

# A G E N D A

## Central Area Planning Sub-Committee

Date: **Wednesday, 3 September 2008**

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Time: **2.00 p.m.**

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

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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

### 1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

### 2. DECLARATIONS OF INTEREST

#### GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

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.

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.

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.

### 3. MINUTES

To approve and sign the minutes of the last meeting.

### 4. ITEM FOR INFORMATION - APPEALS

To note the Council's current position in respect of planning appeals for the central area.

Pages

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## Planning Applications

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 and Transportation 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.

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|---|-----------|
| <b>5. DCCE2007/1655/O - HOLMER TRADING ESTATE, COLLEGE ROAD, HEREFORD, HR1 1JS</b>  | 17 - 50   |
| 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. |           |
| <b>6. DCCW2008/0292/F - ST. NICHOLAS RECTORY, 76 BREINTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0JY</b>  | 51 - 64   |
| Demolish existing rectory and erect 9 no. residential dwellings.  |           |
| <b>7. DCCW2008/0610/O - 3 VILLA STREET, HEREFORD, HEREFORDSHIRE, HR2 7AY</b>  | 65 - 72   |
| Proposed erection of 4 no. bungalows and 2 no. houses.  |           |
| <b>8. DCCW2008/1271/F - LAND AT GREEN GABLES, SUTTON ST. NICHOLAS, HEREFORD, HEREFORDSHIRE, HR1 3AZ</b>   | 73 - 80   |
| Erection of single dwelling, with access from current development adjoining new primary school including minor amendments to DCCW2008/0012/F.   |           |
| <b>9. DCCW2008/2008/F - BRAMBLEFIELD BARN, MUNSTONE, HEREFORD, HEREFORDSHIRE, HR1 3AH</b>   | 81 - 84   |
| Single storey extension.  |           |
| <b>10. DCCE2008/1613/F - UNIT 14B, THORN BUSINESS PARK, ROTHERWAS, HEREFORD, HEREFORDSHIRE, HR2 6JT</b>   | 85 - 92   |
| Proposed construction of steel framed industrial unit and accompanying outside surfacing for joinery workshop, builders stores and office.  |           |
| <b>11. DCCE2008/1851/F - 20 VINE TREE CLOSE, WITHINGTON, HEREFORD, HEREFORDSHIRE, HR1 3QW</b>   | 93 - 96   |
| Extension and alterations with detached double garage.  |           |
| <b>12. DCCW2008/1777/F - 30 CHATSWORTH ROAD, HEREFORD, HEREFORDSHIRE, HR4 9HZ</b>   | 97 - 104  |
| Separation of existing three bedroomed house to form two one bedroomed self contained houses.   |           |
| <b>13. [A] DCCW2008/1667/F AND [B] DCCW2008/1669/C - TALBOTS FARM, SUTTON ST. NICHOLAS, HEREFORDSHIRE, HR1 3BB</b>  | 105 - 114 |
| Demolish existing barns and erect 2 no. new barn style dwellings.   |           |
| <b>14. DATE OF NEXT MEETING</b>   |           |
| 1 October 2008  |           |
| 5 November 2008   |           |
| 3 December 2008   |           |

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

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

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## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 6 August 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, SPA Daniels, H Davies, PJ Edwards, DW Greenow, KS Guthrie, MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, AP Taylor, AM Toon, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward

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

**25. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors MAF Hubbard and GFM Dawe.

**26. DECLARATIONS OF INTEREST**

30. DCCW2008/0292/F - St. Nicholas Rectory, 76 Breinton Road, Hereford, Herefordshire, HR4 0JY [Agenda Item 6]

Councillor JD Woodward; Personal.

Councillor PA Andrews; Prejudicial; Left the meeting for the duration of the item.

31. DCCW2008/0610/O - 3 Villa Street, Hereford, Herefordshire, HR2 7AY [Agenda Item 7]

Councillor SJ Robertson; Prejudicial; Left the meeting for the duration of the item.

34. DCCE2008/1458/F - 11 Kyrle Street, Hereford, Herefordshire, HR1 2ET [Agenda Item 10]

Councillor SJ Robertson; Prejudicial; Left the meeting for the duration of the item.

**27. MINUTES**

Referring to Minute 20 [DCCE2008/0626/F – Hereford Sixth Form College], Councillor AT Oliver noted that the inclusion of measures to reduce the environmental impact of the building had been omitted from the resolution. The Central Team Leader commented on the difficulties of enforcing compliance with emerging environmental performance standards. The Sub-Committee considered that the wording agreed should be reflected in the minutes.

**RESOLVED:**

That, subject to the inclusion of the words '*...and subject to the inclusion of measures to reduce the environmental impact of the building*' in the resolution of minute 20, the minutes of the meeting held on 9 July 2008 be approved as a correct record.

**28. ITEM FOR INFORMATION - APPEALS**

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

**29. DCCE2007/1655/O - HOLMER TRADING ESTATE, COLLEGE ROAD, HEREFORD, HR1 1JS [AGENDA ITEM 5]**

*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.*

The Chairman read the following statement:

*'Members may recall this application appearing on our agenda at the July meeting of this Committee. As a result of a number of issues relating to that report being brought to my attention, and upon taking professional advice, I moved deferral from the Chair, so that those issues could be properly investigated. I moved deferral for one month, and not two months as I have seen reported in certain publications. Last week I was advised by the Legal Practice Manager, that he had learned of additional features which required to be brought into consideration. I have to inform you, with regret, that the investigation has not yet been completed and in those circumstances, having liaised with professional officers, that I again move deferral for one month. This second deferral, which I propose will give Members the certainty at their September meeting that all relevant planning considerations have been properly addressed and reported to them in their agendas for that meeting.'*

There was a brief discussion about a report in a local newspaper relating to this application and about the possible sources for the article. Councillor RI Matthews noted that there was an ongoing investigation and that it would be improper to discuss the matters any further at this stage.

Councillor DB Wilcox refuted a number of points made in a publication.

A number of members commented on the need for information to be shared with members directly.

**RESOLVED:**

**That consideration of the application be deferred.**

**30. DCCW2008/0292/F - ST. NICHOLAS RECTORY, 76 BREINTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0JY [AGENDA ITEM 6]**

*Demolish existing rectory and erect 9 no. residential dwellings.*

Councillor JD Woodward, a Local Ward Member, was disappointed that there was a still a shortfall between the contribution sought by the Children and Young People's Directorate and the sum offered by the applicant. Councillor Woodward also felt that

the potential impact of the development on the local road network needed to be given further consideration, especially given the proximity of the site to a heavily trafficked junction.

The Central Team Leader advised the Sub-Committee that the planning application was submitted prior to the adoption of the Supplementary Planning Guidance on Planning Obligations [SPD] and reminded members that the purpose of planning obligations was to mitigate the impact of particular development proposals.

Councillor DJ Benjamin, the other Local Ward Member, commented on the need to maximise the benefits from this proposal for the local community.

Councillor ACR Chappell supported the views of the Local Ward Members and expressed concerns about the access arrangements. Attention was drawn to paragraph 4.3 of the report and Councillor Chappell suggested that the contribution towards sport facilities should be allocated to the LEA Swimming Pool, rather than the Hereford Leisure Pool.

Councillor AM Toon commented that the replacement of one house with nine dwellings would have an impact on the local road network and felt that appropriate contributions should be sought towards necessary improvements. In response, the Principal Planning Officer advised that the developer had agreed to contribute £15,480 towards off site highway works and improved public and sustainable transport infrastructure to serve the development; he added that this was in line with the SPD.

Councillor MD Lloyd-Hayes felt that the design approach could be improved and expressed concerns about highways safety at the adjacent junction. Councillor Lloyd-Hayes also drew attention to the comments in the report relating to the Youth Service.

Councillor AT Oliver considered the tone of correspondence from the applicant's agent to be regrettable, particularly the comment that the case for education contributions 'appears to be entirely spurious'. Councillor Oliver also felt that the application should be refused.

A number of members supported deferral of the application to enable further consideration to be given to the highways and parking issues and to allow further negotiations regarding the level of contributions proposed.

**RESOLVED:**

**That consideration of the application be deferred.**

**31. DCCW2008/0610/O - 3 VILLA STREET, HEREFORD, HEREFORDSHIRE, HR2 7AY [AGENDA ITEM 7]**

*Proposed erection of 4 no. bungalows and 2 no. houses.*

The following updates were reported:

- The Conservation Manager had confirmed that the construction of a semi-detached house closer to the front of the plot would give a much better rhythm to the street frontage leading into the conservation area. Also, that the siting of the bungalows to the rear of the plot meant that they would have no impact on the character or appearance of the conservation area.

- A further letter had been received from Mr. Birch expressing concerns that the report did not cover sufficient detail concerning the harm to pedestrian, cyclist and vehicle movements.
- The Sub-Committee was advised that the officers were satisfied that the report covered the issues raised in order to enable a decision to be made.

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

Councillor H Davies, a Local Ward Member, noted the demand for less expensive housing but questioned whether there was sufficient capacity on this site for four bungalows and two houses. Councillor Davies felt that the Sub-Committee would benefit from a site inspection. Councillors GA Powell and PJ Edwards, the other Local Ward Members, supported a site inspection. Councillor Edwards added that Villa Street formed part of a strategic cycleway and he was concerned that this proposal, together with another development across the road (approved but not yet implemented), could compromise safety.

**RESOLVED:**

**That consideration of the application be deferred for a site inspection.**

**32. DCCE2008/1537/F - CHURCH HALL, ST. JOHN'S METHODIST CHURCH, ST. OWEN STREET, HEREFORD, HEREFORDSHIRE, HR1 2PR [AGENDA ITEM 8]**

*Install 5m imitation flagpole roof top telecommunications antennae with associated cabinet and cabling.*

In accordance with the criteria for public speaking, Mrs. Fowler spoke in objection to the application.

The Chairman commented that the introduction of the antennae would not enhance the building but noted that officers did not consider that the proposal would be detrimental to the character of the conservation area or the setting of the adjacent church. The Chairman also noted the concerns of local residents about emissions emanating from the mast and asked officers for clarification about the relevant standards.

The Central Team Leader read para. 98 of PPG 8 which stated that '*In the Government's view, if a proposed mobile phone emissions meets the ICNIRP [International Commission for Non Ionizing Radiation] guidelines for public exposure it should not be necessary for the local planning authority in processing an application to consider further the health aspects and concerns about them*'. It was reported that the applicants had provided a statement to demonstrate that the emissions from the mast met the current ICNIRP standard.

Councillor RI Matthews commented that, notwithstanding the advice provided, local residents had genuine concerns about the health risks associated with telecommunications antennae and the visual impact of the mast on the surroundings.

Councillor PJ Edwards noted the importance of the conservation area status and, referring to issues with masts in his own ward, asked for clarification about the access arrangements for maintenance vehicles. In response, the Principal Planning Officer advised that arrangements had been made for maintenance vehicles to park in an adjacent car park.

Councillor AM Toon commented that an imitation flag pole might be preferable to other types but noted that PPG8 required a roll out programme for mast installations, with mast sharing where possible, and questioned how this proposal fitted in with the wider context. Councillor MD Lloyd-Hayes noted the demand for mobile services and suggested that a seminar be arranged for members with the telecommunications operators. The Principal Planning Officer advised that 3G (Third Generation) mobile services worked over smaller cell areas, hence the need for more masts, and it was accepted that there were no other suitable existing masts that could be shared in the city centre.

A number of members expressed concerns about the application but a motion to refuse the application was lost 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. **C10 (Details of external finishes).**

**Reason: To secure properly planned development and to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.**

**Informatives:**

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

**33. DCCE2008/1235/F - 2 THE STABLES, SOUTHBANK ROAD, HEREFORD, HR1 2TJ [AGENDA ITEM 9]**

*Conversion of existing dwelling into two dwellings and one proposed new dwelling.*

In accordance with the criteria for public speaking, Mrs. Newlove spoke in support of the application.

Councillor DB Wilcox, a Local Ward Member, asked for clarification about a number of issues, including:

- the drainage arrangements, especially given a comment in the representations section of the report that drains across Aylestone Court Hotel were at capacity;
- whether the fenestration nearest to neighbouring property would be both obscured and sealed shut;
- the design approach to the proposal; and
- Conservation Area considerations.

The Principal Planning Officer responded by advising that:

- the comment related to existing private drainage arrangements but this proposal

would be connected to the mains and Welsh Water had no objections subject to conditions;

- obscured windows were proposed in the south and south-east elevations and a requirement for them to be fixed shut could be included in the conditions;
- it was considered that a modern design approach would have had a greater impact on neighbouring properties, especially as this would have required a larger building footprint;
- the Conservation Manager had initially expressed reservations about the original detailing but amended plans had largely addressed the issues.

Councillor Wilcox asked that the glazing on the staircase be obscured and fixed shut but noted that the skylight should not need to be fixed shut as it was unlikely to impinge on the privacy of neighbouring properties. He commented that the site would benefit from development, subject to the use of suitable and high quality natural materials. The Principal Planning Officer advised that these matters could be factored into the conditions.

Councillor NL Vaughan, the other Local Ward Member, said that traffic surveys in the area had demonstrated that the speed of the traffic could be high in the vicinity of the site and expressed concerns about the access and egress arrangements, especially if turning right when leaving the site. The Principal Planning Officer advised that the Traffic Manager had not raised any objection to the development, subject to conditions, and non-compliance with statutory speed limits was an issue for the police rather than the planning process.

Councillor PJ Edwards welcomed recommended condition 13 regarding secure covered cycle parking provision. He questioned whether, given a recent Cabinet decision, the standard planning conditions could include a requirement for developments to provide an area for the storage of recycling bins. The Principal Planning Officer advised that there was adequate space for a recycling bin within the curtilage of this site; it was noted that specific provision might be needed for future high density and flat developments.

Councillor AM Toon, referring to the planning history, questioned whether a requirement for the replacement of three trees had been complied with. The Principal Planning Officer could not confirm if this was the case but noted that the applicant had until the end of season 2009 to comply with the requirement.

Councillor Toon drew attention to the comments of the Education Manager, expressed concern that there was no reference to Youth Services and commented on the need for youth facilities, such as a skate park. Referring to other examples, Councillor Toon emphasised the need for a consistent approach to planning obligations. The Principal Planning Officer advised that there were nominated officers in each directorate and it was their task to identify needs across the relevant area. It was noted that planning obligations had to be proportionate to the specific impact of the development under consideration. Some members commented on other projects in the locality that required further funding.

Given the comments of members, Councillor Wilcox suggested that the Children and Young People's Directorate be re-consulted on needs in the locality. The Central Team Leader advised that there was an established procedure for seeking comments from the relevant departments and the planning officers could only react to the responses provided. However, members felt that the opportunity should be taken to review the position with the directorate to ensure that no matters had been

overlooked.

**RESOLVED:**

**That, subject to the further comments of the Children and Young People's Directorate, planning permission be granted 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. B07 (Section 106 Agreement).**

**Reason: In order to provide enhanced sustainable transport infrastructure, in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.**

- 4. 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**

- 5. D04 (Details of window sections, eaves, verges and barge boards).**

**Reason: To ensure that the work is carried out in accordance with details that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan.**

- 6. D05 (Details of external joinery finishes).**

**Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan.**

- 7. D10 (Specification of guttering and downpipes).**

**Reason: To ensure that the rainwater goods are of an appropriate form in the interests of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 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. 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.**

**10. 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.**

**11. 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.**

**12. 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**

**13. 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**

**14. 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.**

**15. 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.**

**16. 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.**

**Informatives:**

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

**2. N19 - Avoidance of doubt - Approved Plans.**



**34. DCCE2008/1458/F - 11 KYRLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2ET [AGENDA ITEM 10]**

*Proposed development to form 5 dwellings - alterations to previously approved planning application DCCE2005/3449/F.*

The Principal Planning Officer advised that the design amendments proposed under this application were considered to improve the external appearance of the development.

**RESOLVED:**

**That planning permission be granted subject to 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. 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. 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.

**5. 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.

**6. 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.

**7. 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.

**8. 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.

**9. 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.

**10. 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.

**11. 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.

**12. L03 (No drainage run-off to public system).**

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

**35. DCCW2008/1385/F - THE GRANARY, MANSELL LACY, HEREFORD, HEREFORDSHIRE, HR4 7HQ [AGENDA ITEM 11]**

*To install a residential wind turbine.*

The following updates were reported:

- The comments of the Conservation Manager had been received and were summarised. In particular, it was noted that the Conservation Manager considered that *'the proposed development would be an incongruous introduction into the landscape neither relating to historic land use patterns or identifiable settlement. However, the impact of the development would be very local and the benefits of renewable energy production may be considered to outweigh this impact'*.
- The Senior Planning Officer advised that, on balance, it was considered that the benefits of providing sustainable energy, outweighed the limited local impact. However, in order to mitigate the visual impact, it was considered expedient to recommend appropriate landscaping conditions.
- The Senior Planning Officer also advised that bats might be resorting to the area for foraging and it was considered expedient to recommend an appropriate informative, reminding the applicant of their obligations.

Councillor PJ Edwards suggested that, given the visual impact, the wind turbine could be painted a suitable colour in order to blend in with the landscape better. In response, the Senior Planning Officer advised that the matter could be explored with the applicant but commented that the wind turbine was likely to be pre-fabricated, without colour options.

Councillor PA Andrews noted that Mansell Lacy Parish had no objection to the application and she was happy to support the application. A number of members also spoke in support of the proposal.

**RESOLVED:**

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

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. **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**

3. **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.**

4. **G15 (Landscape maintenance arrangements).**

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

**Informatives:**

1. **The applicant is advised that they are required to give notice of the date upon which construction both starts and is completed in writing to:**

Defence Estates, Operations North, Safeguarding Wind Energy, Kingston Road, Sutton Coldfield, B75 7RL. Please quote reference DE/C/SUT/43/10/6667.

2. **N01 - Access for all.**
3. **N19 - Avoidance of doubt - Approved Plans.**
4. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
5. **N11C – Wildlife and Countryside Act 1981.**

36. **DCCW2008/1271/F - LAND AT GREEN GABLES, SUTTON ST. NICHOLAS, HEREFORD, HEREFORDSHIRE, HR1 3AZ [AGENDA ITEM 12]**

*Erection of single dwelling, with access from current development adjoining new primary school including minor amendments to DCCW2008/0012/F.*

In accordance with the criteria for public speaking, Mrs. Clarke spoke in objection to the application.

Councillor KS Guthrie, the Local Ward Member, noted that Sutton Parish Council had no objections but also drew attention to the concerns of local residents, as summarised in the report.

In response to a question from Councillor AP Taylor, the Senior Planning Officer advised that the siting and orientation of the proposal had been designed to maximise openness and reduce the sense of enclosure.

Councillor PA Andrews said that she had reservations about the backland nature of the development and felt that members would benefit from a site inspection; on the grounds that the setting and surroundings are fundamental to the determination or to the conditions being considered. This suggestion was supported by a number of members.

Councillor MD Lloyd-Hayes commented on the need for local ward member input into planning obligations and how contributions were allocated. The Chairman commented that a seminar might assist members and Councillor Andrews advised that there was an ongoing scrutiny review of Planning Services which might provide the opportunity to examine the issue. The Central Team Leader drew attention to the contribution sought for the services of a Council Planning Obligation Monitoring Officer.

In response to a question, the Senior Planning Officer explained that contributions towards sustainable transport infrastructure differed between geographic locations to reflect the cost differentials inherent in providing services in rural areas.

**RESOLVED:**

**That consideration of the application be deferred for a site inspection.**

**37. DCCW2008/1590/F - LAND ADJACENT TO HOLBACH, SUTTON ST NICHOLAS, HEREFORD, HEREFORDSHIRE, HR1 3HH [AGENDA ITEM 13]**

*General purpose agricultural building, associated external hardstandings and improved access.*

The following updates were reported:

- One further letter of objection had been received from Mrs. Kendal of Holbatch House and the contents were summarised.
- The Highways Officer had advised that there had not been any accidents recorded near to the site in the last five years.

In accordance with the criteria for public speaking, Mr. Powell spoke in support of the application.

Councillor KS Guthrie, the Local Ward Member, supported the proposal in principle but asked for clarification about a number of issues, including:

- referring to comments made by Marden Parish Council, questions were asked about the proposed use of the building and whether the development conformed to PPS7 (sustainable development in rural areas) and Herefordshire UDP Policy

E8 (design standards for employment sites); and

- concerns were expressed about the potential safety issues arising from the intensification in the use of the narrow lane and the junction with the C1125, especially as the area was popular with walkers and horse riders and there were no passing places.

The Senior Planning Officer responded by advising that:

- the application was for agricultural development which accorded with the objectives of Policy E13 (agricultural and forestry development) and, furthermore, a condition limiting the use of the building to the agricultural activities of the applicant was recommended; and
- the Traffic Manager had raised no objection to the proposed development and, as the development site did not adjoin the bridleway directly, it was not necessary to consult the Public Rights of Way [PROW] Officer.

In response to a question from Councillor SJ Robertson and comments by other members, the Senior Planning Officer said that the issue of caution signs could be raised with the PROW Officer separately.

Councillor MD Lloyd-Hayes acknowledged the concerns of local residents but noted the need to support agricultural activities and diversification. A number of members expressed similar views.

In response to a question from Councillor AP Taylor, the Senior Planning Officer advised that, as an agricultural operation, there was not scope to restrict hours of operation.

The Chairman commented that there had been a similar application in her ward which had caused anxieties about the proposed use of the development but noted that appropriate communication between those concerned and suitable conditions had addressed the situation.

Councillor PJ Edwards expressed support for agricultural enterprises but was concerned about increased vehicle movements and the potential for accidents. The Senior Planning Officer commented that this was a modest agricultural development and, consequently, it would be unreasonable to require works to the access road to facilitate the development.

Councillor Guthrie re-iterated the need for further information regarding the intended use and the potential impact on local residents.

Councillor AM Toon suggested that the development should not be commenced until highway works had been completed on the road to Bodenham.

**RESOLVED:**

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

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

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

2. **The premises shall not be used for the storage, processing or distribution**

of any crop whatsoever which have not been grown or produced by the occupier of the building.

Reason: To define the terms of the permission and for the avoidance of doubt in the interests of local amenity to comply with Policy DR1 of the 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. 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.

**5. 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.

**6. 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.

**7. 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.

**8. 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.

**9. I24 (Standard of septic tank/soakaway system).**

Reason: To prevent pollution of the water environment and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

**10. I32 (Details of floodlighting/external lighting).**

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

**Informatives:**

**1. N19 - Avoidance of doubt - Approved Plans.**

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

**38. DCCE2008/1453/F - HAUGHLEY COTTAGE, MORDIFORD, HEREFORDSHIRE, HR1 4LT [AGENDA ITEM 14]**

*Retrospective application for a replacement dwelling and detached garage as built (deviations from approved plans DCCE2007/1033/F).*

The following updates were reported:

- The comments of Fownhope Parish Council had been received and were summarised; the Parish Council supported the application but wished to register its disapproval of retrospective applications per se.
- The comments of the Landscape Officer had been received and were outlined as follows:

*'The retrospective application seeks to reintroduce many of the elements and additional features that were considered incongruous in the first application (DCCE2006/3853/F): a conservatory, porch ground floor canopy roof and additional fenestration. Furthermore, the garage, clearly identified in the first application as being overly large and of a character inappropriate to the location would appear to have been constructed in an elevated position, larger than permitted and of a domestic character; the very reason, it was not considered acceptable. The development as built would appear to have introduced a much increased area of hard standing, a retaining wall and steps and patio area, none of which would have been considered acceptable if introduced as part of the revised planning application (DCCE2007/1033/F).*

*It should not be forgotten that the application lies within the Wye Valley AONB, within a Special Wildlife Site, adjacent to Ancient Semi-Natural Woodland and an area of landscape character identified in the Herefordshire Landscape Character Assessment.'*

- The following officer comment was also reported:

*'The application has sought to impose a previously unacceptable development onto a site, where the constraints and parameters were clearly explained to the developer, via a retrospective application and I would not support the application for the regularisation of this development.'*

In accordance with the criteria for public speaking, Mr. Jolly spoke in support of the application.

The Chairman, speaking in her capacity of the Local Ward Member, commented on the proximity of the parish boundaries and the different impacts that the development would have from the perspective of each parish council. The Chairman emphasised the need for consistency and objectivity. It was noted that decisions could not be based on emotional outcomes and the authority had to uphold its own policies. In view of these considerations, the Chairman supported the officers' recommendation of refusal.

Councillor DW Greenow supported the views of the Local Ward Member and commented that a developer should know the planning process and the potential risks of unauthorised development. He also expressed concern that the development had been allowed to proceed for so long without intervention.

Referring to a comment made by the applicant's agent about an offer to remove some elements of the dwelling as built, Councillor PJ Edwards questioned whether the removal of some features would reduce the building volume percentage. In

response, the Central Team Leader advised that the proposition by the applicant's agent had not been provided to officers prior to the meeting and, therefore, the exact percentage reduction had not been calculated. Councillor Edwards suggested that consideration of the application should be deferred for further discussions between officers and the applicant.

Councillor DB Wilcox reminded the Sub-Committee that the site was in open countryside and that there was a clear policy presumption against residential development, although development may exceptionally be permitted where a replacement dwelling was comparable in size and scale to the existing dwelling. In view of the professional advice of officers, it was considered that the replacement was not comparable in size and scale to the original cottage and should be refused. It was noted that approval of the application would be contrary to a number of authority's policies and, whilst acknowledging that each application had to be considered on its own merits, this could establish a precedent for other unsuitable developments in open countryside. He commented that deferral of the application might not achieve the outcomes required and there were numerous options to be considered as part of any formal enforcement process. It was suggested that officers should ensure that the Chairman/Local Ward Member be kept informed about the ongoing issues.

A number of members commented on the retrospective nature of the application, the sensitive landscape character of the surroundings, and the crucial policy issues involved. Some members expressed concerns about the building control process and why the unauthorised development had not been identified sooner. The Chairman re-iterated the importance of the policy considerations.

#### **RESOLVED:**

**That planning permission be refused for the following reasons:**

- 1. The replacement dwelling is not comparable in size and scale with the original cottage and the development is therefore contrary to Policy H7 of the Herefordshire Unitary Development Plan 2007 and advice contained in the Planning Policy Statement 7: Sustainable Development in Rural Areas.**
- 2. The development, by virtue of its design, siting and scale, fails to respect the local distinctiveness architectural style result in an inappropriate form of development which is detrimental to the landscape character and visual amenities of the area which is within the Wye Valley Area of Outstanding Natural Beauty. The development is therefore contrary to Herefordshire Unitary Development Plan Policies S2, S7, DR1 and LA1.**

#### **39. DATE OF NEXT MEETING**

The date of the next meeting was given as 3 September 2008.

In response to a suggestion by Councillor SJ Robertson, the Sub-Committee agreed to hold a site inspection in respect of planning application DCCW2008/1832/N - Upper House Farm, Moreton-On-Lugg, Hereford, Herefordshire, HR4 8AH.

The meeting ended at 5.00 p.m.

**CHAIRMAN**



**5 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

### **Introduction**

The application was deferred at the Central Area Planning Sub-Committee on 6 August to enable further consideration and information to be clarified on the applicant's intentions for safeguarding employment land on the site.

### **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 fluctuated with there currently being 33 businesses on site. 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
  - 760 sq. m. retail comprising 500 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.
H/P/28408/E	Retail Sales excluding foodstuffs at Unit 1. Appeal allowed 11 May 1987
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 9 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 Xavier 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 Xavier 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 principle 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 Cavanaghs 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 (26<sup>th</sup> 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 Pida 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:

After reviewing our comments and in light of changes to the application additional comments should be noted. The application is still contrary to policy E5 where it stipulates that the loss of employment land and premises to non-employment uses will generally be resisted. However, it is shown that there could be wider regeneration benefits to the area in terms of restoration of the canal and subsequent linkages that could be formed between this site and ESG through the development of canal basin. Within this current application it is shown that there is an increase in employment floorspace to that which is currently available on the site, however there are still concerns that some of this floorspace is on a mezzanine level and the practicality issues in industrial units. There would be improvements to the quality of the employment land and the current proposal has reduced the number of houses in the scheme. It has also been noted that the applicant has now included 35% affordable housing units in the scheme, as requested in policy H9, which was a concern raised in our previous comments last year. I also note that there is an improvement to the retail provision, raised in the previous comments, and that the scheme now shows to accommodate the existing retail businesses that are currently on site and there will be a considerable reduction in the overall retail floorspace on the site.

If planning permission is granted we would have concerns that they would develop the housing element of the scheme prior to the employment units and therefore suggest that a planning condition would be incorporated to ensure that the employment floorspace element is developed at an early stage of the proposal.

### 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. The Agreement should clearly outline the specification for the restoration to include stone facing to the retaining walls and appropriate lighting, annual index linked payments from all proposed residential and business units towards the future maintenance and management of the canal and the de-silting of the canal tunnel along with its freehold transfer to the Trust. The Trust cannot accept the canal without these works being undertaken.

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.
- We have a definitive right of access through the site regularly used by large HGV's which must be safeguarded
- The introduction of housing next to the established and proposed industrial units which operate 24 hours a day could generate noise complaints for employers, a reasonable separation distance needs to be maintained between residential and commercial uses.

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 or found sites for re-location. These being Franks Luxury Biscuits, J. Mayo-Evans & Son, The Patio Centre and Hereco Art and Office Supplies. Blue line Taxis have also written stating they employ 15 staff with over 120 drivers and confirm their desire to stay on site in a new unit subject to terms being agreed. An e-mail from Lord Kitcheners stating they have spent £80,000 on taking a new unit two years ago on a short term lease but have not been formally offered a new unit on the development.

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 a 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 structurally safe. 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 June 2008, there exists 140,000 sq ft (13,000 sq M) of Industrial Units and 68,400 sq ft (6354 sq M) of office space vacant within Hereford City located north of the River Wye. This amounts to 1.935 ha of vacant units and office space. In addition, a further 1.74 ha of vacant employment land exists 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 as provided by the applicant have been confirmed as being accurate. However, 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, which is achievable. Even revising the figures in this manner, the re-development for employment purposes is likely to be at best, marginally profitable. Therefore, on the basis of the information provided and without the benefit of an independent assessment, 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. Based on information provided by the landowner, since the submission of the application in May 2007, the number of businesses on site has fluctuated significantly from 39 down to 26 and as of July 2008, presently 33 businesses occupy units on the site. More specifically, since submission of the application, 13 businesses have found alternative premises and have now vacated the site with 7 new business taking up units on short term tenancies. The landowner and agent advises that all existing tenants are on six or twelve month rolling tenancies and most are paying considerably below current market rates. The agent also advises that the fuel bills for some units may soon be greater than some of the rental charges partly due to the inefficiency of the buildings.
- 6.11 Ten business have now confirmed a desire to remain on site in the new units through signing provisional heads of terms for tenancies, copies of which have been submitted to the Council. The applicant advises that 4 others have been offered such agreements but have not agreed terms. This therefore leaves up to 23 businesses in a position of uncertainty. The applicant advises that some of these business could be retained on site but have expressed a desire to re-locate elsewhere and some have already sourced alternative premises but are awaiting the outcome of this application. The applicants have sourced possible sites at Rotherwas for two other businesses although this process has not involved the business in question.
- 6.12 The provisional heads of terms signed by ten businesses confirm a commitment from the developers to provide a three year tenancy incorporating a minimum floor area and location of the new unit. In addition, the S106 Agreement would specify that rents be fixed for three years from date of occupation. If outline planning permission is granted, the reserved matters submission will also enable bespoke units to be designed to accommodate the needs of individual business. The head of terms are a clear commitment by the applicants to accommodate existing businesses on the new development and conversely, a clear indication and desire of those existing tenants to re-locate to the new development. There are however, several business (at least 5) that by virtue of the masterplan layout could not be accommodated on the new development even if they wished to remain due to the nature of use and amount of land occupied. In pure floor area terms north of the city alone, sufficient vacant units/floorspace exists but of course the floorspace may not be suitable or viable for all their business needs. Others such as car retailers require larger areas of land but little floorspace and it is acknowledged that there are no readily available sites without planning restrictions for this type of use at present.

- 6.13 Therefore, there are several businesses that would be displaced by the proposal with the potential for a loss of jobs. However, this situation would exist regardless of the format of any re-development. The purpose of the employment policies within the UDP is to safeguard, but also foster new employment opportunities. The proposed new floorspace is likely to create more jobs due partly to the increase in B1 floorspace and the more efficient use of the site. In quantum terms, based upon local employment densities, it is estimated that between 200 and 210 jobs will be retained and created on the site itself. Based on figures provided by the applicants, this is a significant increase over the existing and historical situation on site.
- 6.14 As it currently stands based on the number of existing business 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 business 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. However, this will not be at the expense of existing business on the estate that can be accommodated, and wish to relocate to the new development.
- 6.15 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 this format of development. To address this units can be designed to the needs of individual businesses 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.
- 6.16 In terms of the retail provision, planning permission was granted in the mid 1980's for non-food retail floor space. However, the existing situation on site exceeds that which is permitted by the 1980's permissions. To address this the retail provision now proposed as part of this development is less than currently exists on site. A small increase (100 sq metres) in the bulky goods retail has recently been introduced to fully accommodate the needs of an existing business on site. An overall 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.
- 6.17 More specifically, the retail provision proposed as part of the development is partly to accommodate one existing bulky goods retail businesses on site. 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.

- 6.18 Overall the employment considerations are finely balanced. These issues are summarised in the conclusions, which are detailed at para 6.41 – 6.47 of this report.

### **Highway Issues**

- 6.19 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.
- 6.20 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 cyclist 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.
- 6.21 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.
- 6.22 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.
- 6.23 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)**

- 6.24 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.
- 6.25 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.
- 6.26 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.**

- 6.27 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.



- 6.28 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.
- 6.29 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.
- 6.30 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**

- 6.31 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.
- 6.32 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.

- 6.33 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**

- 6.34 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.
- 6.35 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.
- 6.36 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.
- 6.37 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 Councils 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.
- 6.38 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.

- 6.39 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.
- 6.40 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**

- 6.41 If approved, the development would achieve 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.
- 6.42 The proposal is nevertheless contrary to policy E5 of the UDP. If approved the application would generate 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 relocate. 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.
- 6.43 In this regard, the comments of the Economic Development Manager are particularly relevant. His conclusion is 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.
- 6.44 Beyond this it is considered the needs of some existing business have been accommodated by the applicants through offering new units with rents frozen for three years. 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 addressed as far as possible 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. Evidence also exists that sufficient surplus floorspace and/or land presently exists to accommodate most of those business displaced by the development.

- 6.45 Alongside this 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 are important factors. 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.
- 6.46 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.
- 6.47 Considering all the above factors and recognising the unique constraints and opportunities surrounding the site your officers on balance recommend the approval of the application. Whilst the application conflicts with policy E5 of the UDP, the advantages of the mixed use development proposed are considered to outweigh the policy based issues. In the event that members are minded to accept the recommendation, detailed controls on the development can be imposed by planning conditions and a Section 106 Agreement.

## **RECOMMENDATION**

**That Legal Practice Manager 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 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)
- Removal of permitted development rights for the residential and business units

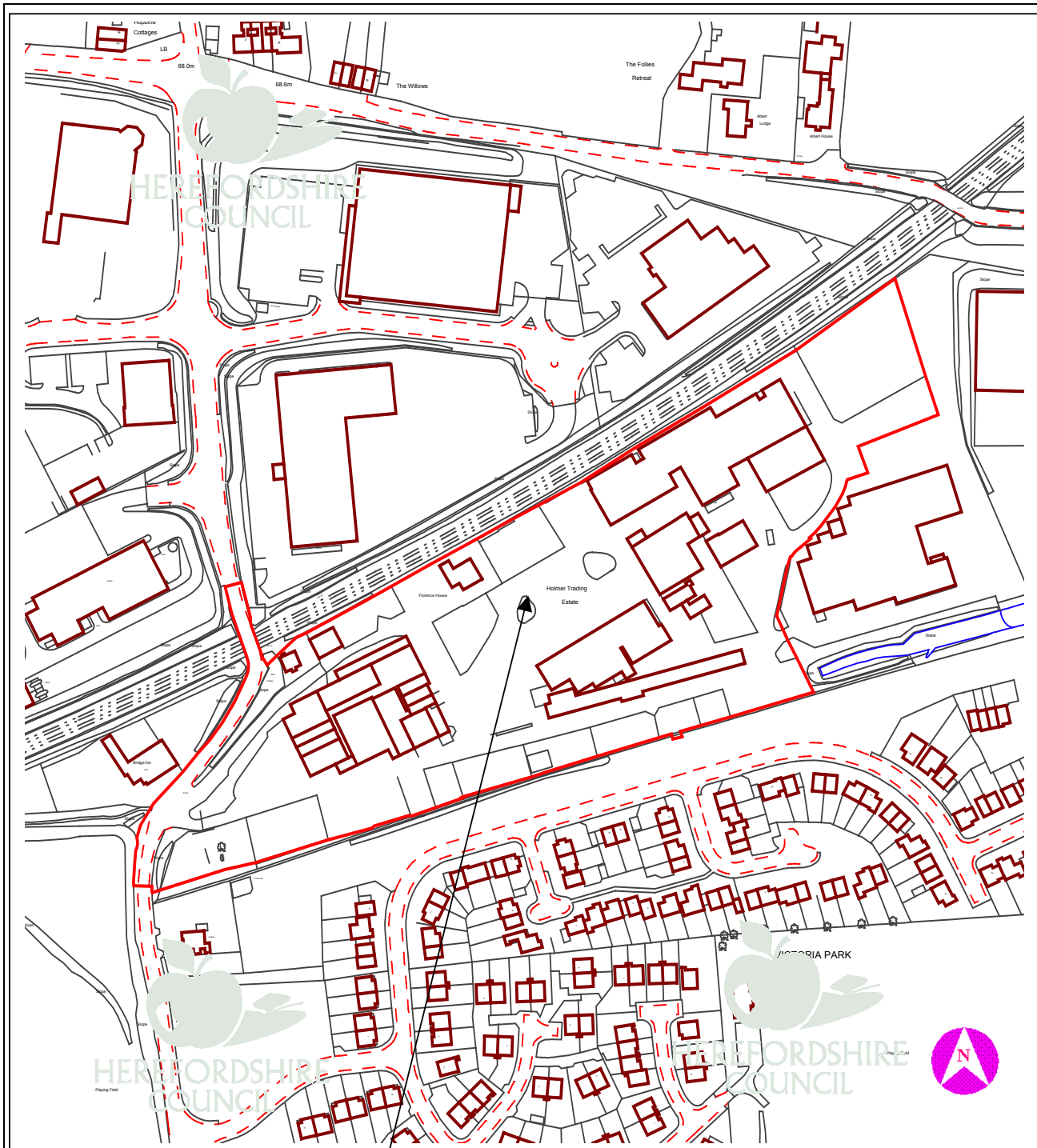
Decision: .....

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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

### 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 115 residential units incorporating 35% affordable (18 one beds, 68 two beds, 5 three beds apartments & 24 4 bed houses) B1 office 2235sq. M, B2 general industrial 2538 sq M, B8 Storage units 2538 sq. M, comparison and convenience retail 760 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 £155,316 to provide enhanced educational infrastructure at North Hereford City Early Years, St Xavier Primary School, Hereford City Youth Service and Barrs Court Special School (excludes the other local primary and secondary schools at Brodlands and Aylestone where capacity exists)
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £125,695 for off site highway works and improved sustainable transport infrastructure (excluding that required to facilitate the development i.e. reduction in speed limits and the associated costs, 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 0.1% 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 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. The transfer shall include the adjoining canal tunnel. In addition, an annual maintenance charge shall be applied to all dwellings (excluding the affordable) and business premises within the site. The charge shall be £250 per dwelling and a contribution per business unit to be agreed with the Council 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 occupation.
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  
24 July 2008



**6 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 at the last meeting to enable further discussions to take place regarding the level of contributions in the 'Heads of Terms'.

A meeting is due to take place on Friday, 29 August 2008 and therefore a verbal update will be made 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 Summary**Statutory 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 sporadic 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 Legal Practice Manager 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.**

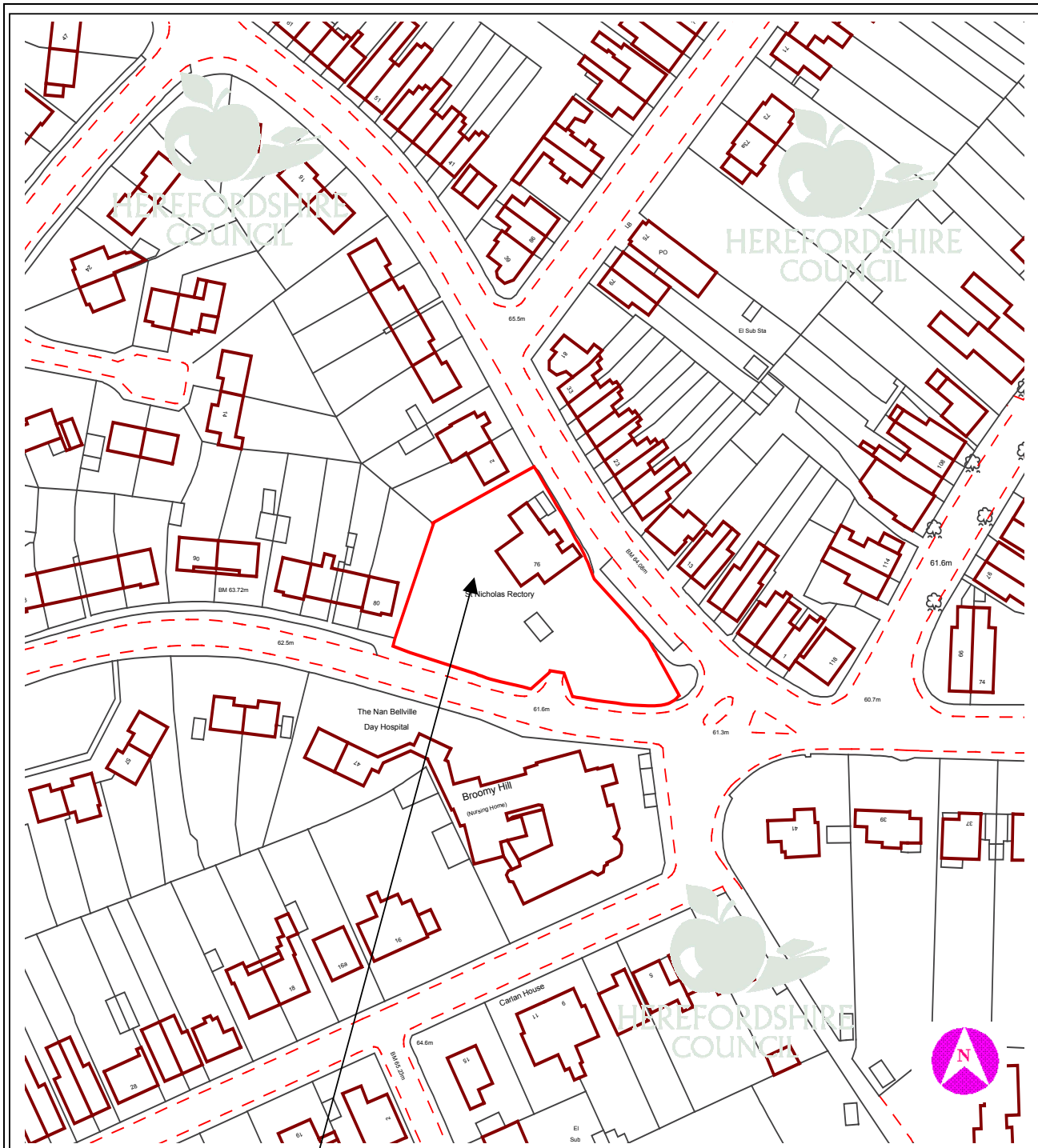
Decision: .....

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 £3,560 to provide enhanced educational infrastructure at Lord Scudamore Primary School and/or Whitecross High School and Hereford Youth Services.
3. 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).
4. 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) Improve 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.
5. 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.
6. 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
7. 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

25 July, 2008

Appendix.



hookmasonarchitecture

Our Ref: DFB/AL/187.1

7<sup>th</sup> July 2008

Mr M J Willmont  
Team Leader  
Central Planning Services  
Herefordshire Council  
P.O. Box 230  
Blueschool House  
Blueschool Street  
Hereford HR1 2ZB

Hook Mason Limited  
41 Widemarsh Street  
Hereford  
HR4 9EA  
t 01432 352299  
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e info@hookmason.co.uk  
w hookmason.co.uk

Dear Mr Willmont

**St Nicholas Rectory, 76 Breinton Road, Hereford HR4 0JY**  
**Your Reference : DCCW2008/0292/F**

I refer to our meeting on Wednesday, 2<sup>nd</sup> July 2008 when we discussed the subject of SPD contributions in respect of the above application.

I understand that the application will be considered further by the Planning Committee when they meet on the 6<sup>th</sup> August 2008 and would be grateful if you would report the following to members in order that they can consider matters fully prior to determining the application.

As you are aware, our clients have taken detailed advice from Bernard Eacock, Chartered Town Planning Consultant, on the whole question of SPD contributions as they affect this application and based on this advice received our clients have previously offered contributions totalling £16,440.00. The committee members did not accept this offer when the application was considered at the 14<sup>th</sup> May Sub-Committee meeting and requested that our clients considered further contributions in respect of Children and Young People.

With regard to our clients original offer of contributions as detailed in my e-mail to Mr Bishop of 25<sup>th</sup> April 2008, no contribution was offered for Children and Young People because the planning advice received from Bernard Eacock was clear and unequivocal in that the whole basis of the claim prepared by Zara Clark-Davies does not accord with the guidance included within the ODPM circular 05/2005, the fundamental principles of which are reproduced in Herefordshire Council's SPD. The pre requisite being that obligations must be directly related to any proposed development and that there should be a functional and geographic link between the development and the item being provided as part of the developer's contribution.

Zara Clark-Davies confirms in her e-mail of the 1<sup>st</sup> April 2008 that the only local shortfall in accommodation is at Whitecross Day Nursery in at least one year group and based on this fact the maximum contribution that could reasonably be justified in respect of Children and Young People (based on figure 6, clause 3.5.18 of the SPD) would therefore be £271.00 x 8 additional dwellings created, i.e. £2,168.00 as opposed to the £39,200.00 requested. Zara Clark-Davies' assertion that census information can and should be used to demonstrate a need for additional financial contributions is completely contrary to both circular 05/2005 and your own authority's adopted SPD.

Continued



**Directors:**  
Philip Burford  
Christopher Woodall  
Richard Lamb  
David Baume  
**Associates:**  
Roger Peachey  
David Macrae

**Chartered Architects**  
Registered in England & Wales No. 4551067

PROJECTS.VICARAGES\_HEREFORD.ST\_NICHOLAS.CORRESPONDENCE





- 2 -

For the reasons previously detailed in my e-mail of the 25<sup>th</sup> April 2008 (reproduced verbatim in your report to the 14/05/08 Planning Committee) our clients believe that they have been more than generous in their previous offer of contributions totalling £16,440.00, however, having considered matters further they are prepared to increase their previous offer to include an additional £3,560.00 in respect of Children and Young People, bringing the overall total of contribution offered to £20,000.00. The additional amount in respect of Children and Young People, exceeds the maximum amount which is regarded as being reasonable by our client's Planning Consultant for the reasons outlined above, by some £1,392.00.

In reporting this increased offer to the Planning Committee, please would you stress to members that this is our client's best and final offer. The application meets all the relevant criteria detailed within the Herefordshire Council UDP for approval and hence your previous recommendation to members to approve it. Should this increased offer be regarded by members as being unacceptable resulting in them refusing planning permission on spurious grounds, our clients will appeal any such refusal and vigorously pursue costs from the Council on the grounds of unreasonable behaviour.

I trust that the basis of our client's increased offer is clear, however, should you require any further clarification prior to the 6<sup>th</sup> August 2008 Planning Committee please let me know.

Yours sincerely

**David F Baume RIBA**  
**for and on behalf of Hook Mason Limited**

Copy to : Mr John Clark, Secretary to The Diocese of Hereford  
Mr K Bishop, Herefordshire Council Planning  
Mr B Eacock, Bernard Eacock Chartered Town Planning Consultant





## **7 DCCW2008/0610/O - PROPOSED ERECTION OF 4 NO. BUNGALOWS AND 2 NO. HOUSES AT 3 VILLA STREET, HEREFORD, HEREFORDSHIRE, HR2 7AY**

**For: Mr. D. Goldsmith per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH**

**Date Received: 6 March 2008**

**Ward: Belmont**

**Grid Ref: 49958, 39145**

**Expiry Date: 1 May 2008**

Local Members: Councillors H Davies, PJ Edwards and GA Powell

### **Introduction**

The application was deferred at the Central Area Planning Sub-Committee on 6 August 2008 to enable Members to undertake a site visit. This report has been updated to include the Conservation Manager's comments.

### **1. Site Description and Proposal**

- 1.1 The site is located on the southern side of Villa Street between Nos. 1 and 11. It presently contains a bungalow with substantial rear garden. Terraced houses adjoin either side of the site with detached dwellings opposite. To the west of this site Villa Street is blocked for vehicular access. A pedestrian and cycle route passes the front of the site.
- 1.2 The proposal is to demolish the bungalow and construct four bungalows to the rear and two houses fronting onto Villa Street. Access would be adjacent to No. 1 Villa Street and ten car parking spaces are proposed. The access junction would be built out into Villa Street. The planning application is in outline form with all matters reserved with the exception of the means of access.

### **2. Policies**

#### **2.1 Planning Policy Guidance:**

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS25	-	Development and Flood Risk

#### **2.2 Herefordshire Unitary Development Plan 2007:**

Policy S1	-	Sustainable Development
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR7	-	Flood Risk

Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy T11	-	Parking Provision

### 3. Planning History

- 3.1 DCCW2008/2087/O Proposed erection of five bungalows. Withdrawn 11 August 2006.
- 3.2 DCCW2007/0224/O Proposed erection of four bungalows and two houses. Refused 22 May 2007.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Welsh Water: Recommend conditions.
- 4.2 Environment Agency: Recommend that a Flood Risk Assessment is undertaken and considered by the local planning authority.

#### Internal Council Advice

- 4.3 Traffic Manager: The proposed highway works are deemed acceptable and will be carried out under a Section 278 agreement. In addition conditions are also recommended.
- 4.4 Parks & Countryside & Leisure Manager: Requests funding towards sports provision.
- 4.5 Conservation Manager: The construction of a semi-detached house closer to the front of the plot will give a much better rhythm to the street frontage leading into the Conservation Area. The siting of the bungalows to the rear of the plot means that they will have no impact on the character or appearance of Conservation Area.

### 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 also makes the following additional representations: that this application should be refused as an over intensive development of this site.
- 5.2 Conservation Area Panel: The layout is illustrative but we consider the density is much greater than the surrounding area and would affect the adjacent conservation area. Recommend refusal in present form.
- 5.3 Six letters of objections and a petition signed by 77 people has been received from L.W. Birch, 6 Villa Street, Hereford x 3; Mr. & Mrs. Bond, 11 Villa Street, Hereford; Miss R. Hamilton, 17 Villa Street, Hereford and Aidan Flynn, 15 Villa Street, Hereford.

The main points raised are:-

1. Pedestrians and cyclists should have priority but the new access serving six dwellings will cause danger and not be in the interest or safety of pedestrians and cyclists.
2. This part of Villa Street is used as a route for pedestrian and cycle access to schools, city centre and cycle network.
3. It is a strategic cycleway.
4. The design of the junction needs to meet all the standards of good practice guidelines.
5. The proposal does not comply with the Manual for Streets regarding visibility.
6. On street parking will occur in an already congested street.
7. The reduction of the road width by building out the access junction will funnel all pedestrians and vehicle traffic into a congestion/conflict zone.
8. Pavements are not usable for disabled persons.
9. Access to existing property would be impeded.
10. The nature of the development will bring increased traffic and would generate extra traffic as home help, nurses etc.
11. Access will be difficult for refuse trucks, fire and ambulance vehicles.
12. The proposal will create an over intensive development.
13. Put strain on existing water services.

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 located within the residential settlement area of Hunderton as identified in the Herefordshire Unitary Development Plan. In such locations residential development is, in principle, accepted provided criteria such as safe access, impact on neighbours, flooding and character of area are considered.

### Access

- 6.2 Although the planning application is in outline form, access has not been reserved and is for consideration with this application. In this respect the plans identify that a single access 4 metres wide will be constructed into the site with parking for ten vehicles together with turning spaces. In addition the applicants have offered the owners of adjoining properties (11, 13 and 15 Villa Street) the opportunity for off road parking with access of the new turning area.

- 6.3 The access onto Villa Street has been thoroughly examined by the Council's Highway Engineers who are satisfied that the 'built out' junction will provide a safe access, meet the appropriate standards for speed of traffic in this locality and not be a danger to pedestrians or cyclists and not hinder access into adjoining property. Accordingly the Traffic Manager raises no objections subject to conditions.

#### Impact on Neighbours

- 6.4 An indicative layout was submitted with the application although siting has been reserved for subsequent approval. However, it is considered that the indicative layout does identify that a development of four bungalows to the rear and two dwellings to the front can be sited without detriment to adjoining residents. The conflict of construction traffic and development noise could be mitigated by appropriate conditions.

#### Flooding

- 6.5 The Environment Agency comments are noted and the agent was informed of the need for a Flood Risk Assessment. Site levels have been taken and compared with a new dwelling recently approved along Villa Street. The result is that the levels of this site are above the previous agreed level set by the Environment Agency and therefore it is considered that concerns over flooding are overcome. For clarity a condition for finish floor levels will be recommended.

#### Character of the Area

- 6.6 The site lies adjacent to the Hereford City Conservation Area but within the established residential area of Hunderton. A mix of dwellings from detached, semi-detached and terraced are located adjacent with bungalows also in the area.
- 6.7 Accordingly, a scheme involving bungalows and semi-detached dwellings is considered compatible and not to impact detrimentally on the Conservation Area.

#### Conclusions

- 6.8 The planning application is in outline form with only the principle of development and the means of access for consideration. In this respect the site is located within the established residential area of Hunderton as confirmed by the Herefordshire Unitary Development Plan. Regarding access the Traffic Manager is satisfied that the proposal will provide a safe access.
- 6.9 Finally, the planning application was submitted prior to the adoption of the Planning Obligations SPD hence no contributions provided.

### **RECOMMENDATION**

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

1. **A02 (Time limit for submission of reserved matters (outline permission)).**

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

2. **A03 (Time limit for commencement (outline permission)).**

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

**3. A04 (Approval of reserved matters).**

**Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with policy DR1 of the Herefordshire Unitary Development Plan.**

**4. A05 (Plans and particulars of reserved matters).**

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

**5. 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.**

**6. 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.**

**7. I52 (Finished floor levels (area at risk from flooding)) (55.22m).**

**Reason: To protect the development from flooding and to comply with Policy DR7 of Herefordshire Unitary Development Plan.**

**8. 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.**

**9. 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.**

**10. H17 (Junction improvement/off site works).**

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

**11. 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.**

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

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

13. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the local planning authority.

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.

14. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

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

15. The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

**Informatives:**

1. HN01 - Mud on highway.
2. HN07 - Section 278 Agreement.
3. N19 - Avoidance of doubt - Approved Plans.
4. N15 - Reason(s) for the Grant of PP/LBC/CAC.

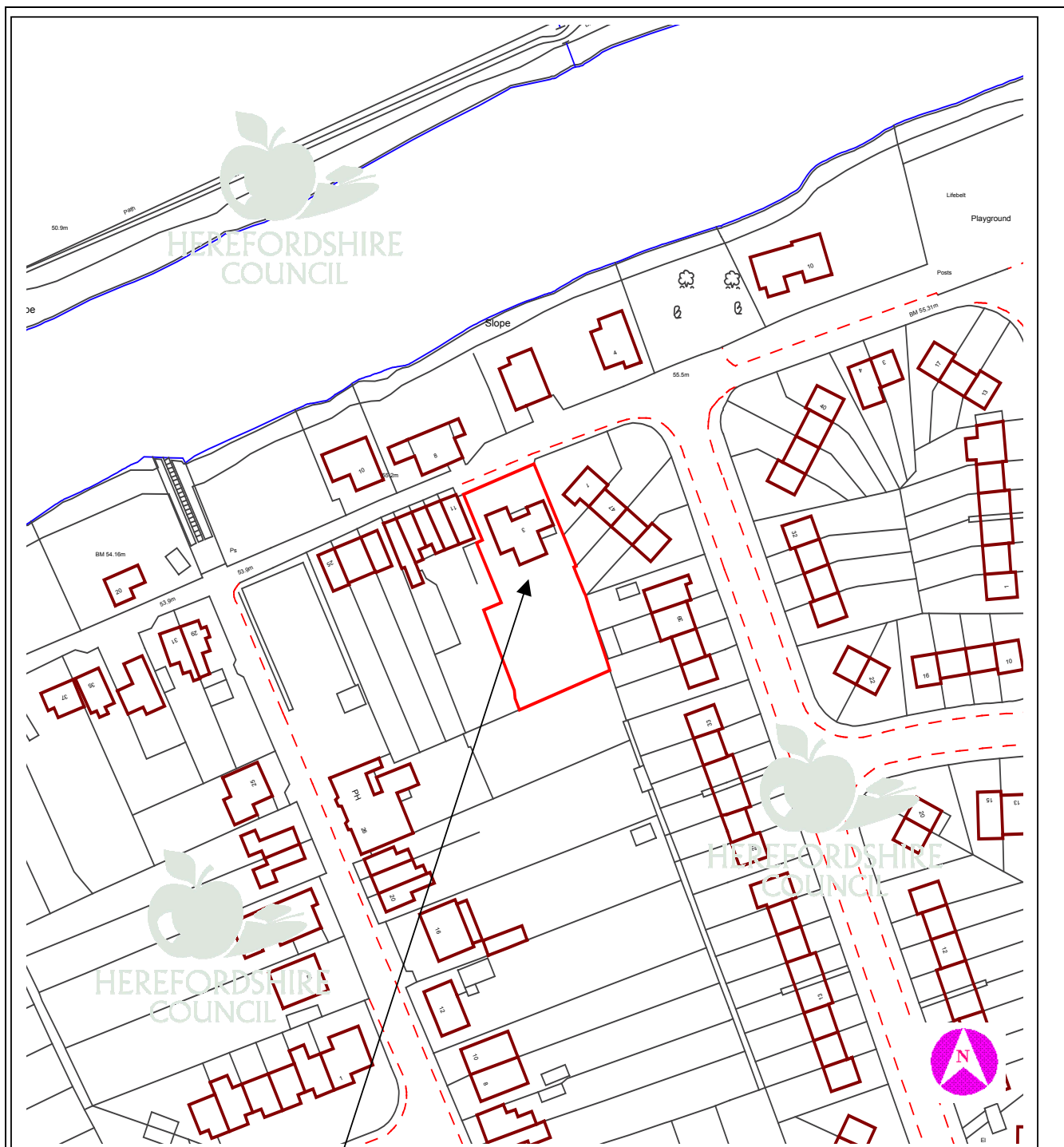
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2008/0610/O

**SCALE :** 1 : 1250

**SITE ADDRESS :** 3 Villa Street, Hereford, Herefordshire, HR2 7AY

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**8 DCCW2008/1271/F - ERECTION OF SINGLE DWELLING, WITH ACCESS FROM CURRENT DEVELOPMENT ADJOINING NEW PRIMARY SCHOOL INCLUDING MINOR AMENDMENTS TO DCCW2008/0012/F AT LAND AT GREEN GABLES, SUTTON ST. NICHOLAS, HEREFORD, HEREFORDSHIRE, HR1 3AZ**

**For: Mr. S. Dyer, Bell Homes, Whimsey Industrial Estate, Steam Mills Road, Cinderford, Glos., GL14 3JA**

**Date Received: 13 May 2008**

**Ward: Sutton Walls**

**Grid Ref: 53416, 45644**

**Expiry Date: 8 July 2008**

Local Member: Councillor KS Guthrie

This application was deferred at the Central Area Planning Sub-Committee Meeting on the 6 August 2008 to enable members to conduct a site visit.

## **1. Site Description and Proposal**

- 1.1 The application site forms the eastern third of an existing domestic curtilage, which serves a detached dwelling known as Green Gables, located within an established residential area of Sutton St. Nicholas. The application site is bounded to the east, west and south by residential properties, whilst to the north lies a new residential estate of 15 dwellings which are currently being constructed by Bell Homes.
- 1.2 The site has been acquired by Bell Homes who through the present application seek permission to erect a detached two storey 5 bedroom dwelling with an integral double garage. The design of the dwelling is a slightly modified design to those presently being built on the land to the north.
- 1.3 To accommodate access into the proposed development, the application also seeks a minor modification to the layout approved by DCCW2008/0012/F, comprising the relocation of the double garage serving plot 8 south by its own length and transposing the position of the dwelling and garage on plot 7.

## **2. Policies**

### **2.1 Planning Policy Guidance:**

PPS3 - Housing

### **2.2 Herefordshire Unitary Development Plan 2007:**

Policy S1 - Sustainable Development  
 Policy S2 - Development Requirements  
 Policy S3 - Housing

Policy S8	-	Recreation, Sport and Tourism
Policy S11	-	Community Facilities and Services
Policy DR1	-	Design
Policy DR4	-	Environment
Policy DR5	-	Planning Obligations
Policy H4	-	Main Villages: Settlement Boundaries
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H19	-	Open Space Requirements
Policy T1	-	Public Transport Facilities
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T8	-	Road Hierarchy
Policy T11	-	Parking Provision
Policy T14	-	School Travel
Policy LA3	-	Setting of Settlements

### 3. Planning History

- |     |                  |  |
|-----|------------------|--|
| 3.1 | DCCW2004/1004/O  | Construction of a replacement primary school incorporating a village hall and the provision of 15 residential houses. Approved October 2004. |
| 3.2 | DCCW2006/0015/RM | Construction of community facility and replacement primary school. Withdrawn January 2006/.  |
| 3.3 | DCCW2006/1247/RM | Construction of community facility and replacement primary school. Approved June 2006.   |
| 3.4 | DCCW2006/2116/RM | Erection of 15 dwellings (10 open market and 5 affordable). Withdrawn September 2006.  |
| 3.5 | DCCW2006/3725/RM | Erection of 15 dwellings (10 open market and 5 affordable). Approved February 2007.  |
| 3.6 | DCCW2008/0012/F  | Proposed erection of fifteen dwellings (minor amendments). Approved February 2008.   |

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Welsh Water: No objection, subject to standard conditions.

#### Internal Council Advice

- 4.2 Traffic Manager: No objection, subject to standard conditions.
- 4.3 Head of Economic and Community Services: No objection.

### 5. Representations

- 5.1 Sutton Parish Council: No objection, the Parish Council supports this application.

5.2 A total of six letters of objection have been received from Mr. Helyer, 1 St. Ethelbert Close; Mr. Barton, 2 St. Ethelbert Close; Mr. Morgan, 3 St. Ethelbert Close; Mr. Clarke, 4 St. Ethelbert Close; Mr. Mitchell, 24 St. Ethelbert Close and Mr. Lewis, 25 St. Ethelbert Close summarised as follows:

- Loss of privacy and overlooking.
- The new access would be a security risk to existing properties and traffic movements would result in disturbance.
- No more residential development should be allowed in this area, the 15 houses already being built is enough.
- This is a quiet residential area adding another house will spoil this peaceful location.
- This would set a precedent for further development.
- Existing property values would fall.

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 Having regard for the relevant policies, the primary issues in determining this application are considered to be:

- The Principle of Development
- Design and Layout of the Development
- Visual and residential amenity
- Access and Highways Issues
- Revised layout

### Principle of Development

6.2 The application site lies within a designated settlement boundary within which the Herefordshire Unitary Development Plan 2007 recognises that there is scope for appropriate residential development providing that the character and appearance of the wider locality is not adversely affected by the proposed development. Therefore, the proposal to erect a single dwelling is acceptable in principle, subject to other material considerations being satisfactorily resolved.

### Visual and residential amenity

6.3 Having regard for the pattern and density of residential development in the wider locality, the design, scale, massing is considered to be appropriate, whilst the siting and orientation has taken appropriate account of the position and orientation of the adjoining properties.

6.4 With regard to the concerns raised in the letters of representation about overlooking and loss of privacy, it is not considered that the proposed dwelling will materially alter the level of residential amenity presently enjoyed, to a degree, which would give rise to any sustainable ground for refusal.

- 6.5 More specifically the design of the rear elevation has omitted windows at first floor level, protecting the amenity of 4 St. Ethelbert Close from direct overlooking, whilst a landscaped buffer along the boundary between the application site and 25 St. Ethelbert Close will minimise the impact of the proposed development by screening views between the existing and proposed dwellings.
- 6.6 However, notwithstanding the submitted plans, in order to maintain the amenity of the adjoining dwellings it is considered expedient to recommend conditions requiring the submission of a detailed schedule of planting for approval as well as protecting the existing hedgerows and trees from being removed or wilfully damaged. Conditions are also recommended removing permitted development rights to extend or alter the property, and/or insert any new windows into the roof or at first floor level. Finally a condition to control the hours of operation, is considered expedient, to safeguard the amenity of the residential area during the construction phase

#### Access and Highways Issues

- 6.7 Both pedestrian and vehicular access into the development will be achieved through the residential development to the north and the details of the intersection of the new cul-de-sac with the public highway have been approved as part of the earlier planning permission for the replacement school. Therefore there are no highway safety issues associated with the present application.
- 6.8 However to ensure that the new section private drive is constructed to a satisfactory standard the Traffic Manager has suggested the imposition of standard conditions, which are duly recommended.

#### Revised layout

- 6.9 The proposed revisions to the layout of plots 7 and 8 are considered to be very modest in scale, and will not give rise to any harm to the visual or residential amenity of the wider locality. More specifically the resultant development is considered to be indistinguishable in terms of impact from the extant planning permission approved by the Central Area Planning Sub-Committee in February 2007.

#### Planning Obligation

- 6.10 The applicant has agreed to a range of Section 106 contributions, in accordance with the adopted Planning Obligations SPD.
- 6.11 In summary the contributions are £3440 to provide sustainable transport infrastructure, £5002 towards enhanced educational infrastructure, £4844 to provide enhanced formal or informal recreational or public open space and £270 for the services of a Council Planning Obligation Monitoring Officer.

#### Conclusion

- 6.12 Overall the proposal, together with the proposed Section 106 contributions, complies with the relevant development plan policies and as such, approval is recommended.

**RECOMMENDATION**

The Legal Practice Manager be authorised to complete a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) covering the matters detailed in the Heads of Terms appended to this report and any additional matters that he considers necessary and appropriate.

Upon completion of the aforementioned planning obligation that the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:

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

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

2. **B04 (Amendment to existing permission) (DCCW2008/0012/F) (26th February 2008).**

Reason: For the avoidance of doubt 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. **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.

5. **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.

6. **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.

7. **G03 (Retention of existing trees/hedgerows).**

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

**11. 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.

**12. 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.

**13. 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. N01 - Access for all.**
- 2. N02 - Section 106 Obligation**
- 3. N11C – General.**
- 4. N19 - Avoidance of doubt - Approved Plans.**
- 5. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

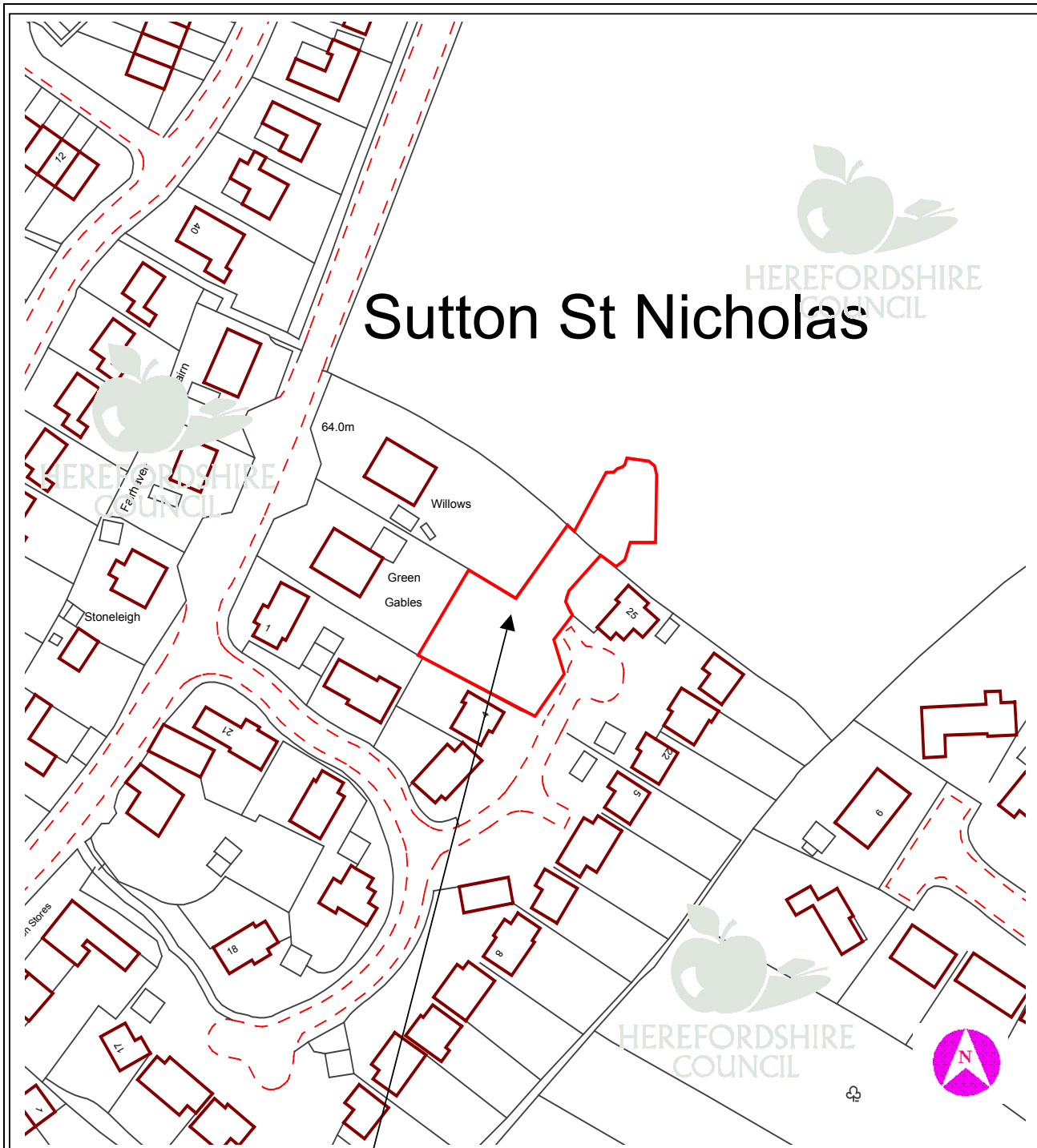
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2008/1271/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land at Green Gables, Sutton St. Nicholas, Hereford, Herefordshire, HR1 3AZ

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## **DRAFT HEADS OF TERMS**

### **Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990**

Planning Application DCCW2008/1271/F  
Erection of a detached house on land at Green Gables,  
Sutton St Nicholas, Herefordshire, HR1 3AZ

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £3440 to provide sustainable transport infrastructure.  
The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.  
The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
  - a. Pedestrian improvements
  - b. Improvements to bus provision/passenger waiting facilities.
  - c. Contribution to safe routes to schools.
  - d. Safer/improved cycling routes
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £5002 to provide enhanced educational infrastructure. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £4844 to provide enhanced formal or informal recreational or public open space. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £241 towards the provision of enhanced Library facilities. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £270 as a 2% surcharge fee for the services of a Council Planning Obligation Monitoring Officer. The sum shall be paid on or before the commencement of the development.
6. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3 and 4 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
7. The sums referred to in paragraphs 1, 2, 3 and 4 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
8. 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.
9. The developer shall complete the Agreement by (a date to be agreed) otherwise the application will be registered as deemed refused.

PETER CLASBY  
SENIOR PLANNING OFFICER  
17 July 2008



**9 DCCW2008/2008/F - SINGLE STOREY EXTENSION.  
BRAMBLEFIELD BARN, MUNSTONE, HEREFORD,  
HEREFORDSHIRE, HR1 3AH**

**For: Mrs L. Field, The David Macrae Partnership, The  
Old Post Office, Garway Hill, Hereford, Herefordshire,  
HR2 8EZ**

**Date Received: 4 August 2008      Ward: Burghill, Holmer &      Grid Ref: 51865, 42868  
Lyde**

**Expiry Date: 29 September 2008**

Local Member: Councillor SJ Robertson

**1. Site Description and Proposal**

- 1.1 The application site is comprised of a former redundant rural building, which has subsequently been converted into a single dwelling, set within a substantial curtilage, and now forms part of the dispersed hamlet of Munstone.
- 1.2 Opposite the application site is the former Church Hall, which has itself been converted to a dwelling, whilst two further dwellings lie immediately to the north.
- 1.3 The application seeks permission to erect a single storey extension on the southern flank of the dwelling, to provide a sunroom.

**2. Policies**

- 2.1 DR1 - Design
- DR2 - Land use and activity
- H13 - Sustainable residential design
- H18 - Alterations and extensions
- HBA12 - Re-use of rural buildings
- HBA13 - Re-use of rural buildings for residential purposes

**3. Planning History**

- 3.1 SH941423PF - Conversion for form one house. Approved August 1995.
- 3.2 SC980994PF - Detached garage and store and addition of porch on dwelling house. Approved March 1999.
- 3.3 CW2003/0064/F - New workshop/garden shed. Approved March 2003.
- 3.4 CW2005/2150/F - Conservatory. Refused August 2005.
- 3.5 CW1180/F - Single storey extension. Withdrawn June 2008.

**4. Consultation Summary**Statutory Consultations

4.1 None

Internal Council Advice

4.2 Traffic Manager: No objection.

4.3 Public Rights of Way Officer: No objection.

**5. Representations**

5.1 Burghill Parish Council: Comments awaited.

**6. Officer's Appraisal**

- 6.1 Having consideration for the character and appearance of the existing property, the proposed development is modest in its scale and massing, whilst the design takes appropriate account of the simple architectural style of the main building.
- 6.2 Therefore in this instance it is not considered that the proposed extension will materially alter the character and appearance of the original building, or result in a significant increase in volume, ensuring that the overarching principles of policies HBA12 and HBA13 continue to be respected.
- 6.3 With regard to residential amenity, the proposed development will not materially alter the relationship between the extended dwelling and its neighbours.
- 6.4 An established hedge formed by evergreen trees presently screens the southern flank of the dwelling from wider views from along the adjoining public highway, therefore to ensure that this is either retained or if necessary reinstated following completion of the development an appropriate landscaping conditions are recommended.
- 6.5 Overall the proposal complies with the relevant development plan policies and as such, approval is recommended.

**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. 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.

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.

**Informatives:**

1. N01 - Access for all.
2. N15 - Reason(s) for the Grant of PP/LBC/CAC.
3. N19 - Avoidance of doubt - Approved Plans.

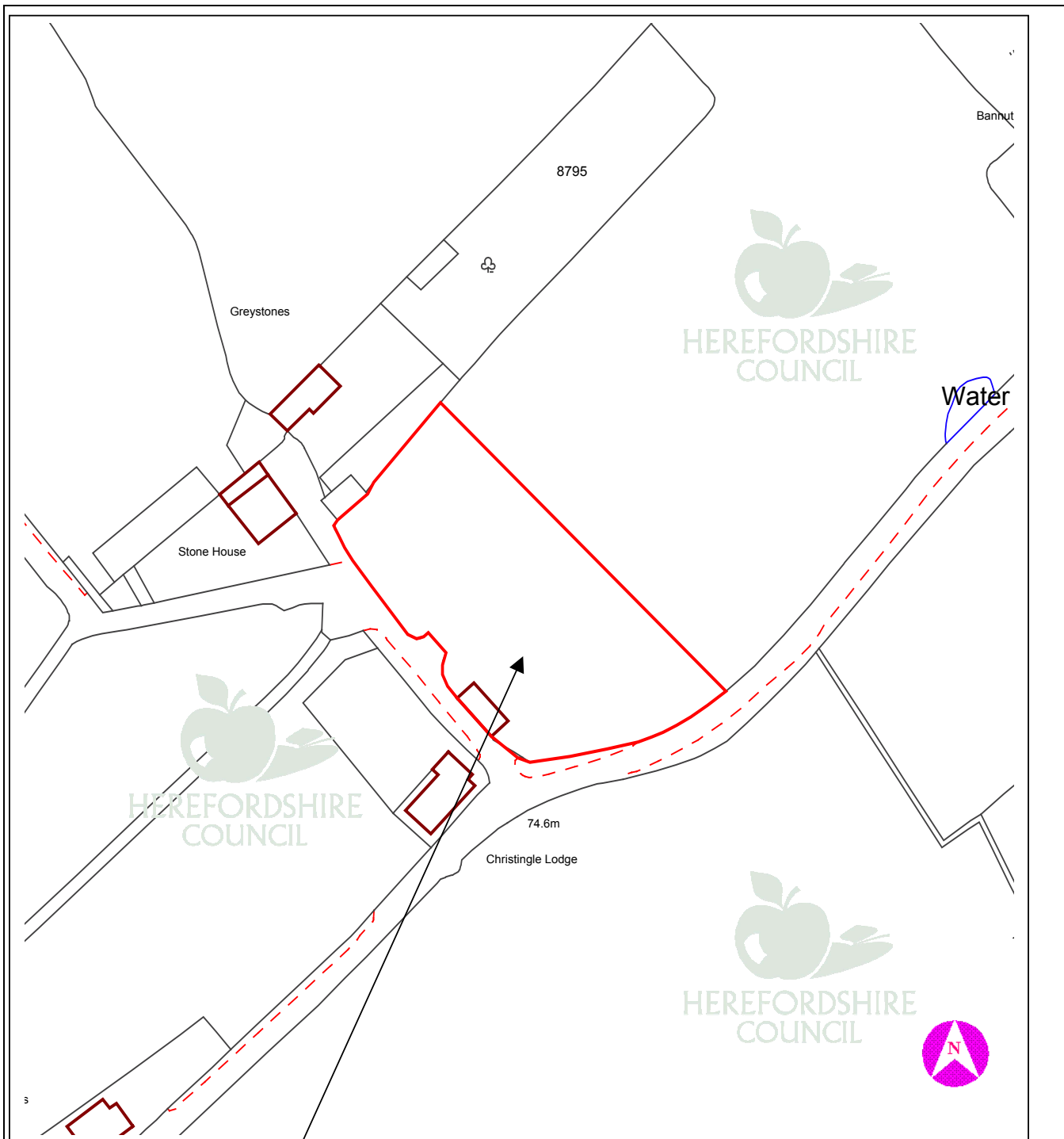
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2008/2008/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Bramblefield Barn, Munstone, Hereford, Herefordshire, HR1 3AH

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**10 DCCE2008/1613/F - PROPOSED CONSTRUCTION OF STEEL FRAMED INDUSTRIAL UNIT AND ACCOMPANYING OUTSIDE SURFACING FOR JOINERY WORKSHOP, BUILDERS STORES AND OFFICE. UNIT 14B, THORN BUSINESS PARK, ROTHERWAS, HEREFORD, HEREFORDSHIRE, HR2 6JT**

**For: Mr P Collins, Collins Engineering Limited, Unit 5 Westwood Industrial Estate, Pontrilas, Hereford, HR2 0EL**

**Date Received: 20 June 2008**

**Ward: Hollington**

**Grid Ref: 52460, 38443**

**Expiry Date: 15 August 2008**

Local Member: Councillor GFM Dawe

**1. Site Description and Proposal**

- 1.1 The site known as Thorn Business Park is located on the western boundary of Rotherwas Industrial Estate bordering the railway line to the west, and surrounded by existing industrial buildings to the north, east and south. Access is gained via the B4399 (Holme Lacy Road) which runs in a northerly direction towards the site also serving all other industrial units in the area. Levels rise from south to north within the site although the site generally is relatively flat and is currently laid out to hardstanding and used for general storage purposes. In the south western corner is a mature oak tree. The site is safeguarded within the Herefordshire Unitary Development Plan as employment land forming part of Rotherwas Industrial Estate and also falls within Flood Plain - Flood Zone 2 and 3.
- 1.2 Planning permission is sought for the construction of a new industrial building sited in the north eastern corner of the site. The building measures 30 metres in length by 18.8 metres in width by 8 metres in height to the pitch of the roof. The building will be constructed from a steel frame with a 2.5 metre high brick face on the front elevation, the remainder of the walls and roof will be clad with box profile sheet composite panel. The building will be used for mixed general industrial and storage also containing a reception area, offices, toilets and tea room areas.

**2. Policies**

**2.1 Herefordshire Unitary Development Plan 2007:**

S1	-	Sustainable development
S2	-	Development requirements
S4	-	Employment
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement

DR4	-	Environment
DR5	-	Planning obligations
DR7	-	Flood risk
E1	-	Rotherwas Industrial Estate
E8	-	Design standards for employment sites
T6	-	Walking
T7	-	Cycling
T8	-	Road Hierachy
T11	-	Parking provision

Other Guidance:

Planning Policy Guidance Note 13 – Transport

Supplementary Planning Document – Planning Obligations

### **3. Planning History**

- 3.1 CE2000/2257/U - Use for heavy industry, foundry and machining including paint spraying - mainly in Units 5 & 6. Manufacture, assembly and storage - remaining buildings. Application withdrawn 20 June 2001.
- 3.2 CE1999/2920/A – Boards for land for sale (non-illuminated). Approved 20 December, 1999.

### **4. Consultation Summary**

#### Statutory Consultations

#### **4.1 Environment Agency:**

##### Flood Risk

Parts of the site are located within Flood Zone 3 based on the latest indicative flood zone mapping but lies outside of the 1960 flood boundary based on existing flood records. The flood management strategy for Rotherwas is in the process of being reviewed with Herefordshire Council which when complete will finalise design flood levels for the estate and options for surface water management. Based upon the latest information, the proposed unit will be located just outside of the 1% plus climate change flood plain ie within Flood Zone 2/1.

##### Sequential Test:

Planning Policy Statement 25 requires a sequential risk based approach to determining the suitability of land for development with the aim of steering new development to areas with the lowest probability of flooding (Zone 1). As this proposal is not a major development, it is the responsibility of the Planning Authority to consider the sequential test.

Providing the Planning Authority are satisfied with the sequential test we recommend that finished floor levels are set no lower than 600mm above 1% plus climate change flood level (51.15 AOD) or flood proofing techniques are employed to that level of protection and we recommend a condition to cover this requirement.

We acknowledge that the Rotherwas Acces Road is now in operation and this enables access to and from the site during a flood event.

#### Drainage

We note that sustainable surface water drainage is proposed. Surface water runoff should not increase flood risk to the development or third parties with runoff attenuated to green field runoff and where possible, achieving betterment in surface water runoff. Further allowance for climate change should be incorporated along with the residual risk should any drainage feature fail or be subjected to an extreme flood event.

#### Pollution

The burning of waste wood would require an exemption to be registered with the Environment Agency and the development should incorporate pollution prevention measures to protect ground and surface water.

#### Internal Council Advice

- 4.2 Traffic Manager: The proposal has been assessed in line with the Supplementary Planning Document on Planning Obligation adopted in April 2008. Two options have been put to the applicant.

Firstly a financial obligation calculated in line with the SPD. The required contribution is £17,100 based upon the office floor space identified on the plans with the remainder being split between B2 general industrial and B8 storage and warehousing. This contribution would be used for the provision of new and enhancement of existing sustainable transportation infrastructure to serve the development. This being primarily the provision of new cycle and pedestrian links to the site including the proposed Sustrans Connect 2 cycle link and/or the proposed Park and Ride schemes

Alternatively, a non-financial contribution for sustainable transport facilities in the form of a transfer of two strips of land forming part of the desired Connect 2 route from Bartonsham to Rotherwas has been suggested.

In the absence of any substantive reason or information to justify why the SPD should not apply or the alternative option accepted we have to recommend refusal of the application.

### **5. Representations**

- 5.1 Lower Bullingham Parish Council: No objection.

### **6. Officer's Appraisal**

- 6.1 The site falls within Rotherwas Industrial Estate being safeguarded for employment purposes within the Herefordshire Unitary Development Plan. As such, the principle of new employment development is acceptable and satisfactorily addresses the sequential test identified within Planning Policy Statement 25. The proposed building has been sited to avoid the loss of the existing mature tree within the site whilst achieving an efficient use of the site in terms of the layout. The general scale in terms of footprint and height is commensurate with the size of the site and other buildings in the locality and the design and materials will harmonise with other recent development including the development adjoining (immediately east) of the site. The Traffic

Manager is satisfied that adequate parking and lorry space is proposed to serve the size of the unit and mix of uses and a safe access can be provided along with secure cycle parking. As such, the general use, layout, scale, design and material proposed are considered acceptable in accordance with Policy E8 of the Unitary Development Plan.

- 6.2 The site falls within Flood Zone 2 and 3 and therefore the flood risk of the development must be considered in accordance with Policy DR7 of the Unitary Development Plan. In this regard, the Environment Agency raises no objection to the development subject to the floor level of the building being constructed above the 1% flood risk plus climate change level calculated from the latest flood modelling and actual flood data. This flood level can be achieved within the site. Surface water drainage can be controlled by way of condition to ensure sustainable drainage techniques are incorporated where possible. As such the flood risk proposed to, and created by the development can be satisfactorily mitigated.
- 6.3 As the proposal entails the construction of new B1, B2, B8 floorspace the development must be assessed against the Supplementary Planning Document on Planning Obligations adopted in April this year. Where an employment development generates direct impact on community infrastructure this impact must be mitigated. In this instance the principal impact, which will include a cumulative impact alongside other recent and proposed developments in the area is on the transport network. The direct impact of the development in this instance will be mitigated through a financial contribution totalling £17,100 (calculated in accordance with the SPD) which would be utilised either in its own right or pooled towards improvements to sustainable transport infrastructure to serve the development. In essence, the provision and enhancement of sustainable transport infrastructure will assist in mitigating the direct impact on the highway network and its associated capacity.
- 6.4 Even prior to the submission of the application, the applicant who is also the landowner expressed concerns regarding provision of a financial contribution. In recognition of this, an alternative proposal has been suggested involving the freehold transfer of two parcels of land falling within the applicants ownership to the council at nil consideration. The strips of land lie in close proximity to the site and form part of the Lottery funded Sustrans cycle link running from Bartonsham north of the River Wye through to Rotherwas and beyond to Holme Lacy. In addition, part of this land also forms an integral and essential part of the flood protection for the whole of this part of Rotherwas. Therefore, the transfer of this land would have the added benefit of ensuring that the flood risk to this part of Rotherwas Industrial Estate could be satisfactorily managed and controlled by Herefordshire Council in partnership with the Environment Agency.
- 6.5 The applicants response to both proposals is appended in to this Committee Report. In terms of the first option relating to the provision of a financial contribution, the SPD does allow for contributions to be reduced or even removed if the contribution would render a proposal unviable and this is supported with detailed financial information on an "open book" basis to support the viability argument. None of this information has been provided in this instance. Furthermore, whilst the proposed purchaser of the site may not have fully taken into account the requirements of the Supplementary Planning Document in negotiating the purchase of the site, it would appear that the ownership remains with the applicant and therefore the value of the land could be amended to reflect the need for a contribution. If the council were to remove the requirement for a contribution simply because it had not been factored into the land purchase



negotiations at an early stage, this would set a dangerous precedent undermining the objectives of the SPD.

- 6.6 In terms of the alternative option, this would not incur any potential financial encumbrance on the future landowner and occupier of the site. The strips of land requested to be transferred to the council are an integral part of the Sus-trans cycle and pedestrian link and the transfer of land would greatly assist in bringing the scheme forward in so much as there would be one less land ownership issue to resolve and one less potentially compulsory purchase order to negotiate. The applicant has again provided no specific case to justify against this alternative option.
- 6.7 It is considered that either of the above requests are fully in accordance with Supplementary Planning Document and associated Circular in so much as they are relevant to planning and necessary to make the proposed development acceptable in planning terms, are directly related to the impact of the development, are commensurate in scale to the development and reasonable in all other respects. Therefore, whilst concerns of the applicant in respect of creating new employment opportunities are acknowledged, the application must ultimately be considered in accordance with the adopted policy which the Supplementary Planning Document forms part of. In the absence of a planning obligation to mitigate the impact of the development the application is therefore recommended for refusal.

## RECOMMENDATION

**That planning permission be refused for the following reason:**

- 1 In the absence of a planning obligation to mitigate the direct impact of the development on the transport network the proposed development is considered unacceptable and contrary to the Council's Supplementary Planning Document on Planning Obligations, Policies S2, DR3, DR5, T7 and T8 of the Herefordshire Unitary Development Plan 2007 and advice contained within Planning Policy Guidance Note 13.**

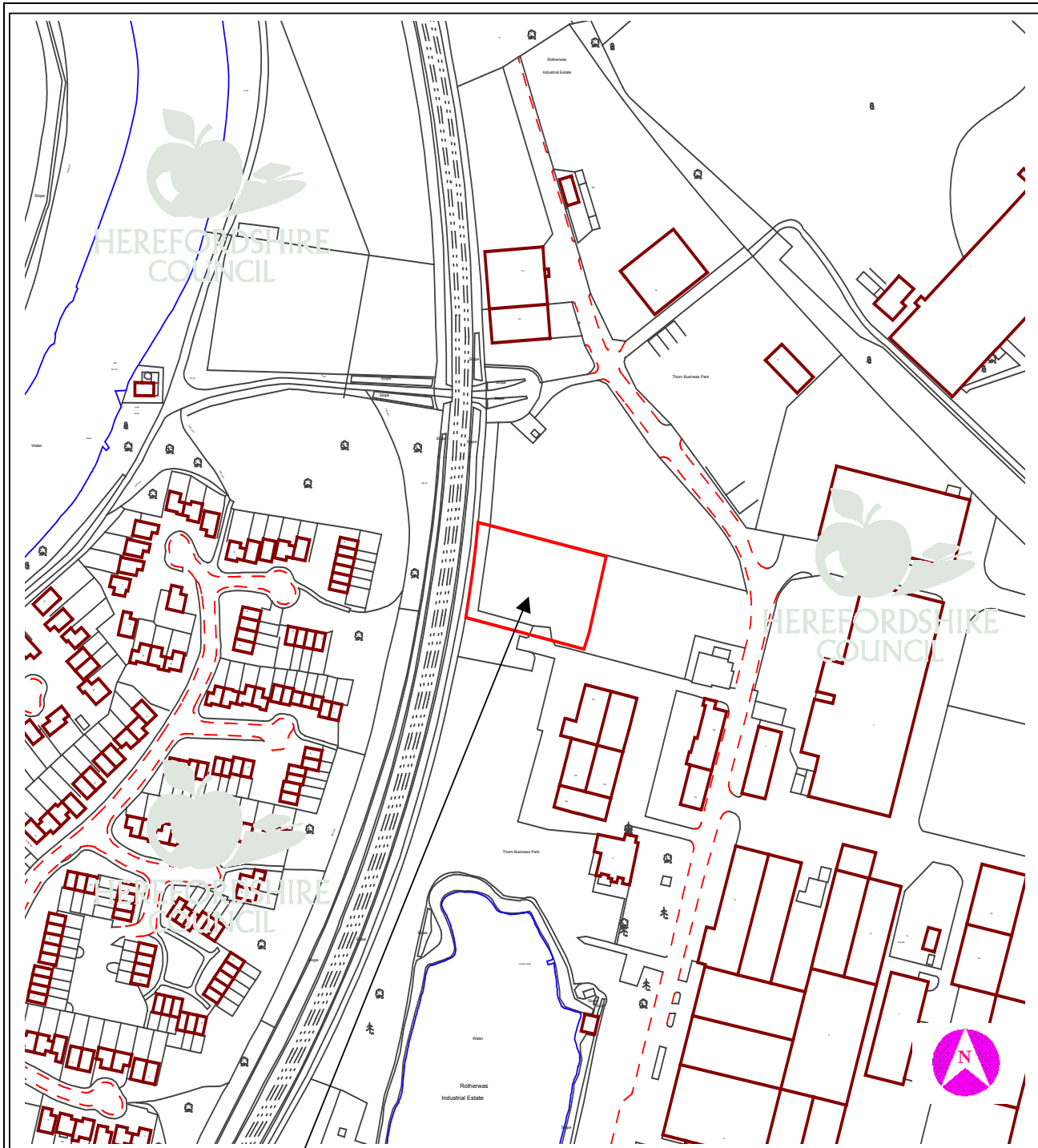
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Notes: .....

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## Background Papers

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2008/1613/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Unit 14b, Thorn Business Park, Rotherwas, Hereford, Herefordshire, HR2 6JT

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30<sup>th</sup> July 2008

FAO Russell Pryce  
Planning Department  
County of Herefordshire District Council  
Planning Services  
PO Box 230  
Hereford  
HR1 2ZB

Dear Russell,

**Your Ref: DCCE2008/1613/F**

With reference to your letter dated 21<sup>st</sup> July I reply by confirming that our FRA crossed in the post and I hope you have it now.

With regard to the more difficult issue which relates to planning obligations you say you are able to make an exception if the development becomes unviable once the contribution is required.

On this occasion the robust evidence is very simple. Our clients had not actually exchanged contracts but they had paid the planning fee so that the planning process could proceed in parallel with the purchase process.

When this matter reared its ugly head and I put the figure to them they unhesitatingly refused and said they would withdraw from the deal.

I can only supply you with the back-up by explaining that the purchase of land to construct an Industrial Building on already does not make financial sense in many cases and these decisions are difficult ones.

The reality is that if anyone goes through this process and then, upon completion, was to put their unit on the market, they would be hard pressed to recover their costs. In fact they would do well to recover 80% of their costs. For that reason it is very difficult to raise the capital by normal means to finance such a project, let alone in the difficult times we are experiencing now.

This may help to explain why you are not receiving many planning applications for Industrial Building right now.



Registered Office: Westwood Industrial Estate, Pontrilas, Herefordshire HR2 0EL  
Registered in England 292 0765 Tel: 01981 240682 Fax: 01981 242926


I cannot imagine any Council introducing something which has such a negative effect on the wealth creators of their County then this. I have made the point and I can only do so again.

You have asked me to consider giving you some land freehold for this but I do not want to get on the slippery slope of contributing in any form.

These people are hard working and have a reasonably successful business which employs people. They wish to give these employees better premises with better facilities. They presently travel through Hereford each morning to premises in Sweetmans Yard and Foley Trading Estate. This will take away their need to do that journey over the Wye Bridge. In fact they will be able to travel to work via the new Rotherwas Access Road, helping Hereford's dire traffic problem and you – Herefordshire Council – want to stop them. It is just so illogical!

I must ask you to make a decision on the above facts alone.

Yours sincerely



Philip Collins

cc. Roger Phillips  
cc. John Jarvis



# **11 DCCE2008/1851/F - EXTENSION AND ALTERATIONS WITH DETACHED DOUBLE GARAGE. 20 VINE TREE CLOSE, WITHINGTON, HEREFORD, HEREFORDSHIRE, HR1 3QW**

**For: Mr. & Mrs. Ford, per Mr. J.I. Hall, New Bungalow, Nunnington, Hereford, Herefordshire, HR1 3NJ**

**Date Received: 14 July 2008**

**Ward: Hagley**

**Grid Ref: 56395, 43337**

**Expiry Date: 8 September 2008**

Local Member: Councillor DW Greenow

## **1. Site Description and Proposal**

- 1.1 No. 21 Vine Tree Close is a two bedroom bungalow with a detached single garage to the side located at the end of a cul-de-sac known as Vine Tree Close in Withington. It is also adjacent to the designated Conservation Area. A Grade II Listed Building is located approximately 60 metres to the north east of the site.
- 1.2 This application seeks planning permission to demolish the existing garage and its replacement with a larger single storey side extension to form a new kitchen and dining room. The proposal also involves the erection of a detached double garage to the front of the property along the western boundary. The brickwork and roof tiles are proposed to match the existing dwelling.

## **2. Policies**

- 2.1 Herefordshire Unitary Development Plan 2007:

DR1	-	Design
DR2	-	Land use and activity
H18	-	Alterations and extensions
HBA6	-	New development within conservation areas

## **3. Planning History**

- 3.1 DCCE2008/1117/F - Extension and alterations with detached double garage. Withdrawn 12 June 2008.

## **4. Consultation Summary**

### Statutory Consultations

- 4.1 None.

### Internal Council Advice

- 4.2 Traffic Manager: No objections.

## 5. Representations

- 5.1 Withington Group Parish Council: 'The WPC note the changes to the proposal since the withdrawn application. However the new garage is still positioned in front of the property and directly in front of No. 21. The WPC has consistently objected to garages being located to the front of dwellings and this case should be no different. The WPC objects to the proposal'.
- 5.2 One objection letter has been received from Mr. and Mrs. Rawlinson of 19 Vine Tree Close concerning how the proposed detached garage may affect the open and airy ambience of the estate.
- 5.3 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 is a re-submitted application following the withdrawal of a previous application (DCCE2008/1117/F). The previous scheme involved the construction of a 12 metre long single storey side extension and the erection of a 6m x 6m detached garage in front of the property. This raised concerns in respect of the potential adverse impact upon the character of the area and the impact upon the amenities of the neighbouring properties. The proposal has been amended accordingly in an effort to address the issues associated with the previous scheme.
- 6.2 The effect has been to reduce the size and mass of the single storey side extension and the proposed garage. The length of the single storey extension has now been reduced by some 3.5 metres back from the front elevation and is only 2.5 metres longer than the existing garage. The roof design has also been amended with a hipped roof instead of the originally proposed gabled end roof. Whilst the height of the extension has been raised by some 800mm higher than the existing garage, the overall height of the new extension would still be lower than the main roof line of the property, which would secure the subservient appearance in relation to the main property. Furthermore, the size of the proposed double garage has also been reduced by 500mm with a hipped roof in order to minimise its mass and visual prominence. In terms of design and scale, it is considered that the proposal in its revised form has demonstrated a significant improvement and would integrate effectively with the existing dwelling and the character of the area.
- 6.3 The comment from the neighbour and Parish Council are noted. Whilst the proposed garage may be visible from public vantage points, in view of the reason given above, it is considered that the proposed garage will not be harmful to the visual amenity of the area and is not sufficient to warrant refusal in this instance.

### Conclusion

- 6.4 The proposal in its revised form demonstrates a significant improvement in terms of the impact upon the neighbouring property as well as the visual amenity of the area. The proposal is now considered to accord with the relevant planning policies; and with appropriate conditions applied, it will ensure that the proposed development represents an acceptable 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. **C03 (Matching external materials (general)).**

**Reason:** To ensure the satisfactory appearance of the development so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

3. **F07 (Domestic use only of garage).**

**Reason:** To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policy H18 of Herefordshire Unitary Development Plan.

4. **F15 (No windows in side elevation of extension).**

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

**Informatives:**

1. **N03 - Adjoining property rights.**
2. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
3. **N19 - Avoidance of doubt - Approved Plans.**

Decision: .....

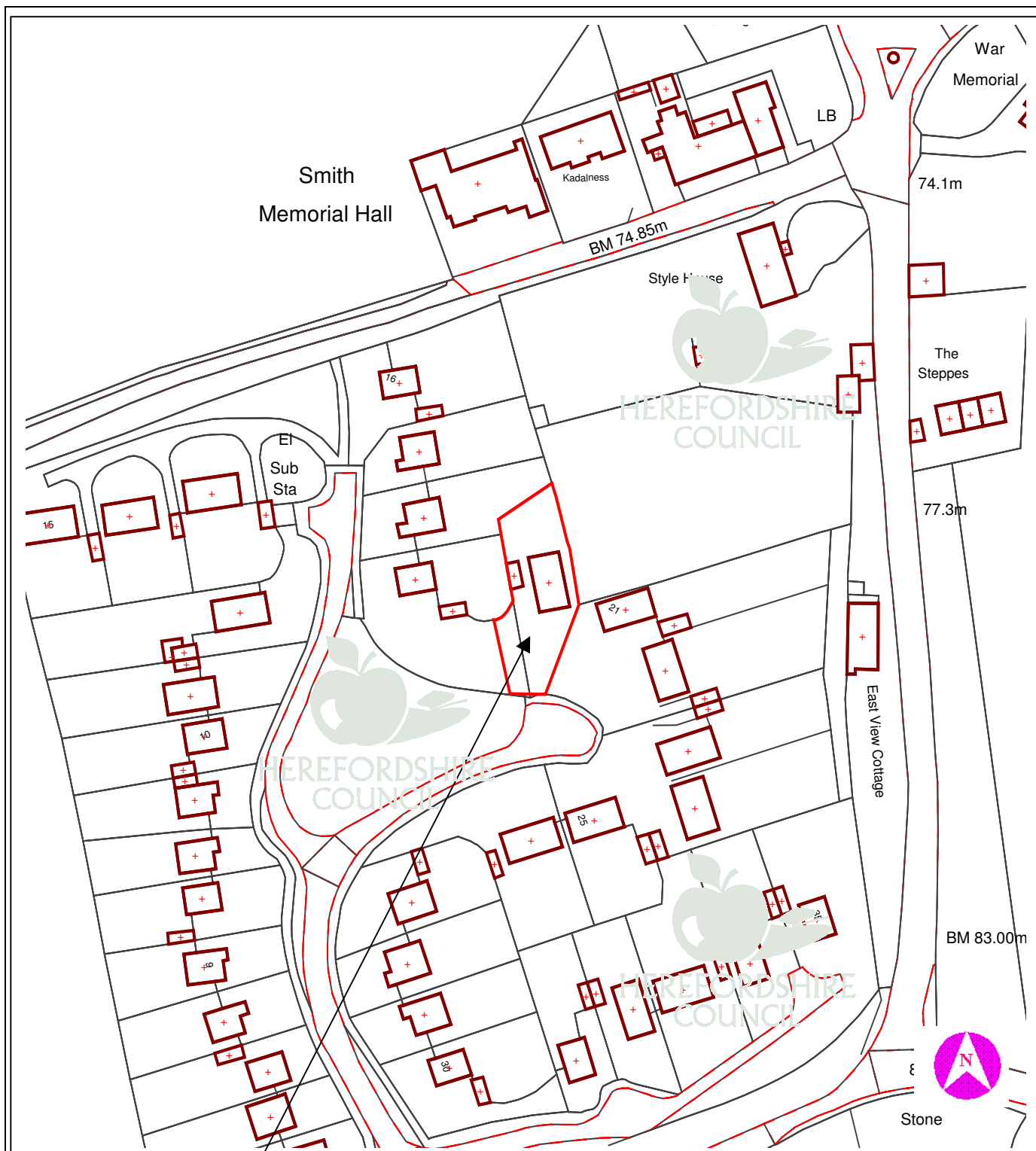
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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCCE2008/1851/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 20 Vine Tree Close, Withington, Hereford, Herefordshire, HR1 3QW

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## **12 DCCW2008/1777/F - SEPARATION OF EXISTING THREE BEDROOMED HOUSE TO FORM TWO ONE BEDROOMED SELF CONTAINED HOUSES AT 30 CHATSWORTH ROAD, HEREFORD, HEREFORDSHIRE, HR4 9HZ**

**For: Mr. J. Went per Paul Smith Associates, 12 Castle Street, Hereford, Herefordshire, HR1 2NL**

**Date Received: 4 July 2008**

**Ward: Three Elms**

**Grid Ref: 49305, 41688**

**Expiry Date: 29 August 2008**

Local Members: Councillors PA Andrews, SPA Daniels and AM Toon

### **1. Site Description and Proposal**

- 1.1 No. 30 Chatsworth Road is a modern two storey end of terrace house, fronting a private access way to a group parking area serving the application site and neighbouring dwellings.
- 1.2 The application site was originally constructed as a one bedroom dwelling with one parking space allocated in the adjacent grouped parking area. The part two storey part single storey extension permitted in 1994 was subsequently constructed effectively converting the dwelling into a three bedroom unit.
- 1.3 The surrounding area may be characterised as a medium density modern housing estate.
- 1.4 It is proposed to vertically subdivide the house along the dividing line of the original building and the two storey element of the extension to provide two self contained one bedroom dwellings. The rear garden would be subdivided to provide two separately accessed small private garden areas.
- 1.5 The application site boundary extends across the drive and turning area up to and including the existing allocated space in the grouped parking area.
- 1.6 The submitted details indicate a parking provision for two cars. One space is that allocated in the grouped parking area, the other immediately in front of one of the proposed units.

### **2. Policies**

#### **2.1 Planning Policy Statements:**

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing

## 2.2 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy DR3	-	Movement
Policy H9	-	Affordable Housing
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H16	-	Car Parking
Policy H17	-	Sub-division of Existing Housing

**3. Planning History**

- 3.1 HC940226PF Extension to form living room, dining room and bathroom on ground floor with bedroom over living room. Permitted 16 August 1992.
- 3.2 DCCW2007/2489/F Separation of existing three bedroom house to form two one bedroom self contained houses. Refused 1 October 2007.

**4. Consultation Summary**Statutory Consultations

- 4.1 Welsh Water: No objections, subject to standard drainage conditions and Advisory Notes.

Internal Council Advice

- 4.2 Traffic Manager: One space per dwelling has been shown in curtilage, which is considered acceptable in this location in conjunction with the cycle parking provision proposed. Recommend conditions relating to car parking and cycle parking provision.

**5. Representations**

- 5.1 Hereford City Council: No objections.
- 5.2 Two objections have been received; from Mr. & Mrs. D. Forman, 32 Chatsworth Road and Mr. & Mrs. Edwards, 28 Chatsworth Road respectively. The ground of objection are summarised as follows:-
- Our objection on the original application still stands as the new application in no way addresses the original refusal on the grounds of "adequate provision for off street parking for the two dwellings proposed."
  - The applicant currently has two vehicles and one car parking space, converting the building into two one bed dwellings is likely to attract couples each with a car each, so that they would require four car parking spaces which is clearly not catered for.
  - Our existing two allocated spaces cannot be used as they are taken up by other residents.

- d) Generally insufficient car parking in the area and inadequate provision proposed.
- e) Existing parking difficulties in the area.

5.3 A supporting letter submitted with the application is summarised as follows:-

- a) The application addresses the previous reason for refusal concerning car parking and residential amenity.
- b) The application site is now larger than before to include the allocated space and an intervening strip of parking courtyard.
- c) The proposal is in a sustainable location and is likely to generate fewer vehicle movements than the existing dwelling.
- d) Contends that one parking space is justified but two parking spaces including a redefined space at the front of the dwelling and cycle parking can be provided.
- e) The amended front car parking space provided to the access road combined with one way glass to the lounge window and a low demarcation wall overcomes the amenity concerns and could be secured by an appropriate condition.

5.4 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 application is tantamount to an amended submission following the refusal of application ref. DCCW2007/2489/F. The reason for refusal was as follows:-

"It is considered that the proposal fails to make adequate provision for the off street parking of cars for the two dwellings proposed. In addition the proposed sub standard parking space immediately to the front of the dwellings would result in an unacceptable risk to the amenity of the occupiers thereof. In the circumstances the proposal would be contrary to policies contained in the Herefordshire Unitary Development Plan in particular Policies H16 and H17."

6.2 As before the proposed internal layout for the two one-bedroom units provides a basic spatial arrangement for what may be described as a form of affordable starter home accommodation. In principle it is considered that the proposed accommodation would not be detrimental to the character of the surrounding residential area.

6.3 The previous application included a site plan which apparently did not represent the full extent of the applicant's property at 30 Chatsworth Road. The site plan now includes an 'L' shaped parcel of land which extends proportionately from the front of the dwelling across the yard of the grouped parking area up to and including a single car parking space allocated to the existing dwelling.

6.4 An additional parking space was previously indicated on the small triangle of gravel hardstanding between the front of the existing dwelling and the defined access to the grouped parking area. In that position it would have been substandard in size and adjacent to the front door to one of the proposed dwellings resulting in an unacceptable amenity impact.

- 6.5 The current proposal includes a redefined car parking space of adequate dimensions parallel to and overlapping the private access road by approximately 500mm but still within the conveyed boundaries of the site curtilage. In this position the applicant asserts that a parked car would not interfere with the free flow of the few vehicles using the parking area. It is understood that the applicant is the sole owner of the site with only a duty imposed on him to ensure that other users of the courtyard enjoy a free and safe passage within the courtyard and access road.
- 6.6 Policies H16 and H17 of the Herefordshire Unitary Development Plan aim to achieve a maximum off street parking provision of not more than 1.5 spaces per dwelling with no minimum level of provision, for new housing developments. The provision should also reflect site location, the type of housing to be provided, the type of household likely to occupy the development and the availability of public transport. In the circumstances taking into account the policy context and what is regarded as a sustainable site location reasonably close to public transport and local shopping facilities, it is considered that a total parking provision of two spaces, is appropriate for the small starter home scale of the proposed accommodation.
- 6.7 On the basis of the site plan and ownership details now submitted together with the redefined parking space, existing allocated parking space and provision of secure cycle parking, it is now considered that the proposal demonstrates that adequate parking space is achievable. Furthermore the Traffic Manager no longer raises objections to the scheme subject to related conditions.
- 6.8 The concerns of the objectors have been taken into account but it is judged that they do not outweigh the abovementioned considerations. It is also felt that the proposal will not result in an unacceptable risk to public highway safety or undue loss of amenity to neighbouring occupiers.
- 6.9 With regard to the previous amenity concerns about the proposed front parking space, it is considered that the revised position reduces the impact on the proposed dwellings to an acceptable level without the need for the one way glazing offered by the applicant. However a low buffer wall would be beneficial and is a requirement of recommended condition no. 3.
- 6.10 In conclusion having regard to the abovementioned policies, material considerations and representations received, it is considered that the proposal is acceptable.

## **RECOMMENDATION**

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

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

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

- 2. 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.**

3. Prior to the first occupation of the dwellings hereby approved an area shall be laid out within the curtilage of the property for one space per dwelling and in respect of the front parking space shall include details of a low buffer wall which shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles. In respect of the proposed parking space immediately in front of the proposed dwellings the details shall include a low buffer wall.

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 and in the interests of amenity of the occupiers of the dwellings hereby permitted.

4. 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.

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

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

6. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the local planning authority.

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.

7. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

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

#### **Informatives:**

1. N03 - Adjoining property rights.
2. N04 - Rights of way.
3. NC01 - Alterations to submitted/approved plans.
4. N19 - Avoidance of doubt - Approved Plans.
5. N15 - Reason(s) for the Grant of PP/LBC/CAC.

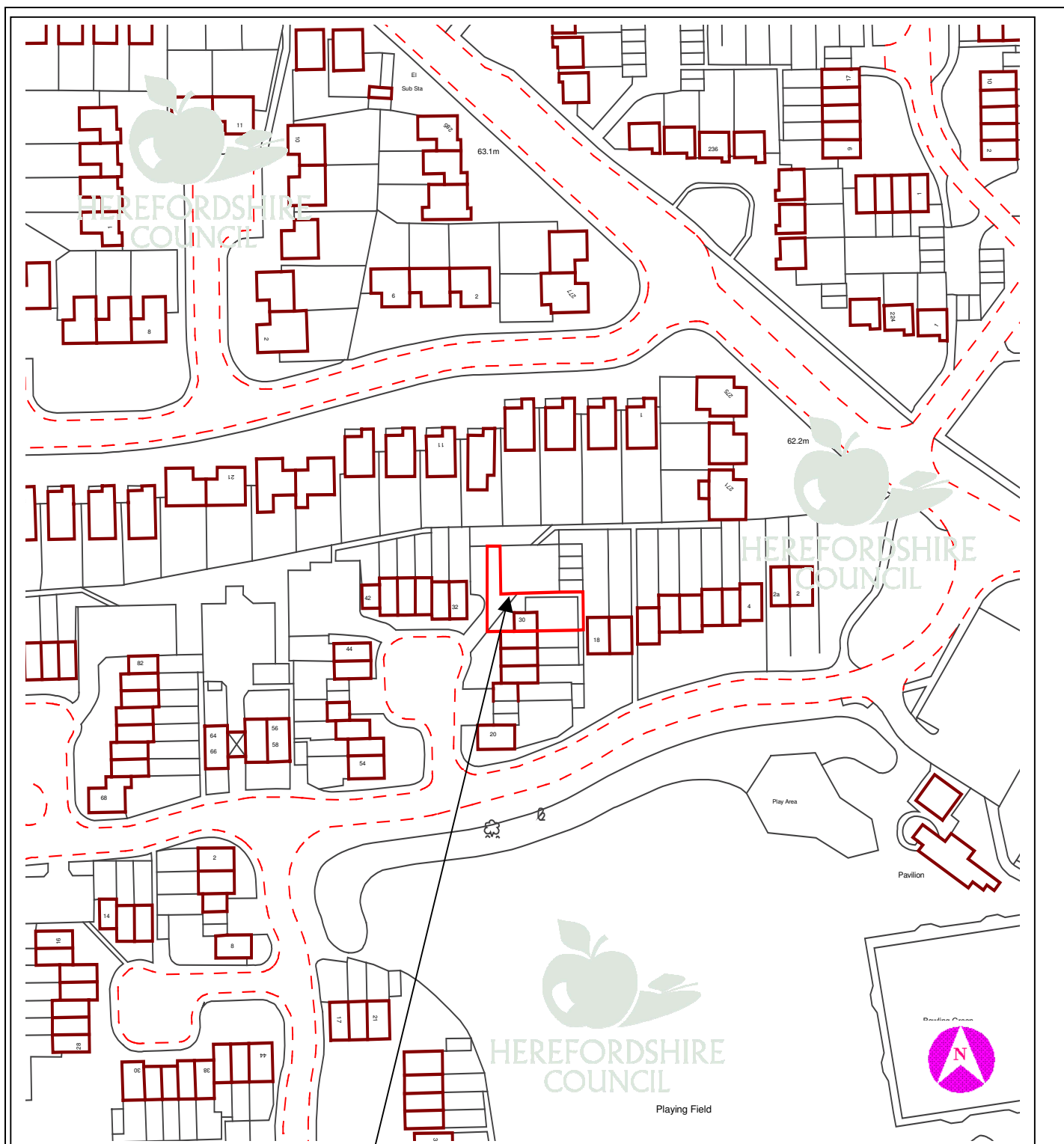
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Notes: .....

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### **Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2008/1777/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 30 Chatsworth Road, Hereford, Herefordshire, HR4 9HZ

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**13A DCCW2008/1667/F - DEMOLISH EXISTING BARN  
AND ERECT 2 NO. NEW BARN STYLE DWELLINGS,  
TALBOTS FARM, SUTTON ST. NICHOLAS,  
HEREFORDSHIRE, HR1 3BB**

**13B DCCW2008/1669/C - DEMOLISH EXISTING BARN  
AND ERECT 2 NO. NEW BARN STYLE DWELLINGS,  
TALBOTS FARM, SUTTON ST. NICHOLAS,  
HEREFORDSHIRE, HR1 3BB**

**For: Mr. J. Stanley per G.C. Smith, Build Plans Inc.,  
3 Summer Hollow, Broadmore Green, Rushwick,  
Worcester, WR2 5TE**

**Date Received: 25 June 2008**

**Ward: Sutton Walls**

**Grid Ref: 53485, 45146**

**Expiry Date: 20 August 2008**

Local Member: Councillor KS Guthrie

## **1. Site Description and Proposal**

- 1.1 The application site comprises two dilapidated timber barns and a yard area, served by a vehicular access adjacent to the south-east side of Talbots Farm, a large two storey farmhouse also in the applicant's ownership. The farmhouse was recently the subject of a planning permission for conversion into two dwellings (DCCW2007/2490/F).
- 1.2 The site is within the Sutton St. Nicholas village settlement and Conservation Area. On the opposite side of the lane is open countryside. Other residential properties are located to the east and west along the north side of the lane.
- 1.3 The existing barns are contiguous and have an 'L' shaped footprint with one fronting The Rhea, a narrow rural lane and the other extending rearwards along the south-east boundary of the site, half of which is connected to the garden of Lower House, a detached dwelling and half to a field.
- 1.4 It is proposed to demolish the barns and erect two detached barn style two-storey dwellings occupying a not too dissimilar footprint. The front dwelling would have weatherboard clad walls on a stone plinth, pantile covered pitched roof with chimney and assymetrical fenestration. The rear dwelling, detached and sited at 90 degrees to the front one would contain two elements. The main one having stone walls with pantile roof and dormer windows. The secondary one, comprising a garage with bedroom over, would have weatherboard clad walls, pantile roof and small dormer windows, overall height would be similar to the existing barn.
- 1.5 It is proposed to use the existing vehicle access off The Rhea to serve a small parking courtyard contained by the farmhouse on a higher level on one side and the proposed dwellings on the other sides.

**2. Policies**

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR3	-	Movement
Policy H4	-	Main Villages: Settlement Boundaries
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H16	-	Car Parking
Policy NC1	-	Biodiversity and Development
Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy HBA6	-	New Development within Conservation Areas
Policy HBA7	-	Demolition of Unlisted Buildings within Conservation Areas

**3. Planning History**

3.1	SH891697PF	Conversion of existing disused buildings to one dwelling with double garage	-	Permitted 15.11.89
	DCCW2007/2490/F	Erect rear extension and porches and convert existing building to 2 dwellings	-	Permitted 26.09.07 (note: this application was in respect of 'Talbots Farm, the adjacent farmhouse)
	DCCW2008/0479/F	Demolish existing derelict barns and erect 2 new dwellings	-	Withdrawn 07.04.08

**4. Consultation Summary**Statutory Consultations

- 4.1 Welsh Water: As the applicant intends utilising private drainage facilities, no comment.

Internal Council Advice

- 4.2 Traffic Manager: Recommends conditions requiring construction details of access, turning area and parking.
- 4.3 Conservation Manager (Conservation Areas): No objection.
- 4.4 Conservation Manager (Ecology): No objection subject to conditions.

**5. Representations**

- 5.1 Sutton St. Nicholas Parish Council supports this application.
- 5.2 Objection received in respect of application DCCW2008/1669/C as follows:

"Although these appear to be unlisted buildings their demolition may mean a loss of significant structures. I do feel that the case for demolition has not been made in application. Conversion may be a more appropriate route to take."

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 located within the Sutton St. Nicholas settlement boundaries, so having regard to Policies H4 and H14 it is considered in principle that residential development on this site is acceptable.
- 6.2 The proposal involves demolition of two unlisted barns within a Conservation Area. The Conservation Manager refers to the draft Conservation Area Appraisal which states that the barn is in a poor condition. Furthermore, the Conservation Manager comments that the barns are in a poor state of repair and their present appearance detracts from the appearance of this part of the Conservation Area.
- 6.3 The site layout closely resembles the existing footprint of the barns. In terms of scale, massing, detailed design, quality materials and character it is considered that the architectural approach retains the essential character of the farmyard grouping and views described in the Conservation Area Appraisal. Furthermore, the Conservation Manager considers that the proposals should enhance the appearance of this part of the Conservation Area by retaining the scale and massing of the existing buildings while enabling the removal of a derelict structure and improving the currently unkempt surroundings.
- 6.4 Subject to appropriate condition to exercise careful control over the selection and use of facing materials, landscaping and courtyard treatment, it is considered that the demolition of the barns is justifiable in the context of the proposed replacement development which will enhance the character of the Conservation Area.
- 6.5 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 buildings. Therefore subject to related conditions no objections are raised on this topic.
- 6.6 The relationship of the proposed development to neighbouring residential properties in particular 'The Talbots' to the north-west and Lower House to the south-east, has been considered. The building to building distance between the front of the proposed rearward extending dwelling and the front of The Talbots, also owned by the applicant, is tighter than normal. However allowing for the height differential between the dwellings, a proposed fence on top of the intervening garden wall it is considered that the proposal will not have an unacceptable impact on the amenity of future occupiers of The Talbots. With regard to the relationship to Lower House, the height of the gable end to the front dwelling will be about 700mm higher than the existing barn but the height of the garage element to the rear building will be about 1.00m lower than the existing barn adjacent to the boundary. In addition, other than two small rooflights there would be no windows in the rear elevation along the garden boundary of Lower House. The remainder of this elevation would face the adjoining field and would

contain a dormer window to a w.c. and two rooflights and secondary windows to a living room, kitchen and w.c. on the ground floor.

- 6.7 In the circumstances it is considered that the proposal will not have undue impact on the residential amenity on neighbouring occupiers. However, it would be expedient to include conditions restricting permitted development rights and the introduction of further windows.
- 6.8 As far as a vehicle access and car parking are concerned, it is considered as recommended by the Traffic Manager that the proposed arrangements are acceptable subject to related conditions.
- 6.9 This application is a relevant development for requesting a Section 106 Planning Obligation to secure appropriate financial contributions on the basis of the Supplementary Planning Guidance. A copy of the draft Heads of Terms, which has been sent to the applicant, is annexed to this report. The applicant's response will be reported orally to Committee Members.
- 6.10 In conclusion, having regard to the above mentioned policies and material considerations it is recommended that the planning application is permitted subject to appropriate conditions and the completion of a Section 106 agreement.
- 6.11 With regard to the application for Conservation Area Consent, specifically for the demolition of the barns, the Conservation Manager is clearly satisfied that the dilapidated barns do not make a positive contribution to the character of the Conservation Area, the proposal is accompanied by an acceptable redevelopment proposal and the barns are in a poor state of repair and do not merit repair and retention. In the circumstances, taking into account Policy HBA7 it is recommended that consent is granted subject to appropriate conditions.
- 6.12 In arriving at the recommendation in respect of application reference no. DCCW2008/1669/C the grounds of objection were taken into account. However, in this instance it is considered that the Conservation Manager's advice in respect of both proposals is to be supported.

## RECOMMENDATION

- That:**
- 1) The Legal Practice Manager 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 and conservation area consent subject to the following conditions and any further conditions considered necessary by officers:**

**In respect of DCCW2008/1667/F:**

- 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. C06 (Stonework laid on natural bed).**

**Reason: In the interests of conserving the character of the building so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan**

**4. D04 (Details of window sections, eaves, verges and barge boards).**

**Reason: To ensure that the work is carried out in accordance with details that are appropriate to the character of the Conservation Area within which the site is located and to comply with the requirements of Policy HBA6 of Herefordshire Unitary Development Plan**

**5. C10 (Details of external finishes and cladding (industrial buildings)).**

**Reason: To secure properly planned development and to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan**

**6. 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.**

**7. F16 (No new windows in all elevations).**

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

**8. 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.**

**9. 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.**

**10. 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.

**11. 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.

**12. H09 (Driveway gradient).**

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

**13. 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.

**14. The recommendations set out in the ecologist's report dated May 2008 shall be followed unless otherwise agreed in writing with the local planning authority. Prior to the commencement of the development, a full working method statement and habitat enhancement scheme for bats and birds shall be submitted to the local planning authority and implemented as approved.**

**An appropriately qualified and experienced ecologist shall be appointed to oversee the ecological mitigation work.**

**Reasons:** To ensure all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 within the Herefordshire Unitary Development Plan.

**To ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981 (and amendments) and Policies NC1, NC5, NC6 and NC7 within the Herefordshire Unitary Development Plan.**

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

**Informative(s):**

- 1. N03 - Adjoining property rights.**
- 2. N11A - Wildlife and Countryside Act 1981 (as amended) – Birds.**
- 3. N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 – Bats.**
- 4. N13 - Control of demolition - Building Act 1984.**

5. N14 - Party Wall Act 1996.
6. N18 - European Protected Species Licence.
7. NC01 - Alterations to submitted/approved plans.
8. N19 - Avoidance of doubt - Approved Plans.
9. N15 - Reason(s) for the Grant of Planning Permission.

Decision: .....

Notes: .....

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### **Background Papers**

Internal departmental consultation replies.

**In respect of DCCW2008/1669/C:**

1. D01 (Time limit for commencement (Listed Building Consent)).

**Informatives:**

1. N13 - Control of demolition – Building Act 1984.
2. N19 - Avoidance of doubt - Approved Plans.
3. N15 - Reason(s) for the Grant of Conservation Area Consent.

Decision: .....

Notes: .....

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### **Background Papers**

Internal departmental consultation replies.

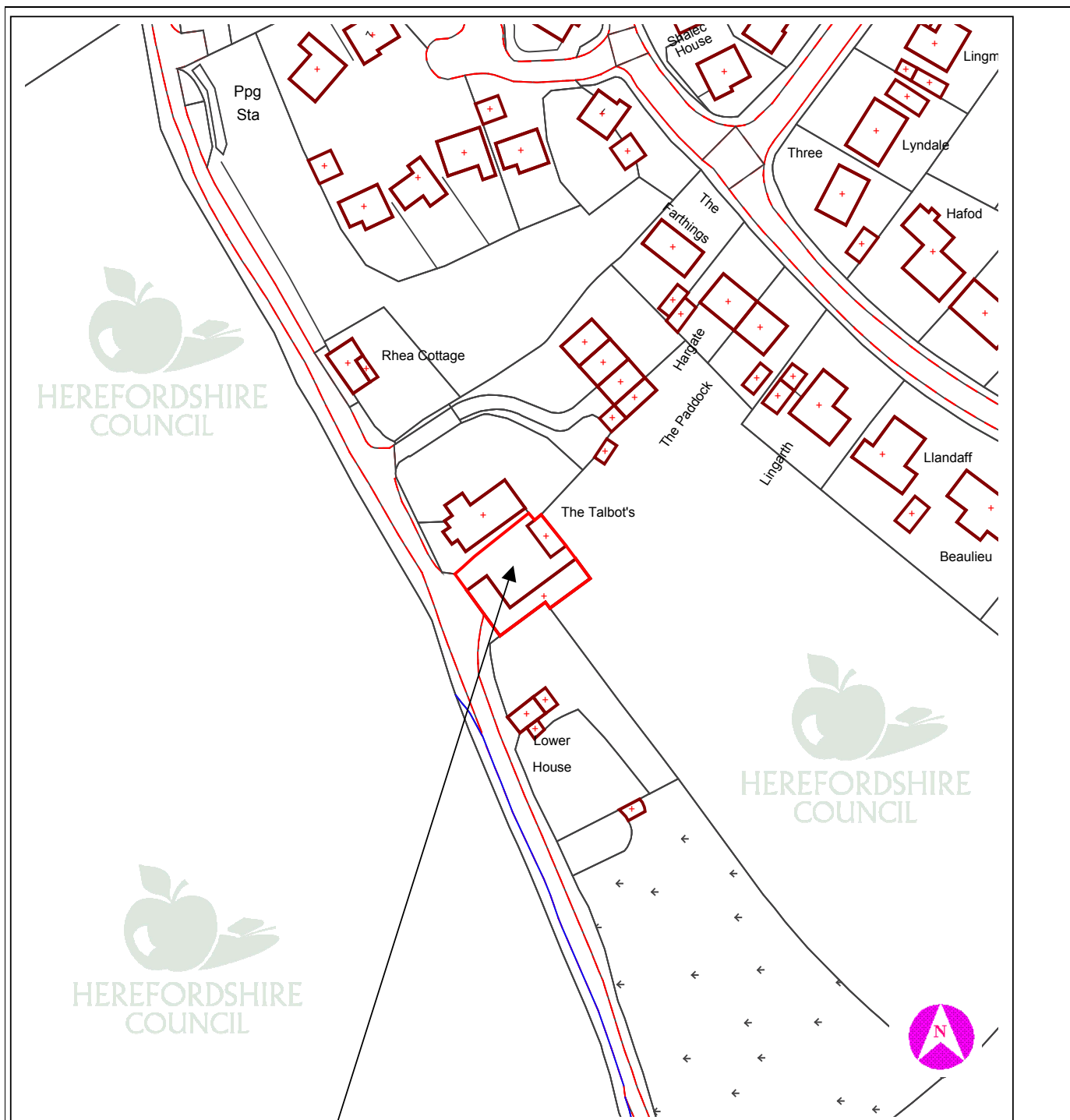
DRAFT HEADS OF TERMS  
PROPOSED PLANNING OBLIGATION AGREEMENT  
Section 106 Town and Country Planning Act 1990

Planning Application – DCCW2008/1667/F

Demolish existing barns and erect 2 no. new barn style dwellings

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £5,902 to provide enhanced educational infra-structure and improved service provision at North Hereford City Early Years, Sutton Primary School, Aylestone Business and Enterprise College, Hereford City Youth Service and Special Educational Needs provision within the Local Authority.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £3,932 towards improvements to public and sustainable transport facilities in the area and Park and Ride.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £552 towards improving quality/accessibility of natural and semi-natural green space and recreational rights of way.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £1,168 towards the provision of new or the enhancement of existing key sports or recreational facilities in and around Hereford.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £344 towards the provision and enhancement of Library facilities to serve the area.
6. The developer covenants with Herefordshire Council an additional administration charge of 2% of the total contributions detailed in this Heads of Terms to be used towards the cost of monitoring and enforcing the Section 106 Agreement.
7. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2, 3, 5 and 6 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.
8. 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.
9. 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.





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**APPLICATION NO:** DCCW2008/1667/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Talbots Farm, Sutton St. Nicholas, Hereford, Herefordshire, HR1 3BB

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