 2003, Cm.5761, Section 6.51

³ Energy Review consultation document, 'Our Energy Challenge', DTI, January 2006

Ultimately, as my Hon. Friend the Minister for Energy noted⁴ to the House last year, failure to help facilitate such infrastructure will, immediately or over time, create difficulties in balancing supply and demand, reducing the reliability of our energy supply arrangements, with potentially disastrous consequences for the local, regional and national communities and economies.

To meet this challenge we require a regulatory environment that enables the development of timely and appropriately sited new gas supply infrastructure projects. The current consents regime is only now starting to deal with a new tranche of gas supply infrastructure projects; we must consider how avoidable delays can be prevented in the future to ensure that these projects, and those that follow them, can commission on time if approved. This means a planning consent regime that offers more clarity for developers about processes and timescales, thereby contributing to a lower overall level of risk for developers.

Our focus must therefore be on reducing the regulatory barriers to maximising gas supply, a view shared by the Trade and Industry Committee⁵, and in line with this Government's focus on better regulation. We are looking to achieve this through a number of measures, as set out by my Rt. Hon. Friend the then Secretary of State for Trade and Industry in a Parliamentary debate⁶ on security of supply earlier this year. The measures will cover:

- legislation⁷ (when Parliamentary time permits) to establish an offshore regime to enable innovative projects to go forward—gas storage in salt caverns offshore, and Liquefied Natural Gas (LNG) import projects with offshore unloading;
- a review of the onshore consents regimes, aiming towards simplification and streamlining of procedures, in co-ordination with the Energy Review, and with the Barker Review of Land Use Planning into the planning and land use system; and
- measures to improve public understanding of the need for additional gas supply infrastructure projects, including onshore projects, and to promote best practice among project sponsors when applying for regulatory consents.

This statement forms an integral part of the third action, and my department is actively progressing the other measures.

This Government believes that allowing the free operation of a competitive GB market, within an appropriate regulatory framework overseen by an independent regulator, is the most efficient way to ensure security of gas supply. Government policy establishes broad objectives, which are supported by light touch regulation. The private sector then takes commercial decisions to develop the infrastructure that can maintain and improve the reliability of

⁴ Written Ministerial Statement, Renewable Energy Statement of Need for Transmission System Upgrades, 21 July 2005

⁵ Trade and Industry Committee First Report on Security of Supply, 13 December 2005

⁶ House of Commons, 12 January 2006, Hansard cols: 486-534

⁷ Consultation currently being carried out as part of the DEFRA Marine Bill: paras 9.76-9.79 <http://www.defra.gov.uk/environment/water/marine/uk/policy/marine-bill/index.htm>

energy supplies. This Government warmly welcomes the potential diversity of solutions that the market is seeking to deliver. Both onshore and offshore, large and small solutions are required to meet our needs.

The storage of gas onshore and offshore is only possible in certain geological structures, which are present in a limited number of locations in Great Britain. Such salt formations must have a certain minimum thickness in order to store gas.

Gas is now also stored in some depleted oil and gas fields⁸. Only one field is currently in operation but there are several others at different stages of development. These provide "ready made" storage structures with seals that have proven to be secure for millions of years. The nature of these structures is well known from the data collected during their development. An additional benefit is that storage in oil-bearing reservoirs can increase the amount of oil ultimately extracted from them. However, the reservoir characteristics needed for storage can be different from those needed to develop the field and not all onshore fields will be suitable for gas storage. Local planning officers should take this into consideration when making or preparing advice on planning consents.

The DTI recognises the importance of local democracy in the decision making process, and the significant contribution that local involvement makes to the quality of decision making. The views of all stakeholders must be taken into account. But if we are to maintain a rigorous planning system, it must also enable decisions to be taken in reasonable time. A balance must be struck between meeting the concerns of local authorities and those they represent, and the national need for infrastructure that will provide us with secure energy supplies.⁹

As my Hon. Friend the Minister for Energy set out to the House last year¹⁰, the provision of energy infrastructure is part of a delivery system that provides an essential national service. Business and homes in the UK require a reliable supply of energy free from disruption and interruption. New energy infrastructure projects may not always appear to convey any particular local benefit, but they provide crucial national benefits, which all localities share. In particular, projects add to the reliability of national energy supply, from which every user of the system benefits.

Against the background of the clear national need for new gas storage infrastructure, it is important that developers, where they are not already doing

⁸ In some countries, aquifers are also used to store gas. Again specific geological conditions are required for such storage. There is some current commercial interest in such projects in the UK

⁹ DCLG Planning Policy Statement 1 recommends planning authorities should "recognise the wider sub-regional, regional or national benefits of economic development and consider these alongside any adverse local impacts".

¹⁰ Written Ministerial Statement, Renewable Energy Statement of Need for Transmission System Upgrades, 21 July 2005

so, start an early dialogue with planning authorities to ensure that appropriate policies are included in Regional Spatial Strategies and Local Development Frameworks. Where developments need to come forward ahead of changes to local planning policy, it will be vital for developers to begin an early dialogue with local planning authorities, and the community more generally, about their proposals. It will be important to ensure that the environmental impacts of their proposals are better understood, and that the national need for these developments is fully taken into account by local planning authorities when making their decisions regarding planning consents.

In summary, we need timely and appropriately sited gas supply infrastructure to be delivered by the market, because:

- Great Britain is becoming increasingly dependent on gas imports, and requires new gas supply infrastructure to help ensure security of supply;
- new projects enable extra supply and storage options if they proceed without avoidable delays;
- there are limited locations currently suitable for much needed gas storage projects;
- onshore storage is needed to enable slow-moving gas to be available close to market when consumers require it;
- new energy infrastructure projects provide national benefits, shared by all localities.

I am today placing in the Libraries of the House a fuller note, including annexes, setting out Government policy, to help clarify the context for planning and consent decisions on gas supply infrastructure.

DTI
May 2006

06/1221

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

For: Muddy Boots Software Ltd. per Paul Dunham Associates, 19 Townsend, Soham, Cambridgeshire CB7 5DD

Date Received: 4th May 2006

Ward: Old Gore

Grid Ref: 62502, 27031

Expiry Date: 29th June 2006

Local Member: Councillor J W Edwards

This application was considered by the Southern Area Planning Sub-Committee at its meeting on the 5th July 2006 when Members resolved to grant permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At its meeting on 5th July 2006 the Southern Area Planning Sub-Committee was recommended to refuse this application for the following reason:

1. The proposed offices would be prominently sited in open countryside and by adding to the existing group of commercial and agricultural buildings would harm the rural character of the area. The proposal would conflict therefore with Policies C.1, ED.6, GD.1 and T.1A of the South Herefordshire District Local Plan, and Policies E.11 and LA.2 and Strategy S1 of the Revised Deposit Draft of Herefordshire Unitary Development Plan.

In the debate the Members of the Area Sub-Committee gave significant weight to the representations of the Economic Development Officer and the Cabinet Member with responsibility for Rural Regeneration, both of whom made representations in favour of the application on the grounds of the economic benefits of allowing this local company to expand adjacent to its existing site, notwithstanding the fact that the site is in open countryside and the proposed new building would be erected on what is currently an open field. The Committee noted the concerns of the Parish Council over highways and open countryside issues, and heard that the Traffic Manager did not object. In the light of the value of the company to local employment, this type of "High Tech" industry which is to be encouraged, and the modest impact the development would have on the open countryside, they resolved (unanimously) to grant planning permission, delegating any conditions to the Head of Planning Services.

The relevant development plan policies are listed in the recommended reason for refusal. It should be noted that, in particular, the development does not benefit from any of the exceptions to open countryside restrictions in UDP policy E.11 in that:

1. the development is not for the essential operation of agriculture, forestry or the winning of minerals,
2. it is no longer a farm diversification project in accordance with E.12, and

3. it is not for the re-use of an existing building.

Neither does the development benefit from policy E.6 concerning the expansion of existing businesses because it would not be contained within the existing site but would require extension of the built form out over an open field, albeit adjacent to the existing site. Indeed, the development would not benefit from any of the employment policies in the UDP and would also conflict with landscape policy LA.2 and Strategy S.1 of the UDP. The site is not sustainably located being outside Ross and, although there are bus services between Ross and Ledbury on the A449, there is no evidence to suggest that employees would travel by any means other than by private car. Finally it is relevant that business itself has no operational need to be located in the countryside. The client base is national and international and depends largely on electronic communications. Whilst the Inspector for the UDP has recommended changes to some of these policies none of those changes detracts from the points of policy principle relevant to this case. Consequently the proposal represents the development of a new building in open countryside with no convincing operational need for it to be so located.

Whilst the desire of Members to support this application in the light of the significant benefits it may bring to the local economy is fully understood, in the opinion of your officers the case for support advanced by Members is not sufficient to outweigh the substantive policy concerns arising from this proposal. Consequently, because the decision of the Sub-Committee to approve this application raises crucial policy issues, the application is referred to this meeting of the Planning Committee for further consideration. The original report to the Southern Area Planning Sub-Committee of 5th July 2006 is set out below.

1. Site Description and Proposal

- 1.1. The application site is immediately to the south of the modern workshop, warehouse and offices (Technicrop) on the unclassified road linking the A449 (Ross - Ledbury road) and Phocle Green. The original building in the existing complex was granted planning permission in 1991 to distribute agrichemicals to farmers in Herefordshire and adjoining counties. Planning permission has been granted for a number of major new buildings and extensions. The business diversified into soil testing (Cotswold Analytical Laboratories) and developing software (Muddy Boots) for the farming industry. Although Technicrop has been sold the land has been retained by the founders of that company who now rent part of their former premises as offices for Muddy Boots. These offices are now inadequate both in terms of space and layout with the growth in demand for Muddy Boots' products. It is proposed therefore to erect a new single-storey office building on this 0.2 ha. site.
- 1.2 The application is for outline permission with only means of access to be determined at this stage. The access to Technicrop would be used with a short link off the existing access drive leading to a car park for 29 cars. The office floorspace would be about 550m².
- 1.3 An earlier planning application (SE2005/3509/F) on land to the north of Technicrop and including full details of the building was refused permission in December 2005 for the following reason:

“The proposed offices would be prominently sited in open countryside and by adding to the existing group of commercial and agricultural buildings would harm the rural character of the area. The proposal would conflict therefore with Policies C.1, ED.6, GD.1 and T.1A of South Herefordshire District Local Plan, and Policy E.11 and Strategy S.2 of Revised Deposit Draft of Herefordshire Unitary Development Plan.”

2. Policies

2.1 Department of the Environment

PPS1	-	Delivering Sustainable Development
PPG4	-	Industrial and Commercial Development and Small Firms
PPS7	-	Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

Policy E6	-	Development in Rural Areas outside the Green Belt
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2.3 South Herefordshire District Local Plan

Policy C1	-	Development Within Open Countryside
Policy ED3	-	Employment Proposals within/adjacent to Settlements
Policy ED5	-	Expansion of Existing Businesses
Policy ED6	-	Employment in the Countryside
GD1	-	General Development Criteria
Policy T1A	-	Environmental Sustainability and Transport

2.4 Herefordshire Unitary Development Plan (Deposit Draft)

Policy E6	-	Industrial Development in Rural Areas
Policy E7	-	Other Employment Proposals in Hereford and the Market Towns
Policy E8	-	Design Standards for Employment Sites
Policy E11	-	Employment in the Countryside
Policy E15	-	Protection of Greenfield Land
Policy S1	-	Sustainable Development

3. Planning History

3.1 No previous applications relating to this site.

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager comments:

The site is on the U70005 (unclassified road) which links with the A449 Ledbury road to the north, and with the B4221 at Phocle Green to the south. The longer unclassified section of road to the south is narrow (2.60m to 3 metres wide) and winding in places. Boundary hedges are close to the carriageway with no highway verges forward visibility is limited. There appears little or no opportunity for improvements to the route to the south without involving third party land. The shorter section to the north however, is relatively straight and level with good forward visibility and with unsurfaced passing places towards the A449 junction. Although wider than the southern section

(3.30m typically) it is still narrow and there is evidence of verge overrunning/edge deterioration in places. There is scope to provide improvements/passing bays within grass verges or land indicated as being within the applicant's ownership.

It could be possible that the restrictive southern section of the U70005 discourages use by vehicles from the site, the preferred route being northwards to the A449.

The applicant's agent indicates that a maximum of 90 daily vehicle trips (to/from site) consisting of cars and motorcycles and the occasional light goods vehicle will be generated by proposed development when in operation. This indicates an increase in traffic of 25% approx. over the existing enterprise.

While agreeing that it is possible that the proposal is not considered sustainable given its location and remoteness from facilities (there would possibly be reliance on motor vehicles contrary to policies and government advice), this is an existing business and it would be difficult to recommend refusal based on the anticipated increase indicated. I would recommend that any permission contains conditions to improve /upgrade existing passing bays and provide an additional passing bay on the U70005 to the north of the application site, the exact location(s) to be agreed. It is also recommended that a condition for a 'travel plan' be included.

4.3 Economic Development Manager's comments are, in summary, as follows:

The Economic Regeneration Team, in principle, supports this application based upon a number of economic benefits at both a local and regional level underpinned by national policies and strategies that mitigate many of the weaknesses in the local economy and key market failures. This business demonstrates a high degree of local and regional strategic fit.

The Economic Regeneration Team strongly supports this application for the following reasons:

1. Proposed increase of 42% in employees over the next 2 years. Average company staff earnings of £538.50 (Herefordshire £355.20). This represents desirable growth in creation of quality jobs.
2. Highly successful rural industry diversification.
3. The company will vastly improve competitiveness through expansion allowing it to take on more personnel.
4. The company employs most staff locally except for programmers who are highly specialised. Offers an attractive career.
5. Encouragement growth of technology/knowledge-based sector companies in line with local and regional strategies. The company offers high growth in key economic sector for the county – vital for future economic vitality.
6. The success of such companies in the county acts as a catalyst in creating a niche cluster and will offer an attractive rural alternative for urban/peri-urban companies looking to relocate thus encouraging inward investment.

Weaknesses in the Local Economy include:

- Lack of 'quality' employment
- Outflow of school leavers
- Low average earnings
- Fewer business start-ups than adjoining Counties
- Limited private sector services and knowledge-based industries

The challenge is to create high-quality employment – not just increase the number of jobs.

The application also supports a number of local and regional economic strategies including Herefordshire Economic Development Strategy and is in line with the Government's policy to see thriving economies in all rural areas which provide good quality employment opportunities and exploit the versatility, entrepreneurial tradition, and, increasingly, local green business potential. A better trained rural workforce. Small rural businesses exploiting ICT and marketing their goods and services well outside their local region.

(Rural White Paper 2000)

In summation, the Economic Regeneration Team would like to state that it supports this application as it would benefit the economy for both the HR9 area and indeed the county as it addresses several key economic weaknesses identified in local and regional strategies. With the Council looking to encourage an increase in ICT and knowledge-based investment, increased rural economic diversification, a reduction in outflow of young people and an increase in high quality jobs, this application addresses these needs.

5. Representations

5.1 The applicant has submitted a planning statement and summary. The latter is as follows:

“Overview

Muddy Boots Software is a successful example of a rural farming based business, diversifying its operations within the food industry to become an economically sustainable business within the local community.

Muddy Boots is experiencing rapid growth in demand for its products and services fuelled by the continual consumer concerns on food safety and its origins.

Recent successes with organisations such as Marks and Spencer, Tesco, Unilever and the Compass Food Service Group has put Muddy Boots at the forefront of the industry, with these influential references and with the global nature of food sourcing Muddy Boots overseas growth is poised to accelerate.

The business has some significant challenges if it is to capitalise on its unique position, however it is already facing current short term business challenges:

- Constraint on physical accommodation
- Competitive demand for skilled ICT personnel

The Case:

- New build provides an opportunity to design and develop facilities that meet the current requirements of the business, such as open plan office accommodation that improves inter-departmental communication, one the key requirements in developing a team based philosophy amongst IT individuals who are naturally introspective.

- Meets the business philosophy to provide staff and visiting customers with an unrivalled work environment, that other organisations struggle to compete with. The development of Work/Life Balance facilities, Washroom, Changing and Exercise facilities have significant appeal to the high percentage of current and future staff that would cycle to and exercise at work if the opportunity were provided. An important contribution to Muddy Boots environmental sustainability policy criteria.
- Maintains the interdependency the businesses on site have with one another, including IT infrastructure, IT services, shared administration resources and management. Without this symbiotic relationship some businesses may not be viable.
- Basic site services such as drainage and surface water provision, power and other services can comfortably accommodate further development. Significant investment in site communication services and IT infrastructure mean that these costs would not incur.
- New build would improve the current site congestion and segregate the current diverse business activities that compromise current Health and Safety guidelines.”

In addition the applicant's Agent has supplied details of projected traffic generation.

5.2 Parish Council's comments are as follows:

"This is a green field office development. It it was a house (or even a conservatory) it would never be allowed. There must be alternative existing empty offices in Ross or the surrounding area. Access - the road to Muddy Boots is a single track lane with a small number of passing spaces. It has blind corners and it is not capable of sustaining additional traffic. There have been several near accidents and one lorry went into a ditch its driver did not see. Muddy Boots develops agricultural software but it is not an agricultural business and therefore does not need to be located surrounded by fields. If permission is given the Herefordshire Council must do something about the access - either have a 106 agreement with Muddy Boots to put a new road from the A449 to the site (they own the land), or put some kind of traffic calming/road narrowing features at the Phocle end of the road to discourage traffic from using it as a rat run. No entry signs for HGV's are also required at the Phocle end. The felling of trees for the new site is also totally unacceptable."

In addition the following has been submitted:

"Do not feel planning should be granted for the reasons stated on last paragraph of supporting documentation – 'Improve current site congestion and segregate the current diverse business activities that compromise current Health and Safety guidelines". The Parish Council is still very opposed to this application."

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

6. Officer's Appraisal

- 6.1 PPS7 includes a list of objectives for rural areas and key principles to guide development. Sustainable economic growth and diversification is one objective but this must be considered alongside the objective of respect for the intrinsic qualities of the countryside and continued protection of the open countryside for the benefit of all (p.3). More specifically it is a key principle that development should be allowed within existing

towns and villages where it benefits the local economy but new building in the open countryside away from existing settlements should be strictly controlled. The Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

- 6.2 These aims are reflected in the Development Plan and the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft). The policies regarding development in the open countryside are broadly similar in the two documents. However the latter are more up to date and have been supported by the Inspector following a public inquiry and can be given significant weight. The proposed development is considered therefore against policies listed in paragraph 2.4 above. Policy E6 states that "the extension or expansion of existing businesses will be permitted providing that the proposal can be satisfactorily accommodated within the existing site or that suitable land for the purpose is otherwise available." In this case the new offices would not be within the existing site and there are reservations regarding the suitability of the proposed site. Furthermore this is a general policy and the explanatory paragraph (6.5.1) points out that it is important that expansion does not lead to loss of countryside. I consider therefore that the proposal does not fall within the scope of this policy and the more specific policy (E11) dealing with employment in the open countryside is the relevant policy in determining this application.
- 6.3 Policy E11 only allows employment generating uses which can be housed in existing rural buildings or are necessary to meet the needs of agriculture, forestry and mineral working or arise from farm diversification. The current proposal does not fall within these categories and would therefore be contrary to the Council's policies.
- 6.4 The applicant's planning statement (see paragraph 5.2 above) addresses the reasons why permission should be granted. The key issue is whether these are so compelling that an exception should be made to the Council's policies. It is accepted that there could be significant benefit to the business from building new offices on adjoining land. The necessary IT infrastructure is available and problems of retaining staff would not arise. The developer considers that a rural location is advantageous to the business particularly with regard to recruiting skilled personnel in competition with other businesses. It is anticipated that the number of jobs would rise from 15 in 2005 to 30 in 2007. There are also links to the existing businesses of Technicrop that would be maintained. The applicant points out that alternative sites at Ross on Wye (or (say) a converted barn or agricultural building would not meet the requirements of the business. The alternative would be a move to the Hereford or the Gloucester/Cheltenham area which would have disadvantages for locally based staff and sever the strong rural identity which is held by the company to be "a significant benefit that many of our high profile customers associate with our company, one of the key elements we believe, that has been at the heart of our business success."
- 6.5 Nevertheless this is not a business that needs to be in a rural location. It is an international business serving national and multi-national companies rather than being tied to a local area for its trade. The benefits of IT and modern communications allow a rural location, with all its undoubted advantages, but do not require it. The proposal would be clearly visible from public viewpoints. It would be less prominent than the earlier proposal but nevertheless a new office building would harm the area's rural character. The site is not on a regular bus route and not all staff and visitors will wish to cycle or walk to work. The development would therefore be contrary to the Council's policies to encourage sustainable development that does not detract from the

attractiveness of the countryside. The case advanced by the applicant does not outweigh this harm.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1 The proposed offices would be prominently sited in open countryside and by adding to the existing group of commercial and agricultural buildings would harm the rural character of the area. The proposal would conflict therefore with Policies C.1, ED.6, GD.1 and T.1A of South Herefordshire District Local Plan, and Policy E.11 and LA2 and Strategy S1 of Revised Deposit Draft of Herefordshire Unitary Development Plan.**

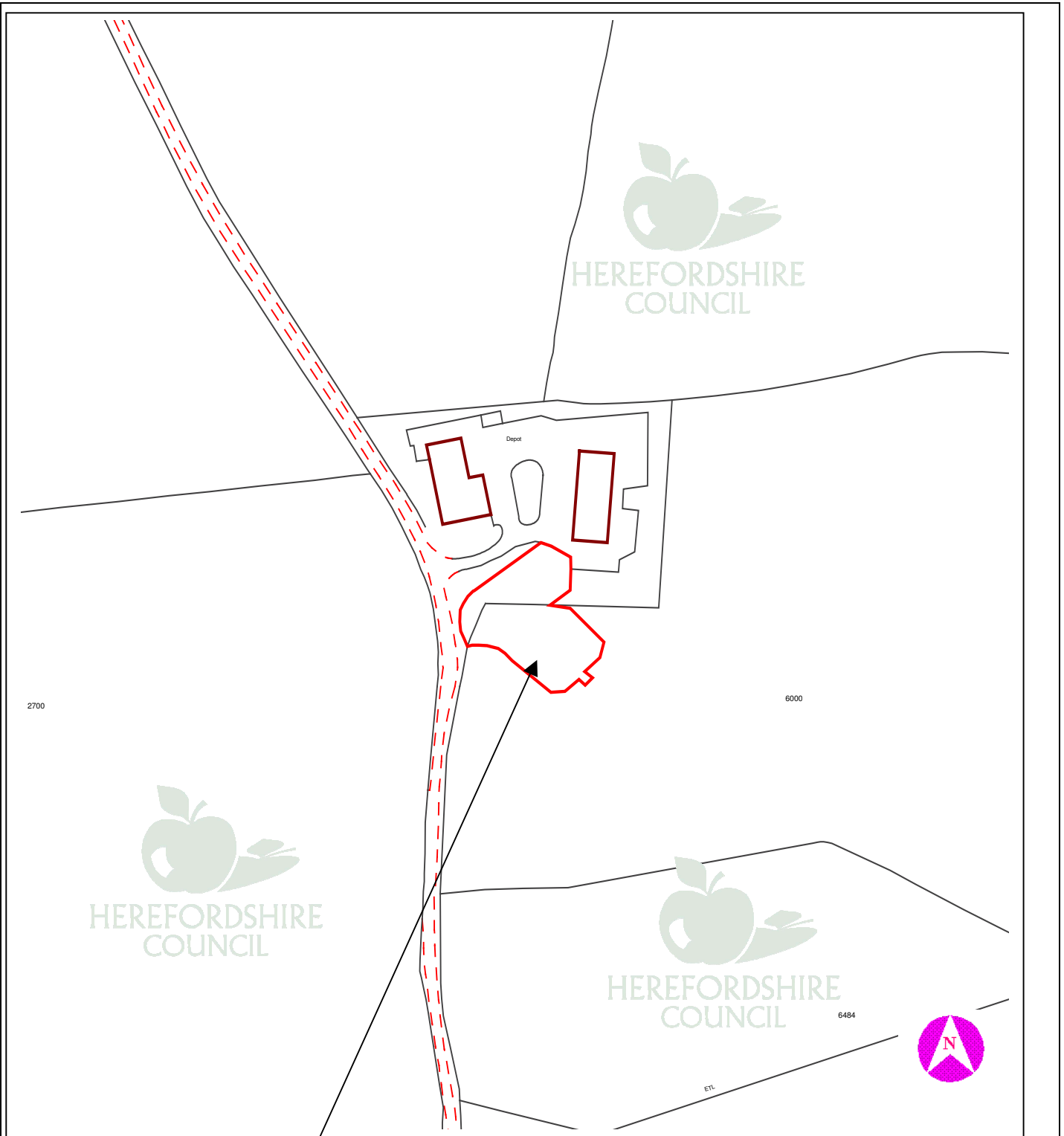
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2006/1358/O

SCALE : 1 : 2500

SITE ADDRESS : Muddy Boots Software Ltd, Phocle Green, Ross-on-Wye, Herefordshire, HR9 7XU

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

For: Herefordshire Council per Herefordshire Council Property Services, Franklin House, 4 Commercial Road, Hereford HR1 2BB

Date Received: 27th July 2006

Ward: Kerne Bridge

Grid Ref: 59282, 20911

Expiry Date: 21st September 2006

Local Member: Councillor J Jarvis

1. Site Description and Proposal

- 1.1 Walford School is on the east side of the main village road through Coughton. The large playing field is to the south of the school. It is proposed to form an overflow car park at the southern end of the playing field using an existing field access. A plastic membrane (Netlan Netpare 25) would be used to help prevent the grass wearing away. There would be space for 24 cars to park on either side of a central access aisle which would occupy an area of about 30m x 16m.
- 1.2 To the south of the site is a small group of houses with further housing on the opposite side of the road. To the east of the school is open countryside. The school car park is immediately to the south of the school buildings.
- 1.3 The current application is a revision of an earlier proposal (SE2006/1240/F) with the existing entrance gates widened to provide a more suitable vehicular access. Objections to that proposal were received from Sport England. The current application provides more information about the existing level of playfield provision at the school. In the event that Sport England objects to the current application the application would have to be referred to the Secretary of State if the Committee is minded to grant permission. This is reflected in the recommendation.

2. Policies

2.1 Planning Policy Guidance

PPG17 - Planning for Open Space, Sport and Recreation

2.2 Hereford and Worcester County Structure Plan

Policy CTC1 - Area of Outstanding Natural Beauty
Policy CTC2 - Area of Great Landscape Value

2.3 South Herefordshire District Local Plan

Policy C5 - Development within AONB

Policy C8	-	Development Within Area of Great Landscape Value
Policy CF1	-	
Policy GD1	-	General Development Criteria
Policy T3	-	Highway Safety Requirements

2.4 Herefordshire Unitary Development Plan (Deposit Draft)

Policy LA1	-	Areas of Outstanding Natural Beauty
Policy CF8	-	School Proposals
Policy T11	-	Parking Provision

3. Planning History

3.1	SE2001/0533/F	New playground and conversion of existing playground to car park; fencing access gates.	-	Approved 27.6.01
	DCSE2006/1240/F	Overflow car park	-	Withdrawn 27.7.06

4. Consultation Summary

Statutory Consultations

4.1 Sport England's comments are awaited.

Internal Council Advice

4.2 Traffic Manager's comments are awaited.

4.3 Conservation Manager's comments are awaited.

5. Representations

5.1 Property Services Manager acting as agent for this application has submitted an assessment of the existing playing field provision.

The last suitability assessment was conducted in June 2004. Assessments were based on Building Bulletin 82 (Area Guidelines for Schools) which indicates that 'the planning authority may stipulate a specific number of car parking spaces.... It is common practice to allow one space per full time equivalent member of staff. Appropriate provision should be made for disabled staff and/or visitors which should include at least one suitable parking space near the entrance. A limited number of spaces may be provided for visitors to the school, depending on local circumstances. More spaces might be necessary if there is significant community use of the school facilities.' This statement is also implied in Building Bulletin 99 (Briefing Framework for Primary School Projects) that supersedes Building Bulletin 82.

No shortfall of car parking was identified in the suitability assessment. However the assessment was made based on the minimum requirement (i.e. one space per FTE teaching staff and one visitor's space). The circumstances surrounding community use of the school may have changed since the last assessment especially as the hall has recently been extended. This may impact on the number of car parking spaces required by the school.

The school does have a large playing field which is far in excess of that required for a school of its size. Based on a capacity of 196 pupils, I would expect the playing field to be a minimum of 10,000m². Walford Primary has in excess of these areas and therefore I can see no objection for part of the playing field being used as a temporary car park.

5.2 Parish Council's observations are awaited.

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

6. Officer's Appraisal

6.1 There are 3 main issues: whether there would be an unacceptable loss of school playing field; the effect on road safety and the effect on the amenities of neighbours and the visual amenities of the area.

6.2 Paragraph 15 of PPG 17 states that planning permission for development of playing fields should not be given unless:

- (i) development is ancillary to the playing field and does not adversely affect the quality or quantity of pitches and their use
- (ii) only affects land which is incapable of forming a playing pitch
- (iii) equivalent replacement field(s)
- (iv) for a sports facility of sufficient benefit to outweigh the loss of the playing field.

The current proposal does not fall within any of these categories. The submitted information shows that the playing fields are sufficient for 2 football and 2 hockey pitches for the Autumn/Winter terms and a running track for the summer term. The Education Department advises that Walford School has an excess of playing fields and sports pitches (paragraph 5.1 above). In view of this level of provision, that the land will remain as part of the grassed field and that the car parking area will only be used as an overspill car park the proposal would not result in any significant loss of playing field.

6.3 The existing access is in the corner of the field with somewhat restricted visibility to the south-west. A new access and gate would be necessary therefore which if of an appropriate size and position would provide good visibility along the highway. There would not therefore be an appreciable harm to highway safety.

6.4 The new access would be well set back from the edge of the carriageway and consequently would only involve the loss of a small section of the hedgerow. There would not be any hard surfacing other than the access itself which would appear to be part of the grassed field. The parked car park would not detract from the area which is within the Wye Valley Area of Outstanding Natural Beauty to any significant extent, bearing in mind the limited use. A wide shrubbery with trees would screen the car park from the adjoining residential properties and should also help to disperse fumes. There would not therefore be any significant harm to either residential or visual amenities of this area.

RECOMMENDATION

That subject to Sport England not objecting and no other objection having been received at the expiration of the consultation period the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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

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

- 2 H02 (Single access - footway)

Reason: In the interests of highway safety.

- 3 H08 (Access closure)

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

- 4 G04 (Landscaping scheme (general))

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

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

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

Informative(s):

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

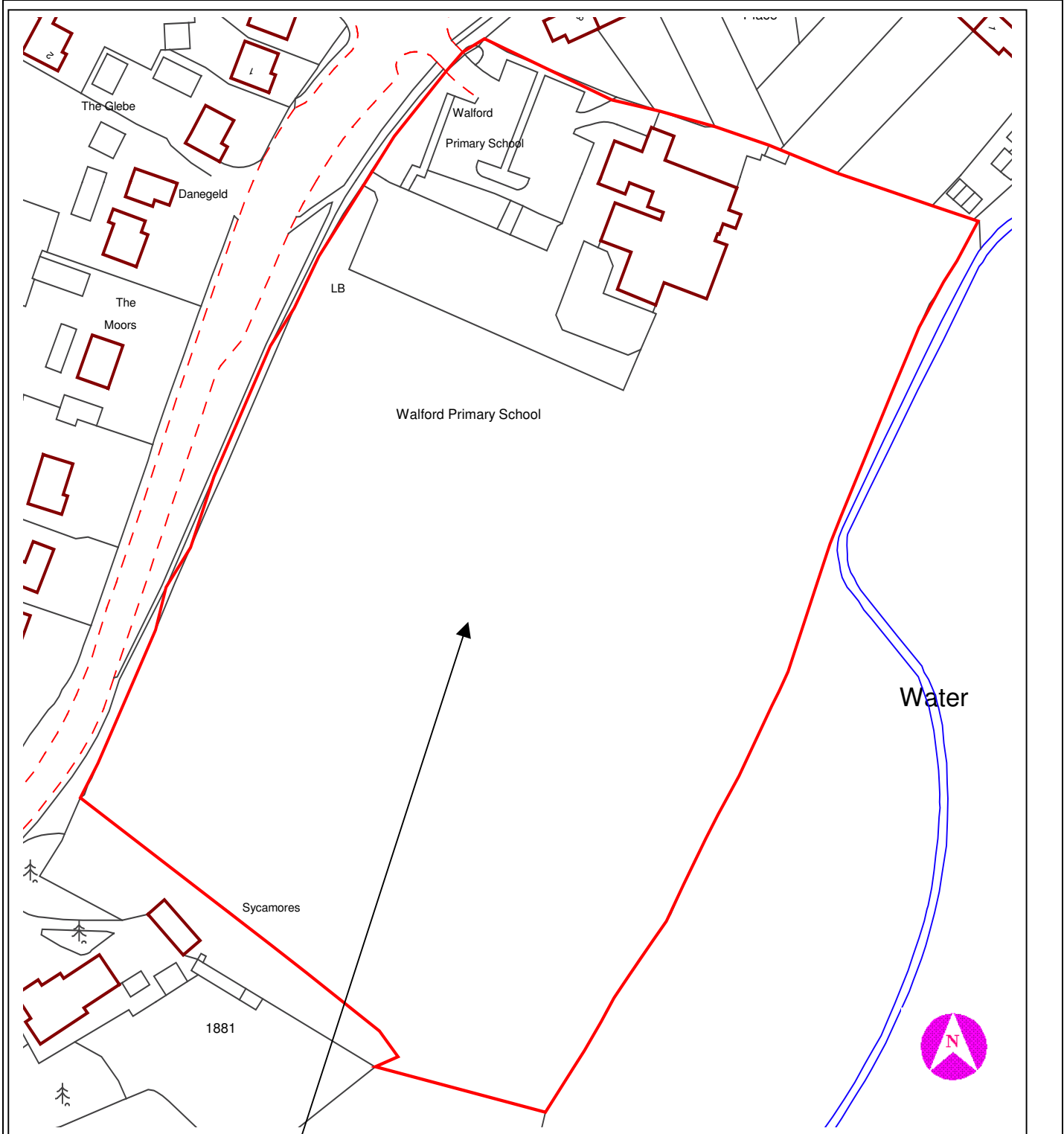
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2006/2479/F

SCALE : 1 : 1250

SITE ADDRESS : Walford Primary School, Walford, Ross-on-Wye, Herefordshire, HR9 5SA

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