

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 11 June, 2008**

Time: **2.00 p.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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AGENDA

for the Meeting of the Central Area Planning Sub-Committee

To: Councillor JE Pemberton (Chairman)
Councillor GA Powell (Vice-Chairman)

Councillors PA Andrews, WU Attfield, DJ Benjamin, AJM Blackshaw, ACR Chappell, SPA Daniels, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, TW Hunt (ex-officio), MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, RV Stockton (ex-officio), AP Taylor, AM Toon, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward

	Pages
<p>Election of Chairman and Appointment of Vice-Chairman</p> <p>To note that, at the Annual Council meeting on 16 May 2008, Councillor JE Pemberton was re-elected Chairman and Councillor GA Powell was re-appointed Vice-Chairman of the Central Area Planning Sub-Committee.</p>	
<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST</p> <p>GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS</p> <p>The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.</p> <p>A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.</p> <p>Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.</p>	
<p>3. MINUTES</p> <p>To approve and sign the Minutes of the last meeting.</p>	1 - 12

4. ITEM FOR INFORMATION - APPEALS	13 - 14
<p>To note the Council's current position in respect of planning appeals for the central area.</p>	
<p>Planning Applications</p>	
<p>To consider and take any appropriate action in respect of the planning applications received for the central area and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.</p>	
5. DCCW2008/0292/F - ST. NICHOLAS RECTORY, 76 BREINTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0JY	15 - 26
<p>Demolish existing rectory and erect 9 no. residential dwellings.</p>	
6. DCCE2007/1655/O - HOLMER TRADING ESTATE, COLLEGE ROAD, HEREFORD, HR1 1JS	27 - 56
<p>Mixed use development comprising residential (115 units), employment (office, industrial and warehousing), retail and supporting infrastructure including new access off College Road, roads, footpaths, open spaces, landscaping, parking and re-opening of part of canal.</p>	
7. DCCE2008/1026/N - THE OLD MUSHROOM FARM, HAYWOOD LANE, CALLOW, HEREFORD, HEREFORDSHIRE, HR2 8BX	57 - 66
<p>Formation of earth bunds (8000 CU M of imported soil) as screening etc.</p>	
8. DCCE2008/0959/F - FIELD AT COMMON HILL LANE (OPPOSITE THE LITTLE HOUSE), FOWNHOPE, HEREFORD, HR1 4QA	67 - 70
<p>Proposed field shelter.</p>	
9. DCCW2008/0302/F - BROOK FARM, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3ET	71 - 82
<p>Retention of polytunnels.</p>	
10. DCCW2008/1134/F - 58 CLEEVE ORCHARD, HEREFORD, HR1 1LF	83 - 86
<p>Proposed single storey extension to rear, and new porch to front.</p>	
11. DATES OF FUTURE MEETINGS	
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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 14 May 2008 at 2.00 p.m.

Present: Councillor JE Pemberton (Chairman)
Councillor GA Powell (Vice-Chairman)

Councillors: PA Andrews, WU Attfield, DJ Benjamin, AJM Blackshaw, ACR Chappell, GFM Dawe, PJ Edwards, KS Guthrie, MAF Hubbard, RI Matthews, AT Oliver, SJ Robertson, AP Taylor, WJ Walling, DB Wilcox and JD Woodward

In attendance: Councillors TW Hunt (ex-officio) and RV Stockton (ex-officio)

156. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors SPA Daniels, H Davies, DW Greenow, MD Lloyd-Hayes, AM Toon and NL Vaughan.

157. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
PA Andrews	Minute 162, Agenda Item 7 DCCW2008/0292/F St. Nicholas Rectory, 76 Breinton Road, Hereford, Herefordshire, HR4 0JY	Declared a prejudicial interest and left the meeting for the duration of the item.

158. MINUTES

Councillor RI Matthews said that his name should be included in the list of apologies at the last meeting.

RESOLVED: That, subject to the above amendment, the minutes of the meeting held on 16 April 2008 be approved as a correct record and signed by the Chairman.

159. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report about the Council's position in respect of planning appeals for the central area.

160. DCCW2008/0421/F - THE BIRCHES STABLES, BURGHILL, HEREFORD, HEREFORDSHIRE, HR4 7RU [AGENDA ITEM 5]

Retrospective application for change of use from agricultural to a two family traveller site including siting of two mobile homes and a touring caravan for Mr. James Smith and Mr. Jimmy Smith and their respective families.

The following update was reported:

- Additional comments had been received from the Environmental Health and Trading Standards Manager confirming the Gypsy status of the applicants and that they had family and work connections in Herefordshire.

In accordance with the criteria for public speaking, Miss Reynolds spoke on behalf of Burghill Parish Council, Mr. Von Anrep spoke in objection to the application and Mr. Baines spoke in support of the application.

Councillor SJ Robertson, the Local Ward Member, made a number of comments on the application, including:

- The need for appropriate small sites was recognised, particularly in view of ODPM Circular 01/2006 – Planning for Gypsy and Traveller Caravan Sites, but the impact on the local community had to be considered also.
- The need for fairness and consistency was noted and attention was drawn to the fact that an application to vary condition no. 2 of planning consent DCCW2006/3153/F to allow sale of the property (if necessary) to another travelling family had been refused in December 2007 [DCCW2007/2057/F refers].
- Local residents had expressed concerns about conditions on previous planning permissions not being complied with, felt that the development was visually obtrusive and that the land should revert to agricultural use.
- Based on the representations received and local knowledge, Councillor Robertson moved that planning permission be refused as it would have a detrimental impact on the amenities, settings and surroundings of the locality, particularly given the close proximity to the Scout Hut. She also considered that it would have a detrimental impact on highway safety, especially if the site was used for mixed residential and business uses which could increase vehicle movements on a stretch of road that already had problems with speeding traffic.

The Principal Planning Officer advised that issues relating to the translocation of the hedge contributed to delays in the moving of the 30mph speed limit and construction of the new access. He also outlined the policy considerations regarding mixed planning use.

Councillor ACR Chappell noted the concerns of residents about retrospective planning applications, felt that the plans and photographs could have been better, and was disappointed by some of the comments in a letter from the Parish Council to Sub-Committee members.

Councillor GFM Dawe commented on the need for objectivity, noted that none of the trees that had been removed were protected, and reminded the Sub-Committee that the applicants were not responsible for any of the issues arising from the previous occupation of the site.

Councillor PJ Edwards noted that the authority had a good record of supporting traveller families throughout the county but he felt unable to support this proposal. He also noted that the site had a complicated planning history and had been acquired days after the refusal of the application to vary a condition to allow the sale of the property to another travelling family.

Councillor RI Matthews said that Burghill Parish Council had supported travellers elsewhere in the parish but felt that this site was too close to the Scout Hut and

residential properties. He also felt that activities on the site could have an impact on the adjoining copse. He concurred with the Local Ward Member that the development would have a detrimental impact on the area and on highway safety.

In response to a question from Councillor AJM Blackshaw, the Principal Planning Officer reported that the Council's Environmental Health and Trading Standards Officer had confirmed that there was a lack of availability of authorised pitches and was a significant material consideration.

Councillor MAF Hubbard commented on the planning history and questioned the relevance of land ownership issues. He recognised the concerns of the Local Ward Member but noted the difficulties faced by Gypsies and Travellers and felt that this development was acceptable having regard to the policy considerations detailed in the report.

In response to comments and questions, the Principal Planning Officer advised that:

- It was understood that the Scout Hut was a well-used facility by local community groups.
- A study in 2006 had revealed that 22 pitches were required in Herefordshire and another study in 2007 had provided evidence of demand for additional sites.
- The proposal met the criteria of Policy H12 as an exception site as it was adjacent to an identified main village, was small in scale, was well screened and there were adequate levels of amenity and play space for children within the site.
- Although some trees had been removed, no permission was required and there was still substantial tree coverage.

The Central Team Leader added that planning permission could be granted on a personal basis to the applicants to enable the authority to retain effective control of the site.

In response to further comments about the previously refused application and land ownership issues, the Principal Planning Officer explained the reasons for refusal in relation to planning application DCCW2007/2057/F and re-iterated that this proposal was considered compliant with local and national policies. The Legal Practice Manager commented on typical conveyancing practice and advised that, through searches, the status of the land would have been abundantly clear to a prudent solicitor acting on behalf of the applicants.

RESOLVED:

That

- (i) **The Central Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the applications to the Planning Committee:**
 1. **Detrimental impact on the amenities, settings and surroundings of the locality.**
 2. **Detrimental impact on highway safety.**
- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to**

Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.

[Note:

Following the vote on this application, the Development Control Manager advised that, as the resolution was contrary to the officers' recommendation, he was minded to refer the matter to the Head of Planning Services; it was considered that there were crucial policy issues at stake and the Sub-Committee's view might not be defensible if challenged.]

161. DCCW2008/0177/F - LAND ADJACENT TO ROSEMULLION, BISHOPSTONE, HEREFORD, HEREFORDSHIRE, HR4 7JE [AGENDA ITEM 6]

Proposed dwelling.

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

The Principal Planning Officer advised that the conditions imposed as part of an outline planning permission [DCCE2007/2069/O refers] limited the habitable floor space to 90 m², in accordance with Policy H6 of the Herefordshire Unitary Development Plan, and this application had been designed accordingly. It was noted that the ridge level of the dwelling would be higher than the surrounding properties but this was considered modest and would add interest to the street scene.

Councillor AJM Blackshaw, the Local Ward Member, drew attention to the comments of Bishopstone Parish Council and the letters of objection from the occupants of the neighbouring dwellings. Councillor Blackshaw did not consider that the development would be in keeping with the character and appearance of adjacent buildings or the area. Therefore, he proposed that the application be refused as it would have an adverse impact on the residential area; he added that a two bedroom bungalow would be a preferable use of the site.

Councillor MAF Hubbard questioned the extent of excavation required to reduce slab levels. However, on balance, he did not consider that the development would have such a detrimental impact on the locality as to warrant refusal of planning permission.

In response to a question from Councillor SJ Robertson, the Chairman suggested that a site visit might not help the Sub-Committee to reach a decision, particularly given the quality of the photographs and site plans in this case.

In response to questions from a number of members, the Principal Planning Officer advised that:

- With the setting down of the slab, the ridge level should not be substantially higher than the neighbouring properties, perhaps in the range of 500mm to 750mm.
- Details were not available of the amount of soil to be excavated.
- A definition of a two storey dwelling was given as a building with two floors.
- There were no bedroom numbers conditioned on the previous application; although the 90 m² figure equated to the criteria laid down in Policy H6 for a

three bed dwelling.

- Condition E01 would secure an archaeological watching brief.
- It would be difficult to require Level 3 of the 'Code for Sustainable Homes: A Step Change in Sustainable Home Building Practice Design' as the authority did not have a specific policy on this.

Councillor PJ Edwards noted that the plot was narrow, that the Conservation Manager (Archaeology) had commented that the 'development impact will probably be moderately severe', and he expressed concern about the potential impact of the excavation of soil on the local environment and on neighbouring properties.

The Central Team Leader advised the Sub-Committee that the proposal was considered to satisfy the policy requirements and it was not felt that the use of the roof area for bedrooms would have a greater impact than a bungalow of similar design and dimensions.

A motion to refuse the application failed and the resolution below was then agreed.

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. **C01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3. **E01 (Site investigation – archaeology).**

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

4. **F08 (No conversion of garage to habitable accommodation).**

Reason: To ensure adequate off street parking arrangements remain available at all times and to comply with Policy H18 of Herefordshire Unitary Development Plan.

5. **F14 (Removal of permitted development rights).**

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

6. **F16 (No new windows in specified elevation).**

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development

Plan.

7. F17 (Obscure glazing to windows).

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

8. I16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

9. G09 (Details of Boundary treatments).

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

10. I22 (No surface water to public sewer).

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding so as to comply with Policy DR4 of Herefordshire Unitary Development Plan.

11. I51 (Details of slab levels).

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

12. H04 (Visibility over frontage).

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

13. H05 (Access gates).

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

14. H06 (Vehicular access construction).

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

15. H09 (Driveway gradient).

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

16. H12 (Parking and turning - single house).

Reason: In the interests of highway safety, to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

Informatives:

1. **HN01 - Mud on highway.**
 2. **HN04 - Private apparatus within highway.**
 3. **HN05 - Works within the highway.**
 4. **HN10 - No drainage to discharge to highway.**
 5. **N19 - Avoidance of doubt - Approved Plans.**
 6. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 162. DCCW2008/0292/F - ST. NICHOLAS RECTORY, 76 BREINTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0JY [AGENDA ITEM 7]**

Demolish existing rectory and erect 9 no. residential dwellings.

Councillor JD Woodward, a Local Ward Member, welcomed the fact that the number of units had been reduced to nine; fourteen were proposed under planning application DCCW2007/0364/F which was withdrawn. However, she felt further consideration needed to be given to highway matters, especially parking and safety considerations. She noted that on-street parking was already at capacity and felt that this development would exacerbate the situation.

Councillor DJ Benjamin, the other Local Ward Member, commented on problems with traffic congestion and tight junctions in the vicinity of the site and felt that further work was needed to resolve the issues. He also felt it important that the local community should benefit from new development and that there should be further negotiations about the Section 106 Planning Obligation. He proposed that a site visit be undertaken.

The Legal Practice Manager drew attention to the Constitution, Appendix 13 [Herefordshire Council Code of Conduct for Members and Officers Dealing with Planning Matters] and noted that paragraph 14 stated that 'site visits will not be agreed to lightly'. He advised that the plans and photographs shown at the Sub-Committee had been improved in order to obviate the need for site visits where possible. Therefore, site visits should only be undertaken where site circumstances were clearly fundamental to the decision.

Councillor ACR Chappell was disappointed that this development would require the demolition of the rectory, suggested that the applicant should give further consideration to the level of contributions proposed, and felt that the site circumstances were relevant to the determination.

Councillor PJ Edwards suggested that the Sub-Committee could authorise the officers to issue planning permission subject to the resolution of the outstanding matters, in consultation with the Local Ward Members.

The Central Team Leader commented on the need to avoid unnecessary delays and did not consider that a site visit would assist members in this instance. He emphasised that the Traffic Manager had raised no objections. The Legal Practice Manager suggested that, given comments made by members, the Sub-Committee might wish to consider deferral of the application for further information and

negotiations.

Councillor GFM Dawe commented on the significant bio-diversity value of trees and questioned the comment of the Conservation Manager (Landscape) that 'The opportunity to remove trees of poor quality and enhance the arboricultural resource in the area should be realised'. He felt that a site visit would enable this matter to be explored further.

Given the advice provided by officers and the Chairman, Councillor Benjamin withdrew the site visit motion and proposed that consideration of the application be deferred to address the outstanding issues in consultation with the Local Ward Members; i.e. regarding the local highway network and parking, planning obligation contributions, and landscaping details.

RESOLVED:

That consideration of the application be deferred for further information and negotiations on the matters raised above.

163. DCCW2008/0335/F - WARHAM COURT FARM, BREINTON, HEREFORD, HEREFORDSHIRE, HR4 7PF [AGENDA ITEM 8]

Two new sleep/feed barns for beef cattle, new straw barn and new silage barn.

The following updates were reported:

- The comments of the Environmental Health and Trading Standards Officer had been received and were summarised (no objections).
- Amended plans had been received which deleted the attenuation pond, handed the silage and straw barns and repositioned them back in line with new unit 3. Therefore, the recommendation was changed to omit reference to the need for amended plans.
- The table at paragraph 1.4 of the report should give the height of the silage clamp as 11.76m rather than 1.176m.

In accordance with the criteria for public speaking, Mr. Eyles spoke in objection to the application and Mr. Wheeler spoke in support of the application.

The Principal Planning Officer drew attention to the comments of the Conservation Manager (Landscape), in particular that 'the proposed development of the site is acceptable and the landscape has the capacity to accommodate these large buildings' subject to substantial landscaping.

Councillor RI Matthews, the Local Ward Member, noted the concerns of Breinton Parish Council and local residents about the scale of the buildings, the landscape impact and impact on residential amenity; particularly on Warham Court Cottages to the north of the site. In response to questions from Councillor Matthews, the Principal Planning Officer advised that:

- The buildings could not be accommodated in an orchard, near to the listed farmhouse, as that the orchard was protected and development there could damage local habitat.
- The authority could not prevent agricultural vehicles from using the access adjacent to Warham Court Cottages but a condition could be added to restrict the use of this access by construction traffic. It was noted that improvements to the

access would also be required.

- A condition would require slab levels to be confirmed.
- The Environmental Health and Trading Standards Officer had not raised any objections to the scheme. It was noted that officers had expressed concerns about the attenuation pond but this had been removed from the application completely.

The Development Control Manager advised that, whilst there would be an impact on the landscape and on residential amenity, officers considered that there was clear agricultural justification for the development and, subject to the measures to mitigate the impact as identified in their report, the application was considered acceptable.

In view of the officers' advice, Councillor Matthews noted that refusal of planning permission might not be defensible if challenged and considered it essential that there was extensive landscaping between the new building and the adjoining dwellings. He proposed that the application be approved but subject to further discussions on the landscaping scheme, in consultation with the Parish Council and himself as the Local Ward Member.

Councillor SJ Robertson commented on the challenges facing the agricultural sector and supported the views of the Local Ward Member.

Councillor PJ Edwards suggested that mature tree specimens should be included as part of the landscaping scheme. Given the scale of the buildings and the removal of the attenuation pond, Councillor Edwards also asked that further consideration be given to opportunities to re-use surface water as part of ensuing discussions with the applicant.

In response to questions from Councillor DB Wilcox, the Principal Planning Officer outlined recent legislation about the stockpiling of dung and explained the practical reasons for the height of the silage clamp. The Principal Planning Officer also confirmed that dark materials would be used for the roof sheeting in order to reduce visual impact.

RESOLVED:

That, subject to further discussions regarding the landscaping scheme in consultation with the Local Ward Member and Parish Council, 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. **G01 (Earthworks).**

Reason: In order to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan).

3. **G12 (Hedgerow planting).**

Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

4. G13 (Tree planting).

Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

5. The existing access north of the site onto the Class III 1189 road shall be improved, details of which shall be submitted for approval in writing of the local planning authority prior to any works commencing on site. The approved access shall be finished prior to occupation of the buildings.

Reason: To enable the safe and free flow of traffic using the adjoining county highway and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

6. I20 (Scheme of surface water drainage).

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

7. I33 (External lighting).

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

8. I16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

Informatives:

- 1. N19 - Avoidance of doubt - Approved Plans.**
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

164. DCCE2008/0552/F - BUILDING AT MILL FARM, FOWNHOPE, HEREFORD, HEREFORDSHIRE, HR1 4NT [AGENDA ITEM 9]

Proposed change of use from agricultural storage to storage of non agricultural products.

The following update was reported:

- A further e-mail had been received from Fownhope Parish Council advising that they were unable to attend the meeting but wished to reiterate their original comments.

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

The Chairman, speaking in her capacity as the Local Ward Member, raised a number of issues, these included:

- Attention was drawn to the comments of Fownhope Parish Council, especially concerns about the lack of information available about the type of items to be

stored and the potential impact on highway safety.

- The original planning permission for the building in 1991 [SH911001SZ refers] had been contentious in the locality and lack of clarity about tenure had made it difficult to resolve issues since.
- There had been problems with noise nuisance and disturbance from the site, particularly from refrigeration units.
- Although information from the agent stated that they 'do not anticipate that the premises will be used for the storage of deleterious materials', the Chairman felt that the proposal was thin on facts and further clarification was required.
- Concerns were expressed about the potential for increased traffic movements resulting from this proposal and that this, in turn, could have an impact on highway safety.

Councillor WJ Walling concurred with the Chairman that more details were required and proposed that the application be deferred for further information. Councillor DB Wilcox supported deferral and said that it would be difficult to control the use through conditions if the nature of the items to be stored was not known.

Councillor PJ Edwards suggested that a temporary planning permission might provide the opportunity to review the use at a later date. A number of members felt that deferral was the best way to ensure that the outstanding concerns were addressed.

Councillor MAF Hubbard noted that the building had been erected for agricultural purposes and questioned whether general storage use could be considered as being for employment purposes. He also questioned whether a general storage building would have been permitted in this location, within a designated Area of Outstanding Natural Beauty.

The Central Team Leader explained the policy considerations and advised that the Traffic Manager had raised no objections to the proposal; conditions were proposed to restrict delivery hours. He also advised that measures to restrict the exact type of items stored might be unreasonable, particularly as a new application would be required each time the type changed.

The Chairman acknowledged the professional advice provided but considered that the interests of the local community would be best served by deferring the application in order to obtain further information.

RESOLVED:

That consideration of the application be deferred for further information on the matters raised above.

165. DATES OF FUTURE MEETINGS

The next scheduled meetings were given as follows: 11 June 2008, 9 July 2008 and 6 August 2008.

The meeting ended at 4.40 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCCW2007/2684/F**

- The appeal was received on 19 May 2008.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Ms L Watkins.
- The site is located at 131 White Cross Road, Hereford, Herefordshire, HR4 0LS.
- The development proposed is Change of use to house of multiple occupancy.
- The appeal is to be heard by Written Representations.

Case Officer: Dave Dugdale on 01432 261566

Application No. DCCE2007/3707/F

- The appeal was received on 29 May 2008.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mrs C Griffiths.
- The site is located at 18 Frome Court, Bartestree, Hereford, Herefordshire, HR1 4BF.
- The development proposed is Glazed porch to rear elevation.
- The appeal is to be heard by Written Representations.

Case Officer: Ed Thomas on 01432 261961

APPEALS DETERMINED**Application No. DCCE2007/1554/F**

- The appeal was received on 15 February 2008.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr & Mrs Hince.
- The site is located at 1 Llanfair Villas, Mordiford, Herefordshire, HR1 4LF.
- The application, dated 18 May 2007, was refused on 13 July 2007.
- The development proposed was Demolish existing garage. Build new two-storey extension and detached garage.
- The main issue is the effect of the proposal on highway safety.

Decision: The appeal was UPHELD on 23 May 2008.

Case Officer: Ben Lin on 01432 261949

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

5 DCCW2008/0292/F - DEMOLISH EXISTING RECTORY AND ERECT 9 NO. RESIDENTIAL DWELLINGS AT ST. NICHOLAS RECTORY, 76 BREINTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0JY

For: Diocese of Hereford per Hook Mason Ltd., 11 Castle Street, Hereford, HR1 2NL

Date Received: 6 February 2008

Ward: St. Nicholas

Grid Ref: 49918, 39787

Expiry Date: 2 April 2008

Local Members: Councillors DJ Benjamin and JD Woodward

Introduction

Members will recall that this planning application was deferred from the last meeting to enable discussions with the applicant and agent regarding the proposed level of contributions. At the time of preparing this report no additional information has been received, therefore a verbal update will be given at the meeting.

1. Site Description and Proposal

- 1.1 St. Nicholas Rectory is located on the corner of Westfaling Street and Breinton Road, Hereford. The house occupies the northern part of the site and is a substantial brick and tiled roof dwelling. Vehicular and pedestrian access is off Breinton Road. The site has substantial tree coverage, particularly at the junction with Westfaling Street and Breinton Road. The land slopes down from north to south onto Breinton Road.
- 1.2 The proposal is to demolish the existing house and build nine dwellings, all fronting Westfaling Street with parking and vehicular access off Breinton Road. The dwellings are grouped to provide three blocks of three dwellings. The first block at the junction of Westfaling Street and Breinton Road will be 2½ storeys high and contain 3 bed accommodation. The two remaining blocks will each provide 2 bed accommodation in two storey dwellings.
- 1.3 A traditional design approach has been taken with the use of red brick under a natural slate roof to match the adjoining property. 14 car parking spaces are proposed and all the dwellings have their own dedicated cycle storage sheds.
- 1.4 An ecological survey accompanied the planning application.

2. Policies

2.1 Planning Policy Statements:

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS9	-	Biodiversity and Geological Conservation

2.2 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR4	-	Environment
Policy DR5	-	Planning Obligations
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H9	-	Affordable Housing
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy T11	-	Parking Provision
Policy LA5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA6	-	Landscaping Schemes
Policy HBA6	-	Locally Important Buildings
Policy NC5	-	European and Nationally Protected Species

3. Planning History

- 3.1 DCCW2007/0364/F Demolition of existing Rectory and erection of 14 apartments. Withdrawn 30 March 2007.

4. Consultation SummaryStatutory Consultations

- 4.1 Welsh Water: Raise no objection subject to appropriate conditions.

Internal Council Advice

- 4.2 Traffic Manager: Raise no objection to the amended car parking layout subject to appropriate conditions and contributions.
- 4.3 Head of Economic and Community Services: The proposal is for 9 dwellings and the loss of one dwelling therefore the net gain is 8. Under existing UDP policy a development of this size is currently below the threshold to provide a play area.

We do, however, ask for a Sport England contribution from all new housing developments. This is in response to Sport England who required such developments to help contribute towards increasing participation in active sports. The calculation is based on Sport England's Sports Facilities Calculator. This would be used towards improvements to access at the Hereford Leisure Pool, which is in easy walking distance of the site.

- 4.4 Conservation Manager (Landscape): I would like to make the following comments:

- The proposal has developed following pre-application discussions with both the Senior Building Conservation Officer and the Senior Landscape Officer. The proposals have addressed a number of initial concerns.

- The arboricultural report submitted with the application is of limited value and only identifies species of tree, general condition and some management prescriptions. The proposals require the removal of a number of trees in generally good condition, but also seek to preserve a number of notable specimens. Planting of new trees in mitigation for the ones lost has been proposed. None of the trees are the subject of a TPO. The opportunity to remove trees of poor quality and enhance the arboricultural resource in the area should be realised.
I would recommend that if the proposal were granted planning permission, a condition requiring a full statement of tree management and protection be attached. The trees and all necessary protection should be described in terms of *BS5837: Trees in Relation to Development, Recommendations, 2005*.
 - A proposal of this size and character should ideally be accompanied by a detailed landscaping scheme. In this case, due to the pre-application discussions I consider it reasonable to attach conditions requiring the production of detailed landscaping proposals prior to the commencement of any works. This should include both hard and soft landscaping proposals.
 - The treatment of boundaries and all new walls should also be the subject of clarification and controlled through the use of condition.
 - The provision of level car parking to the south side of the site may require the excavation and re-profiling of a substantial amount of soil, the details of which should again be the subject of a planning condition.
 - Lastly, I would suggest that the proposals would on balance make a positive contribution to the quality and character of the street scene. Subject to the production of a high quality landscaping scheme for the site, the arboricultural and vegetative character of the site will be preserved despite the increase in the number of dwellings.
- 4.5 Conservation Manager (Historic Buildings): The rectory building is not a distinguished example of the architecture of the period and subsequent development in the area has resulted in its position and massing detracting from the generally tight grain of the area.

Overall a well thought out scheme which should fill the gap in the streetscape on an important corner. The corner 'turret' provides a means for the building to turn the corner fairly successfully rather than presenting a blank wall. The staggering of the blocks should fit well with the building pattern on the opposite side of the street and provide a visual sweep up the slope. In design terms the buildings will harmonise well with the neighbouring terraced and semi-detached houses both in scale and massing and in detailing.

4.6 Conservation Manager (Ecology): Comments are:

I note the presence of common and soprano pipistrelle bats foraging on the site, but that none were found to be roosting there. I would like to see opportunities for enhancing the site for biodiversity in line with legislation (NERC Act 2006) for Government guidance (PPS9), by the provision of bat tubes in the new buildings, bird and bat boxes on trees to be retained and use of native species in the landscaping and planting scheme. These details should be submitted prior to development of the site.

I have no objection to approval of this application subject to the inclusion of appropriate conditions.

- 4.7 Children & Young People's Directorate: The educational facilities provided for this development site are Whitecross Day Nursery, Lord Scudamore Primary School and Whitecross Sports College. Hereford City also provides youth facilities. Within Herefordshire we also have a Special School, Barrs Court, which provides secondary education to persons with special needs.

Whitecross Day Nursery is the nearest early years provision setting to this development. It has been confirmed by the nursery that, at present, they have no spare capacity and on evidence that has been gathered by Early Years and Extended Services, certain sessions within the nursery are on a waiting list basis, but this is dependant on the age of the child.

Lord Scudamore School is over capacity in one year group (Reception) as at the Spring Census 2008

Whitecross High School is over capacity in two year groups (Year 7 and Year 8) and at capacity in one year group (Year 9) as at the Spring Census 2008

The Youth Service has no building from which to deliver youth work in Hereford City. They currently rent space from a voluntary sector organisation, Close House, which is the base for two part time Youth Workers. There are currently have staffing vacancies in this area. The two part time youth workers operate across Hereford City with most of their work being street based. The Youth Service would like to find a suitable building for them to permanently delivery youth work within Hereford City.

Please note that the PAN of the above year groups is based on permanent and temporary accommodation, whereas section 3.5.6 of the SPD states that the capacity should be based on the permanent accommodation, therefore, additional children may also prevent us from being able to remove temporary classrooms at Lord Scudamore Primary School that we would otherwise be able to do.

The Children & Young Peoples Directorate would therefore be looking for a contribution to be made towards Children and Young People in this area that would go towards rectifying some of the issues identified above that would only be exacerbated by the inclusion of additional children.

5. Representations

- 5.1 Hereford City Council: Hereford City Council requests that this planning application be determined strictly in accordance with the approved development plan applicable to the area of the Parish of the City of Hereford. The City Council has no objection to this application for planning permission.
- 5.2 Five letters of objection have been received from A. & V. Kaye, 1 Westfaling Street, Hereford; M.R. Speak, 31 Castlefields, Leominster; Mr. T. Harris, 1 Tower Road, Hereford; Mr. R. Hodges, 19 Westfaling Street, Hereford and Mrs. R. Dorling, 15 Westfaling Street, Hereford.

The main points raised are:

1. Objection to the demolition of an irreplaceable example of period architecture which greatly enhances the area.
2. The area is already over congested with people and traffic and this proposal will further aggravate this problem.
3. St. Nicholas Rectory should be listed.
4. The Rectory is one of the best surviving examples of a fairly substantial Edwardian house in the City of Hereford.
5. There is no affordable housing on the site.
6. The site is being over developed.

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

6. Officer's Appraisal

6.1 The key issues in determining this application are considered to be:

- 1) Principle of Development
- 2) Design and Layout
- 3) Highway and Parking Issues
- 4) Impact on Adjoining Property
- 5) Ecology
- 6) Section 106 Planning Obligation

Principle of Development

- 6.2 This site is located within the established residential area for Hereford City as identified in the Herefordshire Unitary Development Plan. Residential development is permitted in such areas where compatible with housing design and other policy of the Plan. It is classified as 'previously developed' land and therefore complies with the main thrust of Policy H14 provided it respects the character and appearance of the area and protects existing and proposed residential amenity.
- 6.3 The quality of the existing building has been assessed by the Conservation Manager who confirms that the Rectory is not a distinguished example of the architecture of the period and subsequent development in the area has resulted in its position and massing detracting from the general tight grain of the area.6.4 Finally no affordable housing is required as the number of units and size of the site falls below the threshold.

Design and Layout

- 6.5 A traditional approach has been taken with the dwellings scale, mass and materials similar to the dwellings opposite the site in Westfaling Street. They are therefore compatible to the character and appearance of the area. The change in levels has helped the inclusion of the three 3-bed dwellings which are 2½ storeys high. These are located to the east of the site near the junction of Breinton Road with Westfaling

Street. The insertion of the wrap around bay window turret also improves the appearance of the corner plot, particularly when viewed from Westfaling Street.

- 6.6 The layout follows the existing pattern of development on the south side of Westfaling Street which allows for the vehicular access and parking to be achieved onto Breinton Road via a new access. The existing access will be closed. Adequate amenity space is also provided for each of the dwellings. Therefore the design and layout are considered to be compatible with the character and form of the area.

Highways and Parking

- 6.7 Westfaling Street is a well-trafficked road and this site is located at the junction of not only Breinton Road and Ryelands Street but Tower Road as well. As a consequence the site only has pedestrian access to each of the units at the front on Westfaling Street with all vehicular access from a new access moved further west along Breinton Road. The existing access will be closed. Extensive on-street parking occurs in the area, therefore the maximum car parking requirement of 1½ car spaces per unit has been achieved on-site totalling 14 spaces. The Traffic Manager has confirmed that this is acceptable and accords with Policies H16 and T11. In addition separate cycle storage is proposed for each dwelling and a contribution to highway improvements in the locality.

Impact on Adjoining Property

- 6.8 The layout of the development ensures that there is no unacceptable overlooking between dwellings. No side windows are proposed and houses on the north side of Westfaling Street are raised above the level of this site. Furthermore the line of the new dwellings follows the similar line of the adjoining dwellings. Therefore maintaining the streetscape. The proposal is therefore considered not to impact detrimentally upon the amenity of adjoining residents.

Ecology

- 6.9 An ecological survey accompanied the planning application and has been fully assessed by the Council's Ecologist. The presence of common and soprano pipistrelle bats have been noted foraging on site but none were found to be roosting in the Rectory. Therefore subject to a suitable condition to ensure that the recommendations of the ecological report are followed which includes the appointment of an Ecological Clerk of Works, no objections are raised.

Section 106 Planning Obligation

- 6.10 This planning application was submitted prior to the adoption of the Supplementary Planning Guidance on Planning Obligations. Therefore whilst the full requirements cannot be requested it provides a useful tool on which to base negotiations, particularly as it can be given significant weight.
- 6.11 Negotiations commenced on the basis of the SPD and contributions have been sought for:
1. Education
 2. Highways
 3. Recycling

- 4. Sport England
- 5. Library Service

6.12 The agents have submitted the following comments on the need for contributions:

“On the matter of contributions, our clients are firmly of the opinion that as a registered charity they should be exempt from such charges, given that their sole motivation for obtaining Planning Permission on this site is to realise the maximum land value when ultimately sold in order to enable them to maintain the extensive portfolio of properties within the Diocese for which they are responsible. Their stance is further reinforced by the fact that the application (originally submitted in February 2007 although subsequently withdrawn in order to address various technical matters and later resubmitted on 4/02/08) was submitted well in advance of the SPD policy becoming effective on 1/04/08 and Peter Yates’s advice to the Southern Area Planning Committee Members on this specific subject of timing on 2/04/08 was entirely unambiguous.

However notwithstanding the above having considered matters in detail and having taken extensive planning consultancy advice on the matter our clients are prepared to offer contributions totally £16,440.00 which comprise transport contributions of £15,480.00 and recycling contributions of £960.00. From the advice received, the case for education contributions in this specific case appears to be entirely spurious and the potential impact of the proposed development on the library and sports services is regarded as being negligible.”

It is disappointing that the applicants do not see the benefits of contributing to education considering the reasonable case put forward by the Children and Young People Directorate. However, this planning application was submitted prior to the adoption of the SPD where the size of this development would not have contributed.

Accordingly the draft Heads of Terms are annexed to the report.

6.13 In conclusion therefore it is considered that the principle of the development is established and acceptable. The design and layout is compatible to the character of the area. Maximum car parking standards have been met and contributions to improved highway safety in the area are proposed. Finally there is considered to be no detrimental impact on the amenity of adjoining residential property.

RECOMMENDATION

That 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 in accordance with the Heads of Terms appended to this report and any additional matters and terms that he considers appropriate.

2) Upon completion of the aforementioned planning obligation Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission 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. B03 (Amended plans).

Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

3. C01 (Samples of external materials).

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

4. G02 (Retention of trees and hedgerows).

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.

5. G04 (Protection of trees/hedgerows that are to be retained).

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

6. G06 (Remedial works to trees).

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 and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

7. G09 (Details of Boundary treatments).

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

8. G10 (Landscaping scheme).

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

9. G11 (Landscaping scheme – implementation).

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

10. H03 (Visibility splays) (2.4 metres x 33 metres).

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

- 11. H05 (Access gates) (5 metres).**

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

- 12. H06 (Vehicular access construction).**

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

- 13. H08 (Access closure).**

Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

- 14. H09 (Driveway gradient).**

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

- 15. 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

- 16. H27 (Parking for site operatives).**

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

- 17. H29 (Secure covered 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 and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

- 18. I16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

- 19. I22 (No surface water to public sewer).**

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding so as to comply with Policy DR4 of Herefordshire Unitary Development Plan.

20. I51 (Details of slab levels).

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

21. I56 (Sustainable Homes Condition).

Reason: To promote the sustainability of the development hereby approved in accordance with Policies S1 and H13 of the Herefordshire Unitary Development Plan and PPS1 Supplement 'Planning and Climate Change'

22. K4 (Nature Conservation – Implementation).

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation(Natural Habitats, &c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan.

23. L01 (Foul/surface water drainage).

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

24. L02 (No surface water to connect to public 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 so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

Informatives:

- 1. N19 - Avoidance of doubt - Approved Plans.
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.

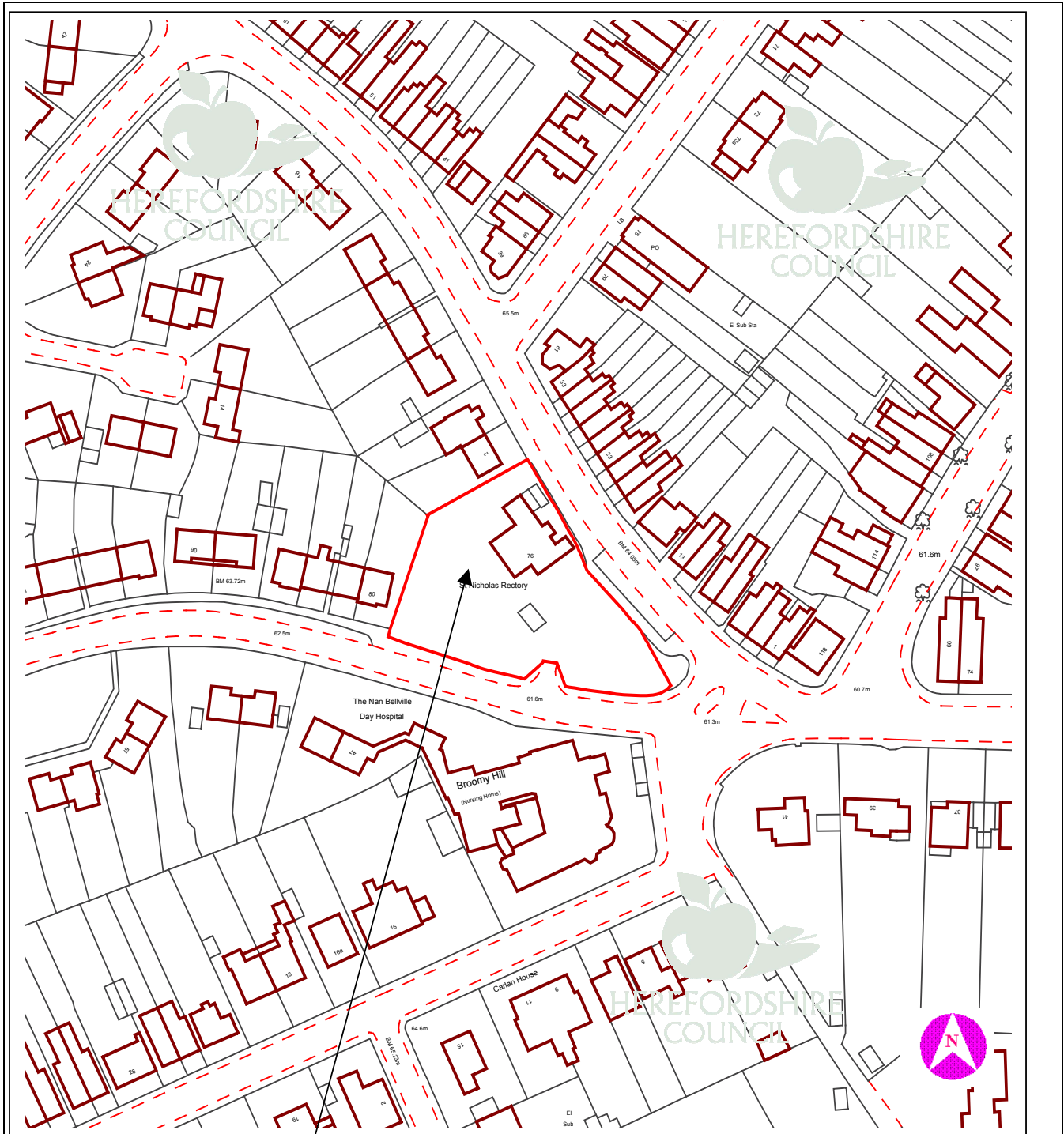
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/0292/F

SCALE : 1 : 1250

SITE ADDRESS : St. Nicholas Rectory, 76 Breinton Road, Hereford, Herefordshire, HR4 0JY

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

Planning Application – DCCW2008/0292/F

Demolition of existing Rectory and erection of 9 residential dwellings at St Nicholas Rectory, 76 Breinton Road, Hereford. HR4 OJY

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £960 for improved recycling.
2. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £15,480 for off site highway works and improved public and sustainable transport infrastructure to serve the development (which aren't Section 278 works i.e. essential to facilitate the development).
3. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes: (The list is not in any order of priority)
 - a) Traffic calming measures in the area
 - b) Improved bus shelters/stops in the locality of the application site
 - c) Safe Routes for Schools
 - d) Improved lighting and signage to existing highway/pedestrian and cycle routes leading to the site
 - e) Improved pedestrian and cyclist crossing facilities in the area
 - f) Any other purpose falling within the criteria defined in 3 above.
4. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1 and 2 for the purposes specified in the agreement within 10 years of the date of each payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
5. All of the financial contributions shall be Index linked and paid on or before commencement of the residential development unless otherwise agreed with Herefordshire Council
6. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Kevin Bishop - Principal Planning Officer

21 April 2008

6 DCCE2007/1655/O - MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL (115 UNITS), EMPLOYMENT (OFFICE, INDUSTRIAL AND WAREHOUSING), RETAIL AND SUPPORTING INFRASTRUCTURE INCLUDING NEW ACCESS OFF COLLEGE ROAD, ROADS, FOOTPATHS, OPEN SPACES, LANDSCAPING, PARKING AND RE-OPENING OF PART OF CANAL AT HOLMER TRADING ESTATE, COLLEGE ROAD, HEREFORD HR1 1JS

For: Hereford Residential Developments Limited per Bryan Smith Associates, 33 The Dell, Westbury-on-Trym, Bristol, BS9 3UE

Date Received: 25 May 2007

Ward: Aylestone

Grid Ref: 51704, 41785

Expiry Date: 24 August 2007

Local Members: Councillors NL Vaughan and DB Wilcox

1. Site Description and Proposal

- 1.1 The site comprises an established and safeguarded employment site known as Holmer Trading Estate located east of College Road. The site originally accommodated a tile manufacturing works, which was subsequently developed and divided up after the war to create the development as it now stands. The site is bounded by the railway line to the north, the former Herefordshire and Gloucester Canal to the south and existing industrial/commercial units to the east. West and opposite the access is the Bridge Inn Public House and south beyond the route of the former canal is Wessington Drive forming part of Victoria Park residential estate.
- 1.2 The site itself extends to 3.35 hectares of land served by an existing single point of access off College Road. It comprises a mixture of single and two storey buildings of varying ages, designs and materials interwoven with a number of access roads/tracks and areas of hardstanding. There are also two detached dwellings, one now converted to three separate flats and the other having been abandoned some time ago. At the time of submission of the application, a total of 39 businesses had an employment base at the site although this number has subsequently reduced to 23. Ground levels generally fall from north to south and east to west, both within this site and surrounding with College Road to the west being elevated approximately 2.5 metres above the site level.
- 1.3 The entire site is identified within the Herefordshire Unitary Development Plan as safeguarded employment land whilst land running along the southern boundary is the safeguarded route of the Herefordshire and Gloucestershire Canal.

- 1.4 Planning permission is sought for the demolition of all the existing buildings on site facilitating a mixed use redevelopment of the site comprising the following:
- 2,235 sq.m. B1 office/light industrial
 - 2,537 sq.m. B2 general industrial
 - 2,537 sq.m. B8 storage and distribution
 - 660 sq. m. retail comprising 400 sq. m. bulky goods, 200sq. m. convenience store, 60 sq m other retail
 - 70 sq. m. A3 – Café
 - residential units comprising 18 one bedroom flats 68 two bedroom flats, 5 three bedroom duplex apartments and 24 four bedroom town houses, 35% of which would be affordable
- 1.5 The application is submitted in outline form with all matters reserved for future consideration except for means of access. In terms of the access, a traffic assessment has been provided with the final design now proposing a new roundabout to serve the site, minor re-alignment of the adjoining highway with traffic flows controlled by way of traffic lights north of the railway bridge and south of the site junction.
- 1.6 Although only the principle of the development and access is detailed at this stage, a comprehensive master plan has been provided illustrating the likely layout of the site along with the general scales, siting and heights of development. Generally, residential development is located along the southern side of the site with the commercial units and retail adjacent the railway line to the north. The commercial development is generally all two storey height with the residential predominantly three storey with some four storey. The application is also accompanied by detailed reports under the following headings: Transport Assessment, Structural Survey, Economic Development Appraisal, Ecological Survey, Flood Risk Assessment, Contaminated Land Report, Acoustic Report, Financial Appraisal, Design and Access Statement, Affordable Housing Report and Section 106 Heads of Terms.

2. Policies

2.1 Planning Policy Guidance:

PPS1	-	Delivering Sustainable Development including the supplement on Climate Change
PPS3	-	Housing
PPG4	-	Industrial and Commercial Development and Small Firms
PPS4 (draft)	-	Planning for Sustainable Economic Development
PPG13	-	Transport
PPS25	-	Development and Flood Risk

2.2 Regional Spatial Strategy for the West Midlands

2.3 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S4	-	Employment
S5	-	Town Centres and Retail
S6	-	Transport

S8	-	Recreation, Sport and Tourism
S10	-	Waste
S11	-	Community Facilities and Services
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR6	-	Water Resources
DR7	-	Flood Risk
DR10	-	Contaminated Land
DR13	-	Noise
DR14	-	Lighting
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H2	-	Hereford and the Market Towns: Housing Land Allocations
H9	-	Affordable Housing
H13	-	Sustainable Residential Design
H14	-	Re-using Previously Developed Land and Buildings
H15	-	Density
H16	-	Car Parking
H19	-	Open Space Requirements
E5	-	Safeguarding Employment Land and Buildings
E8	-	Design Standards for Employment Sites
TCR1	-	Central Shopping and Commercial Areas
TCR13	-	Local and Neighbourhood Shopping Centres
T1	-	Public Transport Facilities
T6	-	Walking
T7	-	Cycling
T8	-	Road Hierarchy
T11	-	Parking Provision
T13	-	Traffic Management Schemes
T16	-	Access for All
NC1	-	Biodiversity and Development
NC4	-	Sites of Local Importance
RST3	-	Standards for Outdoor Playing and Public Open Space
RST6	-	Countryside Access
RST7	-	Promoted Recreational Routes
RST9	-	Herefordshire and Gloucestershire Canal
W11	-	Development – Waste Implications
CF2	-	Foul Drainage

2.4 Other Guidance:

Supplementary Planning Document - Planning Obligations

3. Planning History

- 3.1 Extensive planning history exists for the site as a whole dating back to 1966 when original permissions were granted for the use of what was Holmer Tile Works for general industrial purposes. A summary of the more relevant planning history is detailed below:

HP25367	New replacement workshop units. Approved 14 September 1982.
HP26019	New replacement workshop units. Approved 26 April 1983.
HC870344/PF/E	Non food retail use situated at Unit 5, the former slabbing shop. Approved 21 July 1987.
HC920053/PF/E	Change of use from industrial to use for a taxi business. Approved 15 April 1992.
HC930181/SE	Use as breakers yard and sale of second hand spares. Approved 23 July 1993.
CE1999/1351/F	Continued use of land for scaffold business including retention of existing hard surfaces matching kerbs and barriers. Approved 1 July 1999.
CE1999/3278/F	Proposed industrial units for B2 use. Approved 2 February 2000.
CE2004/0199/F	Proposed conversion of house into three dwellings. Approved 24 February 2004.
CE2004/1110/F	Renewal of permission CE1999/3278/F for a proposed industrial unit for B2 use. Approved 19 May 2004.

- 3.2 Various temporary permissions have also been granted for development along the safeguarded route of the canal for the use of this land for the sale of cars. The most recent approval is CE2004/3311/F - continued use of land for car sales including retention of fences and barriers. Temporary permission approved 9th November 2004. This permission has now expired.
- 3.3 The above is not a comprehensive list of all planning applications submitted on the site but is a summary of the more key decisions over the last 20 years or so.

4. Consultation Summary

The comments detailed below are a summary of the final comments of both Statutory Consultees and Internal Council Advice. The full text of final and original or superseded comments can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

Statutory Consultations

- 4.1 Environment Agency:
 Flood Risk: The site is located in Flood Zone 1 (low probability) and a Flood Risk Assessment has been provided to demonstrate there is no potential to increase flood risk elsewhere through the addition of hard surfaces. We recommend the use of sustainable open drainage systems with green field run-off restriction on impervious surfaces restricted to 10 litres per second per hectare. Drainage options include provision of porous paving for parking areas, cellular storage under the paving or granular storage and soft landscaping. Ultimately there will be a gain in permeable areas as a result of the development which will decrease the existing run-off from the site. The comments are also made on the basis that the canal is an isolated section of restoration. Further assessment is required if the canal restoration leads to potential water conveyance between watercourses. Clarification as to potential adoption of such drainage may also be required including investigation of private management company.

Contaminated land: The site is situated on a minor aquifer and thus is a sensitive location with respect to the protection of controlled waters. Based on the information contained in the Phase 1 and Phase 2 Geo-Environmental Assessment, we recommended that further leachate testing is undertaken and other site investigation work which can be satisfactorily dealt with by condition. If contaminated soil is to be re-used on site as part of the soil recovery operation, a Waste Management Licence will be required.

Foul Drainage/Pollution Prevention: An acceptable method of foul drainage disposal will be connection to the foul sewer as proposed (subject to capacity). Further consideration is also required as to how the canal will be filled to maintain the water supply to ensure general water quality is maintained. The site must be drained by separate system of foul and water drainage.

Resource Efficiency: In line with the annexed Planning Policy Statement on Planning and Climate Change, we recommend water efficiency techniques and other measures to reduce energy consumption are incorporated into the development. We recommend that development meets Level 3 of the Code for Sustainable Homes and a BREEAM standard of 'Very Good' as a minimum.

4.2 Welsh Water:

No objection subject to condition requiring foul and surface water discharges to drain separately from the site, submission of a comprehensive integrated drainage scheme and the provision of suitable grease traps to prevent entry of any contaminants into the public sewerage system. Also, no development must be sited within 3 metres either side of the public sewer.

Welsh Water also confirm that adequate capacity exists within the waste and water treatment works and adequate water supply exists to serve the development.

4.3 Network Rail:

No objection in principle subject to the following measures being accommodated to ensure the safe operation of the railway line.

- Erection of 1.8 metre high trespass resistant fence along the boundary with the railway line.
- Provision of safety barriers adjacent to roads, turning and parking areas adjoining the railway line.
- No drainage discharge or soakaways within 10 metres of the railway line.
- No excavations near railway embankment.
- Siting of all buildings a minimum of 2 metres from the boundary of the fence with the railway line.
- Design of buildings should take account of possible effect of noise and vibration and the generation of airborne dust from the railway line.
- Any lighting should not conflict with railway signalling.
- No new planting should not encroach onto the railway line.
- All demolition and construction work should be carried out in accordance with agreed Method Statement where they exist close to the railway line.

4.4 National Grid:

A high pressure gas main runs adjacent to the site. The Institute of Gas Engineers recommends that no habitable buildings should be constructed within 14 metres

of the pipeline. Further advice should be sought from the Health & Safety Executive who may specify a greater distance than this.

4.5 Advantage West Midlands:

The Agency expresses general support for this comprehensive mixed use scheme which has the potential to deliver a development in accordance with regional economic interest. It offers the opportunity to improve employment levels and regenerate a significant brownfield site that will enhance the Holmer area.

A range of land uses are proposed and the Agency particularly supports the new employment floor space which can boost the local economy through job creation and investment. The business uses will create additional jobs upon completion in addition to a considerable amount of employment during the construction phases. This accords with the fundamental aims of the West Midlands Economic Strategy and particularly Pillar 3 - creating conditions for growth. This pillar supports the degree of good quality sites and buildings to create conditions for economic growth.

The proposal integrates opportunities for local people to have improved accessibility to jobs and the improved access arrangements will enable better transport infrastructure and support the principle of equal access to employment.

It is also noteworthy that the proposal includes the reopening of a section of disused canal to catalyse the regeneration of the area and contribute to creating high quality environment for commercial purposes. Support is primarily focussed on job creation and the investment improvements the development can deliver. Significant merits are identified in the proposed office facilities which can provide new accommodation for displaced businesses from Edgar Street Grid. This is particularly important due to the considerable demand but limited availability for employment land to facilitate re-location. Accordingly, the Agency would wish to see these elements retained and prioritised in subsequent phases of the development.

Given the application is generally regarded as a positive use of the land in economic terms in the context of the West Midlands Economic Strategy, the Agency welcomes the scheme in principle and the associated significant job creation potential.

4.6 Herefordshire Nature Trust: No comments received.

4.7 Midlands Architecture and Designed Environment : No comments received.

Internal Council Advice

4.8 Traffic Manager:

As part of the Transport Assessment the Applicant has modelled the development to copy the existing and proposed traffic movements. The developer has also added the development trips from the permitted developments for 300 houses off the A4103, Roman Road, North West of the site and 80 houses off Venn's Lane to his model. The Transport Assessment deems the proposal to have minimal impact in terms of extra traffic movements on the network which we accept and also the impact of permitted developments are also considered minimal.

For this development to work, the Traffic Lights at the Venn's Lane / College Road junction, Traffic Lights at the Bridge and the access to the development will need to be managed, to do this the lights will be synchronised together with the Trading Estate exit managed during peak times by Traffic Lights, (part time) this will keep priority with

College Road avoid stacking over the mini roundabout. Between the Trading Estate and the traffic lights is the start end of the 30mph speed limit, this will need to be changed to extend the 30mph to beyond the Bridge, to Roman Road, this will require a TRO and consultation with our Transportation Department to be implemented at a budget cost of £6,000 which the developer will fund in addition to the Section 106 contributions.

The site has previous accidents as listed in the Transport Assessment, 2 are at the access to the Trading Estate, one of which involves a cyclist. The proposals will improve the situation by improved signing, a mini roundabout, a new toucan crossing and Traffic Light controls for the bridge. We are also securing contributions from the developer towards improved cycle and pedestrian links. The proposed development would also result in a reduction in the number of HGV's on the network serving the site which would also improve safety.

Detailed design for the lay-out is not part of this application but the design will be to our design guide and the parking ratios will be to Herefordshire Councils parking standards for the proposed employment use and a residential parking ratio of around 1.5 parking spaces per dwelling. The final parking requirements can also be linked into the Travel Plan which has been conditioned. The Travel Plan will promote alternatives to single occupancy car use such as car share and alternative travel modes such as walking, cycling and Public Transport.

The developer is providing footway cycle link to Wessington Drive which will link up to the C1127, a new Toucan Crossing on the C1127 is proposed as part of the improved cycle footway.

The internal lay-out has yet to be designed in detail, the link road from the C1127 to the housing will be constructed to adoptable standards and a Section 38 agreement entered into to adopt the road, the spur to the Industrial section of the development will remain un adopted.

No objection subject to conditions and S106 contributions towards localised highway improvements and enhancement of sustainable transport infrastructure. The Section 278 works must be completed prior to occupation of the development site.

4.9 Public Rights of Way Manager:

The development would not appear to affect Public Footpath HER11 which leaves College Road heading west across public open space. However, there appears to be no provision for a safe pedestrian crossing over College Road to access the public footpath and the open space. The visibility for pedestrians to cross safely here is very restricted, especially for people that cannot walk quickly. The nature of the traffic servicing industrial areas means some traffic is proceeding in great haste. Any new pedestrian cycle routes within the site should be brought up to adoptable standards.

4.10 Minerals & Waste Officer:

The application is not affected by any mineral consultation zones and there is therefore no policy objection in this respect.

Other general comments are as follows:

1. The development has potential for significant ground engineering works being required. A written statement is required to identify how waste is to be reused on

site or disposed of elsewhere. Policy W11 of the UDP is particularly relevant in this regard.

2. Development should be required to demonstrate how waste reduction/re-use is to be incorporated through the construction and post completion.

4.11 Strategic Housing:

Strategic Housing will be seeking 35% of development to be designated as affordable housing which equates to 44 units.

Strategic Housing have been in negotiations with the developer and are seeking a mix of one and two bedroom apartments and four bedroom houses, exact details of bedroom sizes e.t.c to be decided. We also accept the 50/50 tenure split between rented and shared ownership. All the affordable units must be built to Housing Corporation Scheme Development Standards and lifetime homes.

4.12 Children and Young People's Directorate:

The educational facilities provided for this development site are North Hereford City Early Years, Broadlands Primary School, St Xaviers RC Primary School, Aylestone Business and Enterprise College and Hereford City Youth Service.

The Childcare Sufficiency Assessment highlights deficiencies in the North Hereford City area childcare provision.

Broadlands Primary School has a planned admission number of 60. As at the Spring Census 2008 the school had surplus capacity in all year groups.

St Francis Xavier RC Primary School has a planned admission number of 30. As at the Spring Census 2008, all year groups have 2 or fewer spare places.

Aylestone Business and Enterprise College has a planned admission number of 250. As at the Spring Census 2008 the school surplus capacity in all year groups.

The youth service within Hereford City is based at Close House which is a voluntary sector organisation. It has been identified that they require a new central city property in order to expand the range of activities they can offer.

Approximately 1% of the population are affected by special educational needs and as such the Children and Young People's Directorate will allocate a proportion of the monies received for Primary, Secondary and Post 16 education to schools within the special educational needs sector.

The Children & Young People's Directorate would therefore be looking for a contribution to be made towards Children and Young People in this area that would go towards provision of new or enhancement of existing educational infrastructure at North Hereford City Early Years, St Xaviers Primary School, Hereford City Youth Service and Special Education Needs in the city. No contribution is sought towards the schools where capacity exists.

4.13 Environmental Health & Trading Standards Manager (Pollution & Contamination):

I refer to the Phase I & II Geo-environmental Assessment Report - Holmer Trading Estate, College Road Hereford prepared by Clarkebond, Ref EB00668/1, dated April 2007 and various telephone conversations and emails from the developer and the

environmental consultant. I would make the following comments in relation to the above application.

I also refer to my previous comments in my memo to you on the 13th July 2007 in which I outlined a number of concerns. Some of these issues have now been clarified.

The developer has undertaken a Phase 1 and 2 site investigation. The investigation found tile waste associated with the former Victoria Tile Works within the infilled canal. The tile waste has recorded high levels of lead. The development proposal includes opening up the former canal, therefore removing the waste from the canal. The site investigation also identified contamination on the development site including some areas of hydrocarbon contamination. At the moment the developers preferred option is reuse the material from the canal on the development site, therefore a suitable remediation scheme is required to ensure that the site will be made suitable for use.

The report has indicated potential remediation methods for developing the site however at this stage further investigation of the site is still necessary before remediation options can be considered in detail.

Once the investigation work has been completed a detailed feasible remediation option appraisal of remedial methods will need to be undertaken by the developer to identify the "best option" or combination of remediation options in terms of dealing with the contamination and also the practical issues on the site (phasing of remediation and site constraints). Some of this work may include treatability studies on the canal waste if chemical stabilisation of the soils is being considered.

The proposed development is quite complex in terms of contaminated land remediation however it is considered that there is sufficient information to allow the outline permission to be conditioned. It should be noted that a lot more detailed information will be required to be submitted with any reserved matters application.

4.14 Environmental Health & Trading Standards Manager (Noise & Odour):

I have had opportunity to consider the supplementary information as regards noise provided in response to the issues I raised about the original noise assessment.

These issues and concerns have generally been addressed . The proposal to have some residential accommodation at 25m from the fans at Cavanaghs is still of some concern. It is proposed that these would be single aspect and that they would provide a noise barrier to the rest of the site , and with appropriate noise insulation measures including acoustically treated ventilation an acceptable level of noise within the dwellings should be achieved. I understand that it is not proposed to provide gardens for these properties. Nevertheless, it would in my opinion be better if all proposed dwellings were located behind this barrier which should be formed by commercial premises only.

As I stated in my initial response I do not have an objection to the principal of this development, however if permission is granted conditions should be attached to reflect those suggested by the noise consultant in paragraph 5 of the supplementary noise information (additional noise survey, restrictions on hours of use, delivery access, and noise exposure restrictions). I would comment that the noise survey proposed by condition 1 would have to be undertaken on more than one 24hr period and would have to be done when the noise from Cavanagh's fans was not present. To achieve the rating level proposed by condition 2 individual levels for every industrial/commercial unit will need to be set, and if the dwellings forming part of the noise barrier are

included in the final plan, the scheme proposed by condition 3 should include noise from Cavanaghs. In addition conditions restricting hours of work and deliveries should also be included.

The proposals have subsequently been amended to address the above concerns regarding the proximity of residential to existing employment uses.

4.15 Drainage Engineer:

No adverse comments regarding land drainage.

4.16 Parks, Countryside & Leisure Development Manager:

These comments have been revised to take account the revised master plan and mix of residential development.

Based on the 2001 Census and average occupancy rates for house sizes the population for this development is 235.3 persons. Using existing UDP policy RST3 and 2.8 ha per 1000 population, this development would be required to provide 0.65 ha of open space. This equates to 0.38 ha Outdoor sport, 0.18 ha children's play area and 0.09 ha public open space.

The 0.8433 ha provided on site equates to 0.699 ha of canal, 0.047 Green space and 0.097 of "highways" verge open space at the entrance. The entrance open space is not considered "usable" amenity space, therefore its contribution is taken out of the overall amount. The canal restoration is seen as a beneficial contribution towards amenity green space and in particular natural and semi natural green space which is seen as a shortfall in the city. Therefore the total area of "usable" open space is 0.74 ha. This meets the public open space requirements of policy H19. A more detailed landscaping scheme should be provided in order to calculate any future maintenance contributions should the on site open space be adopted by the Council.

However, to fully meet the criteria of policy H19 a formal outdoor sports area and a NEAP standard play area are required from developments of 60+ dwellings. A formal outdoor sports area cannot practically be provided on site and as agreed previously, an off-site contribution is sought to be used at Aylestone Park. A development of this size would normally be expected to provide play areas for young children and teenagers and outdoor sports facilities for adults. Evidence from the emerging audit undertaken for PPG17 open space assessment has identified that in this part of the city, there are deficiencies in the amount of community accessible outdoor sports provision. An off-site contribution is therefore also sought to address this deficiency.

4.17 Economic Regeneration Manager:

Background Points

1. The application site is clearly an established Employment site with somewhere between 20 and 25 businesses operating from the estate. The business uses within the site are varied with elements of B1, B2 and B8 uses.
2. The estate is well located for the trunk road network being approx 300 metres from the A4103 Hereford to Worcester Road although it is noted that access onto the A4103 is via a skew bridge over the railway.
3. The site infrastructure is of variable quality with poorly maintained internal service roads being a feature of the estate. Build quality is also varied, with units generally of

average to poor quality and I would agree with the applicants structural engineering consultant that “few appear to have useful or reasonable improvement potential”.

4. It is also noted that the structural engineering consultant advises, “many of the buildings are on the point or beyond the point of becoming uninsurable because of their condition and history”.

Relocation of Existing Businesses

5. Despite the above points the site is currently a viable business location for those businesses on the estate, and contributes to meeting the demand in the north of the city for lower quality employment units. It is noted that this situation may change over time with the further deterioration of the estate buildings.
6. Additionally it appears that 11 businesses, employing a total of 25 people, will have to relocate from the site prior to redevelopment taking place. Whilst it is realized that the current owner of the site has no obligation to assist businesses to relocate off the site, redevelopment of the estate will displace some currently successful businesses, with resulting uncertainty over future location and viability.
7. This is a regrettable situation and one that will be the cause of great concern and stress to the affected businesses, but the applicant has assured officers that they and their agent have entered into negotiations with other landowners across the city in an effort to secure alternative sites for some of the businesses not being offered a unit within the redevelopment.
8. I would ideally like to see written evidence from all businesses whom the applicant states are staying on site confirming that they are indeed staying on site and have provisionally agreed a unit location and Heads of Terms.

ESG Business Relocations

9. It is noted that a number of the employment units within the development (amounting to approximately 3,000 sqm) have been provisionally offered to businesses already located within the site with the possibility of some bespoke units being created for specific businesses.
10. Following on from the above point, it is noted that the applicant has formally offered ESG Herefordshire Ltd the first right of refusal for the remaining circa 4,000 sq m of employment units, and have indicated a willingness to include this as a part of the Heads of Terms for the site S106. Providing a sensible solution can be negotiated through this S106 this may assist in the meeting of demand for employment space created by the ESG redevelopment.
11. In terms of obtaining some certainty for businesses within the ESG area moving onto the application site, I would expect, within the S106, that ESG businesses are offered competitive rental levels and that these are fixed for 3 years, in line with the terms offered to existing site businesses.
12. I believe that negotiations within the S106 should cover the award of an exclusivity period to ESG for the facilitation of agreements for ESG businesses to lease premises within the development. The length and terms of this exclusivity award should be considered within the S106 negotiations.

Hereford to Gloucester Canal

13. From a wider regeneration point of view, it is noted that as a part of the development the Hereford to Gloucester canal will be reinstated within the site boundaries. This will directly assist in the restoration of the canal within Hereford and will link into the reinstatement by Herefordshire Council of the canal at Aylestone Park and may provide further momentum for the reinstatement of the canal into the ESG site and any basin subsequently constructed on the site.
14. The reinstatement of the Hereford to Gloucester canal will provide a regeneration benefit to the towns and villages along its length through tourism and leisure activities. The ESG Masterplan states that a canal basin will be constructed within the ESG site providing a focal point to the Urban Village development and uplifting value along the waterfront. It is understood that the canal trust has already secured S106 contributions and ownerships between the ESG site and the application site. Should the application be approved this will provide a substantial element of reinstated canal within Hereford city.

Draft PPS4

15. The submitted application is for a mixed-use development with Housing, a small element of retail, and employment uses within the development. It should be borne in mind that Draft PPS4 advocates a flexible approach in planning for sustainable economic development, which monitors and responds to changing economic trends and market signals. For example, the draft guidance recommends setting criteria-based policy, and promoting mixed-use developments.
16. Additionally Draft PPS4 encourages local planning authorities to adopt a constructive but balanced approach to proposals for economic development, taking account of longer-term benefits to local and regional economies.

Employment Land Provision

17. Pressure on existing employment land will increase with the likely relocation of businesses from the Edgar Street Grid site. Currently (26th March 2008) there exists 161,833 sq ft of Industrial Units and 62,454 sq ft of office space vacant within Hereford City located north of the River Wye. This amounts to 2.083 ha of vacant units and office space.
18. It is estimated that the total requirement is for 4 hectares of employment land for the relocation of businesses from the Edgar Street Grid. (Figure taken from a Private and confidential report undertaken by DTZ Pinda for AWM and Herefordshire Council, untitled Relocation of Businesses within the Edgar Street Grid, May 2005.)
19. Additionally it is understood that the majority of occupiers being relocated will want to remain close to the city centre, or to be relocated to established employment sites north of the River Wye.
20. It is understood that this application will decrease the overall amount of employment land within the City in terms of actual land area and employment land allocations. As demonstrated above this reduction comes at a time when employment land allocations and development opportunities are undersupplied in Hereford north of the River Wye.
21. The applicant states that the actual level of employment floorspace within the development site will remain approximately the same, due to the construction of the

new units and revised layout. It is noted that in part this is due to the construction of mezzanine floors. In practical terms this may work for some businesses but it is considered that it is highly unlikely that all mezzanine floorspace will be taken up.

22. As a consequence it is felt that the full amount of floorspace as indicated within the application is unlikely to be developed out and that, to get an amount of floorspace equal to that currently in existence, more employment floorspace may need to be included within the application.
23. Balanced against the above, the site, although an employment land allocation, is not in one of the best locations within the city to attract new, higher value employment uses as access to the trunk road network is via a skew bridge, it does not have a large and visible frontage, and is located off a secondary road. Whilst this site may suit local businesses currently in similar locations, such as Station Trading Estate, that need to relocate due to the ESG development, it is not anticipated that it will be attractive to businesses relocating off very active frontages, such as Widemarsh Street or Edgar Street.

Concluding Remarks

24. It is considered that should this application not be approved then the existing estate will function similar to current use, with little or no investment into the employment unit provision. The site will continue in the short term to provide a supply of poorer quality units in a poor quality landscape. Whilst there is a need for this type of unit there is little doubt that a more efficient use of the site could be implemented should the necessary investment be made.
25. It is considered that there is little prospect of this investment being generated for a solely employment land development due to the investment needed in the site clearance, infrastructure and remediation. It is also considered that should the site be redeveloped solely for employment purposes a contribution to the reinstatement of the Hereford to Gloucester canal would be unlikely.
26. Therefore it is my opinion that the potential relocation of approximately 10 businesses and the protection of the employment land that would be lost to the housing and retail elements of this development is outweighed by the following:
 - Construction of circa 7,000 sq m of new employment units across the B1, B2, and B8 categories complete with new infrastructure and potential for bespoke units to be created.
 - The offering of approx 4,000 sq m of these units (for a period to be determined through S106) to the ESG Herefordshire Ltd to be offered to businesses needed to relocate off the ESG site.
 - The reinstatement of an element of the Hereford to Gloucester canal possibly facilitating the future enhancement of further elements of the canal especially in linking into the ESG site.

As a consequence I support the application subject to further negotiation within the S106 regarding the offering of units to ESG Herefordshire Ltd, and subject to a review of employment floorspace requirements and the use of mezzanines.

Subsequent to these comments, the proposals have been further amended to increase the employment floorspace by another 800 sq metres at the expense of ten residential units.

4.18 Conservation Manager (Ecology):

I have received a summary report of the latest ecological surveys (April/May 2008) and visited the site again. A single full ecological report should be submitted as there are currently three separate reports.

It would appear that the weather conditions during the first survey this year (on 30/04/2008) were too cold for bat activity. I note that common pipistrelle bats were recorded emerging from the canal tunnel during the second survey and that there is also potential for roosting in the adjacent trees. Pipistrelle bats were also recorded roosting in the building in the NE of the site during the previous survey season. Mitigation measures for loss of roosting sites will need to be submitted prior to development.

I am concerned about the impact upon the canal tunnel entrance as a result of the new road layout. There is an oak tree in this wooded area that should be retained. Any trees that are to be felled, in particular those that are covered in ivy, will need to be inspected and surveyed immediately prior to felling, as there are opportunities for occasional roosting by bats. The canal tunnel should not be made accessible until measures to avoid impact upon bats have been submitted and implemented as approved.

As this is an outline application, I recommend the inclusion of conditions requiring the submission of a full working method statement regarding the nature conservation interest of the site and a scheme of habitat management and enhancement to be submitted prior to the commencement of any development.

4.19 Forward Planning Manager:

The proposals for the redevelopment of Holmer Trading Estate would not bring substantial benefits to residential amenity, as the surrounding land uses are very much employment based. There could be other amenity benefits, if the stretch of the Herefordshire – Gloucestershire Canal were to be reinstated, where abounding residential development would be appropriate. However, it appears that a large proportion of employment land would be lost at the cost of residential development, which is contrary to Policy E5. This could set a dangerous precedent.

It is not indicated within the application as to how much of the existing employment floor space will be retained in real terms, and how much will be lost. It would be favourable if the existing level of provision could be retained, perhaps at the cost of some of the residential element of the scheme. Particular concerns exist regarding practicality issues of mezzanine accommodation in industrial units. There are also concerns regarding the role of the two smaller retail units and the potential office accommodation.

5. Representations**5.1 Hereford City Council:**

The City Council does not endorse the plan as it stands and has a number of concerns that need further enquiry. Members would like to know more about proposed alterations to the highway and any impact on Roman Road. The loss of employment land is a concern coming as it does with the proposed reduction of employment land on the nearby Edgar Street Grid. Possible loss of starter units for local businesses is a serious concern with impact beyond this site. In the event of housing being approved

then affordable housing is essential especially three and four bedroom family accommodation.

5.2 Edgar Street Grid Herefordshire Limited:

Further to recent discussions in respect of the evolution of the mixed use scheme at the Holmer Trading Estate, ESG's formal position with the benefit of the more up to date information now available is as follows:

ESG, as a matter of principle, is supportive of imaginative, comprehensive redevelopment proposals in the city which contribute positively to its future prosperity but in this case, the fundamental issue relates to the potentially adverse impact on employment land supply inherent within this scheme. As you are aware ESG, in partnership with Herefordshire Council and Advantage West Midlands, is committed to, and working hard to secure opportunities for businesses affected by the regeneration of ESG and as such is always extremely concerned to ensure that currently safeguarded employment land is not lost to other uses.

This said, it is fully appreciated that this is a mixed use scheme that seeks to deliver an equivalent amount of B1, B2 and B8 floor space as is currently provided in outdated units on the existing site and as such does present a potentially beneficial redevelopment so far as the relocation of ESG businesses is concerned.

However in order to be entirely satisfied of the benefits the following matters would need to be addressed by the applicant:-

(a) it would need to be proven that the applicant had undertaken an analysis of ESG businesses and their suitability for the format of units being delivered at the Holmer site. We are currently experiencing major difficulties with relocation because of the retail orientated/sui-generis nature of many of the businesses and it has not been demonstrated how these might be accommodated at Holmer.

(b) Furthermore there does not appear to be any evidence of interest from existing ESG businesses keen to relocate to Holmer and it would be of some comfort to see such evidence.

(c) Finally on this issue, it is understood that the surplus floor space not taken up by existing businesses at Holmer Trading Estate would be made available to ESG businesses. This offer is welcomed but with the caveat that to consider withdrawing our objection we would need to be assured of how much floor space would be available, the mechanism for restricting occupation to ESG businesses and a timescale for the delivery of suitable available units from Summer 2010 onwards when the construction of the Link Road is programmed to start. On this latter issue how long would the applicant be prepared to commit to in order to secure a relocation?

At this stage, whilst ESG appreciates the other benefits accruing from this proposal, not least the restoration of a significant length of the canal alongside the site, it remains cautious in respect of the broader strategic impact associated with the development of this safeguarded employment site and in the absence of assurances in respect of the comments set out above, we are not in a position to retract our objection but would welcome deliverable assurances in the areas highlighted above with a view to possibly doing so.

5.3 Herefordshire and Gloucestershire Canal Trust:

We cannot stress enough how critical this application is for the future restoration of the canal. From the very beginning, landowners and their team have sought to work closely with the Canal Trust to deliver restoration of the canal and produce an acceptably high quality development to make this stretch a showpiece from the regeneration of the canal within the City of Hereford. Without this development the restoration of the canal within the city will be severely delayed as it is unlikely that the Council will fund the necessary 1.2 million to secure the restoration of the site. The development will also provide for long term maintenance and management income to ensure the Canal Trust can maintain and manage the canal within this site, the section within Aylestone Park and the tunnel adjoining the site.

The applicants have made a clear attempt to retain existing businesses on site through offering an option lease agreement for new units. The square footage for employment space remains the same in the new development as the existing with a considerable reduction in retail space compared to that applying to existing consents. It is only with the residential element that the redevelopment of the canal is viable. The scheme makes the most of the canal corridor and seeks to fully integrate the restored canal into the scheme. The residential element provides clear overlooking of the canal corridor achieving an element of security and self policing to ensure a high quality built environment is maintained.

The canal will provide a significant drainage resource for the ESG site and this development will see a significant section of the required canal restored and made available for drainage at no cost to ESG or the Council. In addition, the new employment space on the site that has not been taken by existing tenants has been offered to ESG for their use in the relocation of tenants.

In conclusion, we must strongly support the application subject to completion of a tripartite Section 106 Agreement. This will be a showpiece of what can be achieved when public, private and voluntary sectors work together to create an economic tourism and leisure resource for the whole county.

5.4 Sixteen letters of objection have been received largely from existing businesses on site, The main points raised are:

- Approval of the development will lead to closure of our business and subsequent loss of jobs also affecting other businesses in the supply chain.
- Cannot afford the likely rent in the new business units.
- There is already a lack of suitable business units and sites north of the river within the city. It will be difficult to find another appropriate site to relocate if we are displaced from the site at significant financial costs and with no compensation paid.
- The proposed business units all being two storey are totally unsuitable for many of the business needs of existing businesses on site.
- Although the estate is lacking in investment in recent years, businesses operate as a consortium and help provide small business unit which are the life blood of the county's economy.
- The three storey town houses will directly overlook neighbouring properties and their gardens, particularly now existing vegetation and trees have been removed alongside the route of the canal.
- The location of the proposed footbridge may result in the congregation of antisocial behaviour.

- One of Herefordshire Council's statements is "Putting People First Providing For the Communities". However this application will not take account of this statement.
- A number of businesses have recently expanded to larger units on the site at considerable expense.
- Adequate parking for staff and customers is currently available and this will not be the case with the proposed development.
- The site has been designated as an employment site since the Victoria Tile Works manufactured there in 1878.
- The mixed use redevelopment will further reduce employment land north of the river which will be at a premium with the Edgar Street Grid plans.
- The proposed development site will largely be catering for bigger business with more capital to spend pushing small family run businesses out of the county. -
- The proposed development will lead to an overall increase in traffic which is already a problem in the locality.
- The site is heavily contaminated from historic and more recent uses including cement asbestos, radio active material, oils, battery acid and remnants of the tile works.
- The introduction of housing next to the established and proposed industrial units which operate 24 hours a day could generate noise complaints for employers.

Subsequent to negotiations between the applicants and the businesses, four businesses have now formally withdrawn their objections as they have been offered units as part of the redevelopment. These being Franks Luxury Biscuits, J. Mayo-Evans & Son, The Patio Centre and Herico Art and Office Supplies.

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

6. Officer's Appraisal

- 6.1 The proposal is for mixed-use redevelopment of this brownfield employment site to create new B1, B2 and B8 floor space, new retail units and 115 residential units along with the construction of a new vehicular access and restoration of the section of the canal adjoining the site. The proposed development is complex, both in terms of constraints arising from the existing site and the nature and mix of uses comprising the proposed development. The following issues are considered to be the key considerations in the assessment of the application.

1. Economic Development Considerations
2. Highway Issues
3. Environmental Considerations (Contamination and Noise)
4. Illustrative Layout and amenity
5. Restoration of Herefordshire and Gloucestershire Canal
6. Other Matters including S106
7. Conclusion

Economic Development Considerations

- 6.2 The site is identified within the Herefordshire Unitary Development Plan 2007 (UDP) as a safeguarded employment site. Policy E5 of the UDP states that proposals which result in the loss of existing, permitted or proposed employment land and buildings to non-employment uses will only be permitted where:

- i. There will be substantial benefits to residential or other amenity in allowing alternative forms of development, and the site or premises concerned can be shown to be unsuitable for other employment uses including consideration of mitigation measures. Where such proposals are permitted, an alternative site should be found for the relocation of any existing businesses, or
 - ii. In the case of proposals incorporating elements of retail use, this is restricted to a minor or incidental activity associated with an otherwise acceptable Part B or other employment generating use.
- 6.3 Excluding the land occupied by the canal, 40% of the site is proposed to be redeveloped with non-employment uses, namely residential. Therefore, as a matter of fact the development will lead to the loss of safeguarded employment land. There may be minor benefits for the amenity of local residents arising from the removal of existing industrial activities away from localised housing although the existing activities on the site have not historically caused complaints to be made to extent that any statutory nuisance has been demonstrated. In terms of other amenity considerations, there will clearly be a visual enhancement of the site with the restoration of the canal and construction of a high quality mixed use development. However, it is not considered that the proposed mixed use development would provide sufficient benefits to residential or other amenity justifying the non employment development of the site.
- 6.4 The site is also not considered unsuitable for employment purposes. A number of the existing buildings on site whilst remaining structurally sound, are in relatively poor condition and are coming to the end of their useful commercial life. The application is accompanied by a structural engineer's report, which provides an overview of the condition of the buildings. The conclusion of the report is that "all the buildings are well beyond their economic useful life, with the exception of two modern buildings, few appear to have useful or reasonable improvement potential." The conclusions of this report are not disputed although the fact that the buildings are all still used for employment purposes would suggest that a viable employment use can be maintained providing they remain structural. However, the applicant also advises that they are now experiencing increasing difficulties gaining insurance for the buildings and site as a whole due to the quality, condition and security of the buildings. Notwithstanding these issues, it is recognised that the majority of the buildings and site would benefit from investment to create modern, fit for purpose employments units.
- 6.5 The third part of Policy E5 relates to businesses being relocated to alternative sites. This is discussed in more detail at paragraph 6.10-6.12. Therefore, the site will result in the loss of employment land, there are no significant benefits to residential or other amenity arising from the proposal and the site is not unsuitable for employment purposes either in its present or redeveloped form. The proposed development does not therefore accord with the requirements of Policy E5, which seeks to safeguard established employment sites. It now falls to consider the other employment considerations.
- 6.6 In terms of employment land supply, the Inspector's report following the UDP Inquiry identified that there was an over supply of employment land across the city and county as a whole. Therefore in purely quantitative terms, taken across the county and based on figures contained in the Council's annual economic monitoring report, there is no need to safeguard the site in its entirety for employment purposes. However, whilst there may be adequate provision of land over the lifetime of the UDP, there are issues in the city regarding the quality and deliverability of some of the employment land. For

example, much of the largest allocation in the city within the Rotherwas area is currently restricted by flooding and therefore until the flood risk is removed or mitigated, much of the land in Rotherwas cannot be developed. Furthermore, there is a general shortage of accessible employment land north of the river within the city although if the search area is extended, Moreton-on-Lugg Business Park contains large areas of undeveloped safeguarded employment land albeit restricted to light industrial and storage (B1 and B8).

- 6.7 The development plan including the Regional Spatial Strategy seeks to ensure that sufficient employment land and buildings are available to meet differing employment needs in location, size, quality and ownership. As of May 2008, there exists 133,559 sq ft (12,407 sq M) of Industrial Units and 67,314 sq ft (6253 sq M) of office space vacant within Hereford City located north of the River Wye. This amounts to 1.866 ha of vacant units and office space. In addition, a further 1.74 ha of vacant employment land at Faraday Road. These figures may appear reasonably high and ordinarily, this amount of floorspace/land is likely to be adequate for the lifetime of the UDP. However, it is estimated that around 4 hectares of employment land will be required for re-location of businesses from the Edgar Street Grid (ESG). The majority of these business wish to remain as close as possible to the city centre and their existing sites, i.e. north of the river but within the city. Notwithstanding the over supply of employment land generally, there is still therefore a need for employment land and floorspace within this part of the city. This conclusion was also reinforced by an appeal on Faraday Road in May 2007 where the Inspector concluded that the undeveloped employment land should be safeguarded, notwithstanding that adequate supply of land existed overall, and its development would be contrary to Policy E5 of the UDP. Notably, however, the Inspector did not consider that site was essential to the deliverability of ESG.
- 6.8 The development is therefore contrary to policy E5 of the UDP and additional employment land/floorspace is/will be required over the next five years or so. Therefore to enable the principle of a mixed use development to be established, the viability of the site being developed entirely for employment purposes must firstly be considered. The applicants have provided information including details of construction costs prepared by a quantity surveyor to demonstrate that the development of the site for a mixed use incorporating residential is the only viable option. Figures have been provided for the costs associated with the development of the site entirely for employment purposes and the associated likely profit margins. It is accepted based on the information provided that the site is subject to a number of development constraints which will significantly increase the construction costs, namely high levels of contamination, the works associated to renovate the canal, new access arrangements and poor ground stability necessitating piling works throughout the site.
- 6.9 The likely rental yields from the employment floor space have been confirmed as being accurate but the construction cost figures have not been independently scrutinised. Based on the information provided, the re-development of the site for employment including the canal and new access works would make a loss of 3.8 million. However, figures have been provided on the basis that the restoration of the canal is undertaken with both options. It is questionable whether the canal would be an essential element of the development if the site were redeveloped entirely for employment purposes. This may well affect the viability of an alternative proposal particularly if there were a further increase in the B1 floorspace. Even revising the figures in this manner, the re-development for employment purposes is likely to be at best, marginally profitable and more realistically, still make a loss. Therefore, on the basis of the information

provided, the full re-development of the site for employment purposes is unlikely to be viable and therefore the need for residential development, in viability terms is accepted.

- 6.10 In terms of the impact on existing businesses, at the time of the submission of the application, the site accommodated 39 businesses covering a multitude of uses and services including those associated with the vehicle trade (car sales, dismantling, scrap, repair, tyre sales, MoT centres, taxi services), food operations (biscuit manufacturing, site café and food distribution), general storage uses, general manufacturing including carpentry and steel fabrication and retail sales such as sofas, kitchen and bathroom equipment and office supplies. As of April 2008, of the 39 businesses, 16 have found alternative premises and have now vacated the site, 7 have confirmed a commitment to remain on site in the new units and 3 others have been offered new units but have not taken up the offer to date. This leaves up to 13 businesses that would be forced to relocate as a result of the development. Some of these businesses have been offered new units on site but have expressed a desire to relocate elsewhere and the applicants have sourced possible sites at Rotherwas for two other businesses and two are even considering retiring.
- 6.11 Since the submission of the application, the applicants have taken significant steps to try and accommodate as many businesses as possible within the redeveloped units. Of the 10 businesses (equating to 47 jobs) that have expressed a wish to remain on site, 7 have now signed formal tenancy agreements with rents frozen at the current low rates for 3 years and bespoke designed units to accommodate their specific business requirements. Similar offers have been made to other businesses but not all have chosen to sign the agreements as yet. This is a clear and legally binding commitment by the applicants to accommodate as many existing businesses as possible on the new development and negotiations are ongoing to accommodate the needs of other existing businesses.
- 6.12 Notwithstanding the efforts made by the applicants, there are still businesses that would be displaced by the proposal with the potential for a loss of jobs. However, this situation would obviously exist regardless of the format of any re-development. The purpose of the employment policies within the UDP is ultimately to safeguard but also create new employment opportunities. The new floorspace to be created would create more jobs due partly to the increase in B1 floorspace and the more efficient use of the. In quantum terms, based upon local employment densities, it is estimated that between 200 and 210 jobs will be retained and created on site. This is a significant increase over the existing and historical situation on site.
- 6.13 As it currently stands based on the number of businesses presently to be accommodated within the new units if permission is approved, around 4,000 sq. metres (43,000 sq. ft) of new employment floor space would be available for rent or purchase. To assist in the pressures arising from businesses displaced from ESG the applicants are also offering as much of the surplus floor space as is required to ESG. This would be incorporated into a Section 106 Agreement including a period of exclusivity for ESG business, the phasing of construction and fixed rental levels for up to three years. This is a significant contribution and would assist in the deliverability of the elements of ESG.
- 6.14 There is an increase in the overall floor space proposed compared with the existing situation. This is largely achieved by a higher density of development with all the new buildings being in two storey form. A number of objectors have expressed concerns

regarding the format of the new floor space with it all proposed to be in two storey form. To address the concerns of business to be retained on site, units are being designed to their specific needs including the provision of lift access where necessary. The proposed units will also be of varying sizes and available for lease or freehold purchase providing flexibility in terms of their format, tenure and affordability to meet the needs of a diverse economy.

- 6.15 In terms of the retail provision, planning permission was granted in the mid 80's for unrestricted A1 floor space and the retail provision now proposed as part of this development is considerably less than currently exists or is permitted. A reduction in the retail floor space on site is welcomed as the Council would generally be seeking the site to be safeguarded for B1, B2 and B8 uses with any retail being directed to city centre or other allocated bulky goods out of centre locations.
- 6.16 More specifically, the retail provision proposed as part of the development is essentially to accommodate two existing retail businesses on site, one being a cafe. In addition, a local convenience store is proposed to serve the site and the wider community (200 sq.m.). A brief retail assessment has been provided to establish the need and impact of providing a convenience store on site. Whilst the northern part of Hereford City is generally well provided for with local shopping centres and convenience stores, no such provision exists in the locality and therefore there is considered to be scope for a small convenience store, particularly given the increase in localised population arising from this development, developments at the Blind College and the development to the north of Roman Road. As such the principle of the convenience store of the size proposed is also accepted.
- 6.17 Overall the employment considerations are finely balanced. The conclusions on which are detailed at para 6.38.

Highway Issues

- 6.18 The highway network in the immediate locality of the site is generally substandard both in terms of the access into the site and restrictions arising from the nearby bridge over the railway line. A detailed Traffic Assessment has been provided to look at a number of options and the final access design has now been agreed with the Traffic Manager. The final design proposes the construction a new vehicular access into the site via a new roundabout on College Road. To facilitate this, a section of College Road between the bridge and south of the site is to be straightened and widened to create clear visibility for the roundabout. In addition, traffic signals are proposed on College Road and into the site to assist in the operation of the roundabout and to restrict vehicular traffic over the bridge to one way. This then enables the construction of a new footway from the site over the bridge to connect to the existing footways to the north. A new pedestrian/cycle toucan crossing will also be provided on College Road south of the new roundabout. This will address the concerns of the Public Rights of Way Officer and ensure a safe crossing for pedestrians and cyclists travelling to and from Aylestone Park. A footbridge across the canal is also proposed to link the site with the wider cycle network. New traffic lights would be programmed into existing traffic lights on the College Road/Venns Lane junction to ensure there is no backup of traffic.
- 6.19 The final design is considered to be the safest option for vehicles, pedestrians and cyclists to facilitate not only the provision of safe access into the site but significant highway improvements along College Road. Section 106 contributions towards

additional highway works including possible improvements to the College Road/Venns Lane junction have also been agreed.

- 6.20 The traffic assessment provided also examines capacity of the local highway network to accommodate the likely increase in vehicular movements associated with the development. The development being an established employment site already generates a high level of vehicle movements and the additional development will inevitably increase trip rates to and from the site. The traffic assessment looks at the impact of the development alongside other permitted or proposed developments including 300 houses north of Roman Road and developments at the Blind College and the Traffic Manager is satisfied that the local highway network has capacity with the improvements proposed to accommodate the development.
- 6.21 Parking provision to serve both the residential and the employment has been increased to achieve an average of 1.4 spaces for the residential element, some of which will be provided through under ground parking. This is considered acceptable, particularly given the majority of the units are two bedroom properties and is in line with Policy H16 of the Unitary Development Plan which sets a maximum provision of 1.5 spaces per dwelling with no minimum provision. Secure cycle and mobility buggy parking could also be achieved by condition. Additional Section 106 contributions will be sought to facilitate further off-site pedestrian and cycle links in the locality to increase the accessibility and sustainability of the site. The Traffic Manager is also satisfied that the parking provision associated with employment units is acceptable and in line with the guidance in Herefordshire Council's Highway Design Guide. If permission is approved, the applicants are also proposing two travel plans associated with the business and residential elements to further encourage alternative modes of transport and minimise general vehicular use. In general, the access design and other highway issues are now considered acceptable.

Environmental Considerations (Contamination & Noise)

- 6.22 A Geo-technical Survey has been carried out which has revealed that parts of the site are highly contaminated. In particular, the canal itself contains high levels of lead and high levels of hydrocarbons have been found elsewhere. Further survey work has been undertaken and the Environmental Health (Pollution) Officer is now satisfied that any risks can be mitigated through appropriate conditions. In the interests of waste minimisation, the applicants are proposing to utilise some of the less hazardous material in the construction process under the less sensitive areas such as roads and parking areas. Overall, the risk from contaminants within the site has been satisfactorily evaluated and is considered acceptable.
- 6.23 A detailed acoustic report has also been carried out to establish the potential impact of existing sources of noise arising from the railway line, localised businesses adjoining the site and road traffic noise on the proposed new development. Predicated noise levels have also been provided for the proposed business units along with the likely impact of existing and proposed noise sources on the amenity of future occupants of the proposed residential development.
- 6.24 Based on the illustrative masterplan, the noisier activities are all located adjacent to the railway line with the residential element located along the southern boundary closest to existing residential development at Wessington Drive. The plans have been further amended to remove all proposed residential development away from the existing business (Cavangh's) in favour of further B1 floorspace. The proximity of the

residential development to commercial uses as identified on the illustrative masterplan is a minor concern but the format of the proposed development and mix of uses is not uncommon with modern mixed use developments. Furthermore, it is possible to attenuate against noise in the design and construction of the buildings and impose enforceable conditions given the proposal is for a complete re-development. The Environmental Health Manager is satisfied that subject to conditions regarding the appropriate design of residential and business units and controls over hours of operation, noise emissions delivery times etc. the impact of any noise can be satisfactorily mitigated and controlled.

Illustrative Layout and Amenity.

- 6.25 A masterplan has been provided which illustrates the possible layout of the site. Whilst this is for illustrative purposes only, it gives a relatively clear indication as to how the site could be developed and compatibility of the different land uses. The development proposes a single point of access off College Road serving employment and retail units along the northern boundary adjoining the railway line leading through to existing industrial units beyond (Cavangh's) with residential to the south adjoining the canal. A relatively strong frontage is proposed along the canal with a mixture of three and four storey height and varying massing and designs. Parking is generally in the form of parking courts or undercroft parking with some on plot parking to serve the four bedroom units. No residential is proposed adjoining existing employment sites and the noisier B2 uses are located in the northeast corner of the site furthest away from proposed residential development. With the exception of the canal, little public open space and no play or sports provision is proposed within the development. This is acceptable in principle subject to appropriate off-site provision secured through a Section 106 Agreement particularly as the site adjoins Aylestone Park where such facilities will be available. Scope nevertheless exists for some soft landscaping and this is also illustrated on the masterplan.
- 6.26 The principal elevations of the proposed high density residential along the southern boundary with the canal will have an outlook in a southerly direction across to Wessington Drive. This will inevitably increase the extent of overlooking of existing properties and their gardens. This impact was minimal until recently when all of the existing trees and vegetation adjoining the southern boundary of the site were removed/cut back. The result of which is that the site is now more exposed than previously was the case. It is therefore understandable that local residents have concerns about the development and the resultant loss of privacy. However, based on the illustrative masterplan, a distance of 46 metres exists between the proposed development and existing dwellings, which significantly exceeds the generally accepted minimum property-to-property standards of 21 metres. The proposed three/four storey height of the development will clearly exacerbate the degree of overlooking but it is not considered that the impact is sufficient to warrant refusal of the application on these grounds.
- 6.27 Although the development is high density, the layout illustrated on the masterplan would result in a high quality environment facilitating both the residential and commercial uses to coincide and achieve a successful mixed use development. This is subject to a high quality design being achieved as advocated by Planning Policy Statements one and three.

Restoration of the Canal

- 6.28 Running along the entire southern boundary of the site is the former Herefordshire and Gloucester Canal which is safeguarded by virtue of Policy RST9 of the Unitary Development Plan. The proposal includes the restoration of the canal including removal of the contaminated waste which has been deposited within the canal and its full restoration to enable its future use possibly even as a navigatable resource in the future. The applicant will also undertake ancillary works including a canal towpath both sides and natural stone faced retaining walls. This would then be transferred freehold to the canal trust upon completion of the works. The applicants also own the adjoining section of the canal tunnel running from under College Road through to Old School Lane and this also is proposed to be transferred freehold to Herefordshire and Gloucestershire Canal Trust if the development is permitted. There are considerable costs associated with the restoration of the canal due to the quantity of material that will need to be removed and the fact that much of it is contaminated. Financial information has been provided which identifies the cost of excavation and restoration of the canal including construction of a new footbridge across the canal is around £1.4 million.
- 6.29 The strategic aim for the canal trust is to restore the entire section from Hereford to Gloucester. Some sections have already been restored. This is undoubtedly a significant recreation, tourism and economic asset for the city creating wider regeneration benefits for the county as whole. The canal basin is also an integral part of the ESG providing a focal point for the development of the urban village. This development will facilitate the restoration of possibly the most costly section of the canal throughout the whole city creating the catalyst for the restoration for remaining sections. It is unlikely that this section of canal will be restored unless funded on the back of a development incorporating an element of residential. The canal will also provide an attractive waterside feature for occupants of future properties and generally enhance the local environment. The section of canal will also link into the recently excavated section within Aylestone Park immediately east of the site with proposed new pedestrian and cycle links to run alongside and linking to Aylestone Park.
- 6.30 The canal is considered to be an essential component of a mixed-use development of the site. The canal may also be required as part of the wider drainage strategy for the development of the Edgar Street Grid to enable sufficient sustainable urban drainage discharge capacity. However, the development of this drainage strategy is in its infancy and it is not clear to what extent the canal will be required for this purpose therefore it cannot be stated that this is essential. The restoration of the canal is nevertheless a positive outcome of the development to which appropriate weight must be attributed when determining this proposal.

Other Matters including S106

- 6.31 The proposal comprises 115 residential units comprising 18 one beds, 68 two beds, 5 three bed duplex apartments, 16 four bed town houses and 8 four bed town houses with garages. The mix of house sizes reflects the high density nature of the development but the mix is considered acceptable, particularly as the majority are two bedroom or larger thereby meeting the needs of couples or small families as well as single people.
- 6.32 35% of the total number of residential units will be affordable with a tenure mix of 50% rented and 50% shared ownership. Strategic Housing would normally seek a higher

percentage of rented accommodation and this was the original request. However, due to the high development costs, it is considered that a 50/50 split is a reasonable mix and will achieve a sustainable residential community whilst also meeting an identified need for affordable housing. The development will also make a significant contribution to the brownfield windfall housing targets within the UDP over the Plan period up until 2011.

- 6.33 The site falls within Flood Zone 1, this being the lowest category of risk. The Environment Agency raises no objection and is furthermore satisfied that conditions can be imposed to ensure the development does not increase flood risk elsewhere due to surface water discharge. Welsh Water have confirmed that foul drainage capacity exists.
- 6.34 An Ecological Survey has been undertaken to establish the biodiversity interest on site. Surveys for protected species, in particular reptiles and bats have also been undertaken last year with refresher surveys April and May this year. The outcome of the further survey work has been evaluated by the Council's ecologist who is satisfied that the ecological interest of the site can be satisfactorily mitigated. There is also scope for biodiversity enhancement through the restored section of canal and within adjoining land at Aylestone Park and the Section 106 Heads of Terms includes a contribution towards such works and planting to compensate for any loss of biodiversity as a result of the development.
- 6.35 Although the application was submitted in May 2007, given the passage of time since submission and the recent adoption of the Supplementary Planning Document (SPD) on Planning Obligations, it is now considered appropriate to re-evaluate the impact of the development against the SPD. The S106 Heads of Terms appended to this report reflects the requirements of the SPD and the applicants have now agreed to the Heads of Terms. Some contributions, however, will be slightly reduced to reflect a last minute reduction in the number of residential units from 125 to 115.
- 6.36 The transportation contribution is based on the increase in trip rates arising when compared to the existing situation, the education contribution is based on an evaluation of capacity in the various categories of education from pre-school through to youth provision and the contribution towards off site play and sports facilities is assessed against the requirements of policy H19 of the UDP. Other contributions are in line with the requirements of the SPD or have been negotiated with the developer.
- 6.37 The applicants have also confirmed that the housing development will meet a minimum of Code Level 3 of the Code for Sustainable Homes. In addition, it is considered appropriate that the employment development achieves a higher environmental standard and therefore, this also will be required to satisfy a BREEAM standard of 'Very Good'. These measures will significantly increase the energy efficiency of the houses and employment units and assist in reducing the overall carbon footprint of the development. In terms of waste, the applicants are also to investigate measures to minimise waste both during construction and after occupation including on site recycling facilities to serve the residential and employment units. A site Waste Management Plan will also be required.

Conclusion

- 6.38 The development achieves a number of positive economic, residential, social and environmental benefits in line with the policies and objectives of the Unitary

Development Plan and regional guidance within the Regional Spatial Strategy. The applicants have also gone to some lengths to address the key concerns from consultees with nearly all now having been resolved.

- 6.39 The proposal is nevertheless contrary to policy E5 of the UDP in that there would be a loss of safeguarded employment land north of the River Wye within the city where there is an increasing demand. This demand being further exacerbated over the next 3 years by displaced businesses from ESG. The development may also lead to a loss of some jobs as a result of existing businesses having to be relocated. The various components of this application must therefore be evaluated individually and collectively to assess whether, in this particular instance, there is justification to recommend approval of an application which is contrary to a specific adopted policy.
- 6.40 In this regard, the comments of the Economic Development Manager are particularly relevant. The conclusion being that the impact on existing business and loss of employment land is outweighed by the new employment floorspace that is created and resultant jobs including that which will be made available for displaced business off ESG and the benefits in restoring the canal.
- 6.41 Beyond this it is considered the needs of existing business have been accommodated by the applicants as far as possible through offering new units with rents frozen for three years at current rates. There would inevitably be some displacement of business with the consequential risk of a loss of jobs whether the site is developed entirely or in part for employment purposes. It is considered that this impact has been minimised subject to the re-location process within the site being appropriately phased and managed. The proposal will also create high quality business units of a bespoke design where required and modern flexible business units elsewhere. The provision for displaced business from ESG is also a material consideration in favour of the application. The quality and format of units that will be created would be unique to the city and potentially provide new employment opportunities particularly within the B1 use category which includes research, development and other high tech industries. The new floorspace and job creation will therefore offset the impact on existing business not remaining on site.
- 6.42 Alongside this are the wider regeneration benefits of restoring the canal and the subsequent linkages that could be formed between this site and ESG through the development of the canal basin. The abnormally high development costs are also accepted which effectively preclude the viability of developing the site entirely for employment purposes. With this in mind it is considered the right balance is achieved between employment and housing including the mix within each category and will create a mixed sustainable community as advocated by Planning Policy Statement 1.
- 6.43 The proposal will also deliver additional housing in a sustainable location creating additional employment opportunities potentially for occupants of the new development. 40 mixed tenure affordable units will also be created assisting in reducing the significant deficit in affordable housing across the city. There will also be significant localised highway improvements creating a safer environment for vehicles, cyclists and pedestrians. Further transportation, sport and recreation, education and general community infrastructure improvements will be delivered through the S106 contributions.

6.44 On balance, considering all the above and the unique constraints and opportunities arising from this site and proposal, notwithstanding the conflict with policy E5 of the UDP, the mixed use re-development of the site is supported.

RECOMMENDATION

That the Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act in accordance with the Heads of Terms appended to this report (as amended to reflect the reduction in the number of residential units) and any additional matters and terms he considers appropriate.

Conditions

Due to the scale and complexity of the development, the wording of the conditions is yet to be discussed and agreed with the applicants. However, conditions will be included to cover the following:

- Standard outline conditions regarding the commencement and submission of reserved matters details
- Phasing of the development to ensure the majority of the employment floorspace is developed out in the earlier phases
- Access and internal road construction and parking
- A residential and commercial travel plan
- Off site highway works
- Tree Surveys and protection
- Hard and soft landscaping including biodiversity enhancement and long term maintenance and management
- Foul and surface water drainage strategy
- Ground decontamination and remediation strategy
- Details of levels, boundary treatments, materials, lighting
- Waste/recycling management
- Restriction on the number of residential units to a maximum of 115 and a requirement for a minimum amount of employment floorspace within each use category
- Restriction on construction times
- Restriction of hours of use and delivery/collection times for new employment floorspace
- Noise attenuation measures within the design and construction of the commercial floorspace
- Environmental and construction standards for the residential (Code for Sustainable Homes assessment) and commercial (BREEAM assessment)

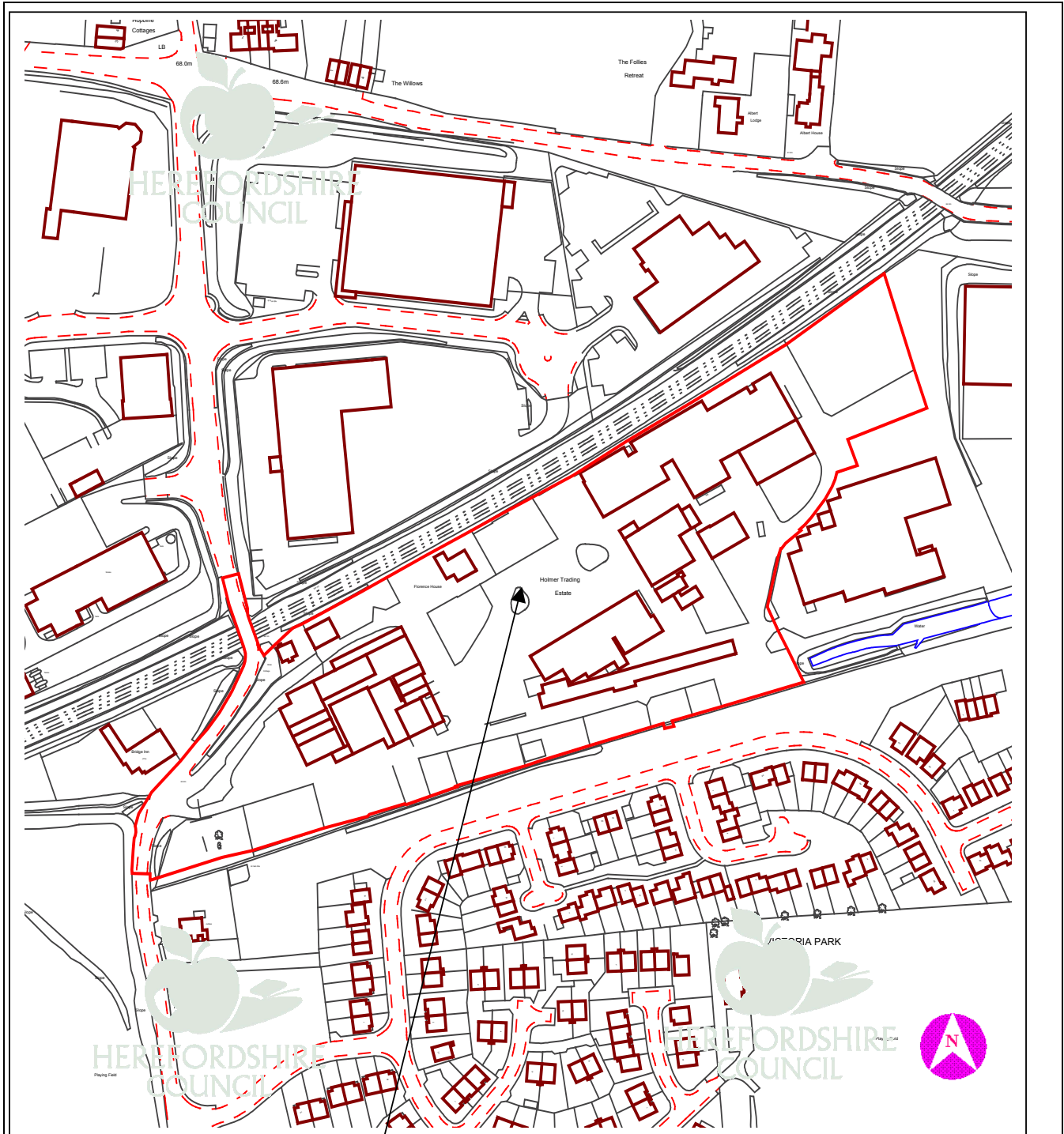
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/1655/O

SCALE : 1 : 2500

SITE ADDRESS : Holmer Trading Estate, College Road, Hereford, HR1 1JS

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

Planning Application – DCCE2007/1655/O

This Heads of Terms has been re-assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1 April 2008

Mixed use development comprising 125 residential units incorporating 35% affordable (22 one beds, 74 two beds, 5 three beds apartments & 24 4 bed houses) B1 office 1435sq. M, B2 general industrial 2538 sq M, B8 Storage units 2538 sq M, comparison and convenience retail 660 sq. M.

At Holmer Trading Estate, College Road, Hereford.

1. The developer covenants with Herefordshire Council, in lieu of a deficit in the provision of play, sport and recreation facilities on site to serve the development to pay Herefordshire Council the sum of £140,976 (contribution based around the requirements of policy H19 of the UDP). The money shall be used by Herefordshire Council for further play, sport and recreational facilities at Aylestone Park. An additional contribution to cover the 15 year maintenance cost of any on and off site open space, play sport and recreation facilities will be required.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £162,552 to provide enhanced educational infrastructure at North Hereford City Early Years, St Xavious Primary School, Hereford City Youth Service and Barrs Court Special School (excludes the other local primary and secondary schools at Broadlands and Aylestone where capacity exists)
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £85,990 for off site highway works and improved sustainable transport infrastructure (excluding that required to facilitate the development i.e. new access arrangements, new toucan crossing, new canal bridge).
4. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Traffic calming and improved signage
 - b) Traffic Regulations Order(s) to reduce speed limits and impose localised parking restrictions
 - c) Localised junction improvements
 - d) North Hereford Park and Ride
 - e) Contribution to improved bus service
 - f) Contribution to Safe Routes for Schools
 - g) Improved bus shelters/stops in the locality of the application site
 - h) Improve lighting to highway routes leading to the site
 - i) Improved pedestrian and cyclist connectivity with the site
 - j) Improved pedestrian and cyclist crossing facilities
5. The developer covenants with Herefordshire Council to pay Herefordshire Council 0.5% of the gross development costs (excluding land values) or £20,000, whichever is the greater to enable the provision of public art both on and off site OR the agreement of a strategy to facilitate the delivery of public art on and off site at no cost to the Council including the cost of 15 years maintenance.
6. The developer covenants with Herefordshire Council and Herefordshire and Gloucestershire Canal Trust to enable the full de-contamination and restoration of the section of the Herefordshire and Gloucestershire Canal which adjoins the length of the application site at no cost to the Council or Canal trust in accordance with a specification to be agreed with the Council and Canal Trust. The works to be phased in accordance with a phasing programme to be agreed with the Council and transferred at no charge to the Canal Trust following completion of the works. In addition, an annual maintenance charge shall be applied to all dwellings (excluding the affordable) and business premises that lie adjacent to/have a frontage with the canal. The

charge shall be £250 per dwelling/premise per annum in perpetuity paid to the Canal Trust to be used toward the cost of future maintenance and management of the canal within Hereford City.

7. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £30,000 towards the cost of constructing a new skatepark facility in Hereford City (north).
8. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £15,000 towards the cost of improvements to localised biodiversity to compensate for the loss of biodiversity on site. The money to be used at Aylestone Park in the first instance or other areas in the locality of the application site.
9. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £13,132 towards the enhancement of existing community services in Hereford City.
10. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £9,720 towards the provision of new or the enhancement of existing waste and recycling facilities in Hereford City (if appropriate provision/facilities are not provided on site)
11. The developer covenants with Herefordshire Council to pay Herefordshire Council an additional administration charge of 2% of the total contributions detailed in this Heads of Terms to be used toward the cost of monitoring and enforcing the Section 106 Agreement.
12. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2, 3, 5, 7, 8, 9 and 10 for the purposes specified in the agreement within 10 years of the date of this agreement, and unless otherwise agreed in writing with the Council, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
13. A minimum of 35% of the total number of residential units shall be "Affordable Housing" which meets the criteria set out in Section 5.5 of the Unitary Development Plan for Herefordshire (Revised Deposit Draft) and related policy H9 or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations. 50% of the total affordable shall be made available for rent and 50% shall be made available for shared ownership occupation. None of the Affordable Housing shall be occupied unless Herefordshire Council has given its written agreement to the means of securing the status and use of these units as Affordable Housing. All the affordable housing units shall be completed and made available for occupation prior to the occupation of more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
14. All of the financial contributions shall be Index linked and paid on or before commencement of the development or in accordance with the phasing of the development as agreed in writing with Herefordshire Council.
15. 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.
16. The Section 106 Agreement shall also safeguard the existing business that are to remain on site to include the approximate location of the units, the phasing of their construction, the size and format of the units and the tenure and rents where applicable. The agreed rents shall be fixed for a period of 3 years from the date of the Agreement.
17. A proportion or all of the approved surplus commercial floorspace shall be made available to business displaced from Edgar Street Grid for a fixed period to be agreed with the Council. The approximate location, quantum of floorspace within each use class, phasing of construction, tenure and rents where applicable shall also be incorporated into the S106 Agreement.

Russell Pryce - Principal Planning Officer
28 May 2008

7 DCCE2008/1026/N - FORMATION OF EARTH BUNDS (8000 CU M OF IMPORTED SOIL) AS SCREENING ETC. AT THE OLD MUSHROOM FARM, HAYWOOD LANE, CALLOW, HEREFORD, HEREFORDSHIRE, HR2 8BX

For: Quickskip Recycling per Mr A Last, MCIAT, Brookside Cottage, Knapton Green, Herefordshire, HR4 8ER

Date Received: 14 April 2008

Ward: Hollington

Grid Ref: 48495, 35285

Expiry Date: 14 July 2008

Local Member: Councillor GFM Dawe

1. Site Description and Proposal

- 1.1 The site lies at Haywood about 5 kilometres south of Hereford between the A49 (T) and the A465. It comprises nominally agricultural land that has been somewhat industrialised in character by the remnants of wartime ammunitions storage buildings and several ad hoc small business premises. On adjoining land to the northeast are about 13 poultry units, with a wide road between them and the application site. Already on site are two well-vegetated bunds of about 50 metres length, on either side of one of the business premises. Several made up roads cross the site; a relic of the wartime activities, and there are quantities of spread and deposited material of unknown provenance evident at various points cross the site. Access is from the C1226 minor road between Portway and Clehonger, down an existing track of about 400 metres. It is not visible from the road due to the presence of Wellington Coppice, a relict woodland.
- 1.2 The proposal is to import about 8,000 cubic metres of waste soil and inert construction material, which would be used to create two further bunds along the northeastern boundary of the site. Each would be about 150 metres long, 12 metres wide and 4 metres high. The proposal is estimated as requiring about 18 months to complete.
- 1.3 The application was publicised by advertisement in the Hereford Journal on 30 April 2008, by a site notice put up on 24 April 2008 and by direct notification to adjoining neighbours sent on 22 April 2008.

2. Policies

2.1 National Guidance:

PPS7 - Sustainable Development in Rural Areas
PPS10 - Sustainable Waste Management

2.2 Herefordshire Unitary Development Plan 2007:

S1 - Sustainable Development
S6 - Transport
S10 - Waste

DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR11	-	Soil Quality
T8	-	Road Hierarchy
LA2	-	Landscape Character
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC8	-	Habitat Creation, Restoration and Enhancement
W2	-	Landfilling or Landraising
W8	-	Waste Disposal for Land Improvement

3. Planning History

- 3.1 None recorded. The site appears to have been a wartime facility, understood to have been an ammunition store. There are roads and buildings, some occupied by businesses.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objections, the proposal would be subject to Environmental Permitting Regulations, under which sampling and monitoring of the deposited material would be required and which would be regulated by the Agency. No conditions requested.

Internal Council Advice

- 4.2 Traffic Manager: No objections, subject to a limit on the number of vehicles to access the site.
- 4.3 Head of Environmental Health & Trading Standards: No objections.

5. Representations

- 5.1 Haywood Parish Council does not support the application, questioning the need for the bunds and their possible purpose or function, and objecting to the potential number of hgv's visiting the site as indicated on the application form.
- 5.2 Seven letters of objection have been received from the following residents:

Mr. & Mrs. T. Strange, Forest Lodge, Haywood, Callow; Mr. S. Davies, Knockerhill Farm, Callow; Mr. & Mrs. N. Davies also of Knockerhill Farm, Callow; Miss A. Naylor, 5 Merryhill Terrace, Haywood Lane, Belmont, Hereford; Mr. J. Hatton, Forest Gate, Haywood Lane, Callow; Mrs. Tupper, 4 Merryhill Terrace, Belmont, Hereford and Mr. & Mrs. O. Cotterrell, The Oaklands, Haywood, Callow. Their comments are summarised as follows

- Is there some proposal to import [other] waste materials to be buried in these bunds?
- What would the earth bunds be screening?
- The lanes are not strong enough to take increased traffic;

- The import of waste would have a big impact on our road which is already suffering with excess noise, pollution and traffic;
- Knockerhill Lane is a designated Sustrans cycle route and joins Haywood Lane;
- The granting of such an application would lead to a negative change in the local environment;
- Earth bunds would be out of character and unsightly;
- Access to the site must be of paramount importance when considering this application;
- Haywood Lane is used as a commuter short cut between the A49 and the A465.
- Large lorries would not be able to pass each other;
- The development would have a detrimental effect on our lives 6 days a week for at least 18 months, but we also have concerns as to what it may lead to in the future.

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

6. Officer's Appraisal

Background

- 6.1 The applicant operates a modern waste transfer station at Rotherwas. Construction waste consisting mainly of soil, hardcore and demolition material is brought to that site in skips, tipped out and sorted. This facility is regulated by the Environment Agency through the Environmental Permitting Regulations and therefore all material passing through the site is already controlled. Using sophisticated new machinery, inert materials such as soil, stone and concrete are screened (i.e. sieved and separated according to size) and large pieces are crushed. Any possible unexpected contamination or unsuitable material is identified and isolated at this stage. Useable top-soil is kept separately. The resulting soil or soil-like material is classed as waste because it needs to be disposed of. It is inert, but different from natural soil because it is composed of mixed materials. Simply spreading it is not always acceptable since it would not necessarily benefit agriculture. It can be used as sub-soil and back-fill for other construction projects, but there is invariably a surplus and much of it goes to landfill.
- 6.2 Wherever such material goes it is development requiring planning permission unless it is construction material required as part of a planning permission for operational development. As noted above, it is also subject to Environment Agency regulation. In accordance with the Waste Hierarchy, operators are under increasing pressure to find alternative uses for this mixed material and reduce land filling. Inevitably, excessive stockpiles accrue, and there is a pressing need to find suitable sites where such material might be put to practical use without causing demonstrable environmental harm.

The proposal

- 6.3 In this case, the applicant has chosen a site that is not directly overlooked, is already developed, is not affected by public rights of way, and would not require a new access. In strategic terms the quantity of soil is very small. The owner of the land is understood to have expressed an interest in establishing further bunding along the edge of his land to function as physical protection and screening for his agricultural land uses.

Key issues

6.4 The main issues of concern are as follows:

- Access and traffic;
- Source, nature and suitability of the materials to be imported;
- Visual impact, potential for biodiversity enhancement;
- Purpose.

Access and traffic

6.5 The initial information given on the application form was confusing and has since been revised. The proposal is to import a total 8,000 cubic metres of material over 18 months, equivalent to a possible 16,000 tonnes maximum, depending on the density and weight of the loads. A 32-tonne hgv carries 20 tonnes, so the total number of trips would be around 800 in and out. Over the course of a year this averages at about 15 trips in/out per week, or 2-3 per day. In practice there would be times when more trips would be necessary and other times when none would be made, depending on availability of material. The application asks for 18 months to complete the project including time for final landscaping and planting along the bottom of the bund.

6.6 The applicant has confirmed that notwithstanding the details on the application form (which were an error), there would be a maximum of 4-5 trips in any one day (80-100 tonnes). However this concentrated level of activity would occur intermittently; there would be times when no activity would take place depending on availability of material, and time would be needed for on-site earthmoving and construction. Nevertheless, even the projected maximum of 5 trips per day would not be excessive and the scale of the project is modest.

6.7 If permission were to be granted, suitable conditions could be imposed to restrict any impact and manage the project, by limiting the number of vehicle movements allowed and the time to be taken for completion of the project. The applicant has expressed a willingness to undertake a routeing agreement if deemed necessary, to avoid any possibility of causing or contributing to traffic congestion.

Source, nature and suitability of the materials to be imported

6.8 The applicant has confirmed that the only materials to be brought to the site would be inert soils and construction material that would have been pre-sorted, screened and crushed at his Rotherwas premises. It would not be brought in from any other source. This has several advantages; in particular, it would mean that any unsuitable material would have already been removed for licensed disposal elsewhere, and also that in terms of this proposal, vehicles would only be making the approximately 6 kilometre journey between the two sites rather than travelling from a variety of places. This would not involve crossing the Wye.

6.9 The deposit of material would be subject to Environment Agency scrutiny to prevent unsuitable material being imported. The completion of a site diary could be required through a condition, to enable efficient monitoring of the project, recording of the number of lorries, the quantity of material deposited, and contingencies for dealing with rejected loads (if any).

- 6.10 The applicant has confirmed that once the project was completed there would be no further waste soil material brought to the site, and appropriate robust conditions could be imposed to ensure that this was the case.

Visual impact and biodiversity enhancement

- 6.11 There is no doubt that unnatural landforms are not generally encouraged in current planning terms. However bunds used to be standard practice, and many exist at farms, poultry sites and factories as screening. At this site there are already two existing bunds, a large number of unsightly poultry units, and other assorted premises. The site does not affect any designated areas, and the remnant wartime establishment has left a rather bleak and degraded landscape. If the bunds were constructed as indicated on the application they would not be visible from any public viewpoint, would not impede any public right of way, and could only be viewed from the internal private roadway, against a backdrop of existing hedgerow trees and the poultry units behind. If construction was followed up with appropriate planting along the bunds' base, they could be readily assimilated, and create some useful new wildlife habitat at the same time. As a small belt of wild-space in an otherwise fairly barren environment this could be important for invertebrates, reptiles and birds in accordance with policy NC8. As such, it would also accord with policy W8 as the Best Practical Environmental Option (BPEO).

Purpose

- 6.12 Objectors have questioned the stated purpose of the proposal and this point needs addressing. The landowner has expressed a desire to provide his land with some protection from possible vandalism, trespass and arson, having experienced attacks of this nature at other premises in his ownership. It is acknowledged that the proposed bunds could not actually prevent unauthorised access, due to the existing internal road system and the other premises at the site. Arguably the bunds might only be a deterrent, but it is felt that this is less relevant to planning than the issues of traffic and visual impact discussed above. In my view, the potential for biodiversity enhancement and the fact that in this instance the visual impact would be negligible or neutral, outweighs any doubts about the merits or otherwise of the proposal as 'protection'.

Conclusion

- 6.13 In this case the site has a rather derelict industrial feel to it, and the proposal offers scope for improvement. Clarification of the actual numbers of vehicle movements involved has removed the objections on traffic grounds. The points raised by objectors are important and have been taken seriously, but the scale of the project is nevertheless modest and short term. Policy W8 offers 6 criteria under which the deposit of waste soil might be acceptable for screening purposes, and the proposal is capable of meeting these.
- 6.14 In terms of the requirements of PPS10, waste operators are under obligation to find sustainable alternatives to landfill and, on appropriate sites, screening is accepted as one way of achieving this. The particular circumstances of the application site are such that additional bunding would not be out of place at this location. Having established the precise details of the scale of the project there are, in my view, no overriding factors that would warrant refusal and the proposal is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

Start and Finish of Project

1. **A01 (Time limit for commencement (full permission)) (requirement for notification in writing to the local planning authority within seven days of start).**

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

2. **Unless otherwise agreed in writing in advance the development hereby permitted, including final landscaping, shall be completed on the expiration of 18 months after the starting date as notified under condition 1 above, and no further material shall be imported after that date.**

Reason: To ensure satisfactory and timely completion of the development as applied for, to ensure no further material is imported, and to comply with Policies S10 and W8 of the Herefordshire Unitary Development Plan 2007.

3. **B01 (Development in accordance with the approved plans).**

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

Pre-commencement Requirements

4. **No development shall take place until a scheme for compiling a Site Diary for all deliveries of material to the site for the duration of the development has been submitted to and approved in writing by the local planning authority. The scheme shall include in particular:**

- (a) **Delivery date and time.**
- (b) **Vehicle registration number.**
- (c) **Volume (cu m) or tonnage of material delivered.**
- (d) **Full description of material delivered.**
- (e) **Details of any rejected loads, unsuitable or unexpected material or items, and the action taken.**

The Site Diary shall be maintained in accordance with the approved scheme until completion of the project, and entries shall be completed as soon as practical after load deliveries on a daily basis. The Site Diary shall be held in the applicant's or his successor's office and be made available for inspection on request during normal office hours by Officers of the Council or the Environment Agency.

Reason: To enable a full record of deliveries to the site to be made available for inspection in the interests of highway safety and environmental protection, in accordance with Policies S1, S6, DR11, W2 and W8 of the Herefordshire Unitary Development Plan 2007.

5. H21 (Wheel washing).

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

6. No development shall take place until a method statement giving details of final landscaping, seeding and planting of the bunds has been submitted to and approved in writing by the local planning authority in consultation with the Council's Conservation Officers. The details should include:

- (a) A plan showing planting proposals.
- (b) A written specification describing the species, sizes, densities and planting numbers.
- (c) Details of cultivation and aftercare.
- (d) Timescales for completion.

The method statement shall be implemented as approved.

Reason: In order to ensure a satisfactory form of development and to conform with the requirements of Policy LA6 of the Herefordshire Unitary Development Plan 2007.

7. Before the development begins, a scheme for the routing of delivery vehicles in connection with the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The scheme shall be thereafter implemented as approved until the project is complete unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety and to comply with Policies S6, DR3 and T8 of the Herefordshire Unitary Development Plan 2007.

Protection

8. G02 (Retention of trees and hedgerows).

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan

9. No material shall be deposited, or development take place, within 10 metres of the existing hedgerow along the northeast boundary of the site.

Reason: To protect the root systems of the established hedgerow from compaction or damage, in accordance with Policies LA5 and LA6 of the Herefordshire Unitary Development Plan 2007.

10. Unless otherwise agreed in writing in advance by the local planning authority, there shall be no more than six vehicle movements into and six vehicle movements out from the site in any 24-hour period in connection with the development hereby permitted and recorded in the Site Diary required by condition 4 above.

Reason: To minimise traffic impact in the interests of highway safety in accordance with Policies S6, DR3 and T8 of the Herefordshire Unitary Development Plan 2007.

- 11. Unless otherwise agreed in writing in advance by the local planning authority, there shall be no more material imported to the site than the specific quantity necessary to construct the bunds as detailed on the approved plans. No bunds shall exceed 4 metres in height.

Reason: To ensure a satisfactory form of development and to limit the amount of waste soil deposited, in accordance with the requirements of Policy W8 of the Herefordshire Unitary Development Plan 2007.

- 12. In respect of the material to be used to construct the bunds hereby permitted, only pre-screened and treated inert material is to be brought to the site, from the applicant's own premises and from no other source, unless otherwise agreed in writing in advance by the local planning authority.

Reason: In order to control the source and type of material used to construct the bunds in the interests of local amenity and to protect the environment and prevent pollution in accordance with Policies DR4, DR11 and W8 of the Herefordshire Unitary Development Plan 2007.

- 13. F01 (Restriction on hours of working).

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

- 14. No mud or other material emanating from the development hereby permitted shall be deposited on the public highway.

Reason: In the interests of highway safety, in accordance with Policy DR3 of the Herefordshire Unitary Development Plan 2007.

- 15. I44 (No burning of materials/substances during construction phase).

Reason: To safeguard residential amenity and prevent pollution and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

Informatives:

- 1. N19 - Avoidance of doubt - Approved Plans.
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.

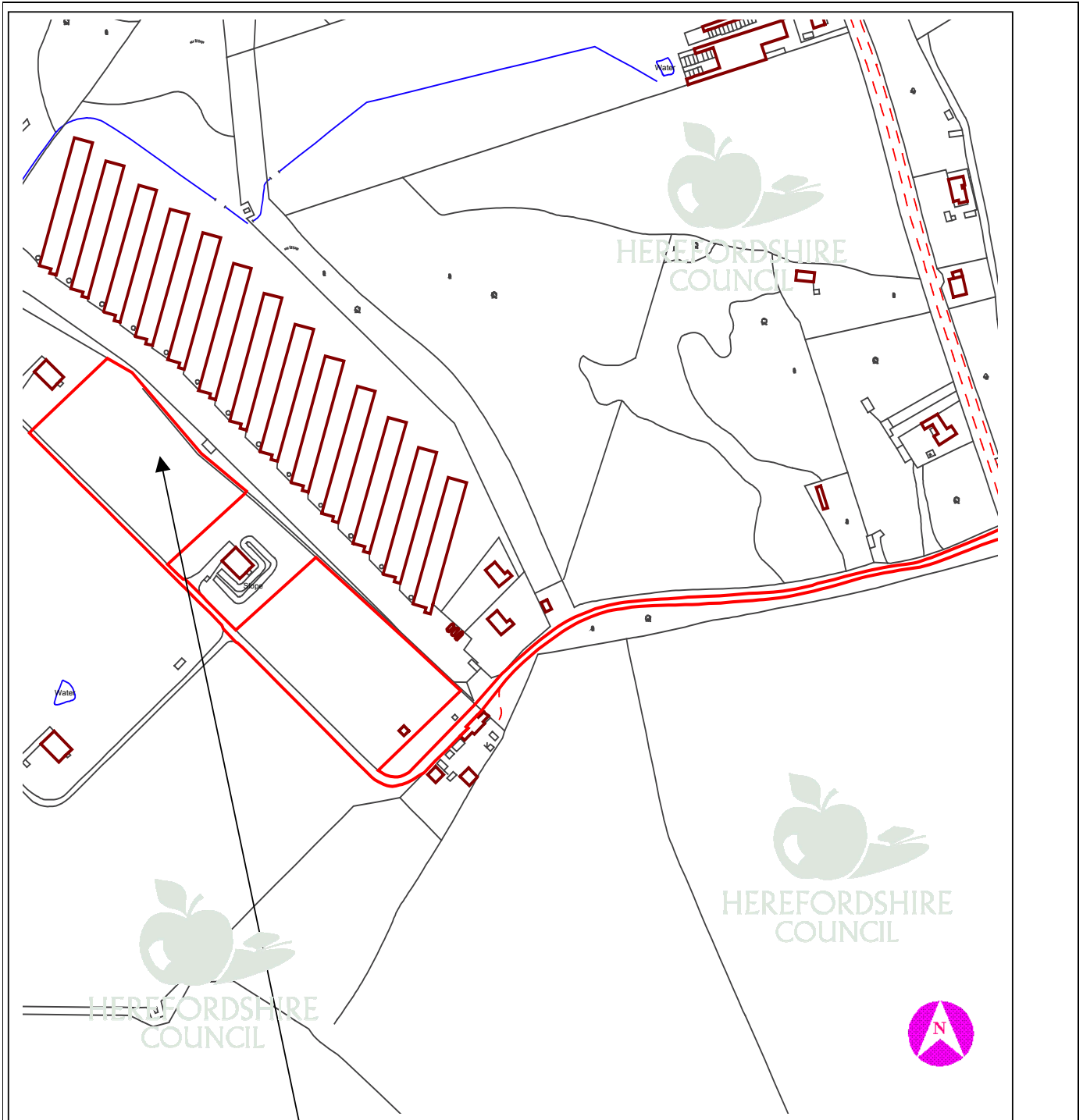
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2008/1026/N

SCALE : 1 : 3500

SITE ADDRESS : The Old Mushroom Farm, Haywood Lane, Callow, Hereford, Herefordshire, HR2 8BX

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8 DCCE2008/0959/F - PROPOSED FIELD SHELTER, FIELD AT COMMON HILL LANE (OPPOSITE THE LITTLE HOUSE), FOWNHOPE, HEREFORD, HR1 4QA

For: Mr N Newman, 30 Noverwood Drive, Fownhope, Hereford, HR1 4PN

Date Received: 3 April 2008

Ward: Backbury Grid Ref: 58902, 34519

Expiry Date: 29 May 2008

Local Member: Councillor JE Pemberton

1. Site Description and Proposal

1.1 The application site lies in the countryside and is located on the southern side of the unclassified road 72214, approximately half a mile east of Fownhope. The site also falls in the designated Wye Valley Area of Outstanding Natural Beauty. Ground levels fall away steeply from the road from north to south both within the site and the wider area. The site boundaries are defined by hedging and stock-proof fencing. Access to the field is via the existing gateway leading to an access track running along the northern boundary. The land is currently used for grazing horses and a stable is positioned beside the bank to the north-east corner of the field. Residential properties are found to the north and north-west of the site.

1.2 This application seeks permission for the erection of a field shelter to keep horses from inclement weather and would also occasionally be used for the storage of machinery. The shelter measures 4.4m in depth with a roof overhang of 400mm, 9m in length and a maximum height of 3.4m. It would be externally finished in horizontal timber boarding with profiled sheeting to the roof. The shelter would be positioned lower down on the slope along the eastern boundary of the field.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S8	-	Recreation, Sport and Tourism
Policy DR1	-	Design
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy RST1	-	Criteria for Recreation, Sport and Tourism Development
Policy RST2	-	Recreation, Sport and Tourism Development within Areas of Outstanding Natural Beauty

3. Planning History

3.1 DCCE2005/0790/F Increase of existing gateway. - Approved 03.05.05
Increase of ground level in the field up to the road level to gain access from the roadside

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager - no objection.
4.3 Conservation Manager - no objection.

5. Representations

- 5.1 Fownhope Parish Council: "Not supported. It is considered that the existing stable block is sufficient for the size of paddock, particularly as it is located in an Area of Outstanding Natural Beauty."

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

6. Officer's Appraisal

- 6.1 The site is in attractive and unspoilt countryside and also lies within the designated Wye Valley Area of Outstanding Natural Beauty. Planning policies generally restrict new build development in this sensitive landscape area, the aim being to safeguard the natural beauty and amenity of the area in the national interest.
- 6.2 Concern has been raised regarding the functional need of the proposed field shelter. This is because a stable is already sited in the field. In response to this issue, the applicant has submitted a supporting statement demonstrating the need for the field shelter on site. The applicant's main reasoning for the erection of a field shelter is to provide a safe and practical environment for grazing his horses. The design and location of the existing stables is such that horses cannot access them without human intervention. The proposed shelter has level access and is thus more practical for the animal to access in the event of inclement weather. The applicant has confirmed that his intention is grazing of horses on the land and not training. It is considered that the evidence is sufficient to conclude that the shelter is genuinely required for the welfare of horses. A condition can be attached to the permission to restrict the use of the building for this specific purpose.
- 6.3 The design of the building is typical of an agricultural field shelter. It is modest in size and constructed from timber. It will be positioned along the eastern boundary of the field. There is existing hedging along all the boundaries, which provide screening of the field and will minimise the visual impact upon the rural landscape. The linear form of the shelter, parallel to the eastern boundary, will help to preserve the natural contours of the slope. The scale of the shelter is considered appropriate having regard to the size of the holding and the applicant's specific requirements.
- 6.4 For the reasons above, it is considered that the proposed shelter will not cause significant harm to the character and appearance of the rural landscape and the Wye Valley Area of Outstanding Natural Beauty and the proposal therefore represents an acceptable form of development.

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. **C07 (Dark roof colouring (agricultural buildings)).**

Reason: To protect the visual amenities of the area and to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

- 3. **C08 (Colour of cladding (stables)).**

Reason: To protect the visual amenities of the area and to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

- 4. **F09 (Private use of stables only).**

Reason: In order to safeguard the character and amenity of the area and to comply with Policy LA1 of Herefordshire Unitary Development Plan.

Informative(s):

- 1. **N19 - Avoidance of doubt - Approved Plans.**
- 2. **N15 - Reason(s) for the Grant of Planning Permission.**

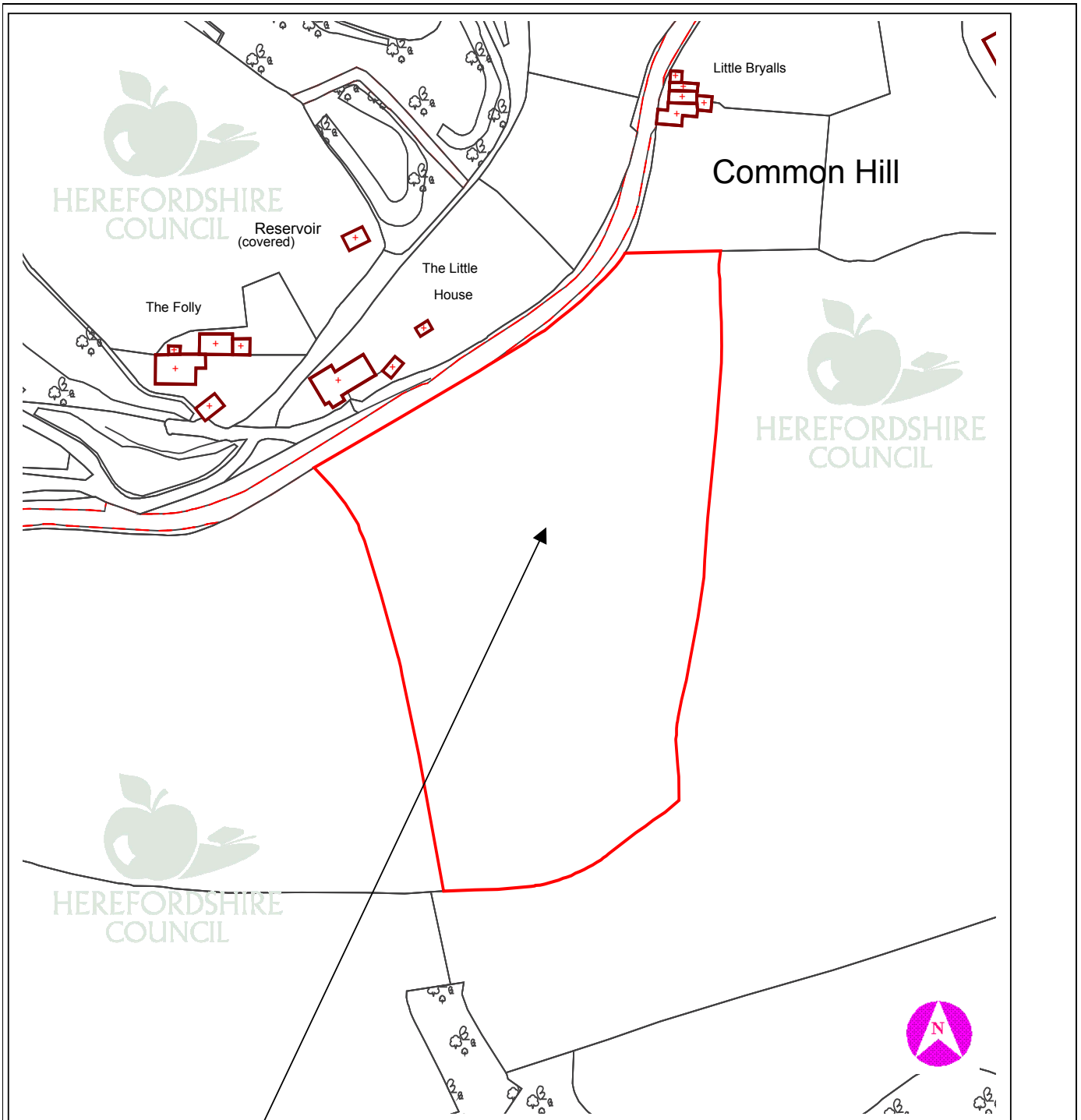
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2008/0959/F

SCALE : 1 : 1250

SITE ADDRESS : Field at Common Hill Lane (opposite The Little House), Fownhope, Hereford HR1 4QA

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**9 DCCW2008/0302/F - RETENTION OF POLYTUNNELS
AT BROOK FARM, MARDEN, HEREFORD,
HEREFORDSHIRE, HR1 3ET**

**For: S & A Davies per White Young Green, Ropemaker
Court, 12 Lower Park Row, Bristol, BS1 5BN**

Date Received: 6 February 2008

Ward: Sutton Walls Grid Ref: 52227, 48722

Expiry Date: 7 May 2008

Local Member: Councillor KS Guthrie

1. Site Description and Proposal

- 1.1 Brook Farm is located on the east side of the C1120 road some 200 metres to the north of the village of Marden.
- 1.2 The proposal is to retain an area of polytunnels covering approximately 7 hectares located to the north of Brook Farm. This field has recently been used to grow raspberries under polythene.
- 1.3 The land rises gently from south up to north and the mature boundary hedges have been maintained at a height of approximately 4 metres.
- 1.4 No public rights of way cross the site.

2. Policies

2.1 National Guidance:

- | | | |
|-------|---|--|
| PPS7 | - | Sustainable Development in Rural Areas |
| PPS25 | - | Development and Flood Risk |

2.2 Herefordshire Unitary Development Plan 2007:

- | | | |
|-------------|---|--|
| Policy S1 | - | Sustainable Development |
| Policy S4 | - | Employment |
| Policy S7 | - | Natural and Historic Heritage |
| Policy DR2 | - | Land Use and Activity |
| Policy DR3 | - | Movement |
| Policy DR4 | - | Environment |
| Policy DR6 | - | Water Resources |
| Policy DR7 | - | Flood Risk |
| Policy DR11 | - | Soil Quality |
| Policy DR13 | - | Noise |
| Policy E6 | - | Expansion of Existing Businesses |
| Policy E8 | - | Design Standards for Employment Sites |
| Policy E10 | - | Employment Proposals Within or Adjacent to Main Villages |
| Policy E13 | - | Agricultural and Forestry Development |
| Policy T6 | - | Walking |

Policy LA2	-	Landscape Character and Areas Least Resilient to Change
Policy LA3	-	Setting of Settlements
Policy LA5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA6	-	Landscape Schemes
Policy NC1	-	Biodiversity and Development
Policy NC5	-	European and Nationally Protected Species
Policy NC6	-	Biodiversity Action Plan Priority Habitats and Species
Policy NC7	-	Compensation for Loss of Biodiversity
Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy NC9	-	Management of Features of the Landscape Important for Fauna and Flora
Policy HBA4	-	Setting of Listed Buildings

2.3 Supplementary Planning Document:

Polytunnels (Draft)

3. Planning History

- 3.1 CW2002/1208/F Use of winter storage reservoir for fishing. Approved 4 September 2003.
- 3.2 CW2004/0804/F Proposed erection of permanent polytunnels. Withdrawn 18 January 2005.
- 3.3 DCCW2005/0698/F Siting of polytunnels in connection with raised strawberry production. Withdrawn 18 August 2005.
- 3.4 DCCW2007/2689/F Retention of polytunnels. Refused 21 November 2007.

Adjoining Site to South

- 3.5 DCCW2006/2534/F Retention of polytunnels in connection with raised bed strawberry production. Refused 24 October 2006. Appeal dismissed 3 April 2008.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objection on the basis that the development is carried out in accordance with the Drainage Appraisal dated January 2008 including the amendment thereto dated 26 March 2008 and condition to control surface water run-off.

Internal Council Advice

- 4.2 Traffic Manager: Awaited.
- 4.3 Head of Environmental Health & Trading Standards: Awaited.
- 4.4 Public Rights of Way Manager: No objection.

- 4.5 Conservation Manager (Ecology): I have visited the site and received the accompanying ecological report "Extended Phase 1 Habitat Survey Assessment" by White Young Green (June 07). I am satisfied with the assessment of the habitats on the site and the potential impact of the poly tunnels upon them. I have also seen the EA response that has no objection to approval of this application subject to the inclusion of planning conditions to ensure sustainable disposal of surface water run-off.

In 2005, a small population of great crested newts was recorded in ditches and ponds on the farm. I appreciate that the "raised-bed" growing regime could also have positive benefits for great crested newts. Any management of the ditch that runs along the southern boundary of the site should be avoided, but if essential, should be done under the supervision of a licensed ecologist and at an appropriate time of year. A buffer strip should be retained along this ditch.

I support the recommendation of the landscape officer with regard to the planting of a new hedgerow sub-dividing the field along what was previously a field boundary. This also complies with UDP policy NC8 regarding creation and enhancement of biodiversity features and habitat networks.

- 4.6 Conservation Manager (Landscape): Brook Farm is located on the north-western edge of Marden. This area is described as Principal Settled Farmlands in the Landscape Character Assessment. The application site comprises a field that slopes down from north to south, to a small watercourse that runs along its southern edge. The field is bounded to the north by the minor road to The Vault and to the west by the Bodenham - Marden minor road. There are tall hedgerows along both of these roadside boundaries. There is a small area of woodland to the east of the field. Footpath MR21 is to the east of this area of woodland, running from the minor road to The Vault, southwards to Marden and Burmarsh.

My comments remain the same as those made in relation to this site, in my memo dated 31st October 2007, which related to the previous application, DCCW2007/2689/F. With regard to the Landscape Assessment (August 2007) by the Cooper Partnership, I consider that their identification of representative views towards this field is comprehensive and that their assessment of the visibility of the site from the identified viewpoints is accurate. It does not appear that there are views of polytunnels on this field from private properties in the vicinity of the site.

Turning to the impact on the surrounding landscape character, I am in agreement with the principal findings of the Landscape Assessment. Where there are long distance views, such as from Dinmore Hill, the polytunnels on this north-west field do not have significantly more impact than the existing polytunnels in the central part of the landholding at Brook Farm. With regard to short-distance views, from the adjacent minor roads, views are restricted by the field hedgerows, which have now grown tall enough to screen the polytunnels. There are only glimpsed views of the polytunnels through gateways. Views from the public right of way MR21 are screened by the area of woodland with only a glimpsed view through a gateway at the northern end of the footpath.

With regard to the landscape enhancement and mitigation proposals: retention and management of existing trees and hedgerows, creation of an enhanced landscape corridor along public right of way MR20 and managing existing hedgerows to grow to 4 metres high, these are appropriate to the landscape type Principal Settled Farmlands and would help to reduce the adverse impact of the polytunnels. One further measure

that would be very beneficial, in terms of breaking down the scale of the polytunnels, would be to plant a new hedgerow running north-south, to sub-divide the application site into two fields. The Tithe Map for Marden (1844) shows that there was formerly a dividing hedgerow that has been lost at some time in the past, due to the intensification of agriculture. Re-establishing this hedgerow would ensure that the following aspiration set out in the Landscape Assessment is met: 'the suggested overall strategy is therefore to conserve and enhance the unity of the small to medium-scale hedged fields'.

I conclude that the retention of polytunnels on this site would be acceptable, providing that the landscape enhancement and mitigation is undertaken. As noted above, it would also be preferable if additional landscape enhancement works are undertaken - re-establishing the dividing hedgerow, in order to strengthen the character of Principal Settled Farmlands.

5. Representations

5.1 Marden Parish Council: At a recent meeting, Marden Parish Council resolved to make the following comments on this application.

1. It is assumed that the application is for permanent retention of polytunnels.
2. The Parish Council has no difficulties with the application given it is relatively remote from the village and sheltered from view, but the Parish Council would like to see a time limit placed on any permission. Concerns have been expressed by nearby residents about the visual impact of the polytunnels, the possibility of mud on the roads and the impact of permanent polytunnels on house prices. If approval is given, the Parish Council would like to see a condition allowing access by farm and personnel vehicles only from within the farm and not from public roads.
3. Given that a previous application for the site was refused by the Central Area Planning Sub Committee, the Parish Council would like to see this application referred to the Committee.

5.2 Sixteen letters have been received, the main points are:-

1. Marden is totally unsuitable for the industrial complex that S & A Produce have created.
2. Road surfaces and drainage have been badly affected by the constant impact of heavy traffic.
3. Fields covered with plastic causes village roads to be flooded during period of heavy rain.
4. Drainage becomes blocked and the River Lugg polluted.
5. Workers toilets and weighing machines are placed on the land.
6. No further expansion of S & A Produce should be allowed.

7. Water extraction from the River Lugg, a Site of Special Scientific Interest, much been impacted upon by the enormous amount of water that it takes to irrigate the produce.
 8. Appears to be much less wildlife, particularly insects and birds.
 9. Damage to the high grade soil.
 10. Whilst farms are encouraged to diversify, it should not be to the detriment of the whole local community.
 11. The applications should be considered in their totality and not separate.
 12. Local Government are telling people not to pave over front gardens and waste water yet S & A can cover areas of fields in plastic with the resultant excessive run-off of water.
 13. This proposal formed part of a large planning application last year which was refused and therefore this planning application should be refused on the same grounds.
 14. The supporting information does not justify why planning permission should be granted. The comparison that because polytunnels were there previously (albeit without planning permission) this is the baseline to assess the proposal is ludicrous. The approach needs to be that of open farmland to polytunnel coverage.
 15. This field is still visible from the viewpoint on Dinmore Hill and if other polytunnels are removed it will become more dominant.
 16. The polytunnels detract from the beauty of the countryside which the Council's policies seek to protect.
 17. Despite the planning application stating no water is required, this need through assessment from the Environment Agency.
 18. The retention of polytunnels will require labour, the accommodation for which has been refused.
 19. The water run-off management is considered inadequate given recent weather.
 20. Marden was a peaceful village with a pleasant rural outlook with a number of local farms. However this is now considered secondary.
 21. The planning process of dealing with just one field fails to take an integrated approach of what is being achieved or damaged.
 22. There is no request for a limited number of years and therefore as a permanent proposal it should be refused on this basis alone.
- 5.3 One letter of support has been received from the owner of the Marden Mini Supermarket stating that he runs the international shop in the village. Many of the

workers for S & A Davies use the premises which was previously empty and unused for some considerable time.

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

6. Officer's Appraisal

- 6.1 This proposal has been submitted following investigation by the Council's Enforcement Team and the refusal of planning permission which included this site and an additional seven hectares last year. The planning application was refused for the following reason:

The retention of the polytunnels is considered unacceptable due to their detrimental visual impact on the landscape quality of the area and when taken cumulatively with the existing polytunnels at Brook Farm, the setting of the village of Marden. Accordingly the development is contrary to Policies S2, S7, DR1, DR2, DR4, E6, E10, E13, LA2 and LA3 of the Herefordshire Unitary Development Plan 2007 and the guiding principles of PPS7 - Sustainable Development in Rural Areas.

- 6.2 The previous application was for two distinctly different sites and the most contentious and visible site near Nine Wells and the village does not form part of the revised planning application. In addition Members will be aware of the recent appeal decision for tabletop strawberry growing which was dismissed. The Secretary of State and Inspector's comments have informed the appraisal of this planning application together with the observations submitted on this planning application. Accordingly the planning application has been assessed under the following issues.

1. Principle of Development
2. Visual Impact
3. Traffic Impact
4. Drainage and Flooding
5. Ecology
6. Footpaths and Amenity
7. Cumulative Impact

Principle of Development

- 6.3 The polytunnels are being used to cultivate raspberries in seven litre grow bags. PPS7 recognises the important and varied roles of agriculture, including the maintenance and management of the countryside. It also acknowledges that policies should support development that enables farming and farms to:-

1. Become more competitive and sustainable.
2. Adapt to new and changing markets.
3. Comply with changing legislation and associated guidance.
4. Diversity into agriculture applications.
5. Broaden their operations to 'add value' to their primary product.

- 6.4 This proposal seeks to deliver these policies through the expansion of the business into different crops to meet the market demand and improve the quality and quantity of

fruit delivered through this form of operation. The crop has previously been experimental but due to its success a permanent provision is required.

- 6.5 In the recently dismissed appeal the Secretary of State concurred with the Inspector's comments that operations at Brook farm are a very substantial part of the local agricultural economy and that the proposed concentrated form of agricultural activity is not out of place.

Visual Impact

- 6.6 The Council's Landscape Officer has fully assessed the proposal and the comments are included within the report. No significant concerns are raised partly due to no footpaths crossing the field. Furthermore the landscape assessment submitted with the planning application is considered to be sufficiently robust and represents a comprehensive visual assessment.
- 6.7 In addition the enhancement and mitigation proposed which incorporates an enhanced landscape corridor to the east alongside the Public Right of Way MR20 are appropriate for this type of landscape and reduce the adverse impact of the polytunnels.

Traffic Impact

- 6.8 The Traffic Manager's comments are still awaited, however on the previous application no objections were received and subject to all HGV movements passing through the main Brook Farm access. The agent has confirmed that all access to these fields will be by means of internal farm tracks.

Drainage and Flooding

- 6.9 The drainage and flooding aspects of this proposal have been fully assessed by the Environment Agency and Members will note that they raise no objections to the method of irrigation and the drainage regime employed subject to a suitable condition concerning control of surface water run-off.
- 6.10 The concerns of local residents are noted, however this particular site is well constrained by the existing topography.

Ecology

- 6.11 A habitat survey has been submitted with the planning application which has been assessed by the Council's Ecologist. The conclusion identifies that no mitigation or further survey work is required and there is no objection to the proposal in ecological terms.

Footpaths and Amenity

- 6.12 There are no Public Rights of Way (PROW) that cross the site, however Public Footpath MR21 runs along the eastern boundary of the site.
- 6.13 Members will note that the PROW Manager raises no objection and in addition additional landscape is proposed to mitigate the impact of the Polytunnels. Considerable weight was given to the views from PROW by the Secretary of State and

Inspector into the dismissed appeal, however given the limited impact and proposed mitigation the proposal is considered acceptable.

- 6.14 There are no dwellings nearby that would be impacted by the activities associated with soft fruit growing similar to other sites in Marden and which have been raised by local residents.

Cumulative Impact

- 6.15 At the present time no Polytunnels around Marden have the benefit of planning permission. Discussions are ongoing regarding a 'whole farm' planning application and action being taken for removal of polytunnels. However this site is well contained within the landscape and has no detrimental impact on residential amenity. The agent has also confirmed that this field will form a significant part of the whole farm proposal. In addition it complies with the criteria used by the Secretary of State and Inspector into the recent dismissed appeal.

Conclusion

- 6.16 The landscape and drainage aspects of this proposal have been fully assessed and subject to conditions found to be acceptable. Landscape mitigation will limit impact on the PROW and there is no impact on residential amenity. There are no ecological issues. The proposal is therefore compliant with the Herefordshire Unitary Development Plan and sustain a thriving agricultural activity without detriment to local residents. This conclusion is reached on the basis of the application site and not the other polytunnels sited around Marden.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **The polythene shall be removed by 31st October each year and not replaced until or after 1st March in the following year.**

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

2. **G04 (Protection of trees/hedgerows that are to be retained).**

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

3. **G05 (Pre-development tree work).**

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

4. **G11 (Landscaping scheme – implementation).**

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

5. All access to and from the field subject of this permission shall be by means of internal roads at Brook Farm, Marden and not direct from the public highway.

Reason: In the interests of highway safety.

6. All surface water shall be limited to the relevant Greenfield run-off rate, with attenuation for the 1% plus climate change storm event, in accordance with the Drainage Strategy dated January 2008 and revised drainage appraisal dated March 2008, unless agreed in writing by the local planning authority.

Reason: To prevent flood risk and ensure sustainable disposal of surface water run-off.

7. In the event of the polytunnels hereby permitted becoming redundant for the growing of soft fruit upon the application site, the polytunnels which includes the supporting structure shall be removed from the application site within a period of 12 months.

Reason: To ensure that the buildings/structures that are redundant for agricultural purposes do not remain in the landscape unnecessarily.

8. The recommendations set out in the ecologist's report dated June 2007 should be followed unless otherwise agreed in writing with the Local Planning Authority.

A habitat management strategy for hedgerows, trees and ditches shall be submitted to the local planning authority, and implemented and maintained thereafter as approved.

A monitoring and management strategy for the protection of great crested newts and their habitat shall be submitted to the local planning authority, and implemented as approved.

Reason: To conserve and enhance biodiversity and BAP habitats, and to maintain the foraging area for protected species in compliance with UDP Policies NC6, NC7, NC8 & NC9 and PPS9.

To comply with UDP policy NC5 and Circular 06/2005 (paragraph 98) with regard to development proposals that may have an adverse effect upon species protected by Schedules 1,5 or 8 of the Wildlife and Countryside Act (1981) and the Conservation (Natural Habitats &c) Regulations (as amended) 1994, which includes great crested newts.

9. The polytunnels shall be laid out in accordance with Plan no. 94.448.C20-1A and shall not be re-configured without the written consent of the local planning authority.

Reason: In order to clarify the terms of this planning permission.

Informatives:

1. N19 - Avoidance of doubt - Approved Plans.

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

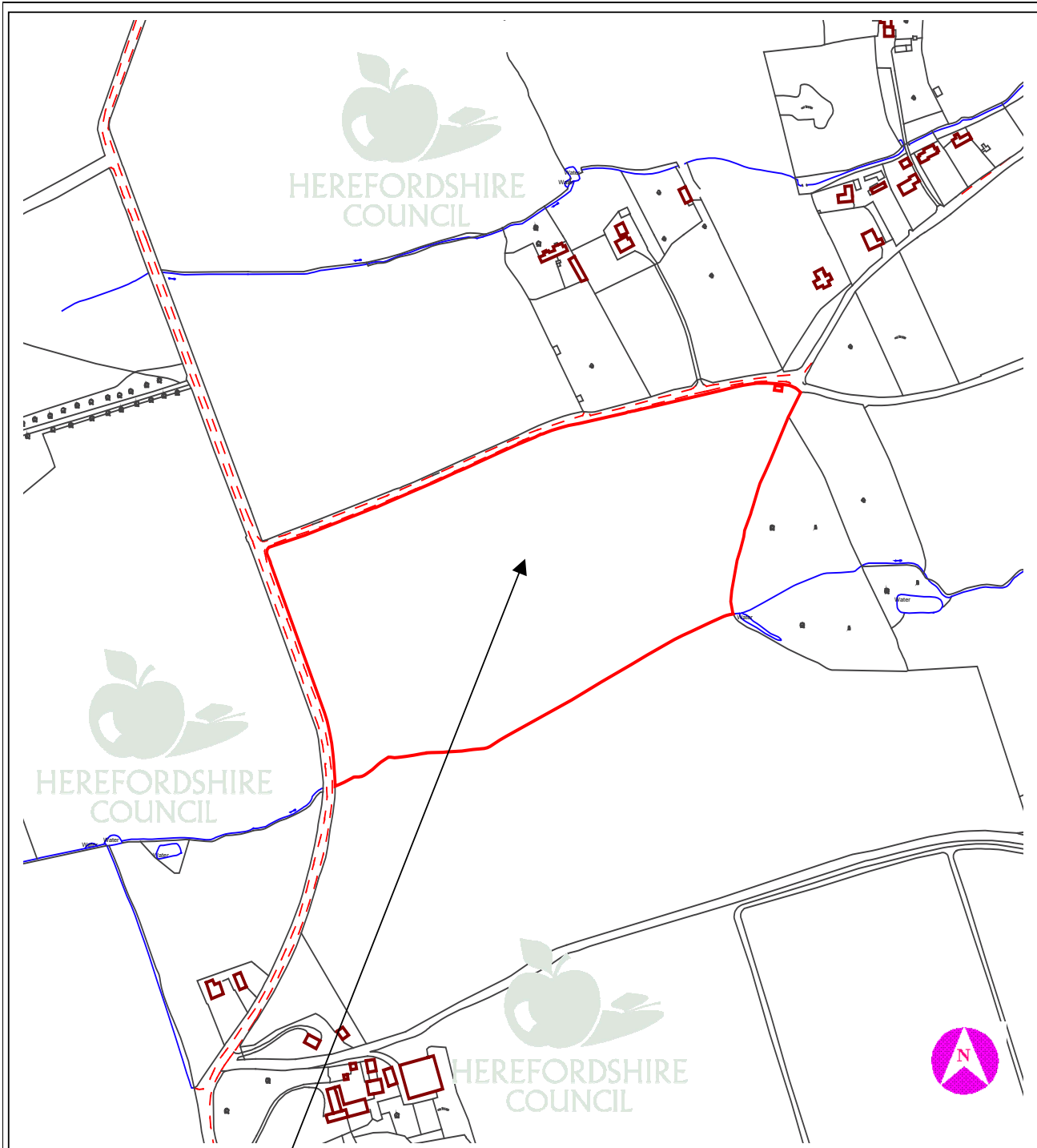
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/0302/F

SCALE : 1 : 4500

SITE ADDRESS : Brook Farm, Marden, Hereford, Herefordshire, HR1 3ET

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10 DCCW2008/1134/F - PROPOSED SINGLE STOREY EXTENSION TO REAR, AND NEW PORCH TO FRONT. 58 CLEEVE ORCHARD, HEREFORD, HR1 1LF

For: Mr A Jamieson per Jamieson Associates, 30 Eign Gate, Hereford, HR4 OAB

Date Received: 24 April 2008 **Ward: Burghill, Holmer & Lyde** **Grid Ref: 50830, 42216**

Expiry Date: 19 June 2008

Local Member: Councillor SJ Robertson

1. Site Description and Proposal

- 1.1 58 Cleeve Orchard is located immediately south of the entrance to Holmer Park Spa and Leisure Complex on Cleeve Orchard, Holmer, Hereford.
- 1.2 The proposal is to construct a traditional brick and tile porch to the front of the property and a contemporary single storey rear extension to provide a new dining area and enlarged kitchen. The rear extension will be constructed of brick, render and glass walls under a single ply membrane flat roof. It measures 11.34m in length, a depth of 3.2m. A glass canopy will create a walkway from the rear of the garage to the new extension.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy DR1 - Design
Policy H18 - Alterations and Extensions

3. Planning History

- 3.1 No recent planning applications.

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager - no objection.

5. Representations

- 5.1 Holmer Parish Council - no objection.

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

6. Officer’s Appraisal

- 6.1 This planning application is reported to Committee in accordance with the Code of Conduct on Planning Matters for Officers, as the occupier of the property is employed in Planning Services.
- 6.2 The proposal provides for a modest front porch in matching materials to the existing house. The rear extension is of a contemporary design and compliments the form of the existing dwelling.
- 6.3 There is no impact on neighbours and the proposal fully complies with Policy H18.

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. **C01 (Samples of external materials).**
Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan
- 3. **I16 (Restriction of hours during construction).**
Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

Informative(s):

- 1. **N19 - Avoidance of doubt - Approved Plans.**
- 2. **N15 - Reason(s) for the Grant of Planning Permission.**

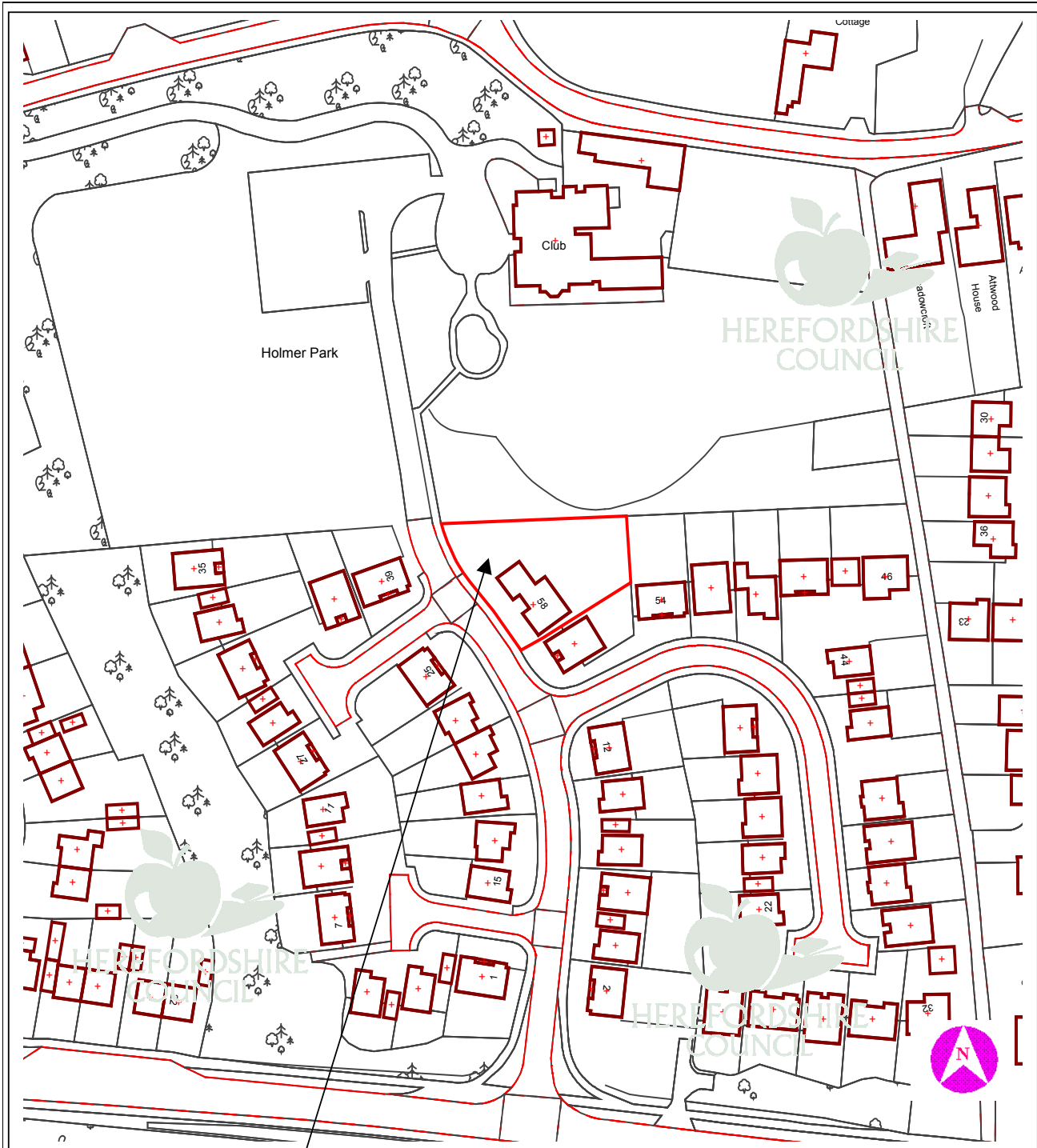
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/1134/F

SCALE : 1 : 1250

SITE ADDRESS : 58 Cleeve Orchard, Hereford, Herefordshire, HR1 1LF

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