

AGENDA

Planning Committee

Date: **Wednesday 13 March 2013**

Time: **10.00 am**

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

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

For any further information please contact:

Ricky Clarke, Democratic Services Officer

Tel: 01432 261885

Email: rclarke@herefordshire.gov.uk

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

Agenda for the Meeting of the Planning Committee

Membership

Chairman

Councillor PGH Cutter

Vice-Chairman

Councillor BA Durkin

Councillor PA Andrews

Councillor AN Bridges

Councillor PJ Edwards

Councillor DW Greenow

Councillor KS Guthrie

Councillor J Hardwick

Councillor JW Hope MBE

Councillor MAF Hubbard

Councillor RC Hunt

Councillor Brig P Jones CBE

Councillor JG Lester

Councillor RI Matthews

Councillor FM Norman

Councillor AJW Powers

Councillor GR Swinford

Councillor PJ Watts

AGENDA

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES To approve and sign the Minutes of the meeting held on 20 February 2013.	1 - 8
5. CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6. APPEALS To be noted.	9 - 12
7. S122604/CD - LAND REAR OF WHITE HOUSE DRIVE, KINGSTONE, HEREFORD Outline application for 35 Unit Housing Scheme with associated access.	13 - 30
8. S123075/F - MORETON BUSINESS PARK, MORETON-ON-LUGG, HEREFORDSHIRE, HR4 8DS Site for B1(C) Light Industrial, B2 General Industry and B8 Storage and Distribution Uses, together with Motor Vehicle Showroom, Ancillary Nursery, Access and Associated Works.	31 - 56
9. S123545/CD - WATERFIELD ROAD CAR PARK, WATERFIELD ROAD, HEREFORD, HR2 7EL Removal of Conditions 5A and 5B of Planning Permission S113513/CD.	57 - 62
10. S123439/F - NORTHOLME COMMUNITY CENTRE, NORTHOLME ROAD, BELMONT, HEREFORD, HR2 7SP Proposed extension and installation of solar panels.	63 - 68
11. S123352/F - HFA HEADQUARTERS, WIDEMARSH COMMON, HEREFORD, HR4 9NA Proposed single storey extension.	69 - 76
12. 123519/FH - THE OLD SAWMILL, MILLFIELD, CANON FROME, LEDBURY, HR8 2TH Proposed picket fencing and gate to southern boundary, fencing to NE boundary and gate rear of parking area.	77 - 82

13. DATE OF NEXT MEETING

Date of next site inspection: 2 April 2013

Date of next meeting: 3 April 2013



The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

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

Public Transport Links

- Public transport access can be gained to Brockington via the service runs approximately every 20 minutes from the City bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point **A** which is located in the circular car park at the front of the building. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.



Where possible this agenda is printed on paper made from 100% Post-Consumer waste. De-inked without bleaching and free from optical brightening agents (OBA). Awarded the Nordic Swan for low emissions during production and the Blue Angel environmental label

HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 20 February 2013 at 10.00 am

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

Councillors: PA Andrews, AN Bridges, DW Greenow, KS Guthrie, JW Hope MBE, MAF Hubbard, RC Hunt, Brig P Jones CBE, RI Matthews, FM Norman, AJW Powers, R Preece, GR Swinford and PJ Watts

140. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PJ Edwards and JG Lester.

141. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor R Preece attended the meeting as a substitute member for Councillor PJ Edwards.

142. DECLARATIONS OF INTEREST

8. S113607/O - TIDNOR WOOD ORCHARDS, TIDNOR LANE, LUGWARDINE, HEREFORD, HR1 4DF.

Councillor DW Greenow, Non-Pecuniary, The Councillor previously grazed sheep on the land in question.

143. MINUTES

The Regulatory, Environment and Litigation Solicitor requested that the word 'would' be replaced with 'could' in the penultimate paragraph of minute number 138. One Member of the Committee requested that 'He also advised Members that a further application would be forthcoming.' Be added at the end of the first paragraph of minute number 136.

RESOLVED: That subject to the amendments detailed above, the Minutes of the meeting held on 30 January 2013 be approved as a correct record and signed by the Chairman.

144. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised the Committee that Councillor J Stone had presented him with a petition relating to solar panels within his ward prior to the meeting and that this would be handed to the Head of Neighbourhood Planning for an appropriate response.

The Head of Neighbourhood Planning advised Members that the appeal in respect of the former Pomona Works site had been received and was due to be determined by a public enquiry. He requested volunteers from the Committee to attend the appeal and help set out the Committee's reasons for refusing the application. Councillors DW Greenow and MAF Hubbard agreed to attend the enquiry.

145. APPEALS

The Planning Committee noted the report.

146. ENFORCEMENT REPORT

The Development Manager (Enforcement) presented a report relating to planning enforcement action undertaken throughout the County between 1 April 2012 and 30 September 2012.

One Member of the Committee felt that it would be beneficial to establish closer working links between the enforcement section and Councillors. It was considered that this would be advantageous in dealing with contentious ward issues as well as whilst formulating planning policy.

Members also discussed the time taken for enforcement action to be taken. It was noted that there were applicants who would avoid enforcement action in respect of landscape planting conditions by avoiding undertaking any planting until such a time that the weather made it unreasonable to enforce the condition. It was however further noted that the policy was currently being amended and the revised policy would include deadlines for actions.

In response to a question about the 10 year and 4 year rules regarding planning enforcement, the Team Leader advised that the policy had recently been amended in the case of developments which had been deliberately hidden from the Council. He added that the Council now had a year to take action in these such cases.

RESOLVED

That the report be noted.

147. S113607/O - TIDNOR WOOD ORCHARDS, TIDNOR LANE, LUGWARDINE, HEREFORD, HR1 4DF.

The Development Manager (Hereford and Southern Localities) 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, Dr Dowling, a local resident, spoke in objection to the application and Mr Davies, representing Bartestree and Lugwardine Group Parish Council, spoke in support.

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

- The Committee had visited the site previously in July 2012.
- Both speakers had expressed their views well and their comments should be noted.
- The application was a balance between the policy and the needs of a small local business.
- Some of the orchard was extremely rare, other parts were not.
- The applicant was keen to have a regulated site where visitors would attend on an appointment basis.
- The application was against policy but needed to be 'weighed up' against the impact it would have and the needs of the business.

Two Members of the Committee opened the debate by speaking in support of the application. They noted that the apple was iconic to the county and that the preservation

of the orchard was key in determining the application. The two members both felt that rural enterprise should be supported and that the proposed dwelling was modest in size. In moving approval of the application it was considered that an agricultural tie condition and a long term ecology plan would be two necessary conditions. The use of a wet system for the drainage on the site was also proposed.

The Head of Neighbourhood Planning addressed the Committee in respect of the key policy issues required for consideration in determining the application. He advised Members that the policy supported orchards and their protection through biodiversity action plans. However the policy stated that it needed to be essential for the proper functioning of the business for residents to be there at all times, as the application related to 25 acres of orchards he did not feel that this policy requirement had been met especially as it was noted in the report that the applicant did not make the cider.

Another Member of the Committee spoke and said that he would like to support the application as he wanted to support small local businesses, however he considered that it would be irresponsible for the Committee to grant planning permission at this time. He advised Members that Community Interest Companies operated in a number of different ways with some paying dividends to shareholders, some also operated under an 'asset lock' basis. He requested further clarification in respect of the enterprise being considered. In summing up he had concerns in respect of the financial history presented by the applicant and questioned whether there was a long term genuine need for a dwelling on the site.

Other Members discussed the application and agreed that the essential need test had not been met. They also had concerns in respect of the previous accounts submitted by the applicant and respectfully considered that the accounts did not support the case for a dwelling on the site.

In response to a number of points raised, the Development Manager advised that the management plan stated that the company was subject to an asset lock and that if the Community Interest Company was mismanaged then it could only be sold on to another CIC or charity.

The debate continued with further members speaking both in support and in objection to the application. Some considered that the dwelling would not have a detrimental impact on the orchard and would go a long way to protecting the orchard in years to come whereas others considered that granting the application would open the floodgates to a number of similar applications on small plots of agricultural land. The issue of the essential need for a dwelling was considered at length, the majority of speakers on the subject considered that, at the current time, the essential need test could not be met.

Members also discussed the protection of the orchard. The Development Manager advised that at present the orchard was not protected and that it could be felled at any time. He added that if there was a need for a dwelling on the site the protection of the orchard could be addressed through an appropriate condition, however he added that he had reservations as to whether a condition would offer the level of protection required by the Committee.

Councillor Greenow was given the opportunity to close the debate. He reiterated his opening remarks and made additional comments, including:

- It was right that the application should come before the Planning Committee for determination as it was finely balanced.

The Head of Neighbourhood Planning set out the reasons for approval which had been put forward by the Committee. A motion to approve the application failed and the resolution as set out below, as recommended by officers in the report, was agreed.

RESOLVED

That planning permission be refused for the following reasons:

- 1. In the absence of any exceptional circumstances demonstrating that there is an essential need for a full time and permanent residential presence on the site, the erection of a dwelling in this isolated rural location would represent unwarranted and unsustainable development that would be contrary to Policies S1, H7 and H8 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**
- 2. In the absence of any exceptional circumstances justifying the introduction of a dwelling in this location, its siting, design and layout would result in harm to the character and appearance of the site and the surrounding locality. The unwarranted erosion of this attractive landscape which also forms part of an Unregistered Park and Garden would be contrary to Policies LA2 and LA4 of the Herefordshire Unitary Development Plan.**
- 3. In the absence of any exceptional circumstances justifying the introduction of a dwelling in this location, its siting would result in harm to the biodiversity value of the site through the loss of trees and associated habitat. The unwarranted and unmitigated loss of orchard habitat would be contrary to Policies NC1, NC6, NC7 and NC8 of the Herefordshire Unitary Development Plan.**

148. S123313/FH - TALBOTS BARN, THE LINE, LINTON, ROSS ON WYE, ROSS-ON-WYE, HR9 7RU.

The Development Manager (Hereford and Southern Localities) gave a presentation on the application. He advised the Committee that the application had been bought before them as it had been submitted by a member of staff employed within the planning department.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B02 Development in accordance with approved plans and materials**
- 3. F07 Domestic use only of garage**
- 4. F08 No conversion of garage to habitable accommodation**
- 5. F13 Restriction on separate sale**

Reason for Approval

- 1. The application represents an extension and alterations of acceptable size, scale and form which are in keeping with and subservient to the original dwelling and its character as a converted agricultural building, resulting in no adverse impact upon adjoining residential amenity or the character and**

appearance of this open countryside location. Furthermore the proposal is considered to satisfy Herefordshire Unitary Development Plan policies S1, S2, DR1, DR2, H18 and HBA13 and the requirements of the National Planning Policy Framework.

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

149. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 11.10 am

CHAIRMAN

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.

S113607/O - PROPOSED THREE BEDROOM DETACHED AGRICULTURAL DWELLING AT TIDNOR WOOD ORCHARDS, TIDNOR LANE, LUGWARDINE, HEREFORD, HR1 4DF

For: Mr Henry May, Knockmoyle, Strone, Dunoon, Argyll, PA23 8TB

ADDITIONAL REPRESENTATIONS

The applicant has submitted a written address that has been circulated to Planning Committee Members.

Since the publishing of the agenda Natural England has completed the HRA Screening of the proposal and has concluded that subject to strict adherence to the commitment to installing an upgraded private package treatment works, there would be no likely significant effects on the River Wye SAC.

OFFICER COMMENTS

In relation to the applicant's written address it should be noted that Tidnor Wood Orchards is not a designated Local Nature Reserve.

CHANGE TO RECOMMENDATION

Omit reference to the outstanding Natural England input.

MEETING:	PLANNING COMMITTEE
DATE:	13 MARCH 2013
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not a key decision

Recommendation

That the report be noted

APPEALS RECEIVED

Application 122729/FH

- The appeal was received on 7 February 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mrs Janet Dunn
- The site is located at The Hop Barn, Hope House Lane, Stanford Bishop, Herefordshire, WR6 5TZ
- The development proposed is a single storey extension.
- The appeal is to be heard by Householder Procedure

Case Officer: Mr M Tompkins on 01432 261795

Enforcement Notice EN2012/001769/ZZ

- The appeal was received on 6 February 2013
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr & Mrs Poultney
- The site is located at The Old Rectory, Boat Lane, Whitbourne, Worcester, Herefordshire
- The breach of planning control alleged in this notice is:
 - Without planning permission, change of use of land from a single dwelling house to a mixed use for holiday accommodation and function venue.
- The requirements of the notice are to cease the use of the premises as a function venue
- The appeal is to be heard by Hearing

Case Officer: Mrs S Kinnersley on 01432 261933

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

Application 121554/F

- The appeal was received on 15 February 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Ms C Rout
- The site is located at former Pomona Works, Attwood Lane, Holmer, Hereford
- The development proposed is the demolition of existing building and erection of 34 houses and garages
- The appeal is to be heard by Inquiry

Case Officer: Ms K Gibbons on 01432 261781

Application 122500/F

- The appeal was received on 22 February 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mrs S Parkinson
- The site is located at land adjacent to, 8 Llanwey Close, Old Eign Hill, Hereford
- The development proposed is a new dwelling and gardens with new access onto highway.
- The appeal is to be heard by Written Representations

Case Officer: Mr E Thomas on 01432 260479

Application 122497/F

- The appeal was received on 26 February 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against non-determination
- The appeal is brought by Mr David Thomas
- The site is located at land at Green Lane Cottage, Green Lane, Yarpole, Leominster
- The development proposed is the demolition of existing detached house and erection of five, two storey detached houses, together with new vehicular access, private drive, parking areas and garages
- The appeal is to be heard by Written Representations

Case Officer: Mr A Banks on 01432 383085

Application 121535/F

- The appeal was received on 27 February 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal is brought by Mr Alan Preece
- The site is located at mobile home Little Edwards, Newton, St Margarets, Vowchurch, Herefordshire, HR2 0QG
- Removal of condition 1 of planning permission DCSW2006/1699/F (upheld at appeal): For a permanent site for a mobile home.
- The appeal is to be heard by Written Representations

Case Officer: Miss L Hughes on 01432 260141

APPEALS DETERMINED

Application No. 120897/F

- The appeal was received on 5 September 2012
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by D Mason, M Forder & A Chadd
- The site is located at 49,51,53 Barton Road, Hereford, HR4 0AY
- The application dated 22 March 2012 was refused on 16 May 2012
- The development proposed was proposed first floor balconies.
- The main issue was:
The effect that the development would have on the living conditions of the occupiers of the adjoining properties with regard to any loss of privacy from overlooking and any noise and disturbance that might arise from use of the balconies proposed

Decision:

- The application was refused, under Delegated Powers, on 16 May 2012
- The appeal was dismissed on 18 February 2013.

Case Officer: Mr M Lane on 01432 260474

Application 113564/F

- The appeal was received on 19 October 2012
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Nigel Braithwaite
- The site is located at Garden of the Bull Ring Inn, Kingstone, Hereford, HR2 9HE
- The application dated 18 December 2011 was refused on 16 May 2012
- The development proposed was the change of use of the garden from use class A4 drinking establishment to Use Class C3 Dwellinghouses, construction of 2 new dwellings and a public footpath.
- The main issues were:
The availability of a Community Facility
The safety of users of the highway with regard to the visibility that can be achieved at the proposed site entrance

Decision:

- The application was refused by Committee, contrary to Officer recommendation, on 16 May 2012
- The appeal was Dismissed on 20 February 2013
- An application for the award of costs, made by the Appellant against the Council, was allowed

Case Officer: Mr A Prior on 01432 261932

Application 121952/J

- The appeal was received on 5 October 2012
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of TPO Application
- The appeal was brought by Mr William Mason
- The site is located at Lodge Bungalow, Lugwardine Court, Lugwardine, Hereford, HR1 4AE
- The development proposed was Fell 1 x Yew Tree
- The main issues are:
 - The effect of the felling the Yew on the character and appearance of the surrounding area,
 - Whether the reasons given for felling the tree justify that course of action

Decision:

- The application was refused under delegated powers on 23 August 2012
- The appeal was Dismissed on 20 February 2013

Case Officer: Ms J Wheatley on 01432 260157

Application 113263/L

- The appeal was received on 3 August 2012
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Listed Building Consent
- The appeal was brought by Mr Robert Garner
- The site is located at St Andrews Mead, Allensmore, Herefordshire, HR2 9AG
- The development proposed was the installation of photovoltaic panels on South facing roof.
- The main issue is whether the works preserve the special architectural or historic interest of this Grade II Listed Building

Decision:

- The application was refused under Delegated Powers on 28 March 2012
- The appeal was dismissed on 28 February 2013

Case Officer: Mr A Prior on 01432 261932

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



MEETING:	PLANNING COMMITTEE
DATE:	13 MARCH 2013
TITLE OF REPORT:	<p>S122604/O - OUTLINE APPLICATION FOR 35 UNIT HOUSING SCHEME WITH ASSOCIATED ACCESS AT LAND REAR OF WHITE HOUSE DRIVE, KINGSTONE, HEREFORD</p> <p>For: Bayhill Property Developments Ltd per Quattro Design Architects Ltd, Imperial Chambers, Longsmith Street, Gloucester, Gloucestershire, GL1 2HT</p>
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=122604&NoSearch=True

Date Received: 15 September 2012 **Ward: Valletts**

Grid Ref: 342335,235900

Expiry Date: 10 January 2013

Local Member: Councillor JF Knipe

FURTHER INFORMATION REPORT

Background

This application was reported to Planning Committee on 30 January 2013.

At the conclusion of the debate it was apparent that the Committee appeared minded to refuse permission, contrary to the officer recommendation. In this regard, officers' in respect of this particular application, were concerned that such a decision could be difficult to defend if challenged. Consequently the determination of the application was deferred for this Further Information Report in accordance with the provisions of paragraph 5.12.10.4 of the Council's Constitution

In summary, the Planning Committee appeared minded to refuse permission for the following reasons:-

- The development/location was not sustainable
- The density was too great
- The local infrastructure was lacking/deficient
- The access and highway network was unsuitable

This Further Information Report focuses upon these main issues of concern.

Sustainability

Kingstone is identified as a main village in Policy H4 of the Herefordshire Unitary Development Plan (UDP). At that time the assessment as to whether a settlement could be considered to be a main village was based on an assessment of its size, accessibility, the availability of services and employment opportunities. Kingstone is a relatively large settlement in terms of its population, has a range of facilities which include a shop/Post Office, public house, junior and senior schools and has local employment opportunities within or adjoining the parish boundary shared with Madley. Kingstone

Further information on the subject of this report is available from Andrew Prior on 01432 261932

also has transport connections to Hereford and the Golden Valley including access to a bus service. Kingstone remains a suitable and sustainable location for additional development.

The policies of the UDP should now be read in conjunction with the NPPF which sets out national planning policy and this is a key element in the determination of this application. The NPPF provides detailed guidance on the delivery of sustainable development. Paragraph 6 of the NPPF requires the planning system to 'contribute to the achievement of sustainable development'. The policies in paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Whilst currently the UDP remains as adopted planning policy it is not consistent with the NPPF in terms of the supply of land for housing. Paragraph 49 of the NPPF provides that there is a presumption in favour of sustainable development. It also states that policies in development plans concerned with the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply.

Further Paragraph 14 of the NPPF states that where relevant policies are out of date planning permission should be granted unless '*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*' when assessed against the NPPF as a whole.

In essence what this means is that given the absence of the necessary supply of housing land any proposed development which otherwise accords with the NPPF should be granted planning permission.

There is no doubt in planning policy terms that, Kingstone, in principle, is an appropriate location for additional development given its size and the range of services it contains or is reasonably close to. This particular site was assessed in the Strategic Housing Land Availability Assessment (SHLAA) in which it was concluded that it could be integrated into the current settlement. This remains the case and the development proposed will in the opinion of Officers have no discernible landscape impact, will not adversely harm the amenity of existing dwellings, will not have an unacceptable traffic impact nor will it place an unreasonable strain on infrastructure. The proposed S106 Agreement provides for the impacts to be mitigated and includes the delivery of much needed affordable housing in accordance with Policy H9 of the UDP.

The development is considered to comply with the policies of the NPPF and it is considered that to refuse the application on the basis that it is not sustainable would be extremely difficult to defend if challenged.

Density

The application site is 1.18 hectares in area and it is proposed to erect 35 dwellings. Policy H15 of UDP requires new development to achieve a density of at least 30 dwellings per hectare. The proposal site provides a rate of fractionally under 30 dwellings a hectare which, whilst not in full compliance with the policy, is considered to be an appropriate density whilst providing for an efficient use of the land. The proposal is considered to be consistent with the density of other residential development in the locality. Therefore it is not considered that a refusal reason based upon the density of the scheme proposed could be defended if challenged, on the basis that it accords with Policy H15 of the UDP and the NPPF.

Foul drainage

Welsh Water has not objected to the proposal confirming that the provision of suitable upgraded drainage infrastructure would not be available until 1st April 2015. There is reasonable certainty that this upgraded infrastructure will be in place to accommodate the proposed new development and as such it would be entirely appropriate to impose a Grampian condition to ensure that the necessary works were in place prior to the first occupation of the dwellings.

The wording of the proposed condition accords with the Circular advice on the use of conditions and effectively provides control over the delivery of housing alongside Welsh Water's commitment to upgrade the Waste Water Treatment Works. The proposed condition reads as follows:

"None of the dwellings hereby permitted shall be occupied until the Waste Water Treatment Works, into which the development shall drain has been upgraded. On being advised of the completion of the upgrading of the Works the Local Planning Authority will issue notice that the development can be occupied.

Reason: To prevent the overloading of the Waste Water Treatment works and pollution of the environment and to comply with Policy CF2 of Herefordshire Unitary Development Plan 2007"

The proposed condition would address the concern about potential overloading of the existing facilities and, on the basis of the comments received from Welsh Water, or any evidence to the contrary, it would be difficult for the Council to defend a reason for refusal on this technical issue were the decision to be challenged.

Access

This issue was raised in relation to additional traffic using the local road network and in particular the poor visibility onto the B4349 road. Traffic from the development would access the B4349 through White House Drive and the Transportation Manager's advice is that the access point at the junction of White House Drive and Church Road provides sufficient visibility in both directions and that traffic approaching from the south west would be slowed by the bend in the road. In addition, the advice is that the local road network can accommodate the additional traffic without detriment to highway safety. In the absence of any technical evidence to the contrary, it is considered that a reason for refusal based upon the insufficient capacity or highway safety would be extremely difficult to defend if challenged.

Lack of employment opportunities

This issue links to the sustainability section set out above. Kingstone does benefit from reasonable accessibility to local employment opportunities in and around the village and close by in Madley. However the perceived deficiency in employment opportunities should not be a factor in itself for resisting development of this site. The application should be considered as being sustainable (or not) in accordance with the provisions of the NPPF unless, '*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*'. The benefit of providing housing adjoining a main village that would in turn contribute to meeting the current under provision of housing supply for the county as a whole cannot be reasonably set aside on the basis that there is a perceived shortfall in employment opportunities in the immediate locality. The benefits are considered to outweigh the impact of the development.

Conclusions

The following can be concluded from the above:-

- The Council does not have a 5 year supply of housing land and consequently the UDP in terms of its provision for housing is out of date.
- The development conforms to the NPPF as it promotes housing in a sustainable location
- The highway network has the capacity to accommodate the additional traffic without detriment to road safety
- There is currently a deficiency in foul drainage capacity but this is to be remedied and can be controlled by an appropriate condition
- The development will not impact adversely on the adjoining dwellings nor on the landscape
- Other impacts from the development can be mitigated by a S106 Agreement

As set out in the conclusions given the current policy context there is significant weight in support of the grant of planning permission. The concerns of the Committee are acknowledged but it has not been possible to identify reasons for refusal that would potentially be defensible were a decision to refuse planning permission to be challenged

Monitoring Officer Advice

When determining the application, as a matter of law, the Council should not have regard to matters which are not material planning considerations. To do so, and to refuse permission based on such reasons, could leave the Council open to complaint, and to an adverse costs award at appeal

UPDATED OFFICER REPORT

1. Site Description and Proposal

1.1 The site comprises 1.18 hectares of undeveloped agricultural land immediately adjoining the western side of White House Drive from which access is proposed to be gained and immediately north of residential development along the southern side of the gently undulating site. There are no trees on the site and the only vegetation is well maintained hedgerows on the north western boundary of the site and along the north western boundary of the site.

1.2 The site lies adjacent to the settlement boundary which is provided by the rear garden and western boundary of properties in White House Drive and by the northern boundary of Green Lane. Therefore, the site falls within open countryside in planning policy terms.

This is an outline planning application that is seeking to establish the principle of erecting 35 dwellings. The means of access, siting and layout is to be determined as part of this submission. In the event that planning permission was granted a further application would need to include details relating to external appearance and landscaping.

1.3 23 dwellings will provide private housing and the remaining 12 dwellings will provide social housing. The private housing will comprise 7 no., 2 bedroom dwellings, 6 no. 3 bedroom dwellings of two different house types and 10 no., 4 bedroom houses again comprising two house types. The affordable housing will comprise a two storey block of building providing 4 no. 1 bedroom flats, 6 no. 2 bedroom houses, 1 no. 3 bedroom dwelling and a single 4 bedroom dwelling. The dwellings will be accessed off the north western end of White House Drive between two dwellings 17 metres apart. Four detached dwellings will continue the line of detached dwellings on White House Drive before the access road turns at 90 degrees and leads south westwards and slightly down slope towards properties and private allotments in Green Lane. Detached and semi-detached properties will be erected along both sides of the new access road. The affordable housing will be provided on the south western area of the inverted 'L' shaped site. An unequipped open space area is proposed on the eastern boundary of the site.

1.4 The traffic leaving the proposal site will travel south eastwards to the junction with Church Road (C1221), which is the main thoroughfare in this part of Kingstone. It joins the B4349 road to the north and the B4348 road to the south, adjoining the Bull Ring public house.

1.5 A Draft Heads of Terms Agreement was submitted with the application. This has been developed further and has been the subject of consultation with the Parish Council.

1.6 The application was the subject of pre-application discussion at a public meeting early in 2012.

1.7 This application was accompanied by a Planning Statement, Design and Access Statement, Landscape and Visual Statement, Waste Minimisation Statement, Transport Statement, Flood Risk Assessment and Biodiversity Appraisal.

2. Policies

2.1 National Planning Policy Framework

The following sections are of particular reference:

- Introduction - Achieving sustainable development
- Section 6 - Delivering a wide choice of high quality homes
- Section 7 - Requiring Good Design
- Section 8 - Promoting healthy communities
- Section 11 - Conserving and enhancing the natural environment

2.2 Herefordshire Unitary Development Plan (UDP)

- S1 - Sustainable Development
- S2 - Development Requirements
- S3 - Housing
- S6 - Transport
- S7 - Natural and Historic Heritage
- S8 - Recreation, Sport and Tourism
- S11 - Community Facilities and Services
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR4 - Environment
- DR5 - Planning Obligations
- DR7 - Flood Risk
- H7 - Housing in the Countryside Outside Settlements
- H9 - Affordable Housing
- H10 - Rural Exception Housing
- H13 - Sustainable Residential Design
- H15 - Density
- H16 - Car Parking
- H19 - Open Space Requirements
- LA2 - Landscape Character
- LA3 - Setting of Settlements
- LA6 - Landscaping Schemes
- NC1 - Biodiversity and Development
- NC8 - Habitat Creation, Restoration and Enhancement
- T6 - Walking
- T7 - Cycling
- T8 - Road Hierarchy
- T11 - Parking Provision
- RST4 - Standards for Outdoor Playing and Public Open Space
- W11 - Development and Waste Implications
- CF2 - Foul Drainage

2.3 Supplementary Planning Documents

- Landscape Character assessment
- Planning Obligations
- Design

Further information on the subject of this report is available from Andrew Prior on 01432 261932

Biodiversity and Development

2.4 Other Guidance

Strategic Housing Land Availability Assessment
Annual Monitoring Report
Urban Fringe Sensitivity Analysis

2.5 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

3.1 None identified.

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water

Welsh Water state that the proposed development would overload the existing Water Treatment Works. However, improvements are planned for completion by 1 April 2015

Welsh Water offer a condition to safeguard the security of service to customers and the protection of the environment

'No buildings on the application site shall be brought into beneficial use earlier than 1st April 2015, unless the upgrading of the Waste Water Treatment Works, into which the development shall drain, has been completed and written confirmation of this has been issued by the Local Planning Authority.

Reason: To prevent overloading of the Waste Water Treatment works and pollution of the environment'.

Welsh Water also recommend that in the event of planning permission being granted standard conditions are attached to the planning permission in respect of the separation of foul water and surface water discharges

Welsh Water also state that new legislation makes it mandatory for developers to obtain an adoption agreement, in relation to any connection to the public sewerage system.

As regards Water Supply, this can be made available; however the developer may be required to contribute under Sections 40-41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site water mains and associated infrastructure.

4.2 Environment Agency has no objections as the site is within Flood Zone 1, the Low Risk Zone. The Environment Agency recommends seeking advice of Council's Land Drainage team.

Internal Council Advice

4.3 Transportation Manager has no objections subject to appropriate conditions

- 4.4 Conservation Manager (Landscape): The landscape character type is principal settled farmlands. The Landscape and Visual Assessment (LVA) follows recommended standards. It demonstrates that the landscape character has informed the design process. The Landscape Officer confirms that apart from well maintained field hedgerows, there are no obvious landscape features. The proposal will also retain the character and integrity of Kingstone, there will be a change in view points these will not though necessarily be negative ones.
- 4.5 Conservation Manager (Ecology): No objections are raised. There are opportunities for habitat protection and enhancement which would need to be the subject of a submitted scheme prior to commencement of works on the site.
- 4.6 Housing Manager: Support. Tenure split is acceptable, being social rent. The unit sizes meet the requirements of Lifetime Homes. The affordable units will need to be built to the minimum code for Sustainable Homes level 3
- 4.7 Parks and Countryside Manager states that the contributions towards play space for both young and older children is needed given that no provision is made on the site. It is though acknowledged that Kingstone is well served with existing facilities. Nevertheless, given Policy H19 of UDP requires provision for play space for sites of between 30 to 60 dwellings.
- 4.8 Land Drainage Officer states that the Flood Risk Assessment is comprehensive and all aspects of flooding and drainage have been considered for this stage.

5. Representations

- 5.1 Kingstone Parish Council state: Following housing development proposals of 30 homes as an extension to White House Drive and 150 houses opposite Kingstone Surgery the Parish Council organised an open meeting on 30 May 2012.

94 residents attended and 12 sent email comments.

A summary of the comments specific to White House Drive were:

- a) 84% were against the 30 houses (now 35 houses)
- b) majority thought this proposal too large and that Kingstone should have no more 60 houses built with the 20 year scale of the Local Development Plan
- c) affordable houses should not be more than 25% (preferably less) of any development to bring Kingstone currently at 30%, in line with the County average of 15%
- d) these proposals far exceed the local housing requirement identified in the last housing survey of 7 affordable homes
- e) there is no local employment so these homes will just add commuters to the daily Belmont Road traffic jam twice a day
- f) there is no gain to the village whatsoever from this proposal
- g) there is general concern about utility services coping with this increase in particular the sewage system is known to be overloaded. It has been stated that the utility infrastructure would not cope with further housing particularly as further housing planned for Madley will use this overloaded structure
- h) is White House Drive and the C1221 road junction suitable for the large increase in traffic?

About 30 residents attended the last Parish Council meeting on the 14 November and again re-iterated their opposition to this housing proposal. There was a specific complaint that one of the new houses was shown very close to the garden of 21 Green Lane. This could be avoided by realigning the houses so that the back gardens abutted the existing property.

The Parish Council therefore recommends that this application be rejected.

5.2 69 letters of objection have been received. In summary the points raised are as follows:

- Greenfield site, brown field sites should be developed first. Contrary to Policies S3, H13 and HBA9 of UDP.
- Loss of valuable open space. Village needs green heart
- Village not a town
- Loss of privacy
- Loss of light
- Loss of outlook
- Nearby house very wide and as tall.
- Light pollution from parking area
- Three –storey house dominates our property
- Understand covenant on land restricting development
- Enough affordable housing
- No provision for elderly i.e. bungalows
- At public meeting led to believe would be 15 dwellings
- Discrepancy in stated parking spaces is it 63 or 72?
- Additional traffic, 70 %
- Junction onto Church Road has very poor visibility particularly to right. Exacerbated by no footpaths
- Increase traffic on Whitehouse Drive a danger to this existing cul-de sac, particularly to children
- Poor junctions onto B4348 road at Dews Corner and onto Allensmore/Peterchurch junction
- Belmont Road cannot take any additional traffic. South of city experiencing major hold ups now, deterring people moving to Kingstone and beyond (empty properties in village)
- Not the employment as stated, by applicant, in village. New residents will inevitably commute
- Question of capacity of school and surgery to take additional population.
- Land acts as natural drain now, won't when covered over.
- Question capacity of sewage works also used by Madley, which has 19 dwellings approved recently at Madley. Sewerage is old and failing
- Understood water brought from Wormelow to lagoon to serve village
- Hedgerow will not screen site
- Will devalue properties
- More policing required. Who pays?
- Definition of affordable housing?
- No Section 106 money going to community.
- Are these sweeteners for further development?
- Development to rear of Hawthorn Rise refused by Council similar as for this site.
- See copy of letter from Andrew Mitchell MP, self-explanatory
- Affordable houses will make private dwellings difficult to sell.

5.3 The consultation responses can be viewed on the Council's website by using the following link:-

www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:-

www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

6.1 The key considerations in the determination of this application are as follows:

- 1) The Principle of the Development
- 2) The NPPF and Housing Land Supply

- 3) Landscape Impact
- 4) Layout and Design
- 5) Highways Matters
- 6) Infrastructure
- 7) Other Matters
- 8) Conclusion

The Principle of Development

- 6.2 The site falls outside of the settlement boundary for Kingstone as defined by the Herefordshire Unitary Development Plan (UDP) and therefore falls within open countryside. New residential development in the countryside can be permitted where it satisfies one of the exceptions within UDP Policy H7 such as for a dwelling for a key worker or possibly entails the conversion of a suitable rural building. Policy H10 does allow for exceptional affordable development where it adjoins an existing settlement boundary, such as in this instance. However, it is necessary to consider whether or not there are any other material planning considerations.
- 6.3 The Core Strategy is not sufficiently advanced to be given due weight in the consideration of this application, in any case there are no specific policies or proposals that relate to this particular site. The National Planning Policy Framework (NPPF) came into force in March 2012. Paragraph 215 of the NPPF clarifies that due weight can still be given to the relevant UDP policies for a period of 12 months from the date of adoption of the NPPF providing those policies are broadly consistent with the NPPF.

The NPPF and Housing Land Supply

- 6.4 At the heart of the NPPF is a general presumption in favour of sustainable development and applications for housing should be considered in this context. The NPPF requires that local planning authorities should identify a rolling five year supply of deliverable housing land to ensure choice and competition in the market. Additionally, the NPPF requires an additional buffer of 5% (increased to 20% if a planning authority has persistently under delivered housing land). On the basis of the evidence available to date, it is considered the requirement for a 5% buffer is applicable to Herefordshire.
- 6.5 Earlier this year, the Council published its Annual Monitoring Report (AMR) which monitors housing land availability. Based on the AMR figures, the Council currently has a shortfall of 216 units which equates to a 4.6 year supply. This shortfall also does not account for the requirement to maintain the additional 5% buffer which would amount to a further 140 units. The data collection for the 2011/2012 period has commenced and this will provide a more up to date land supply position but it is not anticipated that the shortfall will have decreased.
- 6.6 Paragraph 49 of the NPPF stipulates that relevant policies concerning the supply of housing land should not be regarded as up to date if a five year land supply cannot be demonstrated. In view of this, there is a requirement to release further land for housing that is deliverable within the next five years and is sustainable. There remains a requirement for the development to accord with other relevant UDP policies and NPPF guidance but in terms of the principle, if the development is acceptable in all other respects, the conflict with UDP Policy H7 is not a reason for refusal of the application that could be sustained.
- 6.7 This position was also endorsed by the Council's Cabinet on 12 July 2012. The agreed process for considering proposals of this nature being that with larger developments, the focus should be on sites that have been identified as having low or minor constraints in the Strategic Housing Land Availability Assessment unless it can be demonstrated that the location is sustainable and appropriate for additional housing development and the environmental and other impacts of the development are acceptable.

Landscape Impact

- 6.8 The site has no statutory landscape designation but is classified as Principal Settled Farmlands in the Council's adopted Landscape Character Assessment Supplementary Planning Document. This roughly triangular area of land does not have notable landscape features, the main contribution being the existing well maintained hedgerows. The proposals for additional boundary planting, street trees and shrub planting will provide a well integrated development layout as confirmed by the Conservation Manager (Landscape)
- 6.9 The major impact will continue to be the large extent of post Second World War housing to the east and south of the proposal site. The major impact will be given the topography of the site this backdrop of modern houses. The landscape appraisal confirms that from distant views particularly from the west and north-west the impact of the new development is mitigated by established trees around the playing field to the north and by intervening buildings. This is a matter though that will need to be the subject of a reserved matters application. Therefore, it is not considered that the proposal will have an adverse impact in the landscape and therefore the proposal accords with Policy LA2 of UDP.

Layout and Design

- 6.10 The proposal provides a housing scheme with a mix of housing types, detached semi-detached, a terrace together with a building providing flats on two floors. The layout will integrate well with the existing adjoining White House Drive by providing a continuation along the northern boundary of the site. These dwellings will utilise a backdrop of trees and hedgerows. The private dwellings on the northern end of the site are reasonably well spaced and have satisfactory areas of private garden. There is considered to be sufficient spacing between properties which adjoin White House Drive such that acceptable levels of privacy are maintained in accordance with Policies DR1 and SH13 of UDP.
- 6.11 Plots 10 and 11 which will adjoin private allotments and the rear boundaries of properties in Green Lane will not have an adverse impact on the amenity of adjoining residents. However, plot 17 which is a 4 bedroom dwelling over 8 metres in height is in the south western most dwelling close to a boundary with a property in Green Lane. This dwelling type has been swapped for one which is not as tall or wide and on this basis it is considered the submitted layout can be supported.
- 6.12 The layout is not regimental and with the proposed public open space on the eastern side of the development adjoining properties in White House Drive, the new dwellings will be laid out such that privacy between new properties and existing properties around the site is maintained.

Highways Matters

- 6.13 This is considered to be one of the major issues raised in objections received from local residents and The Parish Council. The primary issue is considered to relate to the junction of White House Drive and Church Road, which is a class III road. It is considered that given the visibility achievable and the configuration of the classified road, which slows traffic approaching from the right or south west the available visibility in both directions is satisfactory. Reference has also been made to additional traffic joining the two class II roads to north and south of Church Road and to increasing traffic in general on the Belmont Road. It is considered that the increased movement of traffic on local roads albeit on class II roads is not a factor that outweighs the primary objectives of national government advice of providing sufficient numbers of sustainable development across the country.
- 6.14 A discrepancy has been highlighted in some representations received relating to the number of parking spaces cited in the Transport Statement and the number identified in the application

form and submitted plans. This has come about primarily as the higher figure includes garage spaces and the lower one includes only spaces around the site. The provision of integral garage spaces will together with the provision of visitors spaces bring the level of parking, as stated on the application form to 74 spaces which includes 3 visitors spaces and an average of just over 2 spaces per dwelling which is considered to be acceptable and therefore accordance with Policy DR3 of UDP. This parking provision is also considered to be acceptable by the Traffic Manager.

- 6.15 The Traffic Manager is seeking slight re-alignments to the new road together with give way signage and appropriate lighting at the junction of Church Road and White House Drive; these are matters that can be addressed by a Section 38 Agreement with the Highway Authority and developer.

Infrastructure

- 6.16 Welsh Water has confirmed there is not the capacity for these additional dwellings until 2015. It is a matter that has also been referred to in representations received from the Parish Council and local residents. However, Welsh Water state that improvement works which are on going will make it possible after April 2015 for the developer to utilise these sewage works. There would also be an option for the developer to contribute towards funding the works needed. A Grampian style planning condition will need to be attached to any planning permission granted. Therefore, although Welsh Water confirm that works are required to enable the development to proceed, they have not objected and accordingly this proposal accords with Policy DR4

Housing mix

- 6.17 Although, this has not been the subject of representations received, it is considered that the mix and style of dwellings submitted for the general housing market is acceptable as regards the mix of four bed units and smaller three and two bedroom units.
- 6.18 Twelve units will be affordable dwellings. Nine will be made available for social rent and three for intermediate tenure occupation. The Strategic Housing Officer supports the number and tenure of the affordable units, four of which are one bedroom flats. Representations have been received relating to a perceived over provision of affordable housing. However, the provision of such housing needs to be placed in the context of other settlements that have not brought affordable housing. Issues of devaluing existing housing stock by providing affordable provision do not provide a justified or sustainable planning policy objection for not providing such development which is a requirement of not only UDP policy but also in the National Planning Policy Framework.

Section 106 Agreement

- 6.19 A Section 106 Heads of terms is appended to this report. This provides for contributions towards the provision of new and enhanced community infrastructure in line with the adopted Planning Obligations Supplementary Planning Document. This includes monies towards education, new highway and sustainable transport, enhancement of existing off site play facilities, library contribution and improvements to waste and recycling provision.

Flood Risk

- 6.20 Both the Environment Agency and the Council's Land Drainage Officer confirm that the site is not at risk of flooding, which is an issue raised in representations received. Therefore, the site is capable of development in accordance with Policy DR7 of UDP.

Biodiversity

- 6.21 The proposal site which is used for grazing is not one rich in biodiversity as confirmed by the Planning Ecologist. There are though opportunities for habitat enhancement with additional hedgerow and tree planting on the western boundary of the site. These are matters though that can be addressed by attaching a planning condition requiring details of habitat protection and enhancement before any works commence on site. Therefore, the proposal accords with Policies NC1 and NC4 of UDP.

Play Facilities

- 6.22 The scheme whilst not providing an equipped play area does provide an open space area. This is though compensated for by contributions within the remit of the Draft Heads of Terms towards on going projects in Kingstone cited by the Parks/Countryside Manager. It is on this basis that the proposal can be supported and accord with Policy H19 of UDP.

Other matters raised

- 6.23 Reference has been made to a refusal of planning permission for a site at Hawthorn Rise at Peterchurch. This reference is made on the basis of comparability. The site proposal for development to the north of Hawthorn Rise utilising an existing estate road was refused on the proximity of the access road to bungalows either side of it. This site is not comparable to the one the subject of this application given the dwellings either side of the road, in this instance are at a minimum of 17 metres apart. Reference is also made to a green belt development in Sutton Coalfield. There is no green belt in Herefordshire and this development is sustainable.

Conclusion

- 6.24 Paragraph 14 of the NPPF states that:
- a presumption in favour of sustainable development should be seen as a golden thread running through both plan making and decision-taking. In terms of the latter, this means
 - approving development proposals that accord with the development plan without delay; and
 - where a development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or - Specific policies in the NPPF indicate development should be restricted."
- 6.25 It has already been established that the UDP housing supply figures are not up to date due to the deficit in housing land supply. The development offers benefits in terms of the delivery of additional housing including twelve affordable units and it is accepted that the development is sustainable in terms of location of the site and accessibility by non car based transport modes, the revised layout and design and the commitment to construct to a high sustainability standard. This is not a brownfield site but the site will also not have an adverse impact in the landscape and although this is a reserved matter, there are opportunities further tree and hedgerow planting and opportunities for biodiversity enhancement.
- 6.26 The development can be served by a means of access that will not have an adverse impact on highway safety.

RECOMMENDATION

That subject to completion of a Section 106 planning obligation in accordance with the draft Heads of Terms as Annex 1, the Officers named in the Scheme of Delegation be authorised to

grant planning permission subject to conditions noted in the report and subject to any further conditions considered necessary by Officers:

1. A02 Time limit for submission of reserved matters (outline permission)
2. A03 Time limit for commencement (outline permission)
3. A04 Approval of reserved matters
4. A05 Plans and particulars of reserved matters
5. B01 Development in accordance with the approved plans
6. F08 No conversion of garage to habitable accommodation
7. F16 No new windows in specified elevation
8. H03 Visibility splays
9. H06 Vehicular access construction
10. H11 Parking - estate development (more than one house)
11. H19 On site roads - phasing
12. H20 Road completion in 2 years
13. H21 Wheel washing
15. H27 Parking for site operatives
15. H29 Secure covered cycle parking provision
16. H30 Travel plans
17. H17 Junction improvement/off site works
18. K4 Nature Conservation - Implementation
19. None of the dwellings hereby permitted shall be occupied until the Waste Water Treatment Works, into which the development shall drain has been upgraded. On being advised of the completion of the upgrading of the Works the Local Planning Authority will issue notice that the development can be occupied.

Reason: To prevent the overloading of the Waste Water Treatment works and pollution of the environment and to comply with Policy CF2 of Herefordshire Unitary Development Plan 2007

20. L01 Foul/surface water drainage
21. L02 No surface water to connect to public system
22. L03 No drainage run-off to public system
23. L04 Comprehensive & Integrated draining of site
24. CC0 Site Waste Management Plan

Reasons for Approval

1. In reaching the decision to grant planning permission, regard has been had to the relevant policies in the Herefordshire Unitary Development Plan and the National Planning Policy Framework. The local planning authority was also mindful of other supplementary planning guidance

The National Planning Policy Framework requires the Council to maintain a 5 year supply of deliverable housing land and where this requirement is not being met, the relevant plan policies concerning the supply of housing land should not be

regarded as up to date. As such the conflict with UDP Policy H7 is not, in itself, a reason for refusal.

The development offers the benefits in terms of the additional housing within the next five years including twelve affordable and is sustainable in terms of the location of the site, accessibility and the availability of existing services, facilities and employment opportunities. The amended plan provides an improved relationship to existing properties in terms of residential amenity. The development will not have an adverse impact in the wider landscape and there are opportunities to mitigate the localised impact of the development by further tree and hedgerow planting as well as measures for improving biodiversity. The need to deliver additional housing land and the requirement to consider new residential development in the context of a presumption in favour of sustainable development along with the benefits of the development outweigh the conflict with Policy H7, in this instance. The development is considered to comply with other relevant Policies S1, S2, S3, S6, S7, S8, S11, DR1, DR2, DR3, DR4, DR5, DR7, H9, H11, H13, H15, H16, H19, LA2, LA3, LA6, NC1, NC8, T6, T8, T11, RST4, W11 and CF2 of the UDP and is therefore considered acceptable.

Informatives:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. N02 Section 106 Obligation
3. HN01 Mud on highway
4. HN04 Private apparatus within highway
5. HN05 Works within the highway
6. HN08 Section 38 Agreement & Drainage details
7. HN10 No drainage to discharge to highway
8. HN17 Design of street lighting for Section 278
9. HN24 Drainage other than via highway system

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

DRAFT HEADS OF TERMS

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

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008. All contributions in respect of the residential development are assessed against open market units only.

Outline planning application S122604/O

Outline application for the erection of 35 dwellings (23 x open market dwellings and 12 x affordable dwellings) on land to the rear of White House Drive, Kingstone, Hereford.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £87,893.00 (breakdown detailed in the table below) to provide enhanced educational infrastructure at South Hereford City Early Years, Kingstone and Thruxton Primary School and South Wye Youth Service with 1% allocated for Special Education Needs (SEN). No secondary school contribution is required as capacity presently exists in all year groups. The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed) and may be pooled with other contributions if appropriate.

Pre-School	£6,772.00
Primary	£55,797.00
Post 16	£2,001.00
Youth	£19,059.00
SEN	£4,264.00
Total	£87,893.00

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £48,821.00 to provide new highway and sustainable transport infrastructure to serve the development. The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed) and may be pooled with other contributions as appropriate.
3. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - 3.1. Localised sustainable transport infrastructure to enhance the accessibility of the site for non car based modes of transport including but not limited to:
 - a) Creation of cycle link between Kingstone and Madley via the Madley Industrial Estate
 - b) New pedestrian and cyclist crossing facilities
 - c) Bus passenger waiting facilities in Kingstone specifically along the C1221
 - 3.2. Enhancement in the usability of the localised public right of way network
 - 3.3. Provision of park and share and park and cycle facilities
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £38,785 for the provision of new or the enhancement of existing play facilities in the locality and £15,684 for the provision of new or the enhancement of existing sport facilities in the county (contribution based around the requirements of saved policies H19 and RST4 of the UDP and Sport England Sports Facilities

Further information on the subject of this report is available from Andrew Prior on 01432 261932

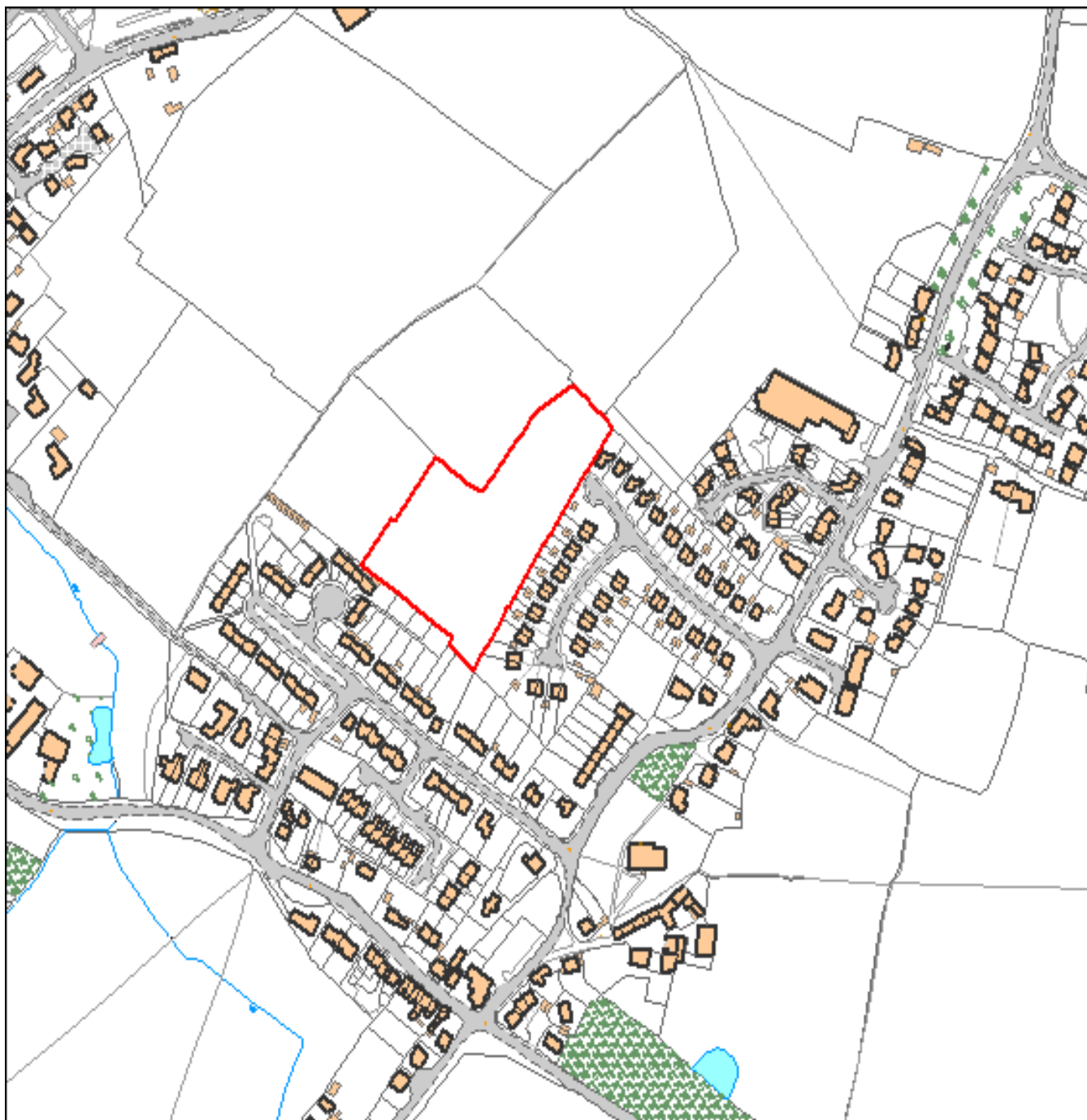
Calculator). The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed) and may be pooled with other contributions as appropriate.

5. The money shall be used by Herefordshire Council for priorities identified in the Indoor Sports Facilities Strategy, the emerging Play Facilities Strategy and emerging Playing Pitch Strategy.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £4,620 towards the provision of new and enhanced of existing library facilities in Peterchurch. The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed) and may be pooled with other contributions if appropriate.
7. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £2,760 towards the provision of new or the enhancement of existing waste and recycling facilities to serve the development and waste reduction strategies within the locality and city.
8. The developer covenants with Herefordshire Council that twelve (12) of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
9. Of those Affordable Housing units, nine (9) shall be made available for social rent and three (3) being available for intermediate tenure occupation. For the avoidance of doubt, the term intermediate tenure shall not include equity loans or affordable rent.
10. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
11. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-
 - 11.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 11.2. satisfy the requirements of paragraphs 12 & 13 of this schedule
12. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
 - 12.1. a local connection with the parish of Kingstone;
 - 12.2. in the event of there being no person having a local connection to the parish of Kingstone, a person with a local connection with the parishes of Madley, Clehonger, Abbey Dore, Thruxston, Treville, Allensmore and Eaton Bishop
 - 12.3. in the event of there being no person with a local connection to any of the above parishes, any other person ordinarily resident within the administrative

area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 12.1 or 12.2 above.

13. For the purposes of sub-paragraph 12.1 or 12.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - 13.1. is or in the past was normally resident there; or
 - 13.2. is employed there; or
 - 13.3. has a family association there; or
 - 13.4. a proven need to give support to or receive support from family members; or
 - 13.5. because of special circumstances;
14. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to such subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
15. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 4, 6 and 7 above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
16. The sums referred to in paragraphs 1, 2, 4, 6 and 7 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.
17. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
18. 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.

20 November 2012



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: S/122604/O

SITE ADDRESS : LAND REAR OF WHITE HOUSE DRIVE, KINGSTONE, HEREFORD

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Andrew Prior on 01432 261932



MEETING:	PLANNING COMMITTEE
DATE:	13 MARCH 2013
TITLE OF REPORT:	<p>S123075/O - SITE FOR B1(C) LIGHT INDUSTRIAL, B2 GENERAL INDUSTRY AND B8 STORAGE AND DISTRIBUTION USES, TOGETHER WITH MOTOR VEHICLE SHOWROOM, ANCILLARY NURSERY, ACCESS AND ASSOCIATED WORKS INCLUDING DEMOLITION OF REDUNDANT BUILDINGS AT MORETON BUSINESS PARK, MORETON-ON-LUGG, HEREFORDSHIRE, HR4 8DS</p> <p>For: Mr Horner per Delta Planning, 1 Chester Court, 1677A High Street, Knowle, Solihull B93 0LL</p>
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=123075&NoSearch=True

Date Received: 1 November 2012

Ward: Sutton Walls

Grid Ref: 350192,246455

Expiry Date: 31 January 2013

Local Members: Councillors KS Guthrie & AJM Blackshaw

1. Site Description and Proposal

- 1.1 The site extends to 21.26 hectares of predominantly brownfield land immediately east of the A49 trunk road and north of Moreton on Lugg. To the north of the site is the sand and gravel quarry operated by Tarmac, east is agricultural land with Marden beyond; and west of the access is a farm known as Brookhouse Farm. The site was an MOD base until the late 90's when some of the former military buildings were demolished with the remaining buildings having been refurbished over the last ten years now all in employment use. The current employment floorspace on site totals 61,000 sq. metres, all of which is occupied. Around 75% of the floorspace is presently use class B8 (storage and distribution) with a large proportion of this being occupied by the company M&M Direct. Access is gained directly off the A49, which was upgraded in 2006 and serves a network of internal roads intersected by various areas of informal grass and mature trees. Part of the development area adjacent the A49 is also currently agricultural pasture land and part of the southern end of the site is a poplar tree plantation.
- 1.2 The River Lugg Special Area of Conservation and Site of Special Scientific Interest runs parallel with the site, approximately 750 metres to the east. The woodland adjoining the north east corner of the site known as Long Coppice is designated an Ancient Woodland and to the north is Wellington Marsh Special Wildlife Site. Parts of the site along Moreton Brook and the eastern boundary fall within floodzone 3. Land adjoining the site to the east and within the site to the south is also an area of safeguarded mineral reserve.
- 1.3 The proposal seeks outline planning permission to construct 51,000 sq metres (548,977 sq feet) of mixed use class employment floorspace across a 21 hectare site area. The business park area incorporating existing buildings which are excluded from the application site would then amount to around 28 hectares (70 acres). All matters are reserved except means of

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

access. More specifically, the proposal includes a new masterplan for the site identifying eight development zones proposing a mixture of use class B1(c) light industrial, B2 general industrial and B8 storage and distribution with ancillary offices. Additionally, one of the zones is identified for a vehicle showroom and a children's nursery is also proposed to serve the business park.

1.4 The application is accompanied by a number of technical reports as follows:

- Design and Access Statement,
- Transport Assessment and Non Motorised User Safety Audit
- Planning Statement,
- Flood Risk Assessment including a hydraulic modelling report,
- Drainage Strategy Report,
- Archaeological Evaluation,
- Tree Survey Report,
- Ecological Survey including species specific surveys ,
- Landscape and Visual Impact Assessment,
- Framework Travel Plan.
- Geo-environmental Report

Additionally, the future development of the site is supported by an illustrative Masterplan, a Development Parameters Plan and a Landscape Masterplan.

1.5 The development was also screened against the Environmental Impact Assessment Regulations on 14th March 2012 to establish whether an Environmental Impact Assessment (EIA) was required where it was concluded that proposal was not an EIA development.

2. Policies

2.1 Regional Spatial Strategy for the West Midlands

2.2 National Planning Policy Framework (NPPF)

Paragraph 14	The presumption in favour of sustainable development
Section 1	Building a strong and competitive economy
Section 3	Supporting a prosperous rural economy
Section 4	Promoting Sustainable Transport
Section 10	Meeting the challenge of climate change, flooding and coastal change
Section 11	Conserving and enhancing the natural environment
Section 12	Conserving and enhancing the historic environment

2.3 Herefordshire Unitary Development Plan

S1	Sustainable Development
S2	Development Requirements
S4	Employment
S6	Transport
S7	Natural and Historic Heritage
S11	Community Facilities and Services
DR1	Design
DR2	Land Use and Activity
DR3	Movement
DR4	Environment
DR5	Planning Obligations
DR7	Flood Risk
DR10	Contaminated Land

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

DR13	Noise
DR14	Lighting
E2	Moreton on Lugg Depot
E5	Safeguarding Employment Land and Buildings
E8	Design Standards for Employment Sites
E15	Protection of Greenfield Land
T1	Public Transport Facilities
T4	Rail Freight
T5	Safeguarding former Railway Land
T6	Walking
T7	Cycling
T8	Road Hierarchy
T9	Road Freight
T11	Parking Provision
LA2	Landscape Character
LA5	Protection of Trees, Woodlands and Hedgerows
LA6	Landscaping Schemes
NC1	Biodiversity and Development
NC3	Sites of National Importance
NC4	Sites of Local Importance
NC5	European and Nationally Protected Species
NC6	Biodiversity Action Plan Priority Habitats and Species
NC7	Compensation for Loss of Biodiversity
NC8	Habitat Creation, Restoration and Enhancement
NC9	Management of Features for the Landscape Important for Fauna and Flora
ARCH 1	Archaeological Assessment and Field Evaluations
ARCH 6	Recording of Archaeological Remains
M5	Safeguarding Mineral Reserves
W11	Development and Waste Implications
CF2	Foul Drainage

2.4 Other Guidance

Supplementary Planning Documents:
Landscape Character, Planning Obligations, Biodiversity, Design and Archaeology,

Employment Land Study (December 2012)

Moreton on Lugg Development Brief (April 1999)

2.5 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

3.1 Extensive planning history exists over the last 20 years or so. Notable decisions include:

- DCH952915/U Certificate of Lawful Proposed Use for Storage, Warehousing, Distribution Centre and Offices – Approved 19th July 1996
- DCC/033618/F - New cladding, alterations to existing building and new car parking, Approved 29th March 2004

- DCC/082239/F – Erection of 80,000sq feet warehouse for storage and distribution, Approved 17th October 2008
- S102977/F - Erection of light industrial unit, approved 31st January 2011

4. Consultation Summary

Statutory Consultees

4.1 Highways Agency

Many of the agencies previous comments have been addressed but several issues remain outstanding as follows:

- Additional information is required on the sustainable transport proposals
- Additional information is required on the drainage proposals
- The Starting Gate roundabout needs to be assessed
- Committed traffic from the Crest development needs to be considered
- The policy section needs to consider the Guidance on Transport Assessment (GTA) 2007 and Circular 02/2007 published by the Department of Transport
- Confirmation of whether the site is to be used as a car park, share and park and park and a cycle base
- There are several points within the framework travel plan requiring clarification and additional information.

The Highways Agency currently has insufficient information to provide a substantive response and therefore directs non approval of the application for a period of 3 months to give the applicant time to submit the required information.

The further information requested above has now been submitted to the Highways Agency and their further comments are awaited.

4.2 Environment Agency

- Comprehensive hydraulic modelling of Moreton and Auberrow Brooks has been carried out and extensive sensitivity testing provided. The flood map for the River Lugg is due to be updated later this year and therefore historic flood records have been used. This combined analysis identifies the 1 in 100 year floodplain primarily extending to the southern side of Moreton Brook which may partly or wholly be caused by the existing restricted bridge over the watercourse. Subject to testing, upsizing the bridge culvert, constructing a clear span bridge and/or widening the brook corridor may assist in reducing the floodplain in this area.
- We are satisfied with the layout from a flood risk perspective as all built development is now located out of the high risk flood zone.
- We have no objection to the surface water attenuation scheme subject to there being no increased flood risk arising from discharges from the site.
- We have no objection to the proposed foul drainage arrangements
- Pollution prevention measures should be incorporated to protect ground and surface water and further invasive site investigation will be required to establish the presence or otherwise of contamination and the risk of new pollution pathways being created to watercourses.

Subject to a condition requiring further site investigation to deal with any contamination, we have no objection to the development.

4.3 Natural England

Natural England advises that the proposal is not likely to have a significant effect on the interest features for which the River Wye SAC has been classified. Natural England therefore advises that the Council is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives. There is also not likely to be any adverse impact on the SSSI.

The proposed development is likely to affect bats through the destruction of a breeding site or resting place. We are satisfied however that the proposed mitigation would maintain the population identified in the survey report. A species licence may be required from Natural England to enable some parts of the development to proceed.

This proposal presents the opportunity to incorporate features into the design which are beneficial to wildlife such as the incorporation of roosting opportunities for bats, the installation of bird nest boxes or the use of native species in the landscape planting. We recommend that should the Council be minded to grant planning permission, measures to enhance the biodiversity of the site are secured from the applicant.

Natural England has no objection to the proposed development

4.4 Welsh Water

Moreton on Lugg Sewage Treatment Works has capacity to accommodate the additional flow and load that will be generated by the development and discharge consent conditions will remain the same. Welsh Water raises no objection to the development on drainage and water supply terms subject to conditions concerning foul and surface water drainage.

4.5 River Lugg Internal Drainage Board

- The development is located near to Moreton Lateral 1 and Moreton watercourse passes through the site. Obstructions are not permitted within 6 metres of these watercourses.
- The suitability of the ground conditions for surface water soakaways should be established.
- High water tables are experienced in this general area which may adversely affect any surface water drainage arrangements
- No additional surface water runoff is permitted into the watercourse without the obtaining Land Drainage Consent from the Board.

Internal Council Advice

4.6 Traffic Manager

The Transport Assessment (TA) which now includes an assessment of the Starting Gate roundabout shows there will be a slight detrimental impact on the A4103 compared to the current situation. However, when the Highways Agency pinch point scheme for Starting Gate roundabout, which will increase capacity of the roundabout, is completed, the impact of the proposals would be considered acceptable. The occupation of the development may have to be phased to tie in with the completion of these highway works.

The Travel Plan indicates a proposed cycle/footway link along the eastern verge of A49 to Moreton on Lugg extending into site at the south western corner. This is considered highly desirable to encourage sustainable travel but should also be extended through the site and/or consideration given to an alternative entry point further north.

Comments regarding parking provision and general internal layout will be given at detailed/reserved matters stage, but I would comment that the internal infrastructure would

need to comply with our Highways Design Guide for New Developments and that this may require alterations to existing roads within the estate.

4.7 Economic Development Manager

We would consider Moreton Business Park as a long term strategic employment location which given its excellent location on the Trunk Road network and close proximity to the north of the city has considerable tenant and employment potential. This Business Park is primarily a brownfield site with an extant rail freight connection to the Shrewsbury to Newport railway line. This rail link should be seen as a strategic asset for the county and is currently in use and providing associated transport and economic related benefits.

Following the sale of this former military site over ten years ago, the new owners of Moreton Business Park have, through private funding, provided a range of quality employment units for businesses looking for accommodation to the north of the city and surrounding rural areas. We understand that all units are currently occupied and that there is currently a waiting list of interested tenants.

Following requests by some existing occupants wanting to expand and the desire to attract further businesses, the owners have sensibly prepared a master plan for the long term development of the site which includes some recently acquired land as well as undeveloped land within the former military facility.

Some of this land is outside the present employment allocation identified in the former Unitary Development Plan adopted in 2007. However, the additional land would allow the opportunity for the provision of a broader range and size of units to be provided over time and cater for those businesses whose activities may not fall within the criteria specified for the Enterprise Zone or whose accommodation requirements cannot be met on other existing employment sites in and around Hereford.

We also consider the owners significant expansion and investment proposals to be very welcome in an economic environment where private sector investment in employment land and buildings is becoming rarer and there is increasing pressure on employment allocations for release as an alternative use.

As a consequence we encourage and support proposals such as this which look to bring forward significant strategic sites where employment uses are proposed alongside a number of ancillary and supporting uses.

We are aware that there are limited employment land development opportunities within Hereford; in particular to the north of the River Wye, and that the available employment units are predominantly of an average to poor quality with limited new build units on the market. This proposal will bring forward a significant amount of newly built employment units, in a range of sizes, which will help address the current supply and quality issues.

We welcome that the proposals look to include a small amount of B2 use within the masterplan and would consider that this would allow a certain amount of flexibility to be offered to prospective tenants. We also welcome the layout and landscaping parameters within the masterplan, these combine to create a parkland type environment which is aimed at the upper end of the quality range.

In summary the Economic Development team are supportive of the application and would recommend approval.

4.8 Land Drainage Engineer

Based on the information in the FRA, drainage reports and hydraulic modelling report submitted with the applications, the position in terms of flood risk and drainage is as follows:

The hydraulic modelling report more accurately defines the 100yr +cc floodplain. Consequently and as recommended in the report, the siting of buildings has been amended in the southern area to remove all out of the zone 3 area.

The FRA proposes to remove the existing culvert within the site (which appears to be a contributory factor to the larger zone 3 area) and replace with a new bridge which can then also deliver flood free access to the southern part of the site – we will need to see these proposals at the detailed design stage.

The reports indicate that ground conditions can support infiltration drainage designed to greenfield runoff rates and the implementation of pollution prevention measures is commended. Existing groundwater is to be managed with new filter drains and some attenuation may be required which is acceptable in principle and we will need to review the calculations at the detailed design stage.

4.9 Conservation Manager (Landscape)

Landscape and visual Impact

The Landscape and Visual Impact Assessment is a well considered document, covering all relevant landscape points in a clear and systematic presentation and I agree with the key points of this assessment, namely:

- The existing landscape value and quality is 'ordinary' and the landscape sensitivity is low, as most of the site is not locally distinctive or contributing to the wider landscape character.
- The introduction of new buildings and infrastructure, together with increased traffic and people once in use, does represent an identifiable change, however the magnitude of this change will be off-set by improved management and enhancement of the existing landscape features.
- The significance of the landscape impact is considered to be low as the character is already that of a business estate and the proposals will suitably fit into the scale, landform and pattern of the existing landscape setting.
- The visibility is restricted by surrounding landform, existing buildings and vegetation and that there are no locations where the whole business park can be seen at the same time.
- There will be some medium significant visual changes for nearby residential properties; however the introduction of additional buildings in to this context will not alter the fundamental visual character of the area from most public viewpoints.

Trees

- The tree survey is well presented, is clear and useful.
- One of the largest landscape changes will be the felling of the poplar stand at New Coppice. It is noted in the survey, however, that this area suffers from close spacing, is unlikely to be of any commercial value and any disturbance will likely lead to high rates of wind damage. It is accepted, therefore, that this area can be considered for alternative land uses and replanted with appropriate woodland mixture.
- The presence of a culturally significant Lucombe oak is noted and the recommendations for taking cuttings or collecting seed should be followed through. The management issues raised should also be taken forward in the future.
- The identification of important tree zones is welcome, together with the retention of many existing trees within the site masterplan. It is noted, however, that at least two A class trees appear to be shown for removal within zone G (501463 11 and 501463 16,

both sycamore). The building footprint and car park arrangement for this area should be reconsidered at the detail design stage to retain these trees if possible.

Landscape Masterplan

- The illustrative landscape masterplan shows a best practice approach to green infrastructure. The strategy and framework clearly derive from the landscape and visual impact assessment, together with tree and ecological survey recommendations. It provides a good combination of amenity and biodiversity areas. The aim to '*design a scheme layout with minimum 40% green infrastructure to preserve as much habitat and linkages through the site as possible*' is noted and should be followed through in all future development stages and reserved matters.
- I agree that this represents a strong and well considered landscape framework that maximises the opportunities for visual and landscape enhancement. This will result in a Business Park that is well integrated into its existing context and provides an attractive and ecologically diverse place of employment.

Conclusion

I support this planning application and recommend conditions covering tree protection details, hard and soft landscape scheme, including boundary treatments and landscape and ecological management plan

4.10 Conservation Manager (Ecology)

There are a number of habitats and species present at the site, most of which will not be affected by these development proposals; however, a low to medium scale impact is anticipated as a result of the loss of habitat to the south of the Moreton Brook. The following are the key ecological issues that have been identified:

- Long Coppice, to the northeast of the site, is ancient semi-natural woodland and will be retained and protected. Bat and bird boxes are to be installed in this area.
- The Moreton Brook flows through the site; this is undesignated, but is a tributary of the River Lugg SSSI which is part of the River Wye SAC. The brook will need to be protected during and post construction to ensure no negative impacts on associated species and water quality.
- There will be a loss of 4 ha of grassland and woodland habitats to the south of Moreton Brook but this is to be mitigated and compensated for with the inclusion of wildflower meadows, native tree and shrub planting where appropriate and construction of a new pond.
- Reptile surveys have been undertaken, but no evidence of their presence was found.
- Great crested newts are present in the ponds to the north, but only smooth newts are present on the development site; an appropriate mitigation strategy is proposed to avoid harm as well as enhancement of habitats for amphibians post-development.
- A number of common bird species were recorded at the site including house sparrow, house martin, song thrush and starling. There will be some loss of habitat for birds, but the landscaping scheme includes features to provide nesting and foraging opportunities.
- At least six bat species were recorded, with foraging areas identified adjacent to Long Coppice, along the brook corridor and across the habitats to the south of the brook. Common pipistrelle bats are roosting in one of the small buildings that are to be demolished and mitigation is proposed with the provision of bat boxes and the supervision of any demolition works.

If European Protected Species are present on a development site, the Local Planning Authority must establish whether the three tests have been met prior to determining this application. If the Wildlife Licensing Unit at Natural England is also happy that these Tests have been satisfied, then an EPS development licence can be granted.

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

The three tests that must be satisfied are:

1. That the development is “in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
2. That there is “no satisfactory alternative”
3. That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”

The mitigation for the loss of a common pipistrelle bat roost at the site is appropriate to maintain roosting provision for this species.

The application is supported and I recommend the inclusion of conditions requiring the habitat protection works, ecology working method statements, an ecological clerk of works and delivery of the recommendations in the ecology report.

4.11 Conservation Manager (Archaeology)

Despite being in a very sensitive location, the proposed development will in general have a very limited impact on below ground heritage assets. In one limited location (just to the north of the access), the development will directly impinge on the location of a Romano-British farmstead. However, this impact can be satisfactorily mitigated by a prior archaeological excavation in that location. The application is therefore supported.

4.12 Environmental Health and Trading Standards (Noise)

No objection subject to conditions requiring details of external lighting across the site and measures to control noise within zones G and H to include a BS 4142 noise assessment.

4.13 Environmental Health and Trading Standards (Contamination)

The application was submitted with phase 1 geo-environmental assessment which recommends an intrusive investigation will be required. A condition is therefore recommended requiring this site investigation and if required, a scheme of remediation.

4.14 Minerals and Waste Officer

No comments received.

5. Representations

5.1 Moreton Parish Council

The parish council recommends the application be refused on the following grounds:

- a) Zones C, D and H are outside the scope of the Unitary Development Plan, and as such Herefordshire Council should consider whether an increase in the area allocated for industrial and business development needs to be extended as proposed in this application.
- b) The parish council understands that Zones C and H are still designated as agricultural land, so would like to see an application for change of use before the main application is considered.
- c) The proposed cycle path could lead to residents of the village and others using a route from the play park on the edge of the village to join the cycle path via private land.
- d) The parish council regrets the loss of the pond on the site that was originally envisaged.

5.2 Wellington Parish Council

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

The Parish Council would like to support the application as it will bring much needed employment to the local area. The Council noted that there would be a need for careful traffic management in terms of safety issues on the A49 because of increased traffic into and out of the site and we trust that this will be addressed as the project progresses.

- 5.3 Two objections have been received from Colin Payne, 3 Ordnance Close, Moreton and Mr Pudge of Brookhouse Farm, Moreton. The main points raised are:
- Zones C and H are agricultural land and alongside zone D are outside of the UDP boundary
 - The cycle path may lead to residents within the village wishing to cut across private land to access the path – direct access between the site and village should be provided to the east.
 - The central turn lane to Brookhouse Farm, which comprises of 11 dwellings and a working farm is already too narrow and short and any increase in traffic will make it extremely dangerous
- 5.4 A letter of support has been received from Nick Williams of Ordnance Close, Moreton. The main points raised are:
- The development will be a good thing because it will create local jobs, generate inward investment and create additional services.
 - The screening trees will help minimise the visual impact and will help with noise.
 - The footpath link from the site should be continued to connect with the village and additional screening should be planted south of the M&M building to screen this from Ordnance Close.

- 5.5 The consultation responses can be viewed on the Council's website by using the following link:-
www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

- 6.1 The issues relevant to the consideration of the application are as follows:

1. The Principle, Development Areas, and Proposed Uses
2. The Masterplan, Trees, Landscape
3. Development Parameters and Design
4. Access and Transportation
5. Flood Risk and Drainage
6. Biodiversity
7. Other Matters – Archaeology, Residential Amenity, Section 106, Contamination,
8. Conclusion

The Principle and Proposed Development Areas

- 6.2 Moreton Business Park is the county's second largest employment site in area terms and therefore its strategic importance in maintaining and creating employment opportunities is significant. Historically, the site has been split into 3 sectors, the northern sector is now largely the area where the quarrying activities are taking place and the central and southern sectors and now broadly the land subject of this application.
- 6.3 Saved Unitary Development Plan (UDP) policy E2 specifically relates to Moreton Business Park was informed by the development brief prepared for the site in 1999. Policy E2 confirms

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

the suitability of the site for employment purposes. At the time the policy was written, the emphasis in the first instance was on the re-use of the existing buildings on site for B1 (light industrial) and B8 (storage and distribution) uses as these uses tallied with the original use of the site as an MOD base. Over the last ten years, all existing buildings that were fit for modern employment purposes have been refurbished and modernised and a small number of new industrial buildings have been constructed.

- 6.4 Policy E2 also supports employment development beyond the re-use of the existing buildings including other employment uses - namely B2 (general industrial) where they do not:
- a) unduly erode areas of landscape value,
 - b) prejudice the future development of the site as a whole and
 - c) adverse impact on residential amenity.

Additionally, the policy requires development proposal to be accompanied by a flood risk assessment, include suitable landscaping and measures to improve access by employees by alternative means of transport.

- 6.5 Therefore, subject to compliance with the site specific technical requirements such as flood risk and landscaping, the principle of new mixed light industrial, general industrial and storage and distribution with ancillary offices is supported by UDP policy E2 and the NPPF.

- 6.6 Part of the site area also extends beyond the employment zone identified within the UDP. These areas relate to an agricultural field north of the access adjacent the A49 and land south of Moreton Brook adjacent to Moreton on Lugg village totalling around 4.7 hectares (net developable area). These areas are open countryside in planning policy terms and their development would be in conflict with policy E2. Whilst UDP policies E10 and E11 concerning employment development adjoining main villages and in open countryside are relevant, they are primarily aimed at enabling small scale employment within or adjoining a settlement. There is therefore no specific UDP policy that is applicable to this situation where development is proposed on agricultural land beyond the allocated employment zone but as an expansion of an established strategic employment site.

- 6.7 The NPPF is therefore of particular relevance to this element of the proposal. A key theme of Section 3 of the NPPF titled 'Building a Strong and Competitive Economy' is that planning should operate to encourage rather than act as an impediment to economic growth and should be sufficiently flexible to respond proactively to differing economic needs. It is considered that the inclusion of the additional development zones that sit outside of the UDP employment allocation is compliant with this NPPF requirement. It will enable the owners of the business park to offer a range of different plot sizes, unit sizes and use class options to the market ensuring that they can react quickly to a particular developer interest. It will also allow the future development of the site to be properly planned including the need for any site wide strategic infrastructure to create a high quality business park environment rather than continuing in a somewhat piecemeal fashion as has been the case to date. Through this approach, important trees can be protected, new internal roads, footpaths and cycleways can be planned, new wildlife habitats created and a strategic landscape masterplan for the site as a whole can be formulated to guide all future development.

- 6.8 The council has recently updated the countywide employment land study which forms part of the evidence base for the Core Strategy. This examines future employment requirements for the county but also assesses each existing employment site providing them with a rating based on three factors of environmental sustainability, market attractiveness and strategic planning. The study grades the quality of the site as being the same as Rotherwas Enterprise zone with both being rated as 'good'. Notably, however, the report concludes:

'The site is classified as 'Good'. However, with the inclusion of additional land at the site this could elevate the ranking to 'Best', providing a strategic employment opportunity to the north of the City.'

- 6.9 There is currently no readily available employment land in the northern half of the city and in terms of future provision, earlier versions of the Core Strategy did propose a new employment site north east of the city in Holmer area but this was subsequently deleted primarily for site specific technical reasons. Even with the proposed new employment site at Three Elms, the employment land study supports the further expansion of Moreton Business Park.
- 6.10 An objector and Moreton Parish Council have expressed concerns regarding the encroachment on to agricultural land. UDP policy E15 seeks to protect the best and most versatile agricultural land (grades 1, 2 and 3a) from new employment development unless there is a lack of suitable development opportunities in urban areas and/or brownfield land or there is an established need for the development and poorer quality land is used. The development zones beyond the UDP boundary are lower quality agricultural land having a grade 3 classification and their development will not jeopardise the viability of a farming unit. As explained later in this report, the visual and landscape impacts of developing these fields are considered acceptable and zones will be well integrated with the remainder of the site. The NPPF also does not preclude development on agricultural land and states that planning policies should not be a barrier to investment.
- 6.11 Subject to the acceptability of other technical matters which are considered later in this report, the principle of including the additional land beyond the UDP employment zone area is considered acceptable and justified on economic, policy and design/layout grounds.

Proposed Uses

- 6.12 The development also proposes to broaden the range of employment uses located on the site. The majority of the existing business on site fall into the B1c (light industrial) and B8 (storage and distribution) use classes with a small amount of B1a (offices). Four of the eight development zones are now proposed to include the option of use class B2 (general industrial). The links to B8 and B1 use classes stems from the historic uses of the site as an MOD base but there are now no land use planning reasons why the county's second largest business park should not include general industrial activities, which will also assist in widening the future job creation potential of the site.
- 6.13 Also proposed along part of the site frontage is an area for a car showroom/sales unit and a children's nursery. UDP policy E5 provides support for other employment generating uses on employment sites that do not neatly fall within a defined use class including motor vehicle sales and display. Under this policy, several applications for vehicle showrooms have been permitted on employment land over the last six years or so off College Road but all available land in this area has now been taken up. Such businesses often require a large site area and either wish to be located alongside other dealerships or on a prominent road frontage. There are currently no readily available and suitable sites that meet these requirements yet there continues to be demand from dealerships that do not currently have a presence in the city or county to locate to the city. Additionally, UDP policy E2 permits non B1 and B8 employment uses subject to the landscape value being protected, residential amenity safeguarded and the future mastplanning of the site not being prejudiced.
- 6.14 A children's nursery is also proposed to serve the needs of the business park. Such facilities are commonplace on larger business parks and indeed, permission has recently been granted for a nursery on Rotherwas Enterprise Park. On site nursery facilities will enable employers to better cater for the needs of the employees adding to the sites attractiveness for new businesses by creating more flexible work opportunities. UDP policy CF5 supports new community facilities where they are of an appropriate scale to meet the needs of the community they are to serve, located within or around the settlement they are to serve, will not impact on residential amenity and are served by safe access including for pedestrians and cyclists. It is considered the nursery complies with the requirements of the policy.

- 6.15 The application also includes the demolition of several small existing buildings. Other than a small agricultural building adjoining the poplar plantation at the southern end of the site, these largely emanate from the former MOD use of the site. The buildings are of no architectural or historic merit and are of a size, design and construction that make them unsuitable for modern employment usage. There is therefore no objection to their demolition subject to ecological considerations which is considered later in this report.
- 6.16 The principle of the development including the buildings to be demolished, the physical development areas and mix of uses proposed are considered to comply with the UDP and where a conflict with adopted policy occurs, it is considered that other material planning considerations, particularly policy guidance within the NPPF support the larger development area.

The Masterplan, Trees and Landscape

- 6.17 The application is supported by an illustrative masterplan, a development parameters plan and a landscape masterplan and a design and access statement. The development areas have been informed by a vision of creating a high quality business park environment that respects the parkland character and context of the site. Within the masterplan, eight development zones are identified and within each zone, the development parameters are defined. For example, Zone F adjoins one of the principal employers on site (M & M Direct) and is defined as follows:

ZONE F	
Net Developable Area:	1.06 hectares
Number of units:	1
Use Class:	B8
Min-Max building height:	10M - 13M
Min-Max width/length:	83X90 – 73x103
Max gross internal floor area:	7430 sq.metres.

- 6.18 In negotiation with Council officers, several iterations of the masterplan have evolved with the aim of striking a balance between maximising the development potential of the site, retaining all trees worthy of retention, creation new wildlife habitats and creating a high quality and environment to work. A comprehensive tree survey of the whole site has been carried out which recorded a total of three hundred and seventy five mature and semi mature trees or groups of trees with thirty four different species identified. Twenty of the total are classed as category 'A' trees being high quality trees making a significant landscape, aboricultural and cultural contribution to the character of the site. In line with best practice, this tree report has very much guided the development zones across the site. In particular, the masterplan illustrates that within each development zone, the proposed floorspace and accompanying parking and manoeuvring areas can be accommodated without jeopardising the survival of retained trees.
- 6.19 The retention of the majority of the trees also enables the creation of informal amenity areas for staff with six specific areas being identified on the masterplan. Additionally, greenways in the form of mown grass paths are also proposed within and around parts of the site connecting areas of wildflower and new mixed woodland planting, providing further opportunities for informal recreation for staff whilst also creating new wildlife habitats. Along the A49 frontage, existing hedgerows and tress are to be retained and an additional landscape buffer is proposed to allow further planting in order to soften the visual impact of new buildings viewed from the highway. A Poplar planation is to be removed in the southern section of the site but the landscape officer is satisfied that this has limited aboricultural value having being planted as a dense commercial crop approximately fifteen years ago.

- 6.20 As required by UDP policy T4, the existing former railway line running along the eastern boundary is to be retained in the event it is required in the future for rail freight and other existing site features such as the stream corridor along Moreton Brook is being enhanced with new planting. The road infrastructure identified on the masterplan is largely already in place and will remain but pavements will be introduced where necessary to provide a safe movement of pedestrians and cyclist around the site. The proposed cycle link would benefit from being extended through the site as recommend by the traffic manager but this matter can be addressed by condition.
- 6.21 As a consequence of the need to retain trees, the likely siting of buildings does not have any particular order or rhythm. However, it is considered that this is a positive design effect and compliments the rural parkland character of the site. This also assist in reducing the wider visual impact of the new buildings allowing for significant landscaping between development zones and filtering views into the site. The landscape and visual impact assessment identifies that the site is categorised as having low landscape sensitivity and the magnitude of the landscape impact is also low given the established uses already on site and the manner in which the buildings will fit in with the landscape setting of the site. The Council's Senior Landscape Officer supports these conclusions. The flood risk and drainage considerations are explained further at paragraphs 6.33-6.36 but the development areas also do not encroach on any high risk flood zone.

Development Parameters and Design

- 6.22 The use class, footprint and scale parameters are commensurate with the opportunities and constraints of the site. The motor vehicle showroom development zone is positioned adjacent the site entrance which is considered appropriate both due to the prominence of this area and the likely higher design quality that will be achieved with a building accommodating such a use. The southern end of the site nearest Moreton village is restricted to light industrial units only which will ensure the residential amenity of nearby properties can be safeguarded. A cluster of small units can also be created in this area providing a different employment offer to the market than the remainder of the site. The unit size parameters have been dictated by the net developable area within each zone and the retained trees. The largest of the buildings will be no larger in footprint or height than existing buildings on site which is also considered acceptable and will assist in further mitigating any wider landscape impacts.
- 6.23 Whilst the application is in outline form, the design and access statement also outlines the design framework for the future development. This highlights that individual designs in term of scale, form and materials will be encouraged. This is considered a more appropriate approach in this instance than trying to standardise end appearances or achieve a set of rigid design rules and will be more complimentary with the character of the site. In terms of carbon reduction measures, all buildings are to be designed to achieve a BREEAM rating of 'Very Good' which exceeds current building regulations requirements. To ensure sustainable construction standards are employed over the life of the permission and to allow for changes in Building Regulations, a condition is recommend requiring sustainability standards to be reviewed and enhanced beyond a BREEAM 'Very Good' rating in future years.
- 6.24 The masterplan, landscape masterplan, parameters plan and design and access statement provide a well considered template for the future development of the site in accordance with UDP policies E8, DR1, LA2 and LA6 and the NPPF without imposing unduly restrictive limitations on the layout, siting, scale and appearance of development at the outline stage.

Access

- 6.25 A detailed Traffic Assessment (TA) and framework travel plan have been submitted and since submission of the application, updates to both documents have been submitted to address Highways Agency queries. A single access off the A49 Trunk Road serves the site which was

modified and upgraded in 2006, the works included the creation of a right turn lane and kerbed central island to prevent overtaking and reduction in the length of the south right turn lane to enable a comparable turning lane for southbound traffic entering the farm opposite the junction. A field access exists in the southern corner of the site which is to be utilised to create a new footpath/cyclepath to the village and bus stop.

- 6.26 The TA includes a detailed analysis of the access and junction capacity which for robustness, increased baseline traffic by 20% and makes no allowance for cross visitation. In terms of traffic flows, the TA has surveyed existing baseline traffic through both an automated traffic counter and observed traffic flows in 2011 and 2012, examines local accident data, considers future development traffic including future year's traffic growth for the period 2012-2022 and investigates the capacity of the Starting Gate roundabout.
- 6.27 The TA identifies that with the full committed development, the access will be at 59% of its design capacity which is considerably less than the 85% threshold which is the desirable maximum. The Highways Agency have undertaken further sensitivity analysis to examine the effect of blockages in queuing traffic at the access including the interplay with the farm access and even in this scenario, the Highways Agency confirm that the access has capacity to accommodate the full increase in traffic likely to be generated by the development without the need for further modification and consequently, the development will not compromise the operational capacity and safety of the trunk road at this location.

Transportation

- 6.28 In terms of traffic flows beyond the location of the site, the TA identifies that during the AM peak, 93% of observed traffic exited the site towards Hereford and 74% arrived from the south, the same analysis for the PM peak was 89% and 46% respectively. 75% of this current traffic is also HGV's. This indicates that greatest impact is likely to be on the Starting Gate roundabout although notably, however, peak hour traffic flows on the A49 in the locality have reduced between 2011 and 2012. Some legs of this roundabout are at the design capacity at peak times and traffic from this development will exacerbate this situation. However, the Highways Agency have recently announced that funds via the 'pinch point scheme' introduced by the government to overcome traffic related constraints on new development have been secured for modifications to the roundabout scheduled for next year. Two lanes are to be introduced and/or demarked on all legs of the roundabout. Further analysis of the impact of the development on the operation of the roundabout once these works have been completed has been submitted to the Highways Agency for their further comments. This indicates that the roundabout will operate more efficiently once the works are complete and with the full development (including other committed development) in place than is currently the case. An update on this matter will be provided at Committee. The Traffic Manager has considered this further information and raises no objection to the impact on Starting Gate roundabout from the perspective of the Council's network.
- 6.29 To mitigate the traffic impacts of the development and make the site more accessible by non car based modes of travel, various sustainable transport works and measures are proposed. In terms of works, a new bus lay-by is being considered on the western side of the A49 within the highway verge just north of the site access and the existing central island is to be modified to provide a safe pedestrian refuge. This will complement the existing informal bus lay-by on the eastern side adjacent the site access. Also, from the south western corner of the site, a new 3 metre shared footway/cycleway is to be created within the highway verge for a distance of 350 metres to link with Moreton village and the existing bus stop south of the entrance to the village. A condition is also recommended requiring appropriate provision of dedicated car share spaces to serve each unit and the option of community park and share will also be considered.

- 6.30 The measures are encompassed within a framework travel plan and largely build on the sustainable travel options available to existing staff working on the site. M&M currently provide a free bus service for staff and a car sharing scheme is also already in operation from the site. Appropriate covered cycle parking will also be provided to serve each unit along with wet room/shower facility and locker storage within each new building. Annual staff surveys will also be carried out to establish how existing travel patterns can be influenced to encourage more sustainable travel choices. Longer term, the Council has prepared a preliminary design for a new cycleway from the north of the city to Moreton which if constructed, will then provide a safe, off highway direct link between the site and city. A revised framework travel plan has been prepared and is currently being considered by the Highways Agency. An update on this matter will be provided at Committee.
- 6.31 The structure of the internal road layout is largely already in place but some widening and new roads will be required to accommodate the new development with the aim of bringing the road, pedestrian and cycle infrastructure up to an adoptable standard. The proposed cycleway from Moreton should also be extended through the site and new footpaths will be required to create a safe environment for employees throughout the site. Future parking and manoeuvring requirements will be determined at the reserved matter stages and controlled by condition but adequate land exists to meet the needs of future businesses including provision for car share spaces. The Councils Traffic Manger raises no objection to the development subject to conditions covering the above matters.
- 6.32 Historically, the site was served by a rail line and the track still remains within site although it hasn't been used by any businesses currently on the site. Nevertheless, UDP policy T4 safeguards this rail link as a future opportunity for rail freight and the masterplan makes provisions for its retention. A rail hub has been re-established just north of the site serving the gravel quarry with 178,000 tonnes of gravel now being distributed annually by rail removing around 17,800 HGV movements per year off Hereford's roads. The future potential if a demand arises is therefore significant and could significantly offset the future impact of increased HGV movements on the network.

Flood Risk

- 6.33 Parts of the site fall within or adjoin floodzone 2 (medium probability) and floodzone 3 (high probability) areas associated with the River Lugg to the east, Auberrow Brook to the north and Moreton Brook running through the site. Consequently, the application is accompanied by a flood risk assessment and drainage study. To further inform the flood risk, Moreton and Auberrow Brooks have been hydraulically modelled to examine peak flows and understand what influences flows such as existing culverts and the associated risk of blockages. This alongside historic flood data for the River Lugg has enabled an accurate flood map for the site and surroundings to be developed which has informed the masterplan and associated development areas. It must be noted, however, that there are no records of the site ever flooding; the nearest event was the 1947 flood where peak flows from the River Lugg came to within 136 metres of the site.
- 6.34 The more detailed analysis of the flood risk has revealed that the majority of the site is outside of the floodzone 3 area. The exceptions are the north east corner and along Moreton Brook – the former being caused by flooding on the River Lugg and the latter primarily caused by the restricted size of the culverts under the A49 and within the site. With the benefit of this information, no development is now proposed within the floodzone areas and the Environment Agency and Council's drainage engineer have confirmed that they have no objection to the application on flood risk grounds. Further mitigation will be achieved through requiring slab levels in the southern section to be 300mm above localised road level which represents the likely overland flood route in an extreme flood and replacement of the restricted culvert within the site with a new bridge. This will also enable levels to be raised to provide flood free access.

Drainage

- 6.35 Although the water table is relatively high, an investigation of ground conditions has revealed that the site is permeable and can support infiltration surface water drainage to the required standard of a 1 in 100 year flood event plus allowance for climate change. This is likely to be achieved on a plot by plot basis but will include a combination of shallow infiltration drains, permeable paving and if required, soakaway structures such as underground cellular tanks and attenuation ponds. Runoff rates will also be restricted to existing greenfield rates. Part of this system will also include a series of filter land drains alongside roads and around development zones C and D set above the water table to accommodate groundwater flow from surrounding areas. This will ensure a SUDS drainage system is achieved and remove the risk of flooding from groundwater in accordance with the requirements of UDP policy DR7 and the NPPF.
- 6.36 With regards foul drainage, the applicant commissioned Welsh Water to carry out a study to establish whether the nearest adopted sewage treatment works at Moreton has capacity to accommodate the development. Welsh Water has now confirmed there is capacity within the mains foul network to accommodate the entire development. Within the site, foul drainage is to be pumped to the treatment works via existing pumping stations which have sufficient reserve capacity. An additional small pumping station may be required to deal with the southern part of the site due to site levels.

Biodiversity

- 6.37 The application is accompanied by an ecological survey which considers the baseline ecological value of the site and surroundings. An ecological impact assessment report supported by species specific surveys for bats, reptiles, breeding birds and amphibians then outlines the steps to avoid or mitigate any biodiversity impact and proposes the delivery of biodiversity compensation and enhancement measures.
- 6.38 Whilst the site itself has no specific biodiversity designation, adjoining the site is Long Coppice Ancient Woodland and just to the north is Wellington Marsh Special Wildlife Site; further east is also the River Lugg. Within the site, existing drainage ditches and Moreton Brook provide ecological corridors connecting with existing marshland and other habitats east of the site. This is a tributary of the River Lugg SSSI and SAC connecting with it around 4KM south east of the site. In terms of specific species, a small population of great crested newts were found within 500m of the site, 31 species of birds were recorded and 6 species of bats but no reptiles were found or evidence of dormice and otters were found.
- 6.39 A development of this scale will inevitably impact on the biodiversity value of the site which in parts, is relatively sensitive. The key consideration is whether the impacts can be mitigated and if not, whether compensatory measures can be implemented to offset any adverse impacts and provide opportunities for biodiversity enhancement.
- 6.40 Development is proposed within around 20 metres of Long Coppice Ancient Woodland but this distance will be sufficient to avoid any direct impacts and the proposed use of infiltration drainage will safeguard the hydrological conditions within the woodland. The primary great crested newt habitat to the north will also be unaffected by the development and subject to precautionary measures during construction, there will be no adverse impact on the newts and their habitat. Opportunities will also exist through the sustainable drainage design to create new wetland habitats for newts.
- 6.41 The retention of the majority of the existing trees and some of the grassland areas will also minimise the impact on the local bird population and the new landscaping and wildlife areas along with the installation of bird boxes will create new feeding and breeding habitats for birds.

There will therefore be no adverse impact and on the whole, a net positive impact on these species or their habitat.

- 6.42 The existing poplar plantation and associated grassland area within the southern quarter of the site is identified as an area of higher ecological value although the trees and grassland in themselves have limited aboriginal or ecological value. The plantation is a foraging habitat for bats and is close to breeding roosts and therefore its removal is likely to have a moderate adverse impact on the local bat population. One of the buildings to be demolished near Moreton Brook also contains a bat roost and therefore its demolition will also be subject to a licence from Natural England. The Council's ecologist is satisfied that the development will meet the three tests associated with obtaining such a licence.
- 6.43 To compensate for the loss of this woodland, new habitat and green infrastructure is to be created extending to 40% of the area within this development zone. This will include native naturalistic planting, development areas have been pulled back away from Moreton Brook to provide opportunities to enhance this feature as a wildlife corridor, a wildflower meadow area, new woodland copse planting, installation of bat and bird boxes and a wetland habitat including an open water feature. This will create a diverse new wildlife habitat in this area as well as new foraging opportunities for bats and birds.
- 6.44 The impact of construction activities on the biodiversity interest of the site, if not correctly managed, could be significant particularly as the duration of construction could be over a ten year period. However, the imposition of conditions requiring an ecological clerk of works to be present during construction, appropriate habitat protection measures and submission of working method statements in areas where protected species are known to exist will ensure the construction impacts are minimised. The fact the business park is under the control of a permanent site manager will also assist in minimising the risks to biodiversity.
- 6.45 Across the site including land within the control of the applicant but adjoining the site such as Long Coppice, a total of 6 hectares of land is to be safeguarded and managed for biodiversity purposes to both compensate for any unavoidable ecological impacts and create opportunities for biodiversity enhancement. This alongside the high quality structural landscaping scheme proposed which will include significant new tree planting, wildflower meadow and wetland habitats will assist in achieving a net gain in the biodiversity value of the site. To ensure this is delivered, a condition is recommended requiring the monitoring of the enhancement measures to include further bat surveys which will then identify whether any modification of the mitigation strategy is required to ensure its success.

Phosphates and the Impact on the Special Area of Conservation

- 6.46 The River Lugg is designated a SSSI and Special Area of Conservation (SAC) and these designations impose strict limitations on water quality. The River Lugg is currently exceeding the phosphate target imposed by these designations which the new development proposed within this application will exacerbate. However, the drainage study carried out by Welsh Water confirms that in a completed development scenario, the sewage treatment works at Moreton can still operate within the phosphate concentration limit imposed by the Environment Agency licence of 1 mg/l.
- 6.47 Over the past twelve months or so, the Council has been working with the Environment Agency (EA), Natural England (NE) and Welsh Water to establish a short, medium and long term strategy to address the issue. It has now been agreed that this is to take the form of a Nutrient Management Plan and the EA and NE have recently signed a document confirming their commitment to preparing a Nutrient Management Plan. As a consequence of this, the Welsh Water drainage report and other information submitted with the application, the Council's ecologist has completed a Habitat Regulations Screening Opinion concluding that the development will not have any likely significant effects on the integrity of the Special Area

of Conservation (Rivers Lugg and Wye). This has now being considered by Natural England and they concur with the conclusions of the Screening Opinion.

Other Matters

Archaeology

- 6.48 The application is supported by a comprehensive archaeological report informed by field evaluation carried out prior to the submission of the application. This comprised of twenty one trenches across the site alongside information and evidence from previous archaeological excavations on site and in the surrounding area. Much of the site is disturbed ground associated with the previous military use but two areas of archaeological interest were discovered. Within the agricultural field adjacent the A49, a concentration of Roman features were uncovered which have been interpreted as the remains of a Roman-British farmstead dating back to between the 1st and 4th Centuries.
- 6.49 This is of regional significance as only a small number of such features have been investigated in the West Midlands region and it will add to the understanding of Roman occupation in the area alongside other discoveries such as a Roman settlement at Wellington Quarry. In the southern part of the site a palaeochannel was found dating back to the end of the last glacial period which may yield information regarding past environments in the lower Lugg valley and preserve waterlogged remains.
- 6.50 The findings of the report have been assessed by the Councils archaeologist who concludes that whilst the location is archaeologically sensitive, the development will have very limited impact on any archaeological heritage. Where archaeology has been discovered, the imposition of a condition requiring further investigation and recording prior to commencement of development within this zone will satisfactorily address and mitigate the impact of the development on archaeological heritage. This approach is supported by UDP policy ARCH 6 and the NPPF.

Residential Amenity

- 6.51 The proposal will result in employment development being closer to both Brookhouse Farm and existing residences along the northern edge of Moreton village than is currently the case and therefore noise in particular could impact on local living conditions. In respect of Moreton village, all the units within the southern quarter of the site have purposely been restricted to light industrial units to safeguard existing amenity. A landscaped buffer is also proposed along the southern edge of the site to minimise the visual impact of these buildings on existing properties.
- 6.52 In terms of Brookhouse Farm, this sits adjacent the A49 where due to traffic noise, background noise conditions are already elevated and again, further tree planting is proposed to soften the visual impact of new industrial buildings from the farm. Furthermore, an agricultural field adjacent the farm remains within the farms ownership and does not form part of the application which ensures a reasonable separation between the farm and nearest industrial buildings.
- 6.53 Therefore, whilst it is considered the development is unlikely to adversely impact on existing residential amenity, as an additional safeguard, a condition is recommended by the environmental health officer requiring details of the measures to control noise emanating from the development zones nearest Moreton village and Brookhouse Farm. A condition is also recommend requiring the submission of all external lighting details to ensure there is no unacceptable light pollution. Subject to these conditions the requirements of UDP polices DR13 and DR14 are satisfied.

Section 106 Requirements

- 6.54 In March 2009, the adopted policy contained within the Supplementary Planning Document on Planning Obligations was suspended for employment development subject to the requirement that the development is commenced within two years (it was originally one year). The applicants express concerns with having to meet this requirement. In the current economic climate, employment development is built to order rather than speculatively and whilst there is already market interest in the smaller plots, car showroom and nursery, given the scale of the site and uncertainty over phasing they do not wish to be in a position whereby due to market forces, they have to be re-apply in two years.
- 6.55 At the time of writing this report, the Council is shortly due to consult on the Community Infrastructure Levy (CIL). The proposed charging schedule is based on up to date viability evidence across all development sectors including employment development and following detailed analysis, employment is proposed to be exempt from CIL. Whilst this is only at the consultation stage and therefore can only be afforded limited weight at this stage, the CIL evidence is more up to date than that which supports the adopted SPD. Additionally, a Section 106 Agreement would be secured to provide enhanced sustainable transport infrastructure to support the development. However, the development will include a new off highway cycle and footpath link, new bus infrastructure, car share parking spaces and a framework travel plan which will contribute towards improving the accessibility of the site by sustainable modes of transport. In this instance, it is therefore not considered necessary to impose a two year commencement limitation.

Contamination

- 6.56 A phase 1 geo-environmental report has been provided which analyses existing data from previous invasive site investigations carried out on site and examines the historic land uses and associated risk of contamination. The proposed development areas are likely to contain some contamination which with the wider construction activities and drainage proposals, may also create new pathways to groundwater and watercourses causing pollution of the water environment. Across the site, fuel and oil interceptors are proposed to capture pollution from impermeable surfaces in order to control the risk of diffuse pollution into the watercourses particularly at the point where they discharge into drainage ditches and Moreton Brook. The site is under the control of one manager which will also assist in ensuring appropriate construction environmental working practices are followed.
- 6.57 To address this further, prior to the commencement of each new building, further ground investigation will also be required to establish the presence of any contamination and a remediation strategy if contamination is found. The Council's Environmental Health Officer and the Environment Agency are satisfied that this can be dealt with by condition and such a condition will ensure compliance with UDP policy DR10.

Conclusion

- 6.58 The majority of the site falls within land allocated for employment within the UDP under policy E2 where the principle of the uses proposed including the vehicle showroom is supported. Three areas of the site are beyond the UDP allocated employment zone. These areas are primarily a mixture of agricultural grazing land and a poplar tree plantation and the approval of development on these areas will be contrary to UDP policies E2 and E15. The NPPF, however, requires local planning authorities to be more flexible in their approach to applications for employment development to ensure landowners can adapt quickly to market demands. The Council is achieving this requirement south of the river on the Rotherwas Enterprise Zone but no such site currently exists close to but north of the city.

- 6.59 This development will deliver a range of unit sizes and employment use classes set within a high quality business park environment, the diversity of which is enhanced by the inclusion of the additional land. The Councils latest employment land study (with the inclusion of the additional land) also rates the site as one of the top two employment sites within the county in terms of environmental sustainability, market attractiveness and strategic planning. The masterplanning of the whole site also allows for the developments strategic infrastructure requirements such as foul and surface water drainage, sustainable transport links, strategic landscaping, amenity areas and biodiversity enhancement to be properly considered and achieved. Notwithstanding the conflict UDP policies E2 and E15, for these reasons, the principle of including the additional land is also supported and moreover, is not considered to be in conflict with the NPPF.
- 6.60 In design terms, the development meets the requirements of UDP policies E8, LA2, LA6, NC1 and DR7 and the requirements of the NPPF. More specifically, the masterplan proposes development that is harmonious with the character of the existing site in that nearly all trees of arboricultural value are being retained including large areas of grassland to be dedicated as staff amenity areas and considerable additional landscaping is proposed to mitigate the landscape and visual impact of the development. The biodiversity value of the site has been comprehensively considered and whilst there will be some impact, this is mitigated and more than compensated for with the new wildlife habitats to be created and long term management of existing habitats. Flood risk has also informed the masterplan in that no buildings are now proposed with the high risk floodplain. The site can also support an entirely sustainable surface water drainage system and foul drainage capacity has been evidenced which it is considered will also ensure there is no likely significant effect on the Special Area of Conservation.
- 6.61 The localised and wider traffic impacts of the development have been fully considered and subject to the Highways Agency response, the technical analysis demonstrates that the highway network has capacity for the full development once the improvements to the Starting Gate roundabout are in place. The traffic impacts are also mitigated by proposed enhancements in the sustainable travel options and links with the site. Other matters such as archaeology, contamination, amenity and Section 106 have all been fully considered and are addressed or can be addressed with the recommended conditions.
- 6.62 The council is often asked the question, particularly in the context of the proposed housing growth within the core strategy - where are the future job opportunities? The floorspace and mix of uses proposed which, accommodating a relatively high proportion of use class B8 has potential to yield around 765 new jobs, bringing the total number of jobs provided by the site up to 1000 with a further 250 seasonal jobs created annually by M&M Direct. If a higher proportion of use classes B1 and B2 are delivered, the employment generation is likely to be higher.
- 6.63 The growth of this site is a key part of the County's employment strategy and will create an employment site that meets the development needs of business and help support an economy fit for the 21st century as required by section 3 of the NPPF. It will also address the present spatial and qualitative imbalance of available employment land north and south of the river and will place Hereford and the county in a strong position to attract inward investment and provide new job opportunities to complement the proposed Core Strategy housing growth.
- 6.64 The NPPF requires local planning authorities to apply a presumption in favour of sustainable development and defines sustainability as encompassing an economic, social and environmental role. The development is considered to deliver all three strands of sustainability. New employment opportunities will be created contributing to building a strong and responsive economy, the provision of on site childcare facilities and extensive staff amenity areas will assist in supporting the social well-being of staff whilst environmentally, the development is accessible by sustainable transport modes, will protect and enhance the

natural and historic environment and will mitigate the impact of climate change in terms of flood risk and energy efficient construction. Consequently, the application will deliver sustainable economic development.

- 6.65 The approval of the application is considered compliant with the relevant development plan policies, save for policies E2 (part) and E15, the RSS, supplementary planning guidance, emerging policy and the NPPF. In respect of policies E2 and E15, it is considered there are strong material planning considerations, more up to date evidence and policy guidance within the NPPF to warrant departing from these policies. The application is therefore recommended for approval subject to the resolution of the Highways Agency queries and concerns.

RECOMMENDATION

That subject to the removal of the Highways Agency holding direction, preventing approval of the application, officers named in the Scheme of Delegation to Offices be authorised to issue planning permission subject to the following conditions and any amended or further conditions considered necessary by officers:

- 1. Applications for approval of Reserved Matters shall be made to the local planning authority not later than the expiration of eight years from the date of this permission.**

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

- 2. The development to which this permission relates shall be begun not later than the expiration of two years from the date of the approval of the last reserved matters application to be approved.**

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

- 3. Prior to the commencement of the development, a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application submitted shall refer to a phase, phases, or part thereof identified in the phasing plan. Any subsequent alteration to the phasing plan shall be submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure adherence to the approved plans and the associated phasing of the development and secure compliance with policies DR1 and E8 of the Herefordshire Unitary Development Plan.

- 4. No development on any phase, or part thereof, shall be commenced until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) for that phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter each phase of the development shall be carried out in accordance with the approved reserved matters application relating to it.**

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

- 5. Except where otherwise stipulated by conditions, the reserved matters applications shall be carried out in general accordance with the submitted plans drawing numbers 1674-1002c, 1674-1013 and 1674-1007G and TAs 108 Srat MP1C**

Reason: To ensure adherence to the approved plans in the interest of a satisfactory form of development and secure compliance with policies DR1 and E8 of the Herefordshire Unitary Development Plan.

6. **C01 Samples of external materials**
7. **E01 Site investigation - archaeology**
8. **G04 Protection of trees/hedgerows that are to be retained**
9. **G09 Details of Boundary treatments**
10. **G10 Landscaping scheme**
11. **G11 Landscaping scheme - implementation**
12. **H16 Parking/unloading provision (including car share spaces)**
13. **H17 Junction improvement/off site works**
14. **H18 On site roads - submission of details**
15. **I56 BREEAM**
16. **H29 Secure covered cycle parking provision**
17. **H30 Travel plans**
18. **I02 Scheme of measures for controlling noise**
19. **I18 Scheme of foul drainage disposal**
20. **I27 Interception of surface water run off**
21. **I33 External lighting**
22. **I41 Scheme of refuse storage (commercial)**
23. **I51 Details of slab levels**
24. **I55 Site Waste Management**
25. **K2 Nature Conservation - site protection**
26. **K4 Nature Conservation - Implementation**
27. **K5 Habitat Enhancement Scheme**
28. **L01 Foul/surface water drainage**
29. **L02 No surface water to connect to public system**
30. **L03 No drainage run-off to public system**
31. **I22 No surface water to public sewer**
32. **F06 Restriction on Use (Zone H)**
33. **G14 Landscape management plan**
34. **Prior to the commencement of development hereby permitted or in accordance with a timescale to be agreed prior to the commencement, details of the following shall be submitted to and approved in writing by the local planning authority:**
 - **Strategic landscaping and wildlife habitats**
 - **Strategic foul and surface water drainage**
 - **Amenity Areas**
 - **The new cycleway through the site and alterations to the strategic road layout and design**
 - **Design of the new culvert/bridge over Moreton Brook**
 - **A delivery phasing plan and programme**

The development shall be carried out in accordance with the agreed details and

phasing plan.

Reason: To ensure the adherence to the masterplans in the interest of creating a high quality business park environment, to ensure the necessary strategic infrastructure is in place at the appropriate phase of development and to comply with policy E8 of the Herefordshire Unitary Development Plan.

- 35. In the case where development including demolition does not commence on each or any phase before March 2015, an updated ecological survey, together with any subsequent mitigation measures required as a result of the findings and a timescale for the implementation of the mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the mitigation measures shall be carried out in full in accordance with the approved details

Reason: To ensure the biodiversity interest of the site is appropriately considered and any impacts mitigated and to comply with policies NC1 and NC7 of the Herefordshire Unitary Development Plan.

- 36. **M09 Contamination**

- 37. No more than 50% of the total floorspace hereby permitted shall be Use Class B1c and/or B2 of the Town and Country Planning (Use Classes) order 1987, or in any equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To ensure the highway impact of the development does not exceed acceptable levels and to comply with policy T8 of the Herefordshire Unitary Development Plan.

Reason for Approval

- 1. As in paragraphs 6.54-6.59 above.

INFORMATIVES:

- 1. **HN10 No drainage to discharge to highway**
- 2. **HN28 Highways Design Guide and Specification**

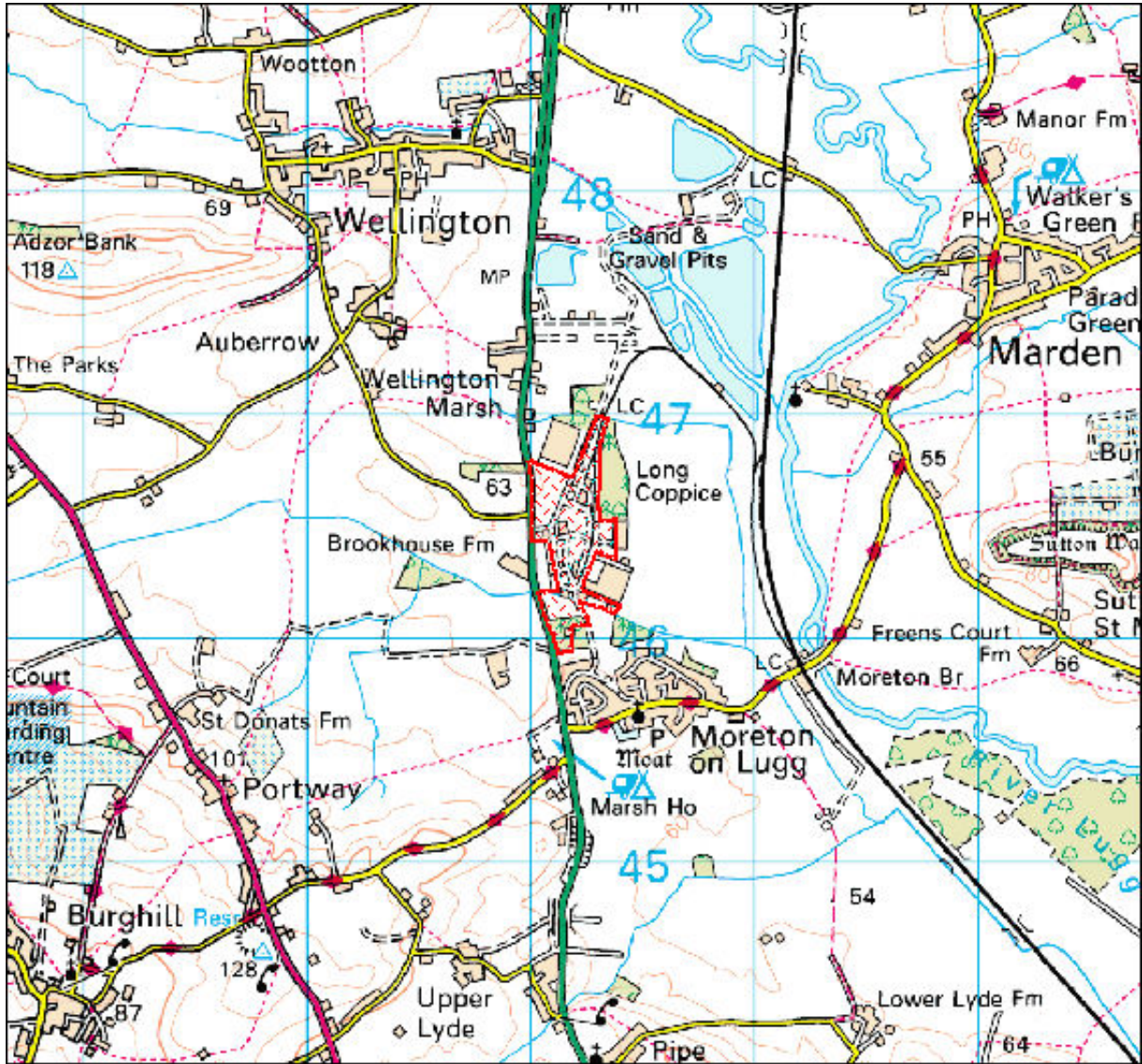
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: S/123075/O

SITE ADDRESS : MORETON BUSINESS PARK, MORETON-ON-LUGG, HEREFORDSHIRE, HR4 8DS

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

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



MEETING:	PLANNING COMMITTEE
DATE:	13 March 2013
TITLE OF REPORT:	<p>S123545/CD - REMOVAL OF CONDITIONS 5A AND 5B OF PLANNING PERMISSION S113513/CD AT WATERFIELD ROAD CAR PARK, WATERFIELD ROAD, HEREFORD, HR2 7EL</p> <p>For: Herefordshire Council per Parks and Countryside, Herefordshire Council, Po Box 41, Leominster, Herefordshire, HR6 0ZA</p>
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=123545&NoSearch=True

Date Received: 19 December 2012

Ward: Belmont

Grid Ref: 349280,237920

Expiry Date: 28 February 2013

Local Members: Cllr PJ Edwards, Cllr GA Powell and Cllr AN Bridges

1. Site Description and Proposal

- 1.1 The application site comprises part of the Belmont Hayward Country Park that continues to be established to the south west fringes of the city, accessed to the east of Waterfield Road and via the newly constructed Cedar Avenue and Sycamore Avenue and from the west from Haywood Lane.
- 1.2 In February 2012, planning permission was granted for the provision of a car park and cycle / footway linking through to the eastern side of the Country Park. These works were undertaken and the car park was opened in August last year.
- 1.3 Following concerns raised by the Planning Committee about the potential for anti-social behaviour and the impact on the amenities of local residents a condition was attached to this permission that related to the management of the car park. The condition states:

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.*

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

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

- 1.4 A detailed management plan was submitted to and agreed by the Local Planning Authority confirming that in relation to part a) the car park would be open to the public at the following times:

Weekdays: 0800 – 1900

Weekend: 0800 – 2000

In relation to part b) it was agreed that the approved gate would be locked outside of these times and that the keys to the car park would be maintained on a rota system by designated members of the community; to include one of the 3 Councillors for the Belmont Ward. A second key would be held by the Ground Maintenance team of AMEY Herefordshire to maintain access into the car park for emergency situations.

- 1.5 This application seeks the removal of conditions 5a and 5b of this permission for the reasons outlined in Section 5.

2. Policies

- 2.1 National Planning Policy Framework

- 2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements
S8	-	Recreation, sport and tourism
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
T6	-	Walking
T7	-	Cycling
T16	-	Access for All
LA2	-	Landscape Character
LA5	-	Protection of trees, woodlands and hedgerows
LA6	-	Landscaping schemes
NC1	-	Biodiversity and Development
NC8	-	Habitat Creation, restoration and enhancement
HBA9	-	Protection of open areas and green spaces
RST1	-	Criteria for recreation, sport and tourism development
RST4	-	Safeguarding existing recreational space
RST5	-	New Open Space
RST6	-	Countryside access
RST7	-	Promoted recreational routes

- 2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

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

- 3.1 DMS/113513/CD – Construction of car park and footway . cycleway off Waterfield Road for Belmont Haywood Country Park - Approved with Conditions 22nd Feb 2012.
- 3.2 CCW2007/2834/F - Proposed erection of 69 dwellings and delivery of Haywood Country Park – Allowed on appeal March 2008

4. Consultation Summary

4.1 Statutory Consultations

4.1 None

Internal Consultation Responses

4.2 Public Rights of Way Manager has no objection

4.3 Transportation Manager has no objection to the grant of planning permission

5. Representations

5.1 One letter of representation has been received from Nicola Lynch, 6 Argyll Rise, Hereford whose comments can be summarised as follows:

- The car park should be locked at night because there has been trouble with lads driving their cars around the car park and the police were called.
- They knew when the application was passed that there was no-one to lock the gate.

5.2 The application submission was accompanied by the following supporting information (that had been sent to the Ward Member and Police before the application was submitted) This can be summarised as follows:

As you should be aware there was a planning condition attached to the Waterfield Road car park approval requiring that the car park be locked every evening / night. Rob Hemblade, our service manager at the time of the application has been advised that local residents would be willing to take on the role of ‘community custodians’ – but this has subsequently not proven to be the case.

There are two options:

1. Pay an external contractor to undertake the required locking / unlocking (which will also require the purchase and installation of additional signage on site).
2. Apply for a change to the Planning Condition getting the nightly locking condition removed as a requirement and making it only optional at the Councils discretion (should a future need arise for locking be needed).

With no budget ever identified for the revenue of this car park or Belmont Haywood Country Park as a whole and given that the cost of meeting the current condition is likely to be high with no Community custodians being available (Based on other sites up to £6 – 8 K per year for 7 days a week lock / unlock) it would seem much more practical to pursue option 2 above and apply for a change of condition.

In order to make a formal application for change of condition I would like your comments / thoughts / feedback on the proposal and any corroborated evidence of antisocial behaviour that has occurred at night in the car park since its completion in August this year?

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

5.3. In response to the above PC Roger Bradley (Southside Cops) commented on the 28th November 2012 that since August this year, we are not aware of any reports of Anti Social Behaviour in relation to the car park. A further consultation has been sent to the Police and we await their response at the time of writing. Any further information will be reported in the schedule of updates.

5.4 The consultation responses can be viewed on the Council's website by using the following link:-
www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

6.1 The conditions were imposed following concerns raised by local residents about the potential for antisocial behaviour and as a result, an associated impact upon the amenities that are currently enjoyed by local residents.

6.2 The site is very open, is overlooked by dwellings and in a fairly prominent position with good lighting. The car park has been used since August 2012 without being locked overnight and it has not, to the best of your officers knowledge, been evident that the car park has been the source of anti-social behaviour as detailed above. The fact that only one letter has been received following consultation with local residents in respect of the application to remove these conditions is also noteworthy, suggesting that the use of the car park at night is not causing widespread nuisance.

6.3 The potential impact of the development has been considered in relation to the amenities of local residents and it is considered that the development itself, and its continued use as a car park, without restrictions on opening times, would not harm the amenities that are enjoyed by local residents. Any anti-social behaviour or disturbance can / should be dealt with by the appropriate authorities. The car park will continue to provide a facility for use by the wider community and help prevent indiscriminate parking on the highway by those visiting the Country Park. It is therefore considered that the removal of Condition 5a and 5b would comply with the requirements of policy DR2 of the Herefordshire Unitary Development Plan

6.4 For clarification, the removal of the condition does not mean that should anti-social behaviour become prevalent in the future, that the Council could decide not to lock it overnight.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. B04 Amendment to existing permission**
- 2. The management of the car park and associated land shall be undertaken in accordance with the details of Belmont Haywood Country Park Footway / Cycleway and Car Park Scheme Management Plan dated March 2012 but excluding the requirements of paragraphs 2.1.7 and 2.1.9. The management of the car park shall be carried out in accordance with the approved details 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

Reason for Approval

1. The potential impact of the development has been considered in relation to the amenities of local residents and it is considered that the development itself, and use as a car park would not harm the amenities that are enjoyed by local residents. Any anti-social behaviour or disturbance can / should be dealt with by the appropriate authorities. The provision of this car park will provide a facility for use by the wider community and help prevent indiscriminate parking on the highway by those visiting the Country Park. It is therefore considered that the removal of Condition 5a and 5b would comply with the requirements of policy DR2 of the Herefordshire Unitary Development Plan

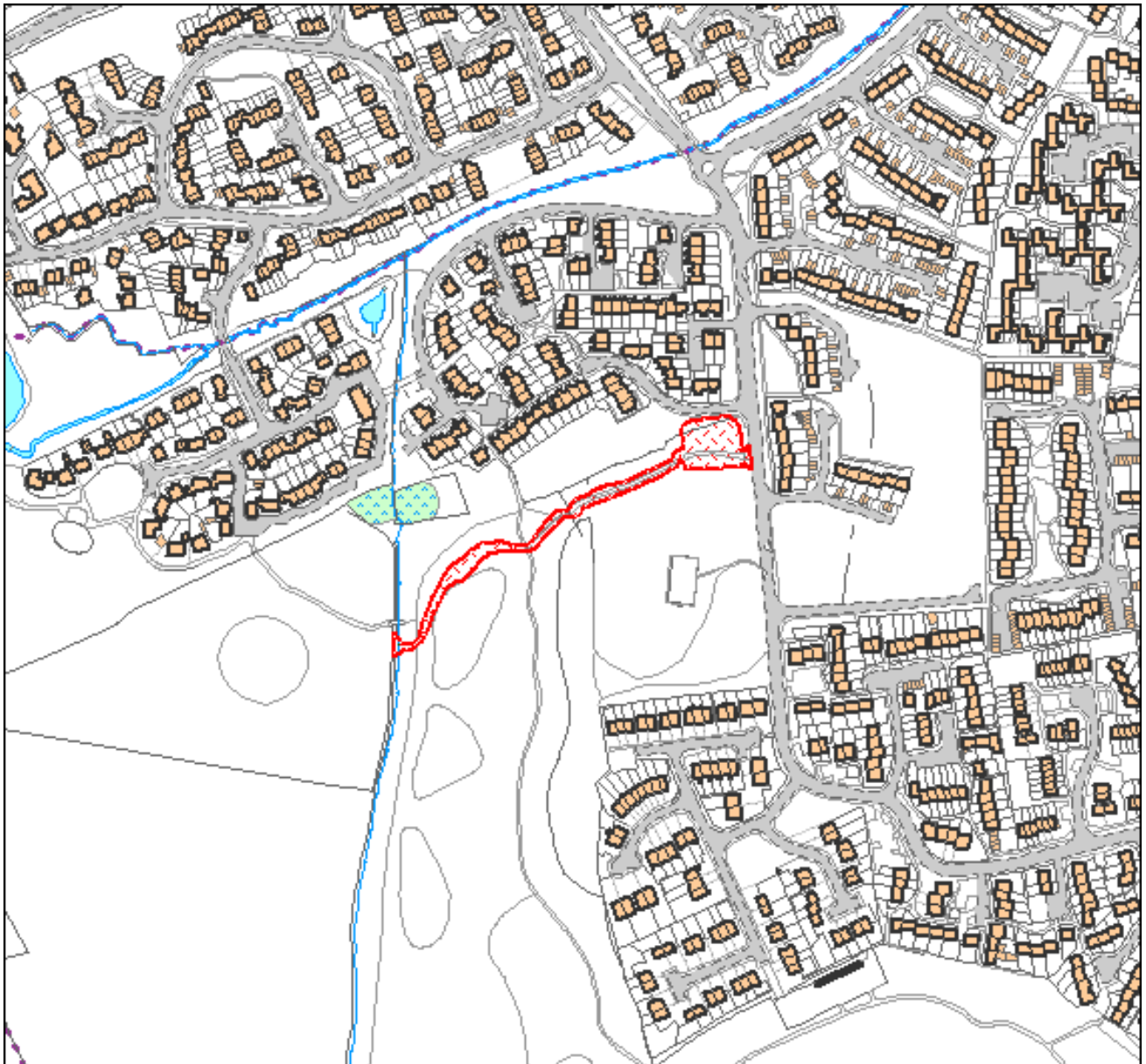
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: S/123545/CD

SITE ADDRESS : WATERFIELD ROAD CAR PARK, WATERFIELD ROAD, HEREFORD, HR2 7EL

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

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



MEETING:	PLANNING COMMITTEE
DATE:	13 MARCH 2013
TITLE OF REPORT:	S123439/F - PROPOSED EXTENSION AND INSTALLATION OF SOLAR PANELS AT NORTHOLME COMMUNITY CENTRE, NORTHOLME ROAD, BELMONT, HEREFORD, HR2 7SP For: Northolme Community Centre, per Ms Frances White, Cross House, Stretton Sugwas, Hereford, Herefordshire HR4 7AL
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=123439&NoSearch=True

Date Received: 10 December 2012

Ward: Belmont

Grid Ref: 349052,238649

Expiry Date: 1 March 2013

Local Members: Cllr PJ Edwards, Cllr GA Powell and Cllr AN Bridges

1. Site Description and Proposal

- 1.1 The application site comprises a single storey brick built community centre and associated car park and play area that is sited to the northern side of Northolme Road adjacent to the existing public open space. The community centre was completed in 2007 and is now a venue for evening classes, out of school activities, children's parties and other bookings.
- 1.2 The application is for permission to extend the community centre to the front, to improve toilet facilities and create a small meeting room that could be used independently of the main hall. A small storeroom is also proposed.
- 1.3 The existing building currently has a forward projection accommodating a reception and toilets. The single storey extensions would extend either side of these in line with the front building line of the existing reception and would be constructed using matching materials.
- 1.4 The proposals also include solar panels to the south elevation that fronts Northolme Road.
- 1.5 The proposals would result in the loss of two car parking spaces and makes provision for an additional cycle rack (up to 6 cycles).

2. Policies

2.1 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
DR1	-	Design
DR2	-	Land Use and Activity
DR10	-	Contaminated Land
T11	-	Parking Provision

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

CF5 - New Community Facilities

- 2.2 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

- 3.1 DCCW2006/2548/F – Toilet block and reception – Approved 12/9/2006
3.2 DCCW2006/2869/F – Lighting column to replace 4 x security lights – Approved 6/1/2009

4. Consultation Summary

- 4.1 The Transportation Manager raises no objection.
4.2 The Environmental Health Officer makes the following comments:

I have reviewed our records and note that the proposal is to the east of the former landfill site in an area where precautionary gas protection measures were installed in buildings. The design and construction of the extension should in no way compromise the effectiveness of existing gas protection measures (e.g by blocking vents to the under floor void or damaging membranes)

With this in mind I would recommend similar measures are included within the extension. Conditions are recommended to ascertain gas mitigation methods, protection of existing and validation after completion.

- 4.3 The Minerals and Waste Officer makes the following comments:

No objections to the proposal but would make the following observations:

- The site lies within the area demarked as Belmont former landfill site.
- In terms of the extension proposals, care should be taken with regard to excavations and any possible contamination from the former tip. The advice of EHO is recommended.

5. Representations

- 5.1 Belmont Rural Parish Council - No response
5.2 The consultation responses can be viewed on the Council's website by using the following link:-
www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

- 6.1 Policy CF5 of the Herefordshire Unitary Development Plan is supportive of proposals that would result in new or improved community facilities or enhanced use of existing facilities where they are of an appropriate scale to meet the needs of the locality, reflect the character of the location and are located within or around the settlement they serve. In addition to this proposals should not significantly impact upon the amenity of neighbouring residents and

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

should incorporate safe and convenient pedestrian access together with appropriate provision of car and cycle parking and operational space.

- 6.2 The proposed development is small in scale and designed sensitively to reflect the character of the existing building and area, whilst also incorporating sustainable energy proposals such as solar panels and water recycling in accordance with the requirements of policies S1 and DR1. The proposals would not impact upon the amenities of any nearby residential properties and, notwithstanding the loss of 2 car parking spaces, there is sufficient car and cycle parking proposed within the site to reflect the increased size of the building. As such the proposed development is considered to comply with the requirements of policy CF5 of the Unitary Development Plan.
- 6.3 The site also lies to the east of the former landfill site in an area where precautionary gas protection measures were installed in buildings. The design and construction of the extension should ensure that it does not compromise the effectiveness of existing gas protection measures (e.g by blocking vents to the under floor void or damaging membranes). In order to address this and the requirements of policy DR10 of the Unitary Development Plan a condition is recommended.
- 6.4 The proposed development is, by virtue of its size, scale, design and siting an acceptable and appropriate form of development that would serve the needs of the local community, protect the amenities of local residents and provide sufficient parking and cycling facilities. With an appropriately worded condition the requirements of policy DR10 can also be met to ensure that gas mitigation is both protected and undertaken. On the basis of the above, the application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B02 Development in accordance with approved plans and materials**
- 3. Prior to the commencement of development a detailed gas mitigation scheme, that also has regard to the existing buildings gas mitigation / protection, shall be submitted to and approved in writing to the Local Planning Authority. Works shall be carried out in accordance with the approved details.**

Prior to the first use of the extensions hereby approved, a verification report on the completion of the agreed works, confirming that the remediation measures have been carried out and setting out measures for maintenance, shall be submitted to and approved in writing.

Reason: To ensure that suitable gas mitigation measures are introduced and protected to comply with the requirements of policy DR10 of the Unitary Development Plan.

Reason for Approval

- 1. The proposed development is, by virtue of its size, scale, design and siting an acceptable and appropriate form of development that would serve the needs of the local community, protect the amenities of local residents and provide sufficient parking and cycling facilities. It therefore complies with the requirements of policies S1, DR1, CF5 and T11 of the Herefordshire Unitary Development Plan. With an**

appropriately worded condition the requirements of policy DR10 can also be met to ensure that gas mitigation is undertaken.

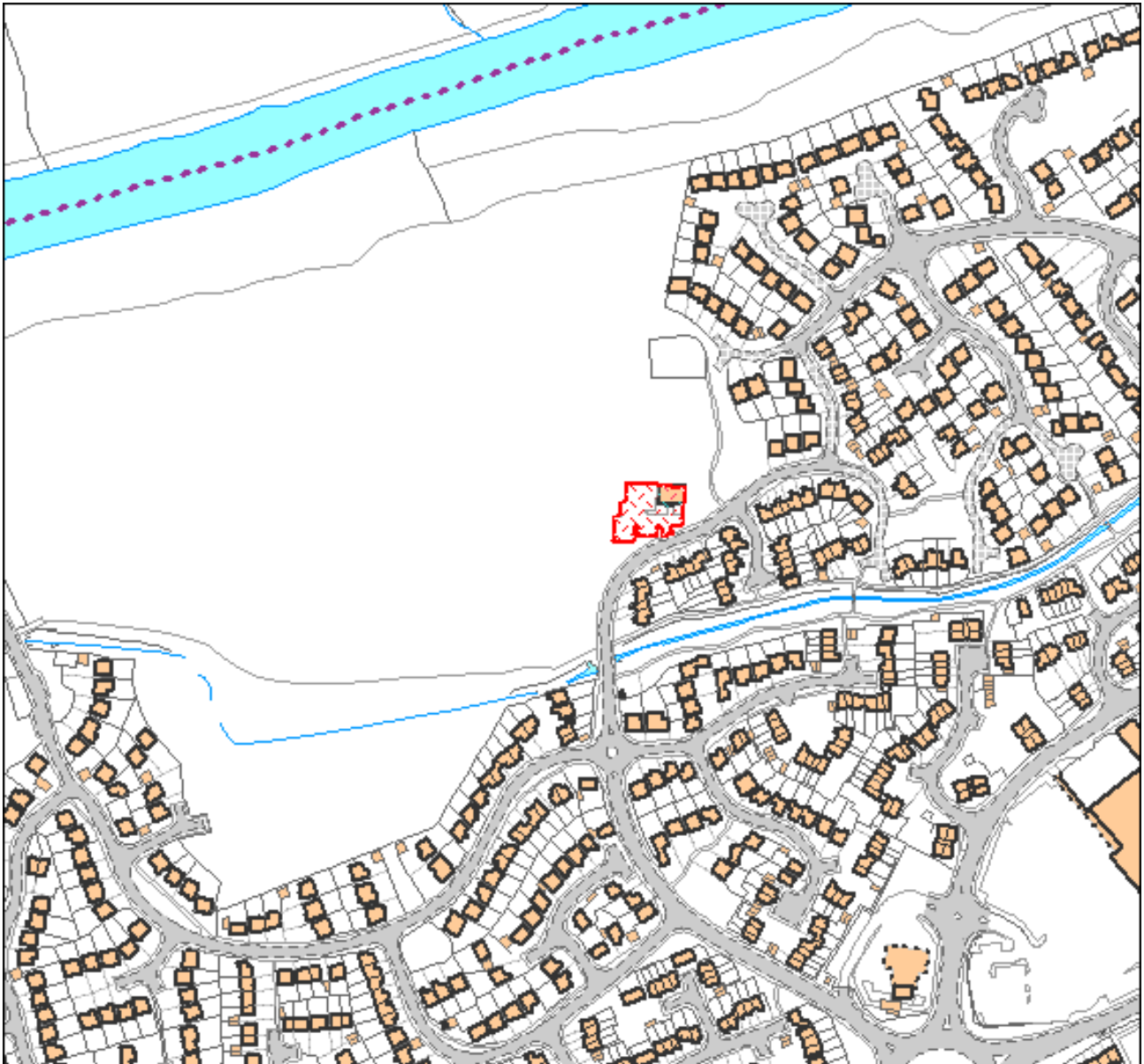
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: S/123439/F

SITE ADDRESS : NORTHOLME COMMUNITY CENTRE, NORTHOLME ROAD, BELMONT, HEREFORD, HEREFORDSHIRE, HR2 7SP

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

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



MEETING:	PLANNING COMMITTEE
DATE:	13 MARCH 2013
TITLE OF REPORT:	S123352/F - PROPOSED SINGLE STOREY EXTENSION AT HFA HEADQUARTERS, WIDEMARSH COMMON, HEREFORD, HR4 9NA For: Herefordshire Football Association per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=123352&NoSearch=True

Date Received: 27 November 2012

Ward: Three Elms

Grid Ref: 350669,240874

Expiry Date: 1 March 2013

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

1. Site Description and Proposal

- 1.1 The application relates to the Herefordshire Football Association Headquarters at Widemarsh Common, Hereford. The triangular site comprises a single story building, tarmacked car parking area, accessed from the Widemarsh common perimeter road via the Lads Club car park and an area of grassed amenity space. Adjoining to the south west is Moor Walk, to the north west is the side garden of South View, a semi detached dwelling, to the north and north west is the Lads Clubs Building which fronts Widemarsh Common and an associated car parking area. Adjacent to the south west boundary is the HFA's playing field. The whole of the site is within the Widemarsh Common Conservation Area.
- 1.2 The existing headquarters building is a plain, single storey, pitched roof structure with a rectilinear footprint of 18.70m long x 11.50m wide, sited parallel to and some 5.00m behind the rear main wall of the Lads Club building. Having a shallow pitched roof the eaves and ridge heights are 2.80m and 4.10m respectively. Facing materials are brick for the walls and metal profiled sheeting for the roof.
- 1.3 This proposal is for the erection of an extension which projects the whole profile of the northeast gable end of the building a further 9.00m., thus increasing the footprint by approximately 100 sq. m. Two additional windows in the south east side elevation will match the existing and the entrance door would be moved to the side. The extension will occupy the area of four existing car parking spaces. It is proposed to provide an overflow extension to the existing car park by providing a tarmacked area of six parking spaces on part of the grassed area between the side of the extended building and the edge of the HFA's playing field.
- 1.4 The applicant's state that in recent years the expansion of Hereford Football Association staffing levels (4 – 6) has led to over crowding of the existing facilities. This proposal is made to address this issue by extending the building to provide additional open plan office accommodation.

2. Policies

Further information on the subject of this report is available from Mr D Dugdale on 01432 261566

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Introduction – Achieving sustainable design

Section 7 – Requiring good design

Section 8 – Promoting healthy communities

Section 10 – Meeting the challenge of climate change, flooding and coastal change

Section 12 – Conserving and enhancing the historic environment

2.2 Herefordshire Unitary Development Plan (UDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S7	-	Natural and Historic Heritage
S8	-	Recreation, Sport and Tourism
S11	-	Community Facilities and Services
DR1	-	Design
DR2	-	Land Use and Activity
DR4	-	Environment
DR7	-	Flood Risk
HBA6	-	New Development Within Conservation Areas
RST1	-	Criteria for Recreation, Sport and Tourism Development
CF5	-	New Community Facilities

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

- | | | |
|-----|-----------------|---|
| 3.1 | HC/870213/PFW | Erection of building for changing rooms, shower and refreshment area.
Approved 30/07/1987. |
| 3.2 | HC/930021/PF | Proposed extension to form committee rooms, two offices.
Approved 07/04/1993. |
| 3.3 | HC/930022/PF | Formation of car park. Refused 18/03/1993. |
| 3.4 | DCCW2003/3166/F | Internal and external alterations to HFA headquarters.
Approved 05/12/2003. |
| 3.5 | DCCW2004/3498/F | Construction of hard surface to existing car parking area.
Approved 15/11/2004. |

4. Consultation Summary

Statutory Consultees

- 4.1 Environment Agency: Formal response is 'No Comment'. Request standard advice note to applicant.

Further information on the subject of this report is available from Mr D Dugdale on 01432 261566

Internal Council Advice

- 4.2 Traffic Manager: No objections.
- 4.3 Conservation Manager (Building Conservation): No objection.
- 4.4 Environmental Health Manager: No adverse comments.

5 Representations

- 5.1 Hereford City Council: No objections.
- 5.2 The consultation responses can be viewed on the Council's website by using the following link:-
www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

- 6.1 From a design point of view the proposed extension is simply a 9.00m extrusion of the form, height, width and profile of the north east gable end of the existing single storey Herefordshire Football Association building. With facing materials to match, it will appear in keeping with the character and appearance of the existing building and the surrounding area in terms of its scale, mass, height, detailed design and materials. The proposed overflow car park (6 spaces) would be located between the side of the extended building and HFA'S playing field and in a position where it would not appear visually intrusive. In the circumstances it is considered that the proposal complies with the design requirements of Herefordshire Unitary Development Plan Policies S1 (Sustainable development), S2 (Development Requirements), DR1 (Design), DR2 (Land use and activity), RST1 (Criteria for recreation, sport and tourism development) together with the sustainability and good design objectives contained in the Introduction and Section 7 of the National Planning Policy Framework.
- 6.2 The existing building and its parking area is located within the Widemarsh Common conservation area, the character of which is essentially derived from relief afforded by the grassed open space and peripheral buildings. It is located in a position immediately to the rear of the Lads Club building where it is an inconspicuous element in the conservation area. The proposed building extension and modest extension to the existing car park would not significantly increase the prominence of the existing building and hard surface. Accordingly it is considered that it would not harm the character of the conservation area and the local planning authority's duty to preserve or enhance the character of the area as a heritage asset will not be compromised. The Conservation Manager raises no objection to the proposal. It is considered that the proposal does not conflict with Herefordshire Unitary Development Plan Policies S7 (Natural and Historic Heritage) and HBA6 (New development within conservation areas) or Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework.
- 6.3 To the north west of the existing building is the side garden of a semi detached dwelling. In that the proposed extension is at the other end of the existing building and the small car park extension is on the south east side of the extended building it is considered that the proposal will not have an adverse impact on the amenity of the occupiers of the dwelling. The proposed extension would be aligned with the rear wall of the Lads Club building at a distance of some 5.00m. There are four large hall windows in the rear wall of the Lads Club building. Allowing for the distance of the proposed extension from the wall and the eaves height of the extension relative to the windows, it is not considered that there would be an unacceptable impact on the

Lads Club premises. In terms of the relationship of the extension to neighbouring properties it is considered that the proposal is acceptable and will not conflict with Herefordshire Unitary Development Plan Policy DR2 (Land use and activity) or the Core planning principles contained in Section 17 of the National Planning Policy Framework.

- 6.4 The application site is situated within Flood Zone 3. Having regard to the applicant's flood risk assessment and the Environment Agency's response that the proposal is a minor extension and they have no comment, it is considered that the proposal is acceptable and in accordance with Policy DR7 of the Herefordshire Unitary Development Plan.
- 6.5 Herefordshire Unitary Development Plan Policy S8 (Recreation, sport and tourism) states that "The provision of appropriate new or improved facilities for recreation, sport and tourism will be supported to meet the needs of local communities and visitors and to contribute to local economic development, employment and community regeneration. In addition it is stated "Existing sports facilities will be protected, fully utilised wherever possible, or enhanced to provide better and improved facilities.." Policy RST1 (Criteria for recreation, sport and tourism development) states improvement or extension or extension of existing facilities will be permitted where the proposal is appropriate to the needs of the community, would not harm residential amenity, respects environmental character and resources and wherever possible is accessible by a choice of modes of transport. The National Planning Policy Framework acknowledges the important contribution sports facilities make to the health and well being of communities.
- 6.6 In the context of these policies and having due regard to the other policies and material considerations referred to above 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)**
- 2. B01 Development in accordance with the approved plans**
- 3. C02 Matching external materials (extension)**

Reasons for Approval

- 1. The proposed extension is required to provide additional floor space for the existing Hereford Football Association headquarters as such it is regarded as a sports related development. Having regard to Herefordshire Unitary Development Plan Policies S8 and RST1 and policies contained within the National Planning Policy Framework. It is considered that the proposal represents an important contribution to the provision of local and community sports facilities.**

It is considered that the proposed extension will appear in keeping with the character and appearance of the existing building and surrounding area in terms of its siting, scale, mass, height, detailed design and materials. In this respect the proposal will not conflict with the requirements of Hereford Unitary Development Plan Policies S1, S2, DR1 and DR2 together with the sustainability and good design policies and objectives contained in the Introduction and Section 7 of the National Planning Policy Framework.

The existing building is located within the Widemarsh Common Conservation Area, where it is an inconspicuous element in the context of the distinctive character of the conservation area. It is considered that the extension and parking area will not

significantly increase the prominence of the building and will not harm the character of the conservation area. Accordingly it is considered that the proposal does not conflict with Herefordshire Unitary Development Plan Policies S7 and HBA 6 or Section 12 of the National Planning Policy Framework

It is considered that the proposal will not unduly impact on the amenity of the occupiers of nearby residential or other properties and will not conflict with Herefordshire Unitary Development Plan Policy DR2 or the Core planning principles contained in the National Planning Policy Framework.

The application site is situated within Flood Zone 3. Having regard to the applicant's flood risk assessment and the Environment Agency's response that the proposal is a minor extension and they have no formal comment it is considered the proposal is acceptable and will not conflict with Hereford Unitary Development Plan Policy DR7 or Section 10 of the National Planning Policy Framework.

Informatives:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. The applicant's attention is drawn to the Environment Agency's advice on flood risk a copy of which is attached.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



Environment Agency Standing Advice to Local Planning Authorities on Development and Flood Risk

Domestic & Commercial/Industrial extensions (less than 250m²) within Flood Zone 3 & Flood Zone 2 (and historic)

FORMAL EA RESPONSE IS 'NO COMMENT'

The following is advice for the benefit of landowner/occupier & the Environment.

It is suggested that applications be accompanied by a simple Flood Risk Assessment (FRA) which confirms in writing that as a minimum:

EITHER

Floor levels within the proposed development will be set no lower than existing levels AND,

Flood proofing of the proposed development has been considered by the applicant and incorporated where appropriate to 1% (1 in 100 chance each year) river flood level or 0.5% (1 in 200 chance) tidal and coastal level, including climate change allowance.

OR **preferably** that:

Floor levels within the extension will be set 600mm above the known or modelled 1% (1 in 100 chance each year) river flood level or 0.5% (1 in 200 chance each year) tidal & coastal flood level (including climate change allowance). This should be demonstrated by a plan to Ordnance Datum/GPS showing finished floor levels relative to the known or modelled flood level.

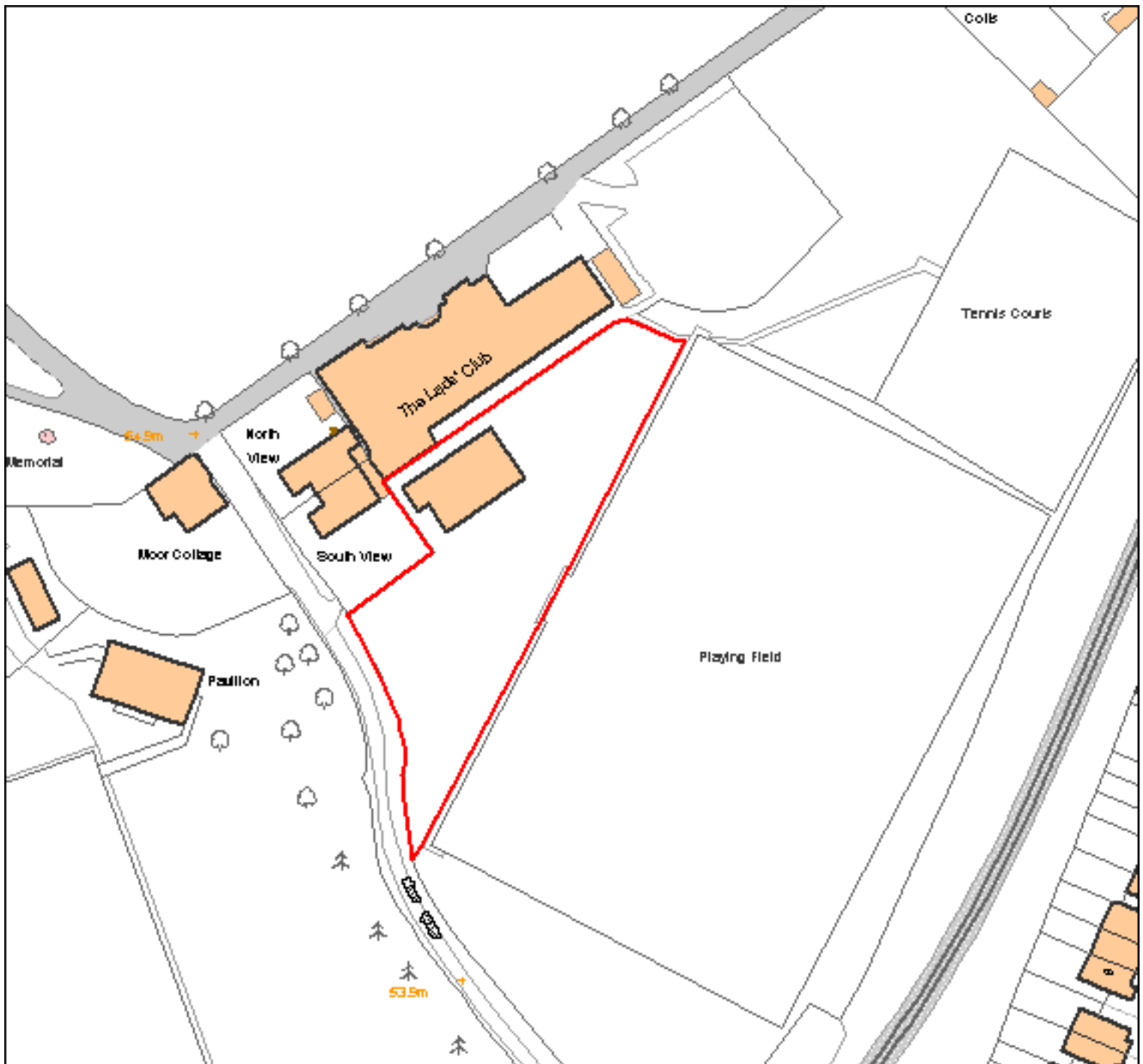
Background: For proposed extensions within Flood Zone 3/2/historic, the main aspect of flood risk to consider is that the development itself may be at risk of flooding. The most effective means of addressing this risk is through submission of a simple flood risk assessment (FRA). This should identify the flood risks and set out the proposed measures to mitigate that risk. For most developments within Flood Zone 3/2/historic, submission of a site plan showing floor levels related to Ordnance Datum/GPS should confirm that the site is above flood level. Where such a plan indicates otherwise or is not provided, mitigation measures would focus on controlling floor levels and incorporating flood proofing into the design of the extension.

Floor levels: From a flood risk view point, the ideal mitigation in terms of floor levels is to ensure that these are set to above the known or modelled 1%(1 in 100 chance each year) river flood level or 0.5% (1 in 200 chance each year) tidal and coastal flood level at that location. However, in the case of an extension it will often not be practical to raise floor levels given the potential effects on other issues such as access (including that for disabled users), usability and visual amenity. It is advisable that any proposal to raise floor levels should be discussed and agreed with the Local Planning Authority at the earliest possible stage.

Flood proofing: The Environment Agency recommends that in areas at risk of flooding, consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include removable barriers on building apertures such as doors and air bricks and providing electrical services into the building at a high level so that plugs are located above possible flood levels. Such measures could also be considered to protect existing property, in addition to the proposed extension. Additional guidance, including information on kite marked flood protection products, can be found on the Environment Agency web site www.environment-agency.gov.uk under the 'Managing Flood Risk' heading in the 'Flood' section. Also see [FRA Guidance Note 2](#) for information on flood resilience and resistance techniques in householder and other minor extensions section.

Residual risks: It should be noted that if the existing building is in a 'low spot' the measures adopted above in terms of maintaining floor levels at existing levels and flood proofing will not necessarily eliminate risks during a flood event. Applicants should be asked to check ground levels if in doubt about this. Even where it is possible to ensure floor levels are set above the known or modelled 1% river and 0.5% tidal and coastal flood level, *flood risks will remain for an event that exceeds this magnitude.*

Note: Development which involves a culvert or an obstruction to flow on an Ordinary Watercourse will require Agency consent under the Land Drainage Act 1991. In the case of an Ordinary Watercourse in an internal drainage district, the consent of the Internal Drainage Board, instead of the Environment Agency, is required for the above works under Section 23 of the Land Drainage Act 1991. An Ordinary Watercourse is defined as any watercourse not identified as a Main River on maps held by the Environment Agency and DEFRA. For further information click on [Ordinary Watercourses and Land Drainage Act Consent](#)



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: S/123352/F

SITE ADDRESS : HFA HEADQUARTERS, WIDEMARSH COMMON, HEREFORD, HR4 9NA

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005



MEETING:	PLANNING COMMITTEE
DATE:	13 MARCH 2013
TITLE OF REPORT:	123519/FH - PROPOSED PICKET FENCING AND GATE TO SOUTHERN BOUNDARY, FENCING TO NE BOUNDARY AND GATE REAR OF PARKING AREA AT THE OLD SAWMILL, MILLFIELD, CANON FROME, LEDBURY, HR8 2TH For: Mr C J Baird, The Old Sawmill, Millfield, Canon Frome, Ledbury, Herefordshire HR8 2TH
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=123519&NoSearch=True

Date Received: 17 December 2012 **Ward: Frome**

Grid Ref: 364775,243249

Expiry Date: 25 March 2013

Local Member: Councillor PM Morgan

1. Site Description and Proposal

- 1.1 This site is an existing dwellinghouse situated within a small modern housing estate. The estate is on the northern side of the C1154 which leads to the A417 at a point between Stretton Grandison and Ashperton.
- 1.2 The application site is located at the southern end of the housing estate with part of its curtilage boundary facing onto the C1154 road. Part of the roadside boundary, namely the section near to the road junction is in the form of a high red brick wall. There is also some post and rail wooden fencing at the northern end of the site.
- 1.3 The proposal is to erect 1.22 metre high wooden picket fencing along the southeast side boundary facing the C1154 road between the existing high red brick wall and the field hedgerow. At present this section is open except for a row of immature shrubs behind a section of grass verge fronting the highway. There will be a wooden picket pedestrian gate in the centre of the fence of the same height and design as the fence. There will be a second section of fencing along the north eastern boundary of the side facing the estate road. This fencing will also run along the edge of the existing hardstanding parking area within the site. There will also be a pedestrian gate in this fencing at the rear of the parking area.

2. Policies

2.1 National Planning Policy Framework:

2.2 Herefordshire Unitary Development Plan:

S2	-	Development Requirements
DR1	-	Design
DR3	-	Movement
H18	-	Alterations and Extensions

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

- 2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

- 3.1 DCNE2004/1160/O Site for erection of a single dwelling. Approved 16 June 2004.
- 3.2 DCNE2005/0007/RM Single storey dwelling with attached garage. Refused 21 February 2005. Appeal dismissed 6 May 2005.
- 3.3 DCNE2005/3499/F Three bedroom cottage with garage. Approved 5 December 2005.
- 3.4 DCNE2009/0165/F Retrospective application for alterations to dwelling. Approved 23 April 2009.

4. Consultation Summary

Statutory Consultees

- 4.1 None required.

Internal Council Advice

- 4.2 The comments of the Traffic Manager are awaited.
- 4.3 The Public Rights of Way Manager has no objections.

5. Representations

- 5.1 The applicant states that the current boundaries provide open access to the highway and the proposed fences will provide a degree of safety for children and pets. The style of the proposed fencing will be in keeping with the various styles of fencing on the other neighbouring properties and be less obtrusive than solid fences. The fences would be lower than many of the existing fences in neighbouring properties.
- 5.2 The comments of the Parish Council are awaited.
- 5.3 One objection has been received from Catherine Locke, Danzey Cottage, Canon Frome stating:
- Picket fencing is more in keeping with a cottage garden and not a modern built house.
 - Very heavy in appearance.
 - Other properties have open front plan gardens.
 - Part of this land was previously agricultural until recently.
 - Post and rail fencing is more aesthetically pleasing.
- 5.4 At the time this report was prepared, the public consultation process (i.e. letters to neighbours and a site notice) was still in progress. The consultation period ends on 8 March 2013.

5.5 The consultation responses can be viewed on the Council's website by using the following link:-
www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

6.1 The main issues relate to:-

- (i) The size, design and appearance of the proposal;
- (ii) The effect on the residential amenities of the occupants of neighbouring dwellings;
- (iii) Highway verge.

The most relevant policies in the Herefordshire Unitary Development Plan are S2, DR1, DR3 and H18.

6.2 The proposed fencing will look acceptable and be in keeping with the character and visual appearance of the area. Within the housing estate there are a mixture of boundary treatments including some wooden picket fencing, brick walling and open boundaries.

6.3 In addition the proposed fencing will not adversely affect the residential amenities of the occupants of nearby dwellings nor will it adversely affect highway safety.

6.4 In conclusion the proposed development is therefore considered to be acceptable and in accordance with planning policies and guidance. In particular Policies S2, DR1, DR3 and H18 of the Herefordshire Unitary Development Plan and also Government advice contained in the National Planning Policy Framework.

6.5 Finally the enclosed curtilage was approved under reference DCNE2009/0165/F.

RECOMMENDATION

To take into account any representations received as a result of the internal and public consultation process and, subject to there being no representations received which would require any alteration to the recommendation, that planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**

Reason for Approval

1. **The proposed development will look acceptable and be in keeping with the character and appearance of the area. The residential amenity of occupants of nearby dwellings will not be adversely affected. In addition highway safety will not be adversely affected. The proposed development is therefore considered to be acceptable and in accordance with planning policies and guidance. In particular Policies S2, DR1, DR3 and H18 of the Herefordshire Unitary Development Plan and Government advice contained in the National Planning Policy Framework 2012.**

Informatives:

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

1. The local planning authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development as set out within the National Planning Policy Framework.

2. **N03 Adjoining property rights**

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 123519/FH

SITE ADDRESS: THE OLD SAWMILL, MILLFIELD, CANON FROME, LEDBURY, HEREFORDSHIRE, HR8 2TH

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

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

