

**MINUTES of the meeting of Planning Committee held at The Shirehall, St Peter's Square, Hereford on Wednesday 22 February 2012 at 10.00 am**

**Present:** Councillor PGH Cutter (Chairman)

**Councillors:** PA Andrews, AM Atkinson, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, AJ Hempton-Smith, JW Hope MBE, RC Hunt, JA Hyde, Brig P Jones CBE, JG Lester, MD Lloyd-Hayes, PJ McCaull, FM Norman, GA Powell, GR Swinford and PJ Watts

**In attendance:** Councillors H Bramer and EPJ Harvey

**134. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors BA Durkin, J Hardwick, G Lucas and RI Matthews.

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

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors AM Atkinson, PJ McCaull, JA Hyde and GA Powell attended the meeting as substitute members for Councillors BA Durkin, J Hardwick, G Lucas and RI Matthews.

**136. DECLARATIONS OF INTEREST**

The Committee sought advice as to whether the possession of a storecard would require them to declare a personal interest in respect of agenda item 7. The Locum Lawyer – Planning and Regulatory went through the tests for Personal Interests, and advised that although it was for each individual member to decide if they had a personal or prejudicial interest in respect of each agenda item, her advice was that the possession of a storecard would not result in any interest being needed to be declared.

The following declarations of interest were made:

7. N113052/F - LAND AT GALEBREAKER HOUSE, LEADON WAY, LEDBURY, HEREFORDSHIRE, HR8 2SS.

Councillor EPJ Harvey, Personal, The Councillor collected data for a food facts study in 2010.

8. S113380/F - HILLCREST, GORSLEY, ROSS ON WYE, HR9 7SW.

Councillor AM Atkinson, Personal, The Councillor is a member of Gorsley Baptist Church.

8. S113380/F - HILLCREST, GORSLEY, ROSS ON WYE, HR9 7SW.

Councillor DW Greenow, Personal, The Councillor is a member of Gorsley Baptist Church.

10. S113513/CD - WATERFIELD ROAD, HEREFORD, HR2 7EL.

Councillor PJ Edwards, Personal, The Councillor is a member of the Country Park Management Steering Group.

**137. MINUTES**

**RESOLVED: That the Minutes of the meeting held on 1 February 2012 be approved as a correct record and signed by the Chairman.**

**138. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed Councillor AJ Hempton-Smith as a Member of the Committee, noting that he had replaced Councillor JLV Kenyon. He also thanked Councillor Kenyon for his involvement and input into the Planning Committee.

**139. APPEALS**

The Planning Committee noted the report.

**140. N113052/F - LAND AT GALEBREAKER HOUSE, LEADON WAY, LEDBURY, HEREFORDSHIRE, HR8 2SS**

The Principal Planning Officer gave a detailed presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet. During the presentation he covered a number of issues, including:

- the history of the market town;
- the impact the proposed store would have on the vitality and viability of the town centre;
- the impact the proposed store would have on the heritage assets of Ledbury;
- issues in respect of transportation and sustainability;
- the loss of employment land as a result of the application.

Members were advised of an amendment to the second reason for refusal detailed within the Officer's recommendation of refusal of the application.

In accordance with the criteria for public speaking, Mr Conway, representing Ledbury Town Council, and Mr Hadley and Mrs Crowe, spoke in objection to the application and Mr Adenmosun, Mr Ashton and Mrs White, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PJ Watts, one of the local ward members, commented on a number of issues, including:

- The application was a result of two businesses, one national and one local, working together to create jobs in Ledbury.
- Ledbury had the fastest population growth of any town in Herefordshire.
- Local residents needed an alternative to the local shopping structure currently available.
- The sequential testing had highlighted the unacceptable nature of the alternative sites.
- The lawnsite site was currently the location for the fire station, the youth centre and the swimming pool, these would all need to be relocated.
- The lawnsite site would also result in a negative impact on the town centre due to its impact on Bye Street.
- There were also concerns regarding the other proposed site from the sequential test as Tesco's would have to shut down for 2 years during the redevelopment.

- There was sufficient employment land in Ledbury without the inclusion of the proposed application site. The loss of the employment land was countered by the increased employment as a result of the store.
- There was no risk of flooding on the site.
- There was some indication of slow worms on the site although they had not been sighted during the Ecological Survey.
- The site had good vehicular access.

Councillor EPJ Harvey, the other local ward member, also commented on a number of issues, including:

- The application had been debated at length through social media networks as well as views being expressed through more traditional means of petitions and letters.
- Ledbury was a small market town with a number of independent retailers in the town centre.
- Local residents expected to travel further afield for their additional shopping requirements.
- The application needed to comply with planning policies and it clearly failed in a number of areas.
- The proposed development was too large and was located in the wrong place.
- The application was no different to the Tesco's application which was recently recommended for refusal and subsequently withdrawn by the applicant.
- The granting of the application would result in Ledbury's retail provisions for the next 20 years being fulfilled in one development.
- No town in the Country has survived similar developments unharmed.
- The quoted figures included people travelling to Ledbury from Hereford, this would not happen due to the adequate provision of supermarkets in Hereford.
- In 2011 the Planning Inspector dismissed an appeal for a fast food kiosk on the homebase car park as he considered it would have a harmful effect on the viability and vitality of the town centre.
- The proposed application could also threaten a number of heritage buildings in the town centre.

The Committee had concerns in respect of the reference to the existing Tesco supermarket site suggested in the sequential test and referred to in the Principal Planning Officer's presentation. It was felt that there could be an accusation of bias as the site was owned by a rival supermarket and therefore could be viewed as giving them an unfair advantage. The case officer reminded the committee that the Tesco site had been identified in the applicant's own sequential test and had not therefore been put forward by the Council. The Committee also felt that the two sites suggested in the sequential test were not without their own limitations and concerns.

The Committee noted that there had been a substantial amount of correspondence from the Ledbury residents and business owners, both in support and objection to the application. Members advised that they had read all of the emails and letters that had been sent to them even if they had been unable to reply to them all individually.

Members discussed the possible increase in jobs as a result of the proposed development. It was noted that not all of the jobs created through the application would go to local people as a number of people would be employed from outside of the local

area. The discussion also included the possible increase in jobs from the relocation and expansion of Galebreakers, this was also welcomed.

In response to a question regarding the size of the proposed store, the Principal Planning Officer advised that it was smaller than the Sainsbury's store in Hereford and of a similar scale to the Tesco Belmont store.

Members discussed the impact an out of town supermarket had on the town of Leominster when approved some years ago. Leominster town centre had benefitted from £11m of European Union funding which had helped to revitalise the town centre, it was noted that this funding would not be available to Ledbury in the current economic climate and that any impact on the town centre could have serious long term repercussions.

As the debate continued some Members were of the opinion that the proposed location of the new site would not harm the viability and vitality of the town centre. Some Members were of the opinion that it would however enhance the shopping experience for all of the residents of Ledbury. Other Members of the Committee had a differing view and voiced their Concerns in respect of the impact the proposed application would have on the town centre and in particular the small independent retailers of Ledbury. Members continued to debate whether the benefits of the scheme outweighed the potential harm on the vitality and viability of the town centre.

The committee were of the opinion that the local residents and independent retailers as well as the applicant needed a decision and that a deferral of the application would not be welcomed.

In respect of the scale of the proposed development, one Member was of the opinion that large supermarkets could easily become self-contained destinations. It was possible to get food, clothes, lottery, newspapers and white goods from one location without the need to visit the town centre.

Members felt that it would not be possible to produce suitable conditions to address the concerns raised in respect of the impact the application could have on the town of Ledbury. One Member stated that in their opinion the application was the wrong development, on the wrong site, at the wrong time.

Members noted the Localism Act, which gave great weight to the views of the local residents. It was however noted that it was more difficult in this case due to the apparently even split between the supporters and the objectors to the application.

In response to a number of questions the Principal Planning Officer advised the Committee that the sequential testing had been carried out in accordance with central government advice and had looked at appropriate sites in the area. He advised the Committee that the application had been considered consistent of the national and local planning policies regarding out of town developments.

In response to a question regarding the discrepancy in the population figures quoted for Ledbury he advised that the population of the Ledbury Ward was approximately 10000 but that the catchment area was larger and had been quoted as between 15800 and 21500 in the two different reports submitted by Jonas Drivers Deloitte, for the Council, and Turley's for the applicant.

Councillors PJ Watts and EPJ Harvey were given the opportunity to close the debate. They reiterated their opening remarks and made additional comments. Councillor Watts' additional comments included:

- That both Turley's and Jonas Drivers Deloitte's reports stated that the sequential test had been followed.
- The local community needed to be represented.
- Ledbury needed to evolve and change *to survive [amended at Planning Committee meeting of 14 March 2012]*.
- The application should be approved.

Councillor Harvey's additional comments included:

- There was no objection to change but the proposed application would result in disproportionate, ill timed change.
- The 160 small businesses in the town centre would be at threat if the application as approved.
- The application should be refused.

Prior to the vote being taken on the application the Head of Neighbourhood Development advised the Committee that the wording of condition 2 had been amended in the Members' Update Sheet.

## **RESOLVED**

**That Planning Permission be refused on the following grounds:-**

- 1. The Local Planning Authority do not consider the submitted sequential assessment to be robust and as such is considered to be contrary to the Central Government advice contained within Policies EC15 and EC17 of Planning Policy Statement 4 and policies S5, TCR1, TCR2 and TCR9 of the Herefordshire Unitary Development Plan 2007.**
- 2. The local planning authority consider that the expenditure capacity and impact assessments forming part of the planning application fails to demonstrate that the proposal would not have a significant adverse impact upon the viability and vitality of Ledbury Town Centre contrary to the Central Government advice contained within Policy EC17 of Planning Policy Statement 4 and Policies S5, TCR1, TCR2 and TCR9 of the Herefordshire Unitary Development Plan 2007.**
- 3. Given reason for refusal 2 above, the Local Planning Authority consider that the proposed development would be likely to adversely affect the character of the Ledbury Conservation Area contrary to the Central Government advice contained within Planning Policy Statement 5 and policy S7 of the Herefordshire Unitary Development Plan 2007.**
- 4. The proposal including the petrol filling station, would result in the loss of high quality employment land contrary to the Central Government advice contained within Policy EC2 of Planning Policy Statement 4 and policies S4 and E5 of the Herefordshire Unitary Development Plan 2007.**
- 5. The location of the proposal in an unsustainable location is such that it would increase reliance upon the private motor vehicle contrary to the Central Government advice contained within Planning Policy Statement 1, Planning Policy Statement 4, Planning Policy Guidance Note 13 and policies S1, S5, S6, DR2 and DR3 of the Herefordshire Unitary Development Plan 2007.**

- 6. The submitted Flood Risk Assessment contains inadequate information to demonstrate to the satisfaction of the Local Planning Authority that there would not be an increase in flood risk and as such the proposal is considered to be contrary to the Central Government advice contained within Planning Policy Statement 25 and policy DR7 of the Herefordshire Unitary Development Plan 2007.**
- 7. The presence of protected species in the form of slow worms has been established. Insufficient habitat will be retained on the site for reptiles so the mitigation measures proposed by the applicant includes translocation of the reptiles to a suitable receptor site. Such a receptor site should be close to the application site, within Herefordshire, have suitable reptile habitat and ideally no existing populations of slow worms. The submitted application fails to identify a suitable receptor site. The submitted planning application cannot be approved without a suitable receptor site having been identified as in the absence of a suitable receptor site being identified, the Local Planning Authority are unable to establish whether translocation is a suitable mitigation strategy. In addition, the application does not include a suitable legal mechanism to secure translocation to an identified suitable receptor site together with long-term protection and monitoring of the receptor site. As such the proposal is contrary to the Central Government advice contained within Circular 06/2005, Planning Policy Statement 9 entitled 'Biodiversity and Geological Conservation and policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007.**
- 8. The proposed development would necessitate a planning obligation (which complies with the criteria set out in the Supplementary Planning Document on 'Planning Obligations' which was adopted in April 2008) securing contributions towards sustainable transport infrastructure (including enhanced pedestrian and cycle links to the Ledbury Town Centre), to mitigate against the impact of the development together with the requisite legal costs in preparing such an Agreement and the requisite monitoring costs . A completed Planning Obligation has not been deposited and as such the proposal is contrary to Policy DR5 of the Herefordshire Unitary Development Plan 2007 and the Council's Supplementary Planning Document entitled 'Planning Obligations' (April 2008).**
- 9. The proposed enhancement of the landscape buffer with associated biodiversity benefits to the rear of the proposed retail store does not lie within the planning application site area and as such a planning condition could not secure its provision. Furthermore no other legal mechanism is provided by the applicant to secure this landscaping. In the absence of this landscaping, it is considered that the continual horizontal mass and expanse of the building is such that it would have an adverse impact upon the amenities of the occupiers of numbers 12, 14, 16, 18, 20, 34, 36, 38, 40, 42, 44 and 46 Bronte Drive, contrary to Policies S2, DR2, LA6 and NC7 of the Herefordshire Unitary Development Plan 2007.**

**Informative:**

- 1. For the avoidance of any doubt the documents to which this decision relates are:-**
  - 1) Letter dated 28th Oct from Turley Associates received 31st October 2011**
  - 2) Draft Heads of Terms received 31st October 2011**

- 2a) Existing Site Plan / Red Line Boundary - Drawing PL-01 received 31st October 2011
- 3) Existing Site Layout – Drawing No. PL-02 received 31st October 2011
- 4) Existing Elevations – Drawing No. PL-04 received 31st October 2011
- 5) Existing Site Sections – Drawing No. PL-03 received 31st October 2011
- 6) Proposed Site Plan – Drawing No. PL-10 received 31st October 2011
- 7) Proposed Ground Floor Plan – Drawing No. PL-11 received 31st October 2011
- 8) Proposed Roof Plan – Drawing No. PL-12 received 31st October 2011
- 9) Proposed Elevations – Drawing No. PL-13 Rev A received 2nd February 2012
- 10) Proposed Sections – Drawing No. PL-14 Rev A received 2nd February 2012
- 11) Proposed Boundary Sections – Drawing No. PL-15 Rev A received 2nd February 2012
- 12) Proposed Site Sections – Drawing No. PL-16 Rev A received 2nd February 2012
- 13) Proposed Part Bays – Drawing No. PL-17 received 31st October 2011
- 14) Sainsbury's PFS – Drawing No. 2592/20 received 31st October 2011
- 15) Sainsbury's PFS – Drawing No 2592/12 received 31st October 2011
- 16) Sprinkler Tank & Biomass Boiler details – Drawing No PL-20 received 7th December 2011
- 17) Trolley Bay Shelter Details – Drawing No. PL21 received 7th December 2011
- 18) Tree Survey Schedule received 31st October 2011
- 19) Tree Survey Plan – Drawing No. 900-01 Revision B received 31st October 2011
- 20) Tree Removal, Retention & Protection Plan – Drawing No. 900-02 Revision B received 31st October 2011
- 21) Outline Landscape Proposals – Drawing No. 900-03 Revision D received 31st October 2011
- 22) Inter Car Park Tree Pit Detail – Drawing No. 900-04 received 31st October 2011
- 22a) Pedestrian Walkway Tree Pit Detail – Drawing No. 900-05 received 31st October 2011
- 23) Statement of Community Involvement received 31st October 2011
- 24) Design & Access Statement received 31st October 2011
- 25) Planning Statement received 31st October 2011
- 26) Economic Assessment 7th November 2011
- 27) Employment Land Study received 31st October 2011
- 28) Transport Assessment received 31st October 2011
- 29) Interim Travel Plan received 31st October 2011
- 30) Service Yard Management Plan received 31st October 2011
- 31) Noise Impact Assessment received 31st October 2011
- 32) Air Quality Assessment received 31st October 2011
- 33) Renewable Energy & Energy Efficiency Assessment received 31st October 2011
- 34) External Car Park Lighting Statement received 31st October 2011
- 35) Landscape Statement received 31st October 2011
- 36) Ecological Assessment received 31st October 2011
- 37) Pan Brown Associates Phase 1 Desk Study received 31st October 2011
- 38) Flood Risk Assessment received 31st October 2011
- 39) Archaeological & Cultural Heritage Desk – Based Assessment received 31st October 2011 received 31st October 2011
- 40) Application Form received 31st October 2011

**141. S113380/F - HILLCREST, GORSLEY, ROSS ON WYE, HR9 7SW**

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

In accordance with the criteria for public speaking, Mrs Foley, representing Linton Parish Council, and Mr Pearce, the applicant's agent, spoke in support of the application.

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

- The site had been identified as suitable for housing development.
- The site was not within a conservation area and was not listed.
- Gorsley benefitted from a wide range of housing types and the proposed development would not be out of keeping.
- The site already benefitted from planning permission for a larger, single dwelling.
- The applicant was of the opinion that two, smaller, more affordable dwellings would be of more benefit to the community.
- 21 letter of support had been received from the local community.
- Both houses would have gardens and garages so could not realistically be classed as overdeveloped.
- The proposed development would not result in any issues of overlooking for neighbouring residents.
- The proposed dwellings would be finished in similar materials to the nearby dwellings mitigating any impact on the character and appearance of the area.

Members opened the debate by discussing the benefits of the proposed application. It was noted that the Parish Council and local residents were in support of the application and that two smaller dwellings would benefit the local community more than a single larger house. It was also noted that any issues of overlooking had been mitigated through the design of the dwellings. Members felt that the site visit had proved extremely beneficial in being able to make a judgement in respect of the application.

Some members did however have concerns in respect of the proposed development. It was noted that the new dwellings were higher and considerably wider than the previous proposed single dwelling on the site. Some members felt that this would clearly lead to over intensification on the site. It was further noted that the development would result in a 50% larger footprint on the site.

In response to a question regarding the lack of a Section 106 agreement in respect of the application, the Head of Neighbourhood Planning confirmed that as the proposal was for less than 5 dwellings a Section 106 agreement could not be requested.

Members discussed the possibility of a third bedroom being added to the dwelling at a later date and whether this would require an additional planning permission. The Head of Neighbourhood Planning confirmed that if the application was granted it would be granted in accordance with the supplied plans.

Councillor H Bramer was given the opportunity to close the debate. He reiterated his opening remarks and asked that the application be approved contrary to the case officer's recommendation.



The Head of Neighbourhood Planning noted that the Committee appeared minded to approve the application and requested that Committee guidance in respect of any conditions that could be added to the approval.

Members discussed conditions including the need to confirm slab levels and the removal of permitted development rights.

## **RESOLVED**

**THAT Planning Permission be granted as Members did not consider that the scale and form of the development would constitute overdevelopment of the site so as to have an adverse impact on the residential amenity of the adjoining properties, and a detrimental impact on the appearance of the site and the adjoining locality and so would comply with policies DR1, DR2 and H13 of Herefordshire Unitary Development Plan. Members concluded that the development was in accordance with the other relevant policies of the UDP as set out in the report.**

**Members confirmed that Conditions should be imposed relating to:-**

- **Highways,**
- **Contaminated land,**
- **That the development be in accordance with the submitted plans,**
- **Slab levels to be confirmed,**
- **Removal of Permitted Development rights.**

**Members added that the wording of the decision notice and conditions, and the inclusion of any additional appropriate conditions, be delegated to officers.**

### **142. S113513/CD - WATERFIELD ROAD, HEREFORD, HR2 7EL**

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet. She advised the Committee that an additional conditions was detailed in the update sheet and requested that it be included in any resolution.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor GA Powell, one of the local ward members, commented on a number of issues, including:

- The application had attracted 55 letters of objection from local residents.
- The application would result in antisocial behavior taking place in the proposed car park.
- The fishermen would not use the proposed car park due to the distance from the pool, Haywood Lane would be a better location.
- The amenity of the local residents would be harmed by the application.
- A petition containing 44 signatures had been received.
- West Mercia Police's report had been omitted from the officer's report.
- The application should be refused.

Councillor AN Bridges, one of the other local ward members, also commented on a number of issues, including:

- The application had raised a great deal of debate and concern in the local area.
- West Mercia Police had concerns in respect of the application.

- The car park needed to be secured at night so the additional conditions referred to in the update report was welcomed.
- Could the section 106 agreement secure funds for CCTV in the car park.
- The proposed car park was too far for the fishermen to use, they would still park on Haywood Lane.
- A second car park at Haywood Lane would be welcomed.

Councillor PJ Edwards, the other local ward member, also commented on a number of issues, including:

- He had been involved in the initial setting up of the Country Park some years ago.
- The Country Park was nearly completed with the help of the section 106 agreement from the nearby housing development which was also nearing completion.
- The population of the South Wye area was approximately 10000.
- The additional condition securing the car park at night was welcomed.
- The management plan was also welcomed as was the suggestion of CCTV on the site.
- The application should be approved.

In response to the points raised by the Local Ward Members, the Principal Planning Officer advised that the local policing team had been contacted but had not responded as all correspondence in these circumstances comes from the police head office. She added that the Parks and Countryside team were in regular contact with the local policing team. In respect of CCTV on the site she added that it may be something to consider at a later date if there were issues at the site and CCTV was deemed necessary. It was felt that engagement with the parks and countryside team would be a more suitable route to assess any future CCTV requirements instead of a planning condition.

Members discussed the application and had concerns in respect of possible antisocial behaviour in the area. It was hoped that the conditions in respect of lighting and a secured gate could address these concerns. Members felt that the country park would be of great benefit to the residents of South Wye and felt that a car park was necessary for it to be fully utilised.

In summing up Councillor GA Powell, one of the local ward members, added that she was in full support of the country park but had reservations in respect of the location of the proposed car park. She requested that the application be deferred until a decision was made in respect of any possible relocation of the ball court.

Councillor AN Bridges, one of the other local ward members, felt that it was necessary to find another suitable parking location nearer to Haywood Lane for the fishermen to use.

Councillor PJ Edwards, the other local ward member added that discussions were ongoing in respect of an additional parking provision and requested that the application be approved.

## **RESOLVED**

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

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

2. **B01 Development in accordance with the approved plans**
3. **Prior to commencement of development, a full working method statement and habitat restoration and enhancement scheme shall be submitted for approval in writing by the local planning authority. The Plan shall include timing of the works and details of storage of materials and shall be implemented as approved.**

**Reasons: To ensure that all species and sites are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC4, NC6 and NC7 of Herefordshire's Unitary Development Plan.**

**To comply with policies NC8 and NC9 within Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006**

4. **The existing trees and hedgerow to the northern boundary of the site shall not be removed, destroyed or felled without the prior approval in writing of the Local Planning Authority. Prior to any maintenance or works being undertaken to the trees or hedge a detailed method / maintenance scheme shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved details.**

**Reason: To safeguard the amenity of the areas and to protect the amenities of local residents in accordance with policies DR2 and LA2 of the UDP.**

5. **Prior to the commencement of development a detailed management plan, that includes the following information shall be submitted to and approved in writing by the local planning authority:**

- a) **Hours of opening of car park**
- b) **Details of method and mechanism to locking / unlocking the access gate that serves the car park**
- c) **Hours of lighting of car park**
- d) **Position of and details of signs (that should include hours of operation / emergency contact details)**
- e) **Position of waste bins**
- f) **Maintenance and management of hedgerow to boundary with Car Park**

**The management of the car park shall be carried out in accordance with the approved plan in perpetuity.**

**Reason: In the interests of the amenities of the locality and to deter crime in order to comply with policies S1, DR1, DR2 and DR3 of the Herefordshire Unitary Development Plan**

**143. N120142/FH - THE KILNS, AVENBURY LANE, AVENBURY, BROMYARD, HEREFORDSHIRE HR7 4LD**

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

In accordance with the criteria for public speaking, Mr Williams, the applicant's agent, spoke in support of the application.

One of the local ward members, Councillor A Seldon, could not be present at the meeting but had prepared a written statement in support of the application which was read out by the Democratic Services Officer.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor JG Lester, one of the local ward members, commented on a number of issues, including:

- The application would enhance the building.
- The building could no longer be deemed an agricultural building in terms of Policy HBA12 and HBA13.
- The dwelling needed to be allowed to be a domestic dwelling, the proposed application would allow this.
- Planning policies needed to evolve and move with the times.
- Note the concerns in respect of the scale of the development, could this be negotiated?

Members discussed the application and noted that there had been no pre-application discussions between the applicant and the planning department. Members discussed the possibility of deferring the application to allow further discussions regarding the scale of the proposed development.

One Member felt that the link between the two units had already been established through the current conservatory building. It was further considered that the proposed extension would be in keeping with the existing dwelling and should be approved contrary to the case officer's recommendation. Other Members agreed that the proposed link building would improve the connection between the two buildings and would not be out of keeping with the existing dwelling.

The Development Manager – Northern Localities, advised that the application was in conflict with current planning policies and that it would impact on the character and appearance of the area. He added that a link building could have been permitted if it had been smaller but that due to the scale of the proposed development it should be refused in accordance with UDP policies HBA12 and HBA13.

Members felt that the proposed development was solely a replacement of the existing link building which was currently in the form of a conservatory and was not an extension, or a substantial alteration, and so would retain the qualities of the existing building, and would therefore be in accordance with Policies HBA12 and HBA13. They also added that the proposed link building would improve the connection between the two buildings, would enhance the buildings' rural character, the design would fit in with the rural location, and so the visual impact would not be detrimental to the character and appearance of the building and its rural setting, and would not be out of keeping with the existing dwelling.

They felt that the proposed materials were in keeping with the existing materials and this could be secured by a condition in any event.

## **RESOLVED**

**That planning permission be granted subject to conditions, with the wording of the Decision Notice and the inclusion of appropriate Conditions to be delegated to Officers.**

**144. SINGLE ENFORCEMENT AND PROSECUTION POLICY**

The Regulatory Services Programme Manager presented the report and gave members a detailed background in respect of the proposed single enforcement policy. He advised that the report had recently been to the Regulatory Committee and would be going before Cabinet in late March.

The Committee welcomed the joint working referred to in the policy and felt that a more transparent approach to enforcement was welcomed.

**RESOLVED**

**THAT:**

- (a) the principle of a Single Enforcement and Prosecution Policy is supported;**
- (b) the detail contained within a Single Enforcement and Prosecution Policy is supported.**

**145. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES**

The meeting ended at 2.05 pm

**CHAIRMAN**



# PLANNING COMMITTEE

22 February 2012

## Schedule of Committee Updates/Additional Representations

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

**N113052/F - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF A SUPERSTORE CLASS A1 PETROL FILLING STATION, CAR PARKING, BIOMASS BOILER, LANDSCAPING AND ASSOCIATED WORKS AT LAND AT GALEBREAKER HOUSE, LEADON WAY, LEDBURY, HEREFORDSHIRE, HR8 2SS**

**For: Sainsbury's Supermarkets Ltd per Turley Associates, 25 Saville Row, London, W1S 2ES**

### ADDITIONAL REPRESENTATIONS

#### Members

Councillor Bettington (Ledbury Ward) has written and stated that "Due to information I have received and an out of Town store I wish to OBJECT to the planning proposal".

Councillor Patricia Morgan of the neighbouring Frome Ward which includes the Parishes of Acton Beauchamp, Ashperton, Aylton, Bishops Frome, Canon Frome, Castle Frome, Eggleton, Evesbatch, Little Marcle, Much Cowarne, Munsley, Pixley, Putley, Stanford Bishop, Stretton Grandison and Yarkhill objects to the proposed development. She states:-

"As a neighbouring Ward Councillor to Ledbury I would very much appreciate the Committee taking a few minutes to read my thoughts on this application as it has raised considerable interest locally. I have kept it short!

- The level of interest is a reflection of the affection the Parishes in my ward quite rightly have for Ledbury. I note in the report that as a market town in Herefordshire, Ledbury is something of an exception. It has a well maintained built environment, low vacancy rates, healthy levels of new build and conversion activity. I would concur with this. This vitality in the high street needs to be treated with respect. This does not mean that the town should be preserved in aspic but more that new retail space needs to be thoroughly considered and unintended consequences minimised. This is the major issue and both opposers and supporters acknowledge this although draw different conclusions.
- There is local acknowledgement that there is need for some increased retail space in Ledbury. Indeed in some of my Parishes, locals say that they shop elsewhere from Ledbury because of this. Given the information provided in the report it seems to me that there are too many weaknesses in the argument that the planned size of this store is required. It is therefore likely that it would impact

significantly and detrimentally on the existing high street. This is not about restricting choice but expanding the retail offer must be done thoughtfully.

- The proposed location of this store is very much out of town and this will further threaten the vitality of the current high street. It would seem that there are other options for developing increased retail space and thus enhancing Ledbury as a market town. These must be more positively investigated. They have been too easily dismissed by rather weak arguments.
- An application that does not have the support of the Environment Agency because any flooding risk has not been addressed is unacceptable. I have met too many people affected by flooding not to pass comment here and insist on better.
- In the interest of brevity, this application is simply not good enough for Ledbury. It is a “one size fits all” option and we should demand better. I would urge the Committee to refuse the application on the grounds detailed in the report.”

Councillor Carl Attwood of the neighbouring Hope End Ward which includes the Parishes of Bosbury, Coddington, Colwall, Cradley, Mathon and Wellington Heath registers his concerns with respect the proposed development. He states:-

“I cannot be at the Planning Committee on Feb 22<sup>nd</sup> but as the Member of an adjacent Ward to Ledbury, would like to register my concern over the Sainsbury application.

The refusal of an appeal in Jan 2011 for a catering unit (in a geographical position close to the present application) on the grounds, inter alia, of threatening the vitality and viability of Ledbury Town Centre focuses the nub of the objection to the proposed Supermarket application.

Despite an understandable reaction which has been stimulated by Sainsbury themselves resulting in a degree of local public enthusiasm for this development, the deeper implications for the economy of the Town centre are clear and troubling.

If this application is approved then the opening chapter of the irreversible economic decline of the Town centre is started which will consign it to the fate of other once thriving market towns throughout the country which are now eviscerated of vibrant life, with dire implications for the wider Ledbury community as well as the centre.”

### Objectors

Since the publicity period inviting representations expired (3<sup>rd</sup> February 2012) the Local Planning Authority have received a further 131 written expressions of OBJECTION, providing a total of 2,540. The only new matter raised is that the objectors urge Members not to defer the application at the meeting on 22<sup>nd</sup> February 2012.

### Supporters

Since the publicity period inviting representations expired (3<sup>rd</sup> February 2012) the Local Planning Authority have received a further 547 written expressions of SUPPORT, providing a total of 1,539.

Some of those persons (supporters and objectors) who wrote in after 3<sup>rd</sup> February 2012, appear to have previously written to the Council with regard this application.

### Representation from owner / operator of Orchard Lane/Homend Site

A representation has been received from the agent acting for the owner and operator of the site at the corner of the Orchard Lane / Homend site which is an edge-of-centre site. He makes the following points:-

- In seeking to reject this sequentially preferable site the agent for the applicant seeks to rely upon his client’s view expressed several months ago that the retail store upon the Orchard Lane site was not



considered by his client for an extension or a new store. His client has reviewed their position in the light of the community's feedback and his client's professional advisers are now satisfied that a scheme for a replacement store upon the Orchard Lane site can be produced which meets his client's operational requirements whilst also respecting the locality.

- The Orchard Lane site could accommodate a replacement store with a gross floorspace of 4,201 square metres and a net sales area of 2,942 square metres;
- Given the location of the Orchard Lane site on the edge-of-centre, a larger store in this location has the potential to generate far greater spin-off economic benefits for the town centre associated with new linked shopping trips;
- Although similar in size to the proposed Sainsbury's store, the net increase in on-site retail floorspace at Orchard Lane (due to the demolition of the existing store) would be substantially less than Sainsbury's floorspace which, common sense dictates, would therefore have a far greater impact on Ledbury town centre than would a new store at Orchard Lane, The net increase of floorspace would be 2,039 square metres gross and 1,767 square metres net sales;
- Contrary to the assertion by the agent for the applicant, the cost of closing the Orchard Lane store to facilitate the site's regeneration does not rule out a viable scheme; and.
- There are no uncertainties whatsoever concerning land assembly and scheme delivery;

#### Representation from agent for applicant dated 15th February 2012

The agent for the applicant has made further submissions. In summary he advances the following arguments:-

- The advice the Council has received from Drivers Jonas Deloitte (DJD) is predicated on a fundamental misunderstanding of the impact methodology;
- Elements of their advice are not grounded in national or local planning policy;
- Comments on potential sequential sites is not categorical;
- DJD do not draw any firm conclusions in respect of PPS4, namely Policy EC17
- The adverse impact upon the character of the Ledbury Conservation Area is not soundly based.
- The Council fails to consider all of the material submitted in relation to employment land. It is only a cursory assessment;
- The planning policy requires flexibility in safeguarding land going forward;
- Retail is an important use which creates jobs;
- The development will ensure the expansion and retention of a key employer in Ledbury;
- The Council fail to acknowledge that the relocation of Galebreakers is not considered a material consideration;
- The Transportation assessment fails to consider the sequential approach;
- The recommend Transportation/Sustainability ground of refusal is not founded in planning policy;
- The agent for the applicant states that further information is being collated for the environment agency with regard the issue of flood risk;
- Sainsbury's have identified two potential sites for slow worms which meet the necessary criteria'; and
- The agent for the applicant Local Planning Authority prior to the application being determined.

#### Representation from agent for applicant dated 20th February 2012

The agent for the applicant submitted substantial additional information/submissions late on the afternoon of Monday 20<sup>th</sup> February 2012 which seeks to rebut the recommended nine grounds of refusal. This included a revised an addendum to the originally submitted 'Economic Assessment'. Such late submissions can only be summarised briefly. In summary these submissions:-

- Express concerns that the issues arising from the proposals have not been fully considered;
- Express the view that the reasons for refusal stem from limited dialogue on the key issues rather than insurmountable policy concerns;
- Claim that Officer report seeks to pre-determine the merits of the application And is misleading in stating that recommended grounds of refusal 1-5 cannot be overcome by way of an amendment to the submitted scheme of through negotiation;

- State that planning policy does not preclude out-of-centre retail development;
- Lists the benefits that the agent for the applicant considers the scheme would deliver;
- Draws attention to the support that the proposal has attracted including during their pre-application community engagement process;
- The recommended second ground of refusal is based on the DJD Report does not conclude on the acceptability of the proposal;
- The applicant would wish to engage further with Officers with respect the proposal;
- It is unclear on what basis Officers have been able to conclude that the trade draw resulting from the application proposal is likely to have an adverse affect upon the character of the Ledbury Conservation Area;
- The Officer report fails to give weight to the employment generation;
- The site is in a sustainable location and benefits from a good level of accessibility from surrounding residential areas;
- The proposed development is supported by a range of sustainable infrastructure and transport measures which are designed to promote sustainable travel to the site by foot. Cycle and public transport;
- Further measures to promote sustainability through the life of the development are also contained within an Interim Travel Plan;
- The site is largely surrounded by residential properties, including land beyond the industrial estate to the south of the site;
- Reason for refusal 6 – The agent for the applicant is of the view that a revised Flood Risk Assessment could be submitted that addresses the concerns of the Environment Agency;
- Reason for refusal 7 – It is stated that two sites have been identified for the relocation of slow worms and that these are within the ownership of Herefordshire Council;
- Reason for refusal 8 – the agent for the applicant is satisfied that an agreement could be reached with regard a Planning Obligation
- Reason for refusal 9 - the report does not suggest that this landscaping is fundamental to the acceptability of the application proposal;

### LESS Group

The LESS group that support the application state:-

“After due consideration by the LESS group we feel we must still voice our concerns about the inclusion of the LOTS petition in your report. This petition was collected in opposition to a previous application and as such we feel should not be allowed to stand for this current application. Its inclusion could be seen as misrepresentation of the people who signed as none were contacted to gain their permission to use their name in objecting to the current planning application. Since this came to light we have had numerous people contacting us stating that “although they signed against Tesco’s they are in favour of Sainsbury’s” we therefore feel that to include the petition could lead to a false impression to planning committee members of the level of support against the current application.

We understand that the application will be voted on purely on planning law & government guidelines and is not a "referendum", but, LESS feel, the petition inclusion in your report could have influence on individual planning committee member’s decisions.

We therefore request that the LESS groups concerns and objections are noted and made available to all the planning committee members prior to the meeting on 22<sup>nd</sup> February 2012.”

### **OFFICER COMMENTS**

#### Representation from owner/operator of Orchard Lane/Homend Site

The representation received from the agent acting for the owner and operator of the site at the corner of the Orchard Lane / Homend site which is an edge-of-centre site is highly relevant. It adds weight to the Officer appraisal that the sequentially preferable edge-of-centre Orchard Lane site could deliver additional retail floorspace to Ledbury and that the sequential testing provided by the agent for the applicant is not robust.

#### Representation from agent for applicant dated 15<sup>th</sup> February 2012

It is considered that DJD fully understand the impact methodology, their advice is based on Central Government advice and Development Plan policy, their advice with respect sequential testing is sound and that their conclusions are robust.

It is considered that recommended ground of refusal 2, being the impact upon the character of the Ledbury Conservation Area is soundly based. In this regard Members attention is drawn to paragraph 6.36 of the Committee Report.

The fact that the agent for the applicant appears to acknowledge that the relocation of Galebreakers is not a material consideration is welcomed. The proposal clearly involves the loss of good quality safeguarded employment land. The Council are flexible where an applicant can demonstrate that existing employment land is not suitable. However, the land in question is good quality serviced employment land. Indeed the existing firm that occupy the site have acknowledged that the site / land is a good site for an employment use. Galebreakers continued operation and location in Ledbury is not dependent on the outcome of this planning application. The importance of retailing is not dismissed but the Officer assessment centres around the appropriateness of the application site for retail use.

Recommended ground of refusal 5, is based on planning policy and includes specific reference to both Central Government advice and Development Plan policies.

At the time of reporting this Update Report the agent for the applicant has not provided further information to the Local Planning Authority with regard the issue of flood risk.

Sainsbury's have not informed the Local Planning Authority as to the location of the two sites that they consider the slow worms could be translocated to. It does not form part of the application under consideration. There is no evidence that they have assessed through survey work these two locations as to their suitability as a reptile habitat and have control over the land. There is also no legal mechanism advanced to secure such provision and long-term viability of the translocation as a mitigation strategy.

Engagement with the Local Planning Authority should take place with the Local Planning Authority at the pre-application stage. The submission of a planning application is considered to primarily be a request for a determination not a request for a negotiation. In this instance, the agent for the applicant was informed at the pre-application stage that Officers considered that there would be fundamental objections to the principle of the development, regardless of matters of detail, primarily due to the inappropriate location and scale (i.e. floorspace) of the proposal.

#### Representation from agent for applicant dated 20th February 2012

In the time available Officers have assessed the further submissions made by the agent for the applicant and conclude that there should be no change to the recommendation. The few points that Officers would make are:-

- Dealing briefly with Royal Haskoning's Note paragraphs in turn;

#### Section 2

2.2) I agree that the site is within 1km of the "The Old Cottage Hospital", but the Town Centre is around the Butter Market, which is 1 260m away.

2.3) The Site has been assessed by the industry standard programme "Accession" as "medium accessibility". This programme primarily assesses the accessibility to services and nearby towns and larger cities. The accessibility rating relates less well to accessibility within the town.

#### Section 3

3.2) PPG 13 states in Paragraph 20.1 that Local Authorities should;

"1. Focus land uses which are major generators of travel demand in city, town and district centres and near to major public transport interchanges. ... "

And further in PPG 13 Paragraph 35;

“ ... to promote the vitality and viability of existing town centres, which should be the preferred locations for new retail ... developments. ... At the local level, preference should be given to town centre sites, followed by edge of centre and, only then, out of centre sites ... well served by public transport.”

3.2 In “Guidelines for Providing for Journeys of Foot” (IHT, 2000), there is a table (Table 3.2, on page 49) showing acceptable walking distances, reproduced below.

	Town Centre (m)	Commuting/School/Sightseeing (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred maximum	800	2000	1200

This table shows that the proposed development is too far from the town centre and many residential parts of the town for shopping trips.

Note also that in Paragraph 3.36 of the Guidelines above, it is stated that “... gradients, can be crucial in determining whether a development is pedestrian friendly”. The gradients in Ledbury are not generally excessive, but can be a deterrent, particularly for the disabled or elderly.

3.3 and 3.6 See above.

It is important to note that in the Market Town, 20.9% of households do not have access to a car or van. This percentage rises to 35.1% in the core of Ledbury. These figures are from the 2001 census (latest figures available), available at: <http://maps.herefordshire.gov.uk/exponare/GISMULTIMEDIA/RESEARCH/WARDS/AREAPROFILES/Ledbury.pdf>

The paragraphs above demonstrate clearly that the site is not particularly suited for walking access from the town centre and many other parts of the town, in turn significantly reducing the sustainability of the proposed location.

- It is the case that some Ledbury residents would be better served by the proposed new location, but they would be outnumbered by the number of residents disadvantaged by the new position in comparison to a town centre or edge of town centre location.
- Reason for refusal 6 – no revised flood risk assessment has been submitted to the Local Planning Authority, despite the agent for the applicant being sent a copy of the Environment Agency’s letter expressing their concerns on 8<sup>th</sup> January 2012;
- Reason for refusal 7 – the agent for the applicant has not informed the Local Planning Authority of the “suitable” receptor sites that the applicant has identified. There is no evidence that the “suitable sites” have been surveyed for their suitability for reptiles, and the Council’s Planning Ecologist has not had the opportunity to visit and assess them (location unknown). An agreement with the landowner would be essential as well as provision of a legal mechanism to secure the long-term viability of the translocation as a mitigation strategy.
- Reason for refusal 9 – the landscaping is considered to be critical in softening the mass of the proposed retail store. It remain a fact that the landscaping shown to be provided falls outside of the application site area and as such cannot be secured by way of a planning condition nor does the applicant offer an alternative legal mechanism to secure its provision.
- The agent for the applicant could have engaged with the Local Planning Authority in detailed pre-application negotiations but decided to submit a planning application without such detailed discussions. Clearly, after reading the Committee Report if they wished to engage further with the Local Planning Authority, the opportunity existed to withdraw this application and then engage in further discussions with Officers prior to submitting a fresh application (if they considered that appropriate).

**Drivers Jonas Deloitte's advice has also been sought with regard the addendum to the originally submitted 'Economic Assessment'.** Clearly they have had not had sufficient time to have a detailed review of the data provided, but advise:-

"In our previous comments, we stated that we believed that Turley's assessment of impact on Ledbury shops was incomplete, because the impact on Ledbury shops had been calculated based on the proposed store turnover from the catchment only, and had ignored trade diversions from expenditure from beyond the catchment. Turley's have provided additional clarifications and an updated assessment, which was received by Drivers Jonas Deloitte on 21 February 2012.

At the request of the Council, in order to inform an urgent update report, we have had an initial headline review of this information and some brief comments below..

### Sequential Test

- Site & Premises to the West of Lawnside Road – We note Turley's assertion that accommodating a foodstore on the site would be challenging, however there is no evidence that this would be insurmountable through an appropriate design response. Notwithstanding this, to be considered sequentially preferable the site must be considered available within a reasonable amount of time. Our previous comments in this regard stand and it is for the Council to determine and justify this based on their local knowledge and understanding of the circumstances affecting the site.
- Existing Tesco Store – We are aware of confirmation by Tesco that a store similar in scale to that proposed by Sainsbury's can be viably accommodated on the existing site. The site could be considered to be suitable, viable and available for re-development, albeit it is currently in the control of a competing operator. As an edge-of-centre site it is therefore sequentially preferable to the Sainsbury's site.

### Impact

Reason 2 for refusal as stated in the Officer's Report to Committee is that:-

"The local planning authority consider that the expenditure capacity and impact assessments forming part of the planning application are not robust and fail to demonstrate that the proposal would not have a significant adverse impact upon the viability and vitality of Ledbury Town Centre contrary to the Central Government advice contained within Policy EC17 of Planning Policy Statement 4 and Policies S5, TCR1, TCR2 and TCR9 of the Herefordshire Unitary Development Plan 2007."

Whilst Turley's have sought to clarify their assessment, our initial review of their response does not change our over-arching conclusions regarding the likely impact of the proposals.

- Notwithstanding Turley's updated assessment, we still have concerns as to a number of their assumptions and note that the assessment still culminates in what we consider to be a fairly high level of impact. The proportion of turnover derived from outside of the catchment area is still high and in effect underestimates the level of trade diverted from Ledbury stores. We remain unconvinced that convenience goods expenditure capacity exists to support the turnover of the application proposal.
- It should not be assumed that the specialist convenience shops in Ledbury will be immune from the commercial pressures of substantial additional large foodstore provision.
- We accept the additional range and quality of products that would be offered by a new Sainsbury store in Ledbury. These have to be considered against the disbenefits that could arise, in particular any disbenefits in terms of an undermining of the performance of retailers who already play a key role in supporting Ledbury's unusual and valued offer.

That the historic character and conservation area status of much of the town centre places greater weight on consideration of the implications of impact than would otherwise be the case. "

### LESS Group

With regard the comments of the LESS Group, a specific request was made by the LOTS Group to include reference to their previous petition in the report to Committee. Their reasoning for inclusion is set out in paragraph 5.12 of the Committee Report. It was considered that to refuse their request would not be

reasonable. It may be the case that some people who signed that petition are in favour of the current proposal. However, it remains reported to Members for information purposes and as set out above planning applications are not determined on some form of referendum. The Officer appraisal places no weight on this matter.

#### Other Matters

For Members information, it is understood that the vote at the Ledbury Town Council was seven Councillors supporting the proposal and seven Councillors opposing the application (2 abstentions) with the Chairman exercising his casting vote against.

There is an error within my report at paragraph 5.5. The word "Aylton" should be replaced with the word "Pixley".

#### **CHANGE TO RECOMMENDATION**

Amend reason for refusal 2 to read :-

"The local planning authority consider that the expenditure capacity and impact assessments forming part of the planning application fails to demonstrate that the proposal would not have a significant adverse impact upon the viability and vitality of Ledbury Town Centre contrary to the Central Government advice contained within Policy EC17 of Planning Policy Statement 4 and Policies S5, TCR1, TCR2 and TCR9 of the Herefordshire Unitary Development Plan 2007".

### **S113380/F - ERECTION OF TWO DWELLINGS WITH ATTACHED GARAGING AT HILLCREST, GORSLEY, ROSS ON WYE, HR9 7SW**

**For: Country Construction per Mr David Pearce, Lavender Cottage, Nettleton, Chippenham, Wiltshire, SN14 7NS**

#### **ADDITIONAL REPRESENTATIONS**

Letter from B and N Langstone, 5 Ivy House Estate, Gorsley

We would like to bring to your attention the fact there are no semi-detached house on the B4221 between Newent and Gorsley.

The need for affordable housing will be realised by the proposed development between the Council and Two Rivers Housing Association of 12 properties near the Roadmaker public house.

#### **CHANGE TO RECOMMENDATION**

There is no change to the recommendation.

### **S113513/CD - CONSTRUCTION OF CARPARK AND FOOTWAY / CYCLEWAY OFF WATERFIELD ROAD FOR THE BELMONT HAYWOOD COUNTRY PARK. AT WATERFIELD ROAD, HEREFORD, HR2 7EL**

**For: Mr Hemblade per Ms Paula Jobson, Amey, 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT**

#### **ADDITIONAL REPRESENTATIONS**

1.1 Comments from West Mercia Constabulary received as follows:

I feel that the DAS (Design and Access Statement) for this application fails to address and support crime prevention, Anti-Social Behaviour issues or the fear of crime.

I have some concerns on the management of this proposed car parking facility, in particular during late evenings and the hours of darkness when it is suggested the facility will be closed? How is the car parking going to be secured during these times, and are there going to be official seasonal opening times displayed and enforced?

A well used car parking facility can often be 'self policed' by reducing criminal opportunity due to the flow of users and the surveillance this provides.

It can also reduce the anonymity that criminals desire, and reduce the fear of crime of users. However a little used facility does not provide such benefits and crime and anti-social behaviour can flourish.

I consider it vital to the sustainability of this car park and the control of crime and anti-social behaviour that both the management and hours of opening are both clearly displayed and controlled/enforced. Signage should be clearly displayed to inform users of this and should include a telephone number/help point for damage etc to be reported.

Landscaping should be carefully selected and maintained so that areas to hide are reduced as often daylight vehicle crime is committed when the vehicle occupants are observed from close by, parking and leaving their vehicle.

As a general guide, shrubs should be minimal and not within parking areas. Shrubs should be maintained at a maximum height of 1 metre and tree canopies at a height of 2.5 metres from the ground to provide a clear through line of sight and good natural surveillance.

CCTV is omitted from the DAS. Is CCTV a consideration to be installed at this development?

1.2 A further letter has been received from Mr Brawley who identifies explicit concerns about the following:

Fly Tipping – this is already a problem and could be enhanced by convenient 24hr open access. Could be a fire and environmental hazard

Joy riders burning out cars and vans that could set fire to wooden fence and grass crete (plastic) surface

Why not re-use the lockable barriers? Why should residents act as unpaid lock openers or watch the car park?

Youths will migrate from unlit ball court to the lit car park. Potential noise from car stereos / mopeds etc

Lack of rubbish bins for users. The plastic ones in the park have already been set on fire / melted and any provided should be metal.

1.3 In response to these issues raised above and in the report the applicants (Parks and Countryside) have made the following comments:

1) The hedge will be retained which will provide a noise and visual barrier between the car park and Kestrel Road

2) The street lamp will be provided with a double head to ensure the car park is lit up during darkness. There will also be a timer switch installed which will allow it to be turned off after a certain time.

3) We will look to install a vehicular barrier if resources can be identified to lock and unlock it. Some members of the local community have offered to be key holders.

- 4) The local policing team will be requested to patrol the area regularly.
- 5) Amey Herefordshire will be requested to keep the area free of litter and empty the bins regularly.
- 6) A review will be carried out regarding the concern around the nearby existing ball park and its relationship to the proposed car park
- 7) It is proposed that 3 free standing durable (weather resistant) external bins with galvanised steel liners to be installed; 1 in the car park area and 2 along the footway/cycleway.

## **OFFICER COMMENTS**

In response to the comments made by local residents and West Mercia Police, Officers have been working with the applicants and their agents to try and answer some of these queries.

The plans have been amended to show the position of a lockable gate and provision of a double headed light (with timer). This has come in response to the objections outlined above and in the report. A condition relating to the management of the site is suggested so that the mechanisms for locking the gate can be investigated (ie community rota or other means) as well as the consideration of hours opening, signage (including position) and times of lighting.

The matter of CCTV can be explored. There is no money set aside explicitly for this within the Section 106 for the Mulberry Close development and will need to be explored through other means. It is acknowledged that this may have wider benefits in respect of the use of the Ball Park if this can be achieved.

The issues in relation to the legal route of the PROW have also been considered and I understand that the applicants will need to apply for a diversion either under the Highways Act or Town and Country Planning Act.

The matter of the potential that this car park will add to anti-social behaviour in the area has been fully considered and the recommendations of the police taken into account and plans adjusted accordingly. The proposal continues to be recommended for approval.

## **CHANGE TO RECOMMENDATION**

### *Additional Condition:*

Prior to the commencement of development a detailed management plan, that includes the following information shall be submitted to and approved in writing by the local planning authority:

- a) Hours of opening of car park
- b) Details of method and mechanism to locking / unlocking the access gate that serves the car park
- c) Hours of lighting of car park
- d) Position of and details of signs (that should include hours of operation / emergency contact details)
- e) Position of waste bins
- f) Maintenance and management of hedgerow to boundary with Car Park

The management of the car park shall be carried out in accordance with the approved plan in perpetuity.

Reason: In the interests of the amenities of the locality and to deter crime in order to comply with policies S1, DR1, DR2 and DR3 of the Herefordshire Unitary Development Plan