

AGENDA

Planning Committee

Date: **Wednesday 7 August 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:

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Agenda for the Meeting of the Planning Committee

Membership

Chairman

Councillor PGH Cutter

Vice-Chairman

Councillor BA Durkin

Councillor PA Andrews

Councillor AM Atkinson

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.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To any details of Members nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p>MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 17 July 2013.</p>	7 - 28
5.	<p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
6.	<p>APPEALS</p> <p>To be noted.</p>	29 - 30
7.	<p>130888F - LAND AT MERTON MEADOW, EDGAR STREET, HEREFORD, HR4 9JU</p> <p>Redevelopment of site, including demolition works to provide residential development comprising up to 192 units including a 60 bed extra care home and ancillary uses, new public realm and landscaping.</p>	31 - 56
8.	<p>131240F - LAND AT FORMER ROCKFIELD DIY SUPERSTORE, STATION APPROACH, HEREFORD, HR1 1BB</p> <p>Redevelopment of site to provide a public car park with associated lighting, signage and parking meters.</p>	57 - 66
9.	<p>131071F - LAND AT LEYS FARM, TARRINGTON, HEREFORD, HR1 4EX</p> <p>Part retrospective change of use of rearing of game birds, cold storage of associated equipment, storage of animal feeds and agricultural chemicals, seed and fertiliser, including the erection of 2 feed silos.</p>	67 - 74
10.	<p>131090F - ROUNDABOUT AT BURLEY GATE, JUNCTION OF A465 AND A417, BURLEY GATE, HEREFORDSHIRE</p> <p>Erection of commemorative weathervane/sculpture.</p>	75 - 78
11.	<p>DATE OF NEXT MEETING</p> <p>Date of next site inspection: 27 August 2013</p> <p>Date of next meeting: 28 August 2013</p>	

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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 17 July 2013 at 10.00 am

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

Councillors: PA Andrews, AM Atkinson, AN Bridges, PJ Edwards, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, RC Hunt, Brig P Jones CBE, JG Lester, RI Matthews, FM Norman, GR Swinford and PJ Watts

25. APOLOGIES FOR ABSENCE

Apologies were received from Councillor AJW Powers.

26. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor MD Lloyd-Hayes attended the meeting as a substitute member for Councillor AJW Powers.

27. DECLARATIONS OF INTEREST

8. N123316/F - LOWER HENGOED, HUNTINGTON, KINGTON, HR5 3QA.
Councillor AM Atkinson, Non-Pecuniary, One of the directors of Haygrove is a customer of the Councillor.

9. S122524/F - FERRYMEAD, 14 VILLA STREET, HEREFORD, HR2 7AY.
Councillor PA Andrews, Non-Pecuniary, the Councillor knows a number of residents of Villa Street.

10. 131292/FH - THE HOLT, VILLA STREET, HEREFORD, HR2 7AY.
Councillor PA Andrews, Non-Pecuniary, The Councillor knows a number of residents of Villa Street.

11. 130541/O - THE PADDOCK OFF PERRYSTONE LANE, TUPSLEY, HEREFORD.
Councillor J Hardwick, Non-Pecuniary, The applicant is an acquaintance of the Councillor.

28. MINUTES

A member of the Committee advised of a typographical error on page 10 of the minutes. He requested that at bullet point 5, where reference was made to the ratio between housing an employment land, 8/20 be replaced by 80/20.

RESOLVED: That subject to the amendment detailed above, the Minutes of the meeting held on 26 June 2013 be approved as a correct record and signed by the Chairman.

29. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

30. APPEALS

The Planning Committee noted the report.

31. S123592/O - LAND OFF BREINTON LEE, KINGS ACRE ROAD, HEREFORD

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

In accordance with the criteria for public speaking, Mr Geeson, representing Breinton Parish Council and Col. Farnes, a neighbouring resident, spoke in objection to the application and Mrs Tagg, the applicant, spoke in support.

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

- The concerns of the local residents and Parish Council should be noted.
- Three previous applications on the site had been refused at appeal.
- The application was contrary to UDP Policy H7, although its standing under the National Planning Policy Framework was noted.
- The application should be considered on its merits and full consideration should be given to the impact resulting from the development.
- The access and impact on the highway make the application unacceptable.
- There had been a number of unrecorded accidents over the previous years.
- The layby was extremely well used and its removal would have a detrimental impact on highway safety.
- The application was contrary to UDP policies DR3 and DR4.
- In December 2012 the ditch had flooded resulting in 18 inches of water entering neighbouring resident's homes.
- The Council engineers had historically noted that there was a problem with drainage in the area.
- There was nowhere for the water to go at the point where the culvert terminated at 304-306 Kings Acre Road.
- Public footpaths in the area had also been flooded.
- Local residents had reported issues with insurance companies due to the flooding concerns in the area.
- The report refers to drains and ditches that do not exist.
- Wyevale had expressed their concerns in an email and stated that they objected to the application.
- It was noted that the report which the housing shortfall figures had been based on was a report up to the end of 2011, what was the actual shortfall now.

The debate was opened with a Member of the Committee speaking in objection to the application. Concerns in respect of the surface water issues, drainage issues, the closure of the layby and the decision to locate the proposed play facility some distance away at Westfaling Street were all expressed.

Further debate took place in respect of the flooding issues on the site. One Member voiced his concern in respect of the proposed ditches and balancing ponds and stated that their presence clearly indicated that there was an issue with drainage on the site. He also expressed concern regarding the removal of trees and shrubs from the site and questioned whether the application was in fact sustainable. Another member echoed the concerns in respect of drainage and advised the applicant to consider a wet drainage

system and the use of porous surfaces to assist in alleviating the current drainage problems. She also raised concern regarding the loss of the badger setts on the site.

Another member noted that two balancing ponds were required on the site, with one being of a significant size. He had concerns regarding the future monitoring of the ponds as well as the safety of the ponds in respect of children from the proposed new dwellings.

The Committee were unanimous in their support of the local ward member, the parish council and the local residents who had objected to the application. Members voiced their concerns in respect of the application and put forward four reasons for refusal, namely: an unacceptable impact of surface water; the closure of the layby would not be in the interest of highway safety; an unacceptable Section 106 agreement in terms of the location of the play area; and the impact on the badger setts within the site.

The Planning Lawyer advised that Members needed to be satisfied that the reasons for refusal put forward could be supported by sound evidence in light of any potential appeal.

Councillor Matthews was given the opportunity to close the debate. He reiterated his opening remarks and requested that the application be refused.

RESOLVED

That planning permission be refused for the following reasons:

- 1 The Council is not satisfied that the information supplied with the application demonstrates that the proposed mitigation measures would address the risk of flooding or the potential adverse impact on the dwellings and infrastructure in the locality in relation to surface water run-off. As such the proposal would fail to comply with the requirements of Policies DR4 and DR7 of the Herefordshire Unitary Development Plan. "**
- 2 The proposed highway improvements to the A438 (namely the partial closure of the existing layby) required to ensure satisfactory visibility when existing Breinton Lee onto the A438 would, when having regard to its siting, location and frequency of use, give rise to indiscriminate parking of on the highway to the detriment of visibility and ability for vehicles to manoeuvre safely. Consequently its loss would not be in the interests of highway safety and the proposal would therefore be contrary to Policy DR3 of the Herefordshire Unitary Development Plan.**
- 3 The proposed development fails to satisfactorily demonstrate that the identified protected species (Badgers) and their habitat can be retained or satisfactorily mitigated to ensure that there is not an adverse impact on the protected species or their habitat. As such the proposal would be contrary to Policies NCI, NC7 and NC8 of the Herefordshire Unitary Development Plan and requirements contained within Chapter 11 of the National Planning Policy Framework.**
- 4. The proposal fails to incorporate outdoor playing space and public open space in accordance with the requirements of Policy HI9 of the Herefordshire Unitary Development Plan. The proposed 'off site' contribution proposed is considered to be inappropriate and not reasonably related to the site and proposals due to the separation and distance from the site.**

5. **The application is not accompanied by a completed section 106 agreement considered necessary to make the development acceptable and is therefore contrary to Policy DR5 of the Herefordshire Unitary Development Plan and the Supplementary Planning Document: Planning Obligations.**

32. N123316/F - LOWER HENGOED, HUNTINGTON, KINGTON, HR5 3QA

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

In accordance with the criteria for public speaking, Miss Watson, representing some of the local residents, spoke in objection to the application and Mr Hammond, the applicant, spoke in support.

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

- There had been 120 letters of objection and 50 letters of support for the application, however Huntington only had an electoral roll of 88.
- The National Planning Policy Framework supported sustainable economic growth; the expansion and diversification in agriculture; and also stated that the Council should seek to approve sustainable development.
- The Council's officers did not object to the application.
- There was no evidence to suggest that polytunnels affected tourism.

The debate was opened with a member noting that he was disappointed that the cherry trees had already been planted prior to planning permission being granted. He also noted the concerns of the local residents in response to comments regarding the lack of local employment opportunities, however he considered that in his experience with fruit farms in his area, local people did not apply for the jobs when they were advertised. In summing up he drew Members attention to the time limited nature of the application and considered that it should be approved.

Members discussed the application and voiced some concern in respect of the proposed landscaping condition. They noted that screening could take some time to mature and requested that mature screening be incorporated to reduce any impact on the neighbouring dwellings.

There was some debate in respect of the possible impact the application would have on tourism in the area. It was noted that tourism brought £412,000,000 into the Herefordshire economy in 2012 and that this should not be jeopardised through any development.

In response to the points raised, the Principal Planning Officer advised that the Transportation Manager had not objected to the applications and that workers were currently being transported from Ledbury to a neighbouring site, therefore traffic movements would not increase. He also advised that landscaping, as well as a 30m buffer zone, had been offered by the applicant. Members noted the condition and requested that any landscaping had to have an immediate effect.

Another Member of the Committee had concerns in respect of the application and its impact on the neighbouring bed and breakfast business. He asked Members to consider all of the local businesses that could be affected by the proposed polytunnels. He noted the Officer's comments but stated that there would be additional vehicular movements as

workers would still need to be transported between the two sites. He also expressed concerns regarding landscaping and questioned whether the polytunnels would ever be able to blend into the landscape.

Some further concern was expressed in respect of highway movements with members noting that the roads around the farm were very narrow with few passing points. Members noted that agricultural workers would be transported from Ledbury and had some concern regarding early morning and late night transportation. They therefore requested that a travel plan condition be added to the recommendation and also requested that consideration be given to passing points along the narrow roads.

In response to the points raised by the Committee, the Development Manager noted that the application was finely balanced and advised that a travel plan condition could address the concerns raised regarding vehicle movements. He also added that the applicant had offered additional landscaping but that this could be enhanced further through planning conditions if required. The Committee requested that time restrictions on movements and passing points be considered in the travel plan.

Councillor Hope was given the opportunity to close the debate. He reiterated his opening remarks and requested that the application be approved.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. G10 Landscaping scheme**
- 4. G11 Landscaping scheme - implementation**
- 5. No polytunnel or associated development will be situated within 30 metres of the boundary of any residential curtilage of any dwelling house that is located outside of the application site. This land shall not be used in connection with the growing of cherries on site, including such uses as ancillary storage, servicing or for staff welfare facilities or congregating areas.**

Reason: To safeguard the amenities of the occupiers of dwelling houses within the immediate vicinity and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

- 6. In the event of any polytunnel hereby permitted becoming redundant for the growing of cherries upon the application site, the poly tunnel which includes the supporting structure shall be removed off site within a period of 6 months of it being last used for cherry production.**

Reason: To ensure that any structure that becomes redundant for fruit production does not remain on site and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

- 7. None of the poly tunnels hereby permitted shall be covered with polythene during the period from 1st October until April 1st in the following year.**

Reason: To ensure that the visual impact of the development hereby permitted is limited to the growing season during leaf cover and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

- 8. None of the poly tunnels hereby permitted shall be lit with artificial lighting.**

Reason: In the interests of the visual amenity and to comply with Policies DR2 and DR4 of the Herefordshire Unitary Development Plan.

- 9. The polytunnels and any supporting infrastructure hereby permitted shall be removed off site within 20 years of the date of this planning permission and the land afterwards will be returned back to its original condition in accordance with a timetable to be submitted to the Local Planning Authority no later than 19 years of the date of this planning approval.**

Reason: In consideration of the visual and amenity impact on the surrounding landscape and the life expectancy of the cherry crop and to comply with Policies DR2 and LA2 of the Herefordshire Unitary Development Plan.

- 10. There shall be no raising of ground levels within flood zone 3, the 'high risk area' 1% annual probability floodplain, of the site.**

Reason: To alleviate the increased risk of flooding and to comply with Policy DR7 of the Herefordshire Unitary Development Plan.

- 11. Prior to any development on site, full details will be submitted to the Local Planning Authority and approved in writing with regards to implementation of a working method statement and a habitat enhancement scheme. This shall be based on the recommendations in the ecological report dated 9 October 2012 and include full details and timetables for the:**

- construction and habitat enhancement of the irrigation pond and associated works to the stream;**
- swale construction between the poly tunnels in Field 4 and land that is to remain as permanent pasture;**
- management of buffer strips alongside all boundaries and watercourses, and;**
- management of the remaining permanent pasture land, hedgerows, the River Arrow and the tributary stream.**

Reason: In consideration of the ecological impact of the development and mitigation requirements and to comply with Policies NC1, NC4, NC6, NC7 and NC8 of the Herefordshire Unitary Development Plan in relation to nature conservation and biodiversity and to meet the requirements of The National Planning Policy Framework and the NERC Act 2006.

- 12. H30 - Travel Plan condition**

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 is reminded that the adjacent public rights of way must be kept open and free from obstruction at all times.**
- 3. The local Planning Authority will be expecting an enhanced landscaping submission as required by condition number 4 to provide for landscaping to protect nearby residents.**

33. S122524/F - FERRYMEAD, 14 VILLA STREET, HEREFORD, HR2 7AY

The Chairman advised that agenda items 9 and 10 were neighbouring dwellings and that the applicants had both been submitted by the same person. He therefore agreed to consider both items together but took two separate votes and allowed separate public speaking times for both applications.

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

In accordance with the criteria for public speaking, Mr Tillett, a neighbouring resident, spoke in objection to the application and Mr Ballantyne, the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors AN Bridges and PJ Edwards, two of the local ward members, commented on a number of issues, including:

- The site visit had highlighted the issues at the site.
- The Transport Manager's comments were not agreed with.
- The dwelling was located on a popular route to and from Rivermead Primary School.
- The Council encouraged people to cycle yet this application impacted on the cycle route from Belmont to the City.
- The application should not have been granted for the original dwelling in 2002.
- There was a risk of flooding in the area.
- Could the 2 ½ storey dwelling be converted easily, would there be appropriate emergency access?
- Unrealistic to expect all of the dwellings to have just one car each.
- The third parking space was proposed to be between the two dwellings, how would this be controlled if one of the dwellings was sold?
- The Planning Inspector had upheld decisions to refuse planning permission in the area previously.
- The public access to the river would be blocked.
- The position of the strengthening wall would result in the back end of the vehicle being in the cycle lane.
- The application was contrary to S1, T11 and DR3 of the Unitary Development Plan.

The debate was opened with a Councillor speaking in support of the application. He was surprised that the dwelling had been empty since it was built in 2002 and was of the opinion that the application would bring an empty building back into use. He noted that there would be either 6 or 7 parking spaces on the two sites and considered this to be

sufficient. He did request an additional condition regarding a fence between the two dwellings in order to give a clear visual separation in respect of parking provision.

The issue of the dwelling being used as a house of multiple occupancy if the application was refused was discussed. It was noted that no planning permission would be required to use the house as an HMO. One member noted that a HMO was similar to a single household and would benefit from lower vehicular movements than the three separate households being created under the proposed application. He considered that the proposed application would result in an over intensification.

Members continued to discuss the application and had concern in respect of the application. It was considered that the increase in vehicular movements would not be acceptable.

Councillors Bridges and Edwards were given the opportunity to close the debate. They reiterated their opening remarks and made additional comments, including:

- There was no objection to bringing the dwelling back into use, however it had to be a suitable use.
- The proposed application would result in over intensification of the site.
- There were 1700 homes in Belmont and this dwelling was on the main cycle route into the city.
- There was poor visibility for vehicles pulling out of the drive.
- If the application was approved there should be secure cycle storage included.
- The application site was within the conservation area.
- Vehicles would be parked over a cycle lane.

A motion to approve the application in accordance with the case officer's recommendation was lost.

Members noted the concerns raised during the debate and moved that the application be refused. They considered that the application was contrary to UDP Policy H17; that the application would result in an over intensification of the Ferrymead site; and that the application would result in an unacceptable increase in the number of households.

RESOLVED:

That planning permission be refused for the following reasons:

- 1. The proposed subdivision of the dwelling would represent an unacceptable intensification of the residential use of the building that consequently would have an undue adverse impact upon the general character of the area, having particular regard to additional traffic movements and the nature of the highway. As such the proposal would fail to comply with Policy H17 of the Herefordshire Unitary Development Plan.**

34. 131292/FH - THE HOLT, VILLA STREET, HEREFORD, HR2 7AY

Due to the link between this item and the previous agenda item the Principal Planning Officer's presentation was combined.

In accordance with the criteria for public speaking, Mr Tillett, a neighbouring resident, spoke in objection to the application and Mr Ballantyne, the applicant, spoke in support.

RESOLVED

That planning permission be granted subject to the following conditions:

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

Informative:

- 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**

35. 130541/O - THE PADDOCK OFF PERRYSTONE LANE, TUPSLEY, HEREFORD

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

In accordance with the criteria for public speaking, Mrs McCarthy, a neighbouring resident, spoke in objection to the application and Mr Hooper, the applicant, spoke in support.

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

- The detailed specification of the dwellings would be forthcoming when a full application was submitted.
- The applicant should be commended for submitting an application for solely affordable housing.

The debate was opened with a Member speaking in support of the application. She noted that the application was solely for affordable housing but stated that this should not mean low quality housing. She advised the applicant to investigate the possibility of sustainable features for the dwellings when the full application was submitted.

In response to a question regarding the possible adoption of the public highway, the Principal Planning Officer advised that the Council could not insist that the highway was adopted but that they could ask for the applicant to ensure that it was to an adoptable standard.

The Development Manager advised that the construction of the houses would be to code level 3 and that this would form part of the enhanced Section 106 agreement.

Councillor Hardwick was given the opportunity to close the debate. He chose to make no additional statement.

RESOLVED

That subject to the completion of a Section 106 Agreement in accordance with the attached Heads of Terms, planning permission be granted subject to the following conditions:

1. **The development shall not commence until approval of the ‘reserved matters’ has been obtained from the Local Planning Authority.**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development in order to secure compliance with policies DR1 and H13 of the Herefordshire Unitary Development Plan.

2. **Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**

Reason: Required to be imposed in accordance with Section 92 of the Town and Country Planning act 1990.

3. **The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.**

Reason: Required to be imposed in accordance with Section 92 of the Town and Country Planning act 1990.

4. **H03 Visibility splays**
5. **H06 Vehicular access construction**
6. **H18 On site roads - submission of details**
7. **H20 Road completion in 2 years**
8. **H21 Wheel washing**
9. **H26 Access location**
10. **H27 Parking for site operatives**
11. **G04 Protection of trees/hedgerows that are to be retained**
12. **G10 Landscaping scheme**
13. **G11 Landscaping scheme - implementation**
14. **I16 Restriction of hours during construction**
15. **I51 Details of slab levels**

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.**
2. **HN08 Section 38 Agreement & Drainage details**

3. **HN10 No drainage to discharge to highway**
4. **HN04 Private apparatus within highway**
5. **HN01 Mud on highway**
6. **HN15 Affected street lighting or illuminated signs**
7. **HN28 Highways Design Guide and Specification**
8. **HN05 Works within the highway**

36. 131071/F - LAND AT LEYS FARM, TARRINGTON, HEREFORD, HR1 4EX

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

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

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

- A site visit would be beneficial.
- The site was close to a number of residential properties.
- There were health and environmental issues.
- Tarrington Parish Council had objected to the application.

The Committee agreed that a site visit would be beneficial and moved that a visit be undertaken on all three grounds as set out in the Council's constitution.

RESOLVED

THAT a site inspection be undertaken on the following grounds:

1. **The character or appearance of the development itself is a fundamental planning consideration.**
2. **A judgement is required on visual impact.**
3. **The setting and surroundings are fundamental to the determination or to the conditions being considered, and cannot reasonably be made without visiting the site in question.**

37. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 1.10 pm

CHAIRMAN

PLANNING COMMITTEE

17 July 2013

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.

S123592/O - PROPOSED OUTLINE PERMISSION FOR A RESIDENTIAL DEVELOPMENT OF 15 NO. DWELLINGS WITH ASSOCIATED INFRASTRUCTURE INCLUDING ALTERATIONS ON A438 + DRAINAGE AND LANDSCAPING WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS AT LAND OFF BREINTON LEE, KINGS ACRE ROAD, HEREFORD

For: Mr Wakeley per Foxley Tagg Planning Ltd, Normandy House, 305-309 High Street, Cheltenham, Gloucestershire, GL50 3SH

ADDITIONAL REPRESENTATIONS

Breinton Parish Council have made the following comments:

Most of the original points and concerns raised in previous correspondence have still not been adequately addressed in the additional and re-amended plans supplied by Foxley Tagg and RJ Fillingham Associates Ltd. Having discussed this application at our public meeting on 3rd July – which was observed but not contributed to in any way by a representative of the developer – I wish to confirm that Breinton Parish Council still objects most strongly to this planning application for the original reasons provided.

In particular, the Parish Council is of the opinion that the proposed development lacks sustainability, with regards to energy, sewerage, flooding, drainage, water supply and access as well as posing a real threat of ecological damage. The Parish Council responds to the letters from Foxley Tagg (latest dated 27 June 2013) and the additional information provided by them (including Planning statement addendum - 2nd scheme amendment and the Proposed foul water and surface drainage strategy addendum no 2) as follows:

Land use

1. While the Strategic Housing Land Availability Assessment (SHLAA) does consider the site as a suitable development site at some point and central government is pressing for further housing development; these are not sufficient reasons in our view. Until the planning framework changes definitively in Herefordshire, the site remains Greenfield and outside the settlement boundary, amongst the grounds for applications to have been rejected in past years.

2. Close inspection of the evidence strongly suggests that the site is not suitable for further housing development. The proposed site is grade 2 agricultural land and is therefore a nationally scarce resource. It is in the top 25% of most fertile soil and is therefore adaptable to a huge range of agricultural uses. The danger of piecemeal development using such land when other is available is emphasised by the NFU in its

current campaign for improved food security in the UK. Although the current owner has not chosen to farm this land, it has historically always been used for agriculture. It was previously a mature orchard used by Wyevale Nurseries – as shown in the historic photograph provided by the developers to support their application - whereas more recently the plot has been used for turning heavy agricultural machinery to access farmland beyond.

3. The provisions of the National Planning Policy Framework (NPPF) should be taken as a whole. In our view those parts which appear to support unsustainable development such as this one are over emphasised including the lack of a five year land supply. A simple examination of the 2011 Census indicates that this is not a problem of the magnitude frequently described. Paragraph 112 of the NPPF states “Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.” and should not be dismissed so lightly. Lower Grade agricultural land in the county, including around Hereford itself, should be considered for development prior to development of a site such as this.

4. Greenfield sites should only be used for housing development once existing brown field sites have been developed. Such sites exist in Breinton. The brown field site of the former Whitecross School on Baggallay Street elsewhere in Hereford is a prime example of available land for development and is a lot closer to the proposed play area on Westfaling Street than this site. It should be noted that such contributions to community infrastructure should this development proceed are of little or no value to Breinton residents and do not address local issues.

Drainage

5. It is noted that the proposals in paragraph 8.12 of the original drainage report - to extend and re-profile the ditches along the south and west sides of the site (and bordering 2 properties in Breinton Lee) remain. However, as is evidenced by the experience of the residents in the properties along Breinton Lee (and evidenced by the report and photographs from Turnwater Ltd) the water run-off from the land to the south of the site does contain substantial amounts of sediment. This leads to the ditches becoming silted up very quickly during periods of rain, so these ditches, even if re-dug, will require regular maintenance which is not guaranteed in any of the papers provided.

6. It is this silt that forms the debris which settles in the existing drainage system and causes this system to block, as seen in the Turnwater report. This deposition of silt will continue to be an issue with the drainage system. Contrary to the comments at 4.4 of the R J Fillingham’s original report, the slope does provide for flash overland flood run-off following heavy rain. 2m high fences have been demolished as demonstrated by the photographs viewed by the Planning Committee on 5 June 2013.

7. Surface water regularly collects along the northern edge of the fields - on the boundary with Breinton Lee and the proposed development site.

8. It is the Parish Council’s view that the various reports provided make inadequate mention of who will have responsibility for the maintenance of these ditches. Indeed, following the original ditch being dug out in 2000, the landowner subsequently requested that it be filled back in again. It is our understanding that although the existing southern ditch is within the development site the proposed 50m extension and western ditches will not be on the applicants land or that of the existing residents of Breinton Lee. There are no guarantees or funds to ensure these ditches will be adequately maintained and remain effective in the future?

9. Para 2.6 of the original Planning Statement Addendum goes on to say that these “may not be hugely effective in exceptionally wet periods given the clayey nature of the sub-strata”. As the problem is the substrata of the land which is a fluvial plane, this fundamental situation will continue, even with the proposed ditching by the applicants.

10. The original surface water drainage report (R J Fillingham) describes a general lack of maintenance and repair of the ditches; pipework, gullies and culvert throughout the drainage system to the receiving ditch that on the opposite side of KAR between nos. 304 and 306a KAR. The Turnwater (Drainage) Report

refers to a sizeable difference in pipe levels beneath the property of 343 KAR, and as the 'upstream' pipe is below the 'downstream' pipe, there is always a level of water that cannot drain away. The report concludes that the issue of pipe levels must be addressed for it to function properly. The applicants are still not in any position to sanction redress of this situation despite proposing; second – a pipe underneath the road at Breinton Lee and now third - larger balancing ponds.

11. At para 2.8 of the same report, it is accepted that improvement of the drainage system relies on improvements in other areas not owned by the applicant. In which case the applicants cannot rely upon these third parties to carry out these further works, so cannot guarantee the effectiveness of the drainage system to prevent flooding of the proposed development site or properties in Breinton Lee. Any development will mean that the existing system will have to contend with a much greater volume of surface water passing through the system. The lack of guarantees means that any failure to ensure the upkeep of the drainage system will lead to flood damage on the proposed development site as well as the existing properties in Breinton Lee.

12. As there is a sizeable amount of impermeable ground being created by the proposed development, there is less ground for surface water to soak away, which will increase the pressure on the drainage system. Herefordshire Council records show that Amey already frequently repair the drainage system in this area of Kings Acre Road. Over the last 18 months, Amey have responded to the following incidents: - blocked culverts parallel to Breinton Lee; blocked gullies along Kings Acre Road (4 instances); blocked gullies outside 333 Kings Acre Road and the Breinton Lee turning. Residents have been forced to dig a trench to prevent flooding off the farmer's field and have requesting sandbags from the Councils emergency stores.

13. This is indicative of the difficulties in trying to maintain an adequate drainage system for the existing houses. The difficulties will be made much worse by further housing development in the area and the fact that drainage improvements to the nature reserve uphill from the proposed development site will actually increase the speed at which water flows to the site boundaries and possibly the volume as well.

14. The review into the 2007 flood disaster in Herefordshire, Gloucestershire and Worcestershire produced for the Government by Sir Michael Pitt repeatedly makes the point that a considerable amount of damage was caused on sites like this by inadequate drainage solutions and not by river floods. These lessons should not be forgotten so soon and small site specific schemes are not the answer. The drainage scheme proposed now does not provide a solution for the wider area as claimed in the letter from Foxley Tagg dated 27 June 2013. Until there is a comprehensive solution for drainage and sewerage can be funded across this part of Breinton and Stretton Sugwas parishes, the probability of flooding remains unacceptably high and, like many others locally this site is not developable as described in the SHLAA. There are no proposals for such comprehensive solutions in Welsh Water's recently announced investment plans.

15. The potential to change the water balance for the worse may affect Wye-Vale nurseries across the main road from the proposed development site. As the major local employer any concerns that they express should be taken extremely seriously.

16. The revised plans proposals to be considered by the Planning Committee in July are the developer's third attempt to convince elected members that drainage problems can be solved. However, close examination of the latest proposals by local residents including the calculations and assumptions indicate major weaknesses exist. The Parish Council fully supports the resident's objections contained in their letters to Herefordshire Council but, for reasons of space will not repeat them here.

Balancing ponds

17. Based on our reading of the revised proposals it appears that one of the proposed balancing ponds remains is higher than the surrounding area, so this will not collect surface water from the lower ground surrounding it but from outside the development site. This appears to be no more than an excavated extension of the ditch with a restricted discharge back into it. There are doubts still if this will cope with the volumes of water involved as no doubt, local residents, letters will make clear.

18. Although enlarged from the original proposals, the balancing ponds capacity is limited, so in any prolonged periods of rain – as can be expected through climate change - the ponds will be full before any further surface water will have drained into them.

19. It remains likely that the balancing ponds will become filled with debris, agricultural chemicals, sediment and weeds so will require regular maintenance and dredging. The act of dredging will prevent any ecological benefit accruing from the existence of these water features. Foxley Tagg has advised that 'for the vast majority of time the ponds will be damp at worse with no significant standing water'. They will thus have little ecological water feature value.

20. The ponds will also provide a health and safety hazard to residents living in the area, and in particular to children not least as breeding grounds for mosquitoes and midges. In many residential areas such ponds have been prohibited due to the hazards they pose.

21. In short, bigger, deeper ponds require better fencing irrespective of the amount of water they contain and as there is no management or maintenance plan provided for these structures the Parish Council has no confidence that they will prove to be effective.

Access and road layout

22. It is agreed the lay-by on Kings Acre Road, south of the junction to Breinton Lee is frequently used as a parking area for local residents and large lorries. To improve the visibility for traffic emerging from Breinton Lee, it is proposed to change the lay-by.

23. We repeat that there are currently accesses into 2 adjoining properties from the lay-by. It will be necessary to discuss any proposed changes with the owners of those properties that adjoin the lay-by before any alterations are made.

24. Contrary to the assertions in the FoxleyTagg letter dated 27 June 2013, it has never been claimed that the lay-by was provided to give allocated parking spaces for them. As the historic photograph provided by them shows, the lay-by is a long-standing one presumably needed when the former nursery was a flourishing business to keep deliveries etc off the road. What is clear is that reductions to the size of the lay-by as proposed will result in vehicles parking on the road itself. This will a) negate the hoped for improvement to highways safety (thus danger of collision remains), b) create a similar 'pinch-point' equivalent to that which already exists further down King's Acre Road by the sub post-office where smooth traffic flows along the A438 are already frequently disrupted. The proposed solution simply does not work and it is surprising that the Highways Authority and its technical advisers do not recognise this.

25. There are also visibility issues when people pull up opposite the post box to the north of the junction. With additional traffic emerging from Breinton Lee, there is more likelihood of collisions. These already happen as the existing junction is opposite the busy entrance to Wye-Vale nurseries and there is frequently glass / Perspex fragments in the gutter indicating damage to vehicles.

26. The drawings and reports regarding the access from Breinton Lee into the proposed development site make no mention of the separate gated entrances into Lambourne Gardens and Breinton Lee themselves. Cars waiting to enter Breinton Lee already block access to Lambourne Gardens while the key pad is operated (impossible while sitting in a vehicle). As the proposed entrance to the development is directly opposite the gates into Lambourne Gardens this pinch-point is further exacerbated and will cause problems for vehicles entering or leaving the proposed site. There are potential safety issues around this area, such as with the delays whilst vehicles enter and depart from those properties. Access for the emergency services and utility vehicles may be impeded by the layout of the access.

27. Herefordshire Councils own long-term plans seek to reduce car traffic flows down King's Acre Road, not least so that more sustainable transport measures can be introduced. This development adds to those flows. There is a park and share site across the A438 provided by Wye-Vale nurseries which has fewer places than the parking envisaged in the new development. It is simply not joined up policy making to approve developments that add vehicles direct opposition to other local policies designed to reduce car borne travel.

Biodiversity

28. At para 4.5, the original report states: "We would not agree that the majority of the vegetation has been removed." This is demonstrably untrue - refer to the photos taken from Google Earth in 2000 and Schedule of Committee Updates

subsequent years. As previously stated at 2 above this was a mature fruit orchard planted in the 1930s as part of the nurseries and it was only removed by the applicant in the last couple of years prior to this application. The history is shown by the photograph provided by Foxley-Tagg. In more recent years the site has been degraded, presumably to reduce any environmental objections to development.

29. The application proposes that a fruit tree is planted in each of the gardens. Yet at para 4.9, it acknowledges that securing the longevity of habitat creation within residential gardens, cannot be guaranteed. This demonstrates a complete lack of respect and determination to take seriously the issue of biodiversity and is purely cosmetic.

30. There is an extensive family of badgers in the area, which are a protected species. The existing badger sett appears to be very close to the location of one of the proposed balancing ponds. What assurances are given to ensure the safety of the badgers and the sett? It is difficult to see how these will be protected with the current proposals to develop this site. If the development is approved and the appropriate licence obtained from the Government, the badgers will quite simply be killed.

31. The response in the Planning Statement Addendum to the ecologists comments on clearance of vegetation on the site is to say that "the majority of the trees... were either not native (e.g. leylandii) or not mature". The Parish Council stands by its original position i.e. that this statement is clearly untrue - please refer to the photographs taken from Google Earth (in 2000 and subsequent years) submitted in the previous submission to the Planning Officer and the historic one provided by Foxley-Tagg. These photos clearly show extensive and mature trees growing on the proposed site and, historically an orchard which was considered worth mapping by the People's Trust for Endangered Species.

Sustainability

32. The proposals do specify certain amounts for off-site public amenities, but it is noted there are no amounts destined for sustainable transport - specifically to help support the bus service. This is considered inadequate by local people, particularly in evenings and weekends as shown by the parish Council's recent consultation exercise. Much is also made of a contribution towards the proposed cycleway along Kings Acre Road. This would show a commitment towards sustainable transport and help alleviate potential traffic problems resulting from any development. However this cannot be used in support of the sites sustainability as it has been de-prioritised by Herefordshire Council, removed from its plans and is unlikely to be build.

33. As the report states the use of SUDS is not appropriate due to the drainage problems on this site. The biodiversity and ecology of this site has been seriously devastated prior to this planning application and nothing in the plan indicates any commitment by the applicant to create a "sustainable" development. There are few jobs locally, no school, general shops, doctors or dentists within the Breinton. This is a development that relies on the substantial use of cars.

Conclusions

34. Alternative brownfield sites include the nearby site of the former Whitecross School on Baggally Street as an alternative to this development and which has suffered significantly less flooding than the area surrounding Breinton Lee. There are potentially suitable brown field sites within Breinton.

35. This development is likely to increase flooding along King's Acre Road and to 304 King's acre Road in particular as a result of less field water being retained and water discharged from the development site itself. These are detailed in letters of objection from Wyevale and Mr Lane, the occupier of 304 King's Acre Road.

36. The earlier drainage report concludes that "the implementation of the above measures should ensure the existing flooding problems are alleviated as far as can be reasonably expected". It is simply not credible to say that the now we are on the third set of proposals that they 'will not lead to any off site flooding issues and that as far as is reasonably possible those issues would be rectified'. (Foxley-Tagg letter dated 27 June). Planning applications should not be determined on such a risky basis. What would have happened if everything went according to plan with approval of the first proposals which the developers also appeared to have full confidence in? The Parish Council remains to be convinced that there is any capacity in the system to accommodate anything other than regular conditions, enough to cater

for periods of prolonged, heavy rain, or adequate assurances that blockages of the system (of which there are many – see the evidence from Amey) will not occur. We believe there will continue to be flooding of properties, not only of properties in Breinton Lee and Kings Acre Road, but also on the proposed development site itself.

37. Should the application be approved it will be necessary to establish a Management Company to oversee and fund maintenance of the balancing ponds, as well as the ditches and drainage system throughout. However, it will be dependent on third parties carrying out certain works in respect of the drainage system. In our view it is unlikely that such a management system will be effective or active enough to maintain the drainage system particularly as the restricted discharge mechanisms proposed will be prone to clogging. Unless regularly maintained they are likely to be ineffective when actually required.

38. The reports provided to support the application make reference to other parties having the responsibility to ensure the drainage system is kept in good repair, one of whom is I E Developments, being the builders of the properties in Breinton Lee. I E Developments were given the option to build further properties, but declined to do so because of the flooding and drainage issues that beset the local area. The evidence suggests they were right in not attempting to develop the site further. Perhaps the applicants and Foxley Tagg may wish to reconsider their proposals.

For all the above reasons, Breinton Parish Council continues to object to this planning application.

If however; Herefordshire Council are minded to approve this application the points made in our earlier objection remain regarding S106 funds and the requirement for the imposition of conditions on the application. These should include an indemnity from either the developers or funded by Herefordshire Council itself to guard against the possibility that potential buyers will not be able to gain mortgages or insurance on floodable properties.

Additional Neighbour Representations:

The closing date for comments on the amended drainage Strategy was the 12th July 2013.

17 Additional letters of objection were received that reiterate many of the issues previously raised. Additional / new information can be summarised as follows:

Flooding

- Flooding remains the primary objection. Do not think that the proposals would be adequate to cope with the enormous volumes of water that run off the fields
- The use of ponds is a last resort and demonstrates rates the faults of the previous suggested schemes.
- One of the major causes in the silt build up – responsibility for this being passed to adjoining land owners.
- No evidence of any sort of management company / maintenance
- Report does not recognise properly the problems of surface water run off / increase
- The size of the pond will not cope with the existing and proposed situation and will cause flooding on the site
- The fact that the drainage has been adjusted discredits their previous proposals and schemes. There have been several 'knee jerk reactions' to concerns that have been raised.
- At present rainfall on the development site just soaks away into the ground. It is, therefore, certain that the creation of 2,880 square metres of impermeable surface will, at 5 l/s, ADD water to the existing ditches/culvert. It is totally unsustainable for the applicant to argue development will, because of a larger balancing pond, result in a 'status quo' position; quite wrongly, this has been accepted by the Planning Officer.
- This additional water will further adversely affect residents living south of Kings Acre Road(No. 304) and Wyevale Garden Centre
- It is essential to consider the effect of further rain when the surrounding fields are saturated and the balancing ponds will already be holding a quantity of water. The proposed pond attenuation system will obviously be far less effective at such times.

- In the above situation, only 12.5 mm (half inch) of rain will potentially generate some 1.8 MILLION litres of water from the agreed 14.2 Ha catchment area. In comparison, the 260,000 litre capacity of a properly maintained Pond A is a 'drop'.
- The consultants regularly refer to their proposed system coping with 1 in 100 year events. The problem is, as a minimum, in the years 2000 and 2012 this has actually happened i.e. 2 in 12 years!
- Neither the applicants nor Planning Officer detail how required essential, regular and costly maintenance work will be organised/paid for; nor, how the adjacent third party owner(s) of the ditches will be held responsible for proper maintenance of them (deemed essential by the drainage consultants).

The Planning Officer's Condition 7 states "The recommendations in the ecologist's report dated 19 June 2012 should be followed." In paragraph 5.23, this report refers to "creation of a pond habitat". However, the applicant has advised me "The ponds will only hold water in times of heavy and/or prolonged rainfall. For the vast majority of time, they will be damp at worst with no significant standing water. This is a major contradiction; instead, the ponds are much more likely to become lush weed patches with no ecological benefit.

The Planning Officer does not refer to the potential dangers to children posed by the two large ponds; nor, in view of (g) above, the 'wet' ponds becoming happy breeding places for mosquitoes and midges.

- All these points cast serious doubt on the rigour of the proposals put forward by the applicant to cope with an area which often sees significant quantities of flood water; together with risks faced by future house owners, development can only exacerbate these problems unless there is enlargement of the culverts and subsequent disposal of the water direct to the Yazor Brook.
- It is proposed that the overflow from the two holding ponds will be released and what is claimed will be controlled rate, via a culvert under Kings Acre road and into the adjacent ditches at 304 Kings Acre Road. The Council fails to appreciate that the ditch on my property terminates at the end of the garden and that there isn't anywhere for it to go. It is not part of a watercourse, so therefore, even if the floodwater is released at a controlled rate onto my property there isn't anywhere for this to go, thus leading to a greater accumulation and increasing the flood risk. Building on the site will displace water that would have been harmlessly held, and will significantly increase the changes of serious flooding of property (304 Kings Acre Road)

Highways

- Layby is the only parking available for residents at 222 Kings Acre Road and is used by visitors and residents, as well as trades and lorries overnight.
- Traffic counts are three years out of date and not realistic.
- Kings Acre Cycleway is no longer a priority and does not have funding
- If the layby is not there then vehicles will just park on the highway.

Environment and Biodiversity

- Concern about comments from Ecologist
- Concern over lack of management plan being provided
- Very active badger sett on site.

Leisure and Countryside

- Concern about lack of detail in respect of Management Company and its function / role.
- Ponds would bring mosquitos / smells / chemical silt laden water

Other

- Noise levels from vehicles entering and leaving the site are also considered to be unacceptable.

CHANGE TO RECOMMENDATION

None

N123316/F - ERECTION OF POLYTUNNELS TO COVER CHERRY ORCHARD AND CONSTRUCTION OF A BALANCE POND AT LOWER HENGOED, HUNTINGTON, KINGTON, HR5 3QA

For: Mr RC Hammond, Lower Hengoed, Huntington, Kington, Herefordshire, HR5 3QA

CORRECTION TO COMMITTEE REPORT

Paragraph 1.9 refers to the height of poly tunnels as between 3.4 and 6,4 metres high. This should read between 3.4 and 4.65 metres high.

CHANGE TO RECOMMENDATION

None

S122524/F - CHANGE OF USE OF DWELLING INTO 3 NO APARTMENTS AT FERRYMEAD, 14 VILLA STREET, HEREFORD, HR2 7AY

For: Mr Ballantyne per Mr Daniel Forrest, Court Cottage, Bartestree, Hereford, HR1 4DA

ADDITIONAL REPRESENTATIONS

One additional letter of support has been received which states that Villa Street goes all the way to Golden Post and that the most dangerous part is the blind bend / corner at Villa Street, Vaga Street. Vehicles often reverse back around the corner and comparatively Ferrymead will be no problem at all.

CHANGE TO RECOMMENDATION

None

131292/FH - PROPOSED ALTERATIONS TO DRIVEWAY AT THE HOLT, VILLA STREET, HEREFORD, HR2 7AY

For: Mr Ballantyne per Mr Daniel Forrest, Court Cottage, Bartestree, Hereford, HR1 4DA

ADDITIONAL REPRESENTATIONS

6 letters of support have been received that make the following comments:

- Changes will make things safer.
- An opportunity for enhanced safety for pedestrians and cyclists

3 letters of objections have also been received that make the following comments:

Schedule of Committee Updates

Blocking garage reduces the number of parking spaces to 1 which is too low for a family house. Not enough space for visitors or a second car/

Extra vehicles will be reversing over 100 m towards Wallis Avenue and hoping to park in an area which has a shortage of parking spaces.

This area of Villa Street has only about 6 on-road parking spaces and eight house without off-road spaces. This situation already leads to drives being obstructed and hedges damaged. This can also lead to disputes.

Proposal will lead to danger to pedestrians and cyclists. Villa Street is an important thoroughfare for pedestrians and cyclist and is promoted as such by the Council.

The application increases the risk of insufficient parking spaces being available and of vehicles being forced to reverse the length of this narrow pavement less carriageway.

CHANGE TO RECOMMENDATION

None

131071/F - PART RETROSPECTIVE CHANGE OF USE OF REARING OF GAME BIRDS, COLD STORAGE OF ASSOCIATED EQUIPMENT, STORAGE OF ANIMAL FEEDS AND AGRICULTURAL CHEMICALS, SEED AND FERTILISER, INCLUDING THE ERECTION OF 2 FEED SILOS AT LAND AT LEYS FARM, TARRINGTON, HEREFORD, HR1 4EX

For: Mr Coleman per Mr Alexander Clive, 8A High Street, Ledbury, Herefordshire, HR8 1DS

ADDITIONAL REPRESENTATIONS

Conservation Manager

There is no landscape objection to the reuse of this building. The introduction of the two feed silos, almost 7m high, will have a visual impact, however when seen against the existing agricultural frame building on higher ground immediately to the south they will be of a similar height. It would be useful to know the proposed colour and finish of these, as a dark green or brown would blend in with the background more suitably than a light colour which would stand out as an intrusive element to this historic setting.

The site is adjacent to the boundary of Stoke Edith Grade II Registered Park and Garden. I am concerned that this application does not address the cumulative impact of many changes surrounding the application building. This is a sensitive landscape and the spread of development should be restricted. It is clear that the use of pens are linked to the business necessities and are suitably located adjacent to the existing buildings, however it would be particularly useful to have a site plan showing the land where these structures will be limited to. In particular if there were to be spread any further west this would be within the boundary of the registered parkland, where many historic parkland features have already been lost and further degradation would not be acceptable.

There is also an opportunity to provide landscape enhancement, through additional hedgerow and tree planting to the site boundaries. The historic maps show that there would have been many more mature trees around the site and the land immediately to the south was previously two fields including an orchard. There appears to be scope for mixed native hedgerow planting along the access drive, at the base of the earth mounds. Mixed native hedgerow, with oak tree planting, would also be particularly welcome along

the boundary with the public footpath and on the far west boundary at the end of the temporary pens. Any native tree and hedgerow planting would be welcome to increase biodiversity, enhance the landscape character and to reflect the historic parkland.

OFFICER COMMENTS

A condition can be added to the recommendation to control the colour of the silos. The other elements referred to in the second and third paragraphs above, as previously set out in the body of the report, 6.2, do not require planning permission. Any further conditions would therefore be ultra vires.

CHANGE TO RECOMMENDATION

Additional condition

Within 3 months of the date of this permission, the silos shall have been painted in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of visual amenity to comply with policy DR1 of the Herefordshire Unitary Development Plan.

MEETING:	PLANNING COMMITTEE
DATE:	7 AUGUST 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 131053/O

- The appeal was received on 15 July 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr Julian Parry
- The site is located at Land to the east of Brick House and Holme Copse House, Ocle Pychard, Hereford
- The development proposed is Construction of 4 no two bedroom bungalows and 1 no four bedroom house
- The appeal is to be heard by Written Representations

Case Officer: Mr M Tompkins on 01432 261795

Application 130893/FH

- The appeal was received on 23 July 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mrs Warner
- The site is located at 4 Hillcrest, Haywood, Callow, Hereford, Herefordshire, HR2 8BZ
- The development proposed is Proposed bay window and side car port with second storey extension
- The appeal is to be heard by Householder Procedure

Case Officer: Mrs C Atkins on 01432 260536

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



MEETING:	PLANNING COMMITTEE
DATE:	7 AUGUST 2013
TITLE OF REPORT:	<p>130888/O - REDEVELOPMENT OF SITE, INCLUDING DEMOLITION WORKS TO PROVIDE RESIDENTIAL DEVELOPMENT COMPRISING UP TO 192 UNITS INCLUDING A 60 BED EXTRA CARE HOME AND ANCILLARY USES, NEW PUBLIC REALM AND LANDSCAPING AT LAND AT MERTON MEADOW, EDGAR STREET, HEREFORD, HR4 9JU</p> <p>For: Sanctuary Group per Mr Craig O'Brien, Embassy House, Queens Avenue, Bristol, BS8 1SB</p>
WEBSITE LINK:	http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=130888&NoSearch=True

Date Received: 28 March 2013

Ward: Central

Grid Ref: 350986,240677

Expiry Date: 27 June 2013

Local Member: Councillor MAF Hubbard

1.0 Site Description

- 1.1 The site comprises three parcels of brownfield land, extending to 3.24 hectares located immediately north of Hereford United Football Club (HUFC) and Wickes DIY store and bounded by Edgar Street to the west and Widemarsh Street to the east. The land forms part of the wider Edgar Street Grid regeneration area which consists of 43 hectares of predominantly brownfield land between Edgar Street, Commercial Road and the city centre identified within the Herefordshire Unitary Development Plan and the ESG masterplan for re-development. The first element of which being the new retail and leisure facilities which are currently under construction on the former livestock market.
- 1.2 The majority of the site comprises of the Council owned Merton Meadow surface level car park but also includes several existing businesses. Along Edgar Street is CRW carpets, BP petrol station, Arrow Plant and Tool Hire, Bubbles car wash and a Bathroom retailer, a triangular area of land to the rear of the Merton stand at HUFC is included and along Widemarsh St, Hobbs glass, Bethell Motors, HI Q Tyres and Pineapple Place currently occupied by various businesses including Unipart Automotive and City Plumbing also fall within the site area.
- 1.3 The northern development area is predominantly surrounded by terrace and semi-detached dwellings whose gardens back on to the site, the only exception being Addisson Court where the dwellings about the north west corner of the site and the former public house, now occupied by Signature Interiors to the north east. Running centrally through this area is Widemarsh Brook which is designated a Site of Importance for Nature Conservation and is a tributary of the River Wye Special Area of Conservation and Site of Special Scientific Interest. The development does not propose to change the path of this watercourse. Either side of the brook are a row of willow trees, the majority of which have been pollarded. Adjoining the south east corner is the grade II listed Oxford Arms public house with the remaining development

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

areas are adjoining existing or proposed highways. Edgar Street to the west is designated an Air Quality Management Area. A large proportion of the site also falls within land proposed to form part of the ESG link road Compulsory Purchase Order.

The Proposal

- 1.4 The application is in outline form with all matters reserved for future consideration except access and represents the first phase of the ESG urban village which when complete, will total around 800 dwellings. The site is split into three development areas by the permitted ESG link road which will run from Edgar Street to Commercial Road also connecting with Blackfriars Street to the south. The land required for the link road is excluded from this application. The planning permission for this road includes vehicular access to serve each development area and this application does not propose any changes to the already permitted access points or designs. The proposal includes the demolition of several business units although permission already exists for the demolition of the majority associated with the link road scheme.
- 1.5 Two masterplans have been submitted that illustrate a scheme for the construction of 173 dwellings and a higher density scheme of 192 dwellings. The application therefore seeks permission for the construction of between 173 and 192 dwellings on the site comprising a mixture of 2 to 4 bedroom dwellings predominantly in the form of terrace and semi detached and 1 and 2 bedroom apartments. 60 of the total dwellings will also comprise an extra care unit likely to take the form of one and two bedroom apartments. The term 'extra' in extra care refers to ancillary facilities that are often provided with such units for the benefit of the residents such as a gym, café and hair and beauty salon. The dwellings will be predominantly two and three storey except the extra care which may rise to four storeys. Parking is predominantly in the form of parking courts at an average ratio of around 1.5 spaces per dwelling. All dwellings will have private garden space. Land either side of Widemarsh Brook in the northern sector will be safeguarded as informal public open space, biodiversity and for flood protection.
- 1.6 In addition to the two illustrative masterplans, the application is supported by the following technical reports as follows:
- Design and Access Statement,
 - Planning Statement,
 - Flood Risk Assessment,
 - Outline Drainage Strategy,
 - Arboricultural Report,
 - Ecology Survey,
 - Transport Assessment,
 - Statement of Community Involvement
 - Archaeological Assessment,
 - Noise and Vibration Impact Assessment,
 - Air Quality Assessment
 - Green Infrastructure Statement
- 1.7 The development was also screened against the Environmental Impact Assessment (EIA) Regulations on 14th January 2013. It is concluded that the proposal is not an EIA development.

2. Policies

- 2.1 National Planning Policy Framework (NPPF):

At the heart of the NPPF is a presumption in favour of sustainable development and this is defined as encompassing an economic, environmental and social dimension which are mutually dependant.

Paragraph 14 states that where the relevant development plan is absent, silent or 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 policies in the NPPF as a whole: or specific policies in the NPPF indicate development should be restricted. Relevant sections are as follows:

- Section 4 Promoting Sustainable Transport
- Section 6 Delivering a wide choice of high quality homes
- Section 7 Requiring good design
- Section 8 Promoting healthy communities
- 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

2.2 Herefordshire Unitary Development Plan (UDP):

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S4	-	Employment
S6	-	Transport
S7	-	Natural and Historic Heritage
S8	-	Recreation, Sport and Tourism
S10	-	Waste
S11	-	Community Facilities and Services
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
DR9	-	Air Quality
DR13	-	Noise
H1	-	Hereford and the Market Towns: Settlement boundaries and established residential areas
H9	-	Affordable Housing
H13	-	Sustainable Residential Design
H14	-	Re-using Previously Developed Land and Buildings
H15	-	Density
H16	-	Car parking
H19	-	Open Space Requirements
E5	-	Safeguarding Employment Land and Buildings
TCR2	-	Vitality and Viability
TCR22	-	Hereford United Football Club/Merton Meadow
T1	-	Public Transport Facilities
T6	-	Walking
T7	-	Cycling
T8	-	Road Hierarchy
T10	-	Safeguarding of Road Schemes
T11	-	Parking Provision
T12	-	Existing Parking Areas

Further information on the subject of this report is available from Mr K Bishop on 01432 260756

LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC3	-	Sites of National Importance
NC4	-	Sites of Local Importance
NC6	-	Biodiversity Action Plan Priority Habitats and Species
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
ARCH6	-	Recording of archaeological remains
HBA4	-	Setting of Listed Buildings
RST1	-	Criteria for Recreation, Sport and Tourism Development
RST3	-	Standards for Outdoor Playing and Public Open Space
W11	-	Development and Waste Implications
CF2	-	Foul Drainage
CF5	-	New Community Facilities
CF7	-	Residential Nursing and Care Homes

2.3 Herefordshire Local Plan Draft Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
HD1	-	Hereford
HD2	-	Hereford City Centre
HD3	-	Hereford Movement
H1	-	Affordable Housing
H3	-	Ensuring an appropriate range and mix of housing
OS1	-	Requirements for open space, sports and recreation facilities
MT1	-	Traffic Management, highway safety and promoting active travel
E2	-	Re-development of existing employment land and buildings
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure Delivery

2.4 Other Guidance:

Supplementary Planning Documents:

Landscape Character, Planning Obligations, Biodiversity, Design, Green Infrastructure
 Strategy Archaeology and ESG Design Framework
 Local Transport Plan 3

2.5 Other Material Considerations:

Annual Monitoring Report,
 Strategic Housing Land Availability Assessment
 Local Housing Market Assessment (2013)

Further information on the subject of this report is available from Mr K Bishop on 01432 260756

ESG Masterplan

- 2.6 The Unitary Development Plan and draft Core Strategy 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 CE092576/F – Demolition of existing buildings and construction of a new highway, cycleway, drainage, landscaping and associated works between A49 Edgar Street and A465 Commercial Road along with a new link road to Blackfriars Street and Canal Street. Approved 30th March 2010.
- 3.2 S/130789/AM – Non-material amendment to CE092576/F (road levels, cycle provision and north south feeder road). Approved 23rd April 2013
- 3.3 In addition, various planning history apply to existing business units within and adjoining the site but none is directly relevant to the consideration of this application.

4. Consultation Summary

Statutory Consultees

4.1 Highways Agency

The Traffic Assessment does not provide a comprehensive basis of the impact of the development on the A49 as it is difficult to separate this application from the wider ESG development. In addition, the removal of the car park is unlikely to result in any significant traffic reductions as traffic is simply likely to be displaced elsewhere.

On balance, it is considered unlikely that the development will result in a severe impact on the A49 particularly as the link road, from which the development will gain primary access from the A49 has already been approved. Travel plan measures should be implemented for the new development

On this basis the Highways Agency have no objection to the development.

4.2 Environment Agency

This site is located in Flood Zone 3 where the indicative annual probability of flooding is 1 in 100 years or less from river sources. Parts of the site area may also be classed as functional floodplain where an annual flooding probability of 1 in 20 year applies and where 'more vulnerable' uses, such as residential, should not be permitted. We note that there is no development proposed within this area.

Sequentially, we accept that the principle of development on the site has been established over a number of years.

The submitted FRA builds upon previous work undertaken by Capita Symonds in developing the Yazor Brook FAS. We note that the FRA, whilst focusing on the Merton Meadows development, does contain a strategic viewpoint of the wider ESG area which may in the

future offer further flood risk betterment through additional mitigation measures such as the canal basin. We consider that all of the methodology and modelling employed in the flood risk assessment is both appropriate and fit for purpose and accurately identifies and assesses the flood risk associated with the site.

During pre-application discussion, the EA defined the flood risk parameters of the development which are as follows:

- no built development be located in Flood Zone 3b (functional floodplain);
- that all buildings be flood free in the 1 in 100 year (plus climate change) event and;
- in conjunction with the FAS there is no impact on third parties post development.

In-order to facilitate development of this site there will be ground raising to ensure that no dwellings are located in the 1 in 100 plus climate change event. In combination with the operational Yazor Brook Flood Alleviation Scheme (FAS) the proposals will ensure no increased flood risk to third parties post development. The effective operation of the Yazor Brook FAS is fundamental to the proposed development and in the event of the FAS failing to operate (blockages etc) there may be increased flood risk to both the site and third parties although the risk of this is considered low. Additional telemetry and maintenance may be required to ensure it is operating efficiently.

Flood free access to the northern part of the site must be provided, the full details of which should be submitted at the detailed design stage. The Environment Agency recommends that in areas at risk of flooding, consideration also be given to the incorporation into the design and construction of the development of flood proofing measures. Trash screens on the entrances to culverts may also be required.

We also would expect a flood management and evacuation plan to be prepared in consultation with the Council's emergency planning team, a flood warning system and notices to be installed and encourage residents to sign up to the EA's flood warning service in order to manage flood risk.

We would have no objection to the proposed foul drainage arrangements. Pollution prevention measures should be incorporated to protect ground and surface water. Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation.

Subject to conditions requiring the development to be carried out in accordance with the FRA and the provision of a safe flood free pedestrian access to the northern area, the Environment Agency has no objections to the development.

4.3 Welsh Water

No objection subject to conditions requiring a full drainage design to be submitted and that foul and surface flows are separated.

No problems are envisaged with the capacity of the waste water treatment works

4.4 West Mercia Police

We recommend the development is considered for Secure by Design accreditation which will ensure residents are afforded a secure environment in which to live. Parking should be clear and overlooked, public and private areas clearly defined and appropriate lighting provided.

Internal Council Advice

4.5 Transportation Manager

The means of access is proposed to be from the new link road, which has the benefit of planning permission. Once constructed, this will provide suitable access and therefore any consent should be conditional upon provision of those roads.

It is proposed to construct the 60 bed extra care facility in advance of the provision of the link road. Access for elderly pedestrians and mobility impaired through a public car park area is far from ideal, and therefore clarification should be requested as to the interim access arrangements to be provided.

The Transport Assessment indicates that the replacement of the car park with residential units will reduce the overall traffic flows in the area and this is accepted. There will be a re-distribution of the car park traffic to other car parks in the City, but the pattern of re-distribution is difficult to predict. The TA indicates that there will be adequate parking to meet demand with a 10% buffer (with the proposed car park at Station Approach).

The proposed provision of 174 spaces for the 132 residential dwellings proposed, which equates to just less than 1.5 per dwelling and is in accordance with our maximum standards and a further 17 for the extra care home which again accords with standards. Adequate room for cycle parking will also need to be accommodated either within oversized garages or elsewhere on plot.

Due to the proximity to the city centre, Traffic Regulation Orders are likely to be required to regulate parking for the roads themselves and any spaces indicated "on street" on adoptable areas within the development

It is noted that no Residential Travel Plan has been included, but mention of the overarching STIS (Sustainable Transport Implementation Strategy) is made in the Transport Assessment and production of a Travel Plan can be conditioned on any consent granted.

The extent of roads to be adopted on the illustrative masterplan will need clarification as additional turning heads may be required in some areas. Delivery access to the care home also needs to be considered. Minor changes may also be required to tie the masterplan in with the approved link road permission and define the function of the north south feeder road.

As the trip generation for the proposed use will be less than the current car park usage, a Section 106 contribution is not applicable.

Subject to the above points, I would have no objections to the proposals and would recommend approval subject to conditions.

4.6 Conservation Manager (Landscape and Trees)

Redevelopment of this brownfield site is welcomed to enhance the townscape and provide improved green infrastructure within the city.

The Green Infrastructure Statement is an essential component of the scheme and broadly covers the main points on maintaining and enhancing existing wildlife corridors along Widemarsh Brook; creating informal recreational open spaces, incorporate tree and shrub planting along streetscapes and include sustainable urban drainage systems. It is not clear how the layout works with the tree lined boulevard and planting scheme that is already agreed as part of the link road design. There also appears to be a missed opportunity at the central

crossroads to create some larger, landmark buildings that would enclose the highway space and create a new central feature providing a heart and local identity to the development.

I suggest that a fully detailed landscape scheme be provided at reserved matters stage. This should include a landscape masterplan covering the brook corridor, northern area of public open space, streetscape and relationship with the link road and plot design covering areas such as parking, gardens and boundaries. A tree removal/retention and full details of materials and lighting should also be provided.

Subject to this detail being provided at the detailed design stage, there is no objection to this proposal.

4.7 Conservation Manager (Ecology)

Widemarsh Brook flows through the northern part of the site and has a non-statutory designation as a Local Wildlife Site (formerly known as a Site of Importance for Nature Conservation). It is also a tributary of the River Wye SSSI and SAC.

The ecological surveys have established the following:

- Slow worms are present in the vegetation along the stream corridor,
- No current evidence of otter or water vole was found although previous surveys in 2008 did find evidence of regular use by otter.
- There is low diversity in the number of aquatic invertebrates and no evidence of white-clawed crayfish recorded in the stream indicating poor water quality, although the water looks reasonably clear.
- Bat activity surveys in September 2012 and May 2013 recorded noctule, common and soprano pipistrelle bats, but in low numbers; there was no evidence of roosting.
- Breeding bird surveys identified a number of species present including house sparrow and starling, both on the red list of Birds of Conservation Concern.

I welcome the retention of the stream corridor in its existing location as part of the proposals although I am concerned that the flood works will probably result in the removal of some of the pollarded willows in the north east corner. The detailed proposals should include significant and detailed biodiversity and green infrastructure provision given the context of the site lying in the centre of Hereford and identified in the Council's Green Infrastructure Strategy (2010) as a Local Enhancement Zone. The future management of the brook and green infrastructure will also be vital to their success as wildlife features.

If this application is to be approved, conditions are required covering habitat protection and enhancement, a reptile mitigation strategy and a Construction and Environmental Management Plan, particularly in relation to works adjacent to the stream corridor and the protection of water quality. If more than 12 months elapses before submission of Reserved Matters, update ecology surveys will be required.

4.8 Economic Development Manager

No comments received

4.9 Conservation Manager (Archaeology)

Extensive areas of the site have been truncated and/or in-filled, and are of low sensitivity archaeologically.

There are some other areas (principally the Widemarsh Street frontage and the lowest topographical areas of the car park) of higher sensitivity. In these areas, archaeological mitigation, either by design or by recording, will be required but it is not anticipated that any of it would need to be particularly extensive or would require an unusual level of resource. Such mitigation would be secured by planning condition.

In summary, there are no over-riding archaeological issues on the site that might lead to any major concerns or objections.

4.10 Environmental Health Manager (Contamination)

No objection subject to a condition requiring the submission of a ground investigation report considering the risks associated with any contamination including the presence of any asbestos.

4.11 Environmental Health Manager (Air Quality)

An air quality assessment has been carried out to assess both construction and operational impacts of the proposed development.

During the construction of the development there is a risk of dust effects occurring at residential receptors within 100 m of the site boundary and at the two schools located to the south-east of the site. However through the implementation of best practice mitigation measures the risks of the effects will be reduced to negligible.

An ADMS dispersion model has been used to assess the operational impacts associated with the proposed development. The assessment has shown that the predicted nitrogen dioxide (NO₂) and particulate (PM₁₀) concentrations are below the national Air Quality objective levels for both pollutants at all the proposed residential receptors across the development site and therefore no mitigation is considered necessary.

On the basis of the above I have no objection to the development with reference to air quality. I recommend that a condition is imposed to ensure that best practice mitigation measures are applied to minimise the potential adverse effects from dust during the construction phase.

4.12 Environmental Health Manager (Noise)

I have no objection to the development subject to a condition requiring an evaluation of the impact of road traffic noise (Edgar Street and the link road) on the insides of the dwellings. Suitable noise attenuation measures where dwellings are found to be in Noise Exposure Category B or higher (PPG 24) must be agreed in writing before the commencement of works.

A condition is also recommended requiring the submission of a detailed Construction Method Statement (CMS) to minimise noise and nuisance to neighbours during construction. This should cover matters such as working hours, construction site layout and public relations.

4.13 Parking Manager

This development will result in the loss of the largest car park in Hereford serving as the main commuter car park. Current and predicted supply and demand indicates that the loss of Merton Meadow as a car park will result in a shortfall in supply. This can be met through the provision of replacement car parking and several sites have been identified for this. On the assumption that replacement parking is deliverable no adverse impact is anticipated.

4.14 Drainage Engineer

Further information on the subject of this report is available from Mr K Bishop on 01432 260756

The site is mostly within the Zone 3 flood area with other parts in Zone 2. It is proposed that the site be raised to be above the 100 year + CC level. The EA has agreed that compensation storage will not be possible and is not required

The drainage report and the FRA are thorough and acceptable and it appears that the flood risk is reduced. The project is acceptable in principle.

We will need to have another look when it goes from an outline to a full application to evaluate the detailed proposals for SuDS, including storage areas and volumes, confirmed ground floor levels for the residential development and for the care home and an evacuation strategy for severe flood events.

4.15 Planning Policy Manager

This is a brownfield site within the settlement boundary of Hereford, and forms part of the wider Edgar St Regeneration Area. The Herefordshire Unitary Development Plan supports the National Planning Policy Framework by encouraging development on brownfield sites, as well as development which is sustainably located and has good access to services and facilities of Hereford. Taking this into account, it is considered that in principle the proposal is in accordance with Policy H1 of the UDP and is sustainable development as defined by the NPPF. The need and principle of care accommodation in Hereford City Centre is also supported by the Older People's Survey 2012, and as such, the development of the extra care facility with good accessibility to the city centre is in accordance with Policy H9 of the Herefordshire UDP.

It should also be noted that the draft Core Strategy is currently at pre-submission stage, having been approved by Full Council on the 19th July 2013 as representing the preferred strategic planning document of Herefordshire for the next 20 years ending 2031. Although the Core Strategy has not proceeded to the final 'soundness stage' before examination, policies within the Core Strategy can begin to be accorded weight dependent on contestation of the policies in the determination of planning applications. The regeneration of the Edgar St Area is supported by Core Strategy Policies, in particular Policies HD1 and HD2 which seek the delivery of 800 dwellings in the Hereford City Centre and the strategic objectives which favour sustainable development. Taking this into account, the proposal is considered to be in accordance with the strategic direction of the Hereford City Centre.

Taking in account the above, Planning Policy has no objections to this application.

4.16 Strategic Housing Manager

The Housing Needs and Development team in principle support the application. Lengthy negotiations have taken place with Sanctuary Housing Group and support has been given with regards to the Extra Care facility for the affordable housing element. The location is considered suitable for older persons as all daily facilities such as the train station, the town centre, theatre etc. are all within a reasonable walking distance.

The single development of an Extra Care facility fits well with the findings within the Peter Fletcher report: A study of the Housing and Support needs of Older People in Herefordshire. Herefordshire is identified as having a significant ageing population, and recommendations were made within the report for independent living and Extra Care facilities to address the housing needs of this client group.

The Herefordshire Local Investment Plan (LIP) developed by Herefordshire Council in partnership with the Homes and Communities Agency identifies key priorities for the County. Supporting independent living for vulnerable households through the provision of an extra care facility for older persons is one of the identified priorities.

The development will be a mixture of 1 and 2 bed units that will be allocated to eligible households with a local connection to Hereford in the first instance.

4.17 Parks and Countryside Manager

Having regard to the size of development, the housing mix and the requirements of policies H19, RST3 and the SPD, 0.3 ha of usable POS including 0.1ha for children's play for all ages (infants, juniors and teenagers) at an approximate value of £70,000 is required.

The only usable POS for recreation is to be provided in the northern part of the site which is to include a play trail. The situation of the POS and play is not ideal as it is bisected by the road but it is understood that this is the only option therefore pedestrian access and crossing points will need to be provided.

The open space will also act as a temporary flood store in extreme flood events and further clarification is required as to the exact area of usable POS to also inform future management Areas deemed unsuitable as POS and informal recreation will not be considered for adoption.

It is questionable that the POS can accommodate play provision for all ages given its semi natural nature and requirement to act as flood storage. We therefore request a contribution towards off-site provision on a pro rata basis to enhance facilities at King George V playing fields. In accordance with the Planning Obligations SPD, a contribution for the enhancement of off site indoor and outdoor sport facilities is to the value of £239,168 is also required.

4.18 Hereford Nature Trust

No comments received

4.19 Waste Operations Manager

No comments received

4.20 Libraries Manager

No comments received

4.21 Education Manager

The educational facilities provided for this development site are North Hereford City Early Years, St Thomas Cantilupe Primary School, St Francis Xavier Primary School, Aylestone High School and Youth.

2 year groups were over capacity at St Thomas Cantilupe and 4 year groups were over capacity at St Francis. Capacity exists at Aylestone High School. The Childcare Sufficiency Assessment highlight that within the North Hereford City area, 8% of parents are unable to take a better job due to childcare issues. The youth service within Hereford City is looking to expand the work that it provides within Hereford City by providing more specialised work with the youth communities that require it the most. Approximately 1% of the population are affected by special educational needs and as such the Children and Young People's Directorate will allocate a proportion of the monies for Primary, Secondary and Post 16 education to schools within the special educational needs sector.

In accordance with the SPD the Children & Young People's Directorate would therefore be looking for a contribution of up to £350,636 to be made that would go towards the inclusion of all additional children generated by this development.

5. Representations

5.1 Hereford City Council

No objection. However, we hope that business displaced as a result of the development will be supported by Herefordshire Council in finding alternative premises.

5.2 Two letters of support/comment have been received. The main points raised are:

- The application will deliver much needed development of an under utilised city centre site providing residential development in the heart of the city that will complement the redevelopment of the livestock market
- The development will support and enhance Hereford's role as a sub-regional shopping destination
- The development will assist in fulfilling the strategic and policy aims of the regeneration area.
- The Merton Meadow stand is scheduled for re-development to include residential and the application area should be increased to encompass this area to enable a comprehensive development of the area and achieve best value
- A condition must be placed on the permission requiring the access road to the north of the club to be a public highway in order to access the stand and bring in new services.

5.3 Seven letters and e-mails of objection have been received. The main points raised are:

- Many people rely on the car to get to work or shop in Hereford, the loss of cheap long stay parking will make people shop and work elsewhere
- We are concerned that our private drive will be used to accommodate other residents
- The development will conflict with the lawful existing uses of business on the site
- Implementation of the permission would result in the closure of a number of businesses along Edgar Street resulting in the loss of around 21 jobs
- The development is an old fashioned and crass approach to urban planning in 2013
- There is no attempt to create an urban village or a sense of place
- The extra care should not be included as part of the affordable housing
- There site contains 18 different landowners. There is a risk the development will become urban sprawl.

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

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

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

- 1) The Principle and Housing Land Supply
- 2) Flood Risk
- 3) Drainage
- 4) Access, Traffic and Transportation
- 5) The Masterplan
- 6) Biodiversity

Further information on the subject of this report is available from Mr K Bishop on 01432 260756

- 7) Amenity
- 8) Affordable Housing
- 9) Section 106
- 10) Heritage Assets
- 11) Conclusion

The Principle

- 6.2 The site falls within the Edgar Street Grid Regeneration Area and the development will form the first phase of the urban housing village which totals around 800 dwellings. Policy TCR 22 of the Herefordshire Unitary Development Plan (UDP) relates to the application site and identifies the acceptable land uses and requirements to be met in developing the area. Whilst the policy does refer to other uses as being acceptable including residential, the policy centres around leisure uses including the re-location and re-orientation of the football club and construction of a multiplex cinema. Therefore, the proposed development being entirely residential is considered to be a partial departure from the requirements of policy TCR22.
- 6.3 Parts of this policy are now superseded by both the Stanhope development on the former livestock market which includes the cinema and football club no longer have plans to re-locate the stadium. The UDP policies relating to ESG also had less residential focus than is now the case. This is illustrated in both the ESG masterplan and policy HD1 of the draft Core Strategy which states that the urban village will comprise a mixed use residential led development of around 800 dwellings. This emerging policy has now been agreed by the Council and therefore can be given greater weight in the consideration of the application.
- 6.4 Parts of the site also falls within floodzone 3. Flood risk considerations are considered further at 6.8 but in sequential terms, the site has already been considered acceptable for development through the UDP proposals and the emerging policy. A number of existing business would need to relocate as a result of the development although planning permission already exists through the link road development for the demolition of the majority of the existing businesses forming part of this application. A business re-location strategy has been prepared in conjunction with the link road compulsory purchase order to assist existing business with their re-location needs.
- 6.5 Based on demand and supply analysis carried out in 2007 and 2012, adequate parking is available and will become available over the next twelve months to offset the loss of public car parking on this site. Other sites such as Moreton Business Park have been identified for alternative lorry parking. The council's longer term parking strategy as set out in the Local Transport Plan 3 is also to reduce the level of long stay commuter parking within the city which this development would support.

The NPPF and Housing Land Supply

- 6.6 The National Planning Policy Framework (NPPF) came into force in March 2012. 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 the Council to 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. The latest housing land availability data identifies a shortfall of 649 units which equates to a 4.17 year supply.
- 6.7 In view of this, there is a requirement to release further suitable land for housing that is deliverable within the next five years. Therefore, if the proposed housing development is

sustainable and acceptable in all other respects, the partial conflict with UDP policy TCR22 is not a reason for refusal of the application that could be sustained on appeal. Following clear policy guidance within the NPPF and relevant UDP policies in so far as they are up to date and consistent with the NPPF, the principle of the development is considered acceptable.

Flood Risk

- 6.8 A large part of the site is located in floodzone 3a which has a 1 in 100 year flood risk probability with part nearest the brook also being identified as falling within floodzone 3b which is a 1 in 20 year flood risk probability. Floodzone 3b is also described in the NPPF as areas where water has to flow or be stored at times of flood in order to prevent increased flood risk elsewhere. The flood risk technical guide that accompanies the NPPF states that residential development can be permitted in floodzone 3a providing there is a need to locate the development in an area of higher flood risk (the sequential test) and the 'Exception Test' is satisfied. This requires that the development deliver wider sustainability benefits that outweigh the flood risk and that the development will be safe in flood risk terms.
- 6.9 The site has been earmarked for re-development for approximately ten years when the initial ESG concept was formulated and has been specifically allocated for development in the UDP since 2007. The Core Strategy further supports the sites suitability for housing to create a new urban village. The UDP Inspector in particular, in considering the sites suitability for development, considered the flood risk implications which included the need to apply the sequential test albeit that this was primarily for a less vulnerable category of development.
- 6.10 The site is an important part of the wider regeneration of the area and the Council's strategy to deliver new housing including affordable housing in a sustainable city location. The brownfield status of the site is also an important consideration in assessing the sites suitability. The site is therefore considered to be an appropriate location for new housing and the sustainability benefits of the development are considered to outweigh the sites floodplain classification in this instance.
- 6.11 The final test to be satisfied is therefore whether the development can be made safe and not result in any unacceptable increased flood risk elsewhere. To inform this, a detailed flood risk assessment has been provided which has modelled different flood scenarios primarily associated with flooding from Widemarsh Brook and Ayles Brook locally and Yazor Brook upstream. This has built upon the flood risk assessment undertaken to support the Yazor Brook Flood Alleviation Scheme (FAS). This was completed in March 2012 and diverts flood waters at Credenhill that would otherwise travel through the ESG area directly into the River Wye. This both reduces the flooding on the site and minimises the flood risk of new development on flooding to third parties through the loss of functional floodplain. It represents the first stage of a two part flood alleviation strategy, this being the off site works.
- 6.12 In terms of residual (post FAS) flood impacts within and around the site, the FRA considers two scenarios. The first is post completion of this development and the link road and the second is post completion of the entire urban village and associated canal works. Within these parameters, several other scenarios have been modelled such as variations in the hydrological catchment areas and the failure of the FAS. The modelling reveals that without further mitigation, flood depths of 300-500mm would occur across the site in a 1 in 100 year flood event.
- 6.13 To address the residual flood impacts that the modelling identifies, levels are to be raised by an average of 700mm across most of the site to ensure that the ground levels of plots are all above the 1 in 100 year (+ climate change) flood level thus removing all dwellings out of the floodzone 3 area. Floor levels could be raised further to ensure dwellings are flood free 1 in a 1000 year (+CC) event although the full impact of this particularly in relation to neighbouring properties requires further investigation at the detailed design stage. Flood free access to the

northern development area will then be provided via a new raised pedestrian bridge across the brook.

- 6.14 To compensate for the raising of levels and minimise the impact on existing properties, a larger lower area is being created alongside the brook, the northern and north eastern boundaries to help convey flood flows through the site. Flooding in this area is likely to occur in a 1 in 20 year event. These works along with the raising of levels do marginally increase flood depths down stream of the site in a 1 in 100 year event but this is not considered to represent a flood hazard.
- 6.15 The impact of blockages in existing features such as FAS and Widemarsh Street culvert has also be examined. These would increase flood depths by as much as 400mm in a 1 in 100 year event therefore the future maintenance and management of these features will be important although the flood depths within properties, due to increased floor levels, is unlikely to represent a significant flood hazard.
- 6.16 The flood risk assessment has demonstrated that the development can be designed to be flood free in a 1 in 100 year (+ climate change) flood event without causing any adverse residual effects on third parties in the locality and downstream of the site. The Environment Agency raises no objection to the development subject to conditions which are accommodated in the recommendation. The flood risk considerations are considered acceptable in accordance with the requirements of UDP policy DR7 and Section 10 of the NPPF.

Drainage

- 6.17 The existing public drainage system in the area is a combined foul and surface water sewer. In order to improve the efficiency of the public sewerage system and minimise the risk of the sewers surcharging, opportunities have therefore been sought to decouple the foul and surface water flows.
- 6.18 Sample bore holes carried out as part of the ground investigation revealed that the made ground and underlying soils and geology are reasonably permeable but high groundwater levels are likely to limit opportunities for infiltration drainage.
- 6.19 The proposal is to achieve surface water discharge to the brook controlled via new surface water sewers with discharge controlled via a combination of underground tanks and attenuation ponds to achieve a discharge rate of 5 litres per second (l/s). This will include an allowance for a 30% increase in rainfall intensities as a result of climate change. Current surface drainage from buildings drains to the combined sewer whilst drainage from the car park discharges to the brook at a rate of around 32 l/s. Therefore, the drainage will not only ensure there is no increased flood risk but will achieve betterment on the existing situation. Additionally, the development will increase the area of permeable surface creating new opportunities for infiltration drainage in the raised areas.
- 6.20 The site drainage will be split with development north of the link road discharging directly to the brook but attenuated with tanks and/or attenuation ponds. Development south of the link will utilise the new drainage to be installed as part of the link road and attenuated with a new detention basin located on land owned by the Police with further on site attenuation as necessary. This will be subject to the link road CPO but notwithstanding this, the Police have agreed in principle to this solution. An interim drainage solution to enable the extra care component of the development to come forward in advance of the link may also be progressed. Additionally, pollution prevention measures will also be installed to prevent pollution of the watercourses or groundwater.
- 6.21 Foul drainage will discharge to existing public sewers in the locality and capacity exists in the waste water treatment works. Both Welsh Water and the Council's drainage engineer have no

objection to the proposed outline drainage arrangements and they meet the requirements of UDP policies DR4, CF2 and section 10 of the NPPF.

Access, Traffic and Transportation

Access

- 6.22 Access to the three development areas is to be via the vehicular access points already permitted under the link road permission. This being a new 4 way junction along the section of the link road between Edgar Street and Widemarsh Street which serves the northern development area and a feeder road linking to Blackfriars Street which will provide access to the eastern and western development areas.
- 6.23 The Council is shortly to make the link road Compulsory Purchase Order in order to obtain the necessary land to facilitate its construction and release additional regeneration development plots. Work is scheduled to commence on the construction of the link road next year. By virtue of the approval of planning permission for this new road infrastructure, the design of the access points have already been considered acceptable and the junctions have capacity to accommodate the proposed development areas. Work is ongoing to review whether the parts of the link road including some of the junctions can be amended to achieve more of a shared space environment which if achieved, will further complement the residential development proposed under this application.
- 6.24 The current programme is likely to entail the early delivery of the extra care facility possibly in advance of the completion of the link road. In response to the Traffic Managers comments, the applicants have clarified that a new road with pavements would be created to serve this development to provide safe interim access through the car park, the detail of which will be submitted at the reserved matters stage.

Traffic

- 6.25 The Traffic Assessment which supports the application is based on the assessment carried out for the link road application. This examined the combined traffic impacts of the road and full urban village totalling around 800 dwellings. Subject to the completion of the link road, the local and wider traffic impacts of up to 192 units have therefore effectively already been accepted. Furthermore, the existing land uses on site are significant traffic generators and this development will result in an 80% net reduction in traffic volumes emanating to and from the site during peak times. The TA also identifies that there are no existing highway safety issues in the locality.
- 6.26 The TA also considers the traffic impacts of the early delivery of the extra care in advance of the link road. The nature of this facility means the traffic generation will be very modest (a maximum of 13 vehicle movements during peak hour), will be spread out throughout the day and can be accommodated on the existing network.

Transportation

- 6.27 The site is accessible by all forms of sustainable transport but with most essential day to day amenities being close by, will be particularly accessible by foot and bicycle. To support this, a condition is recommended to ensure secure covered bicycle storage is provided for each property. 191 parking spaces are proposed for the maximum 192 dwelling option, 16 of which would be dedicated to the extra care. Whilst the final parking ratio will be determined at the reserved matters stage, this provision should be considered as the maximum required in order to strike the right balance between the sustainable location of the site and the likely mix of dwelling sizes (with the majority being 2 and 3 bedroom). A condition is also recommended to require the delivery of electric vehicle charging points across the development in support of

the Council's wider drive to cater for electric vehicles in the future. A residential travel plan is also proposed which will link in with the wider ESG Sustainable Travel Implementation Strategy. This will include the creation of a steering group co-ordinate the sustainable transport initiatives and measures associated with each development. Little detail is provided of the actual measures that will be implemented but it is likely to include personalised travel planning. This can be secured by condition.

- 6.28 The site is readily accessible by all sustainable transport modes, will be served by suitable and safe access points and the traffic can be accommodated on the proposed network. The requirements of UDP policies DR3, T6, T7 and T8 and section 4 of the NPPF have been satisfied and both the Highways Agency and Council's Transportation Manager raise no objection to the application.

The Masterplan

- 6.29 Two masterplans have been provided illustrating how the proposed housing range of between 173 and 192 units can be accommodated. Three development areas are created dissected by the proposed link road. South of the link road is proposed to be a higher density area with a larger number of apartments and terrace properties. The western area adjacent Edgar Street is likely to be the location of extra care unit where a larger mass of development can be accommodated to relate to the football club. There is also scope for a three and possibly four storey height in parts of this area to allow for future re-development of the Merton stand at Hereford United. Careful consideration will need to be given to the siting and window positions on the boundary with the football club to ensure acceptable levels of amenity can be achieved without compromising the future re-development of the club stand.
- 6.30 Predominantly three storey townhouses are proposed along the link road to achieve additional presence and enclosure which is considered necessary given the combined width of the road and approved tree planting. At the detailed design stage, opportunities will be sought to achieve a more continuous frontage to the road and greater enclosure of the principal junction than is currently proposed. The interface with the street trees along Edgar Street will also require further thought at the detailed design stage.
- 6.31 The developable area to the north is restricted by the floodzone area. These works will also require the removal of 6 pollarded semi mature willow trees along the edge of Widemarsh Brook. The arboricultural assessment categorises them as a mixture of category B and C trees. This is unfortunate but is the only option available to achieve a clear flood water conveyance path in the event of an extreme flood and allow some development in this northern area. The raising of levels in this area will not impact on the amenity of existing properties.
- 6.32 The northern area will also be available for informal recreation and is proposed to be equipped with a play trial. This is possible as the frequency and depth of flooding in this area will be relatively low. Whilst this is slightly smaller in area than is required by policies H19 and RST 4, it will nevertheless provide a beneficial green space for informal play and is considered acceptable in this instance given the location of the site and the opportunities that will arise for the creation of further public open space elsewhere within the urban village.
- 6.32 The housing will be a mixture of apartments, terrace, semi-detached and detached properties with the predominant size being 2 bed apartments and 3 bed houses. A slightly higher level of apartments may be required to achieve an acceptable layout for the 192 units. However, alongside the extra care apartments, a balanced housing mix catering for all housing needs will be achieved. Parking will predominantly be in the form of parking courts overlooked by perimeter blocks of housing that address the adjoining roads.

- 6.33 The Layout also accommodates future pedestrian/cycle connections to other parts of the urban village across Widemarsh Street to the east and linking with Great Western Way and the Courtyard to the west. No details of designs have been provided at this stage but a contemporary design solution will be encouraged if this outline application is approved. The development is to be constructed to level 3 of the code for sustainable homes. The applicants advise that higher sustainability standards cannot be achieved on viability grounds. This is disappointing as this development will set the sustainability benchmark for the remainder of the urban village and therefore should be achieving higher construction standards. However, in the absence of an adopted policy that prescribes a particular standard, this matter does not warrant refusal of the application. A requirement to achieve code level 5 or equivalent for water usage will however be imposed to align with the emerging water quality policies in the Core Strategy.
- 6.34 The masterplans are only illustrative but they satisfactorily demonstrate how the proposed number of units with the required parking, access, garden and public open space can be achieved on the site, addressing the requirements of UDP policies DR1, H13 and section 7 of the NPPF.

Biodiversity

- 6.35 Various ecology surveys including species specific surveys were carried out to support the link road application and these have provided the baseline position for refresher surveys. This has included an updated general ecology survey along with otter, bat, reptile, breeding bird, white-clawed crayfish and aquatic invertebrate surveys. The areas of ecological interest are largely confined to the Widemarsh Brook corridor, which is designated a Site of Importance for Nature Conservation (SINC) and is a tributary of the River Wye Special Area of Conservation and the buildings to be demolished and trees in terms of bat and bird activity.
- 6.36 The surveys revealed that there was no evidence of otter or water vole activity along the brook. The buildings to be demolished have been inspected and no bat roosts were found and furthermore, they are deemed to be unsuitable for bats due to the lack of suitable void space. The same conclusion applies to the existing trees. Bats were detected along the brook corridors during the nocturnal surveys predominantly foraging along the brook corridor but the level of activity was relatively low and infrequent. Whilst some birds on the amber and red Birds of Conservation Concern (BOCC) list were recorded, this was primarily along the northern boundary and likely to be associated with the existing garden habitat. No locally rare or threatened bird species were recorded. The aquatic vertebrate surveys revealed the species diversity in the brook is poor and is typical of watercourses with poorer water quality. A single slow worm was also recorded along the north bank of the brook.
- 6.37 Subject to the brook being retained along its existing alignment and conditions covering matters such as the timing of tree and vegetation clearance and habitat protection measures during construction, the development will have no direct adverse impact on any recorded species. The loss of some of the willow trees is regrettable but the biodiversity value of parts of the site can be enhanced with appropriate new planting and the creation of a larger habitat area along the brook. The development has also been assessed in terms of impact on the River Wye Special Area of Conservation. Welsh Water have confirmed that capacity exists in the treatment works and therefore subject to appropriate pollution control safeguards and measures to minimise water use, the will have no likely significant effect on the River Wye. The proposals accord with the requirements of UDP policies NC1, NC4, and NC8 and section 11 of the NPPF.

Amenity

- 6.38 The application is outline and therefore the arrangements of the proposed dwellings and juxtaposition with existing dwellings is yet to be finalised but the illustrative masterplan

demonstrates that acceptable standards of amenity in terms of privacy and light can be achieved for existing and proposed residents. The primary amenity considerations at this stage concern air quality and noise.

- 6.39 Part of the site adjoins the Edgar Street Air Quality Management Area which was established due to nitrogen dioxide levels emanating from traffic exceeding objectives set out in the governments Air Quality Strategy. An air quality dispersion model has been used to assess the current and future air quality conditions in the area and the likely impact on existing and proposed sensitive receptors once occupied and the link road is constructed. The analysis demonstrates that nitrogen dioxide levels in a post development scenario will be below the national objectives across the whole development area. This is because current exceedances of national objectives are marginal and with continuing improvements in vehicle emissions, the national objectives will be achieved.
- 6.40 Any air quality impacts arising from construction activities can be mitigated with conditions requiring measures such as watering down during dry conditions and monitoring meteorological conditions. The Environmental Health Officer raises no objection to the development on air quality grounds and as such, the requirements of UDP policy DR9 and section 11 of the NPPF have been satisfied.
- 6.41 The primary source of noise will emanate from existing and proposed traffic and the application is supported by a noise assessment to consider this. This predicts that with mitigation, internal noise levels in habitable rooms can be achieved within properties likely to be exposed to the highest levels of traffic noise, namely fronting Edgar Street and along the link road. The mitigation options can be considered through the detailed design stage and achieved by condition but are likely to include acoustic trickle ventilators in windows and triple glazing. Noise from the football club will also require further assessment as will any amenity impacts associated with retained business if not all are removed as part of the development. This further assessment can also be secured by condition.
- 6.42 Construction noise and vibration could also have an impact on existing residents and businesses but the analysis concludes that this impact will not be adverse, being below the recommended decibel levels for a city location where ambient noise levels are already higher. Vibration impacts primarily arising from piling will be perceptible but will not cause damage to nearby properties. Subject to a condition requiring the proposed noise mitigation measures to be submitted, the environmental health officer raises no objection on noise grounds. The requirements of UDP policy DR13 and section 11 of the NPPF have been met.

Affordable Housing

- 6.43 Either 35% or 60 (whichever is the greater) of the units will be affordable housing, the majority of which are to comprise the extra care accommodation. This is to comprise a mixture of affordable rent and intermediate tenure in the form of one and two bed apartments. The care provision is on site but generally remote and in the event of an emergency as the format of the accommodation is geared towards independent living. The mix of rental and owner occupied tenure will also assist in creating a more socially diverse community. The 'extra' part relates to ancillary facilities that may be provided on site such as such as a gym, café and hair and beauty salon. Occupation of the accommodation will be restricted through a Section 106 Agreement to over 55's thus catering for a different demographic. An older person study commission by the council indicates that there will be an increasing need for this type of accommodation in the future with a growing elderly population within the county. Given the higher density nature of the development, the provision of the affordable within this format of accommodation is considered acceptable and compliant with UDP policy H9 and section 6 of the NPPF.

Section 106

Further information on the subject of this report is available from Mr K Bishop on 01432 260756

6.44 A Section 106 Agreement will be required to ensure the delivery of the affordable housing and that it remains affordable in perpetuity. Additionally, the S106 will require a maintenance contribution associated with the future adoption of the public open space. The adopted Planning Obligations Supplementary Planning Document would ordinarily also require contributions for the enhancement of localised community infrastructure within the education, sport, libraries and waste management sectors in place of direct provision on site. In this instance, however, all receipts from the future sale of Council land forming part of the application site will be recycled into new community infrastructure within the Edgar Street Grid. As such, no other Section 106 contributions are considered necessary. Furthermore, it is likely that future phases of the urban village will attract S106 contributions and/or Community Infrastructure Levy payments which can also be used to fund new community infrastructure in the locality. As the Council is the primary landowner and other land forming part of the application is not owned by the applicant, the mechanism for securing the Section 106 Agreement will be upon the sale of the Council land and a condition will be imposed to facilitate this.

Archaeology and other Heritage assets

6.45 A desk top survey of the area was initially prepared which then informed the need for focussed trial trenching on site. A final report has now been provided which identifies that there are no over-riding archaeological issues. Much of the site has been truncated as a result of the realignment of Widemarsh Street, other modern development and/or is filled in most areas by in excess of 1.4 metres. The area is therefore of low archaeological sensitivity. There are some small areas of higher potential for buried archaeological remains such as along the Widemarsh Street frontage but this can be mitigated by a condition requiring further archaeological evaluation and recording. Subject to this, the Council's archaeologist raises no objection to the application and the requirements of UDP policies ARCH 1 and 6 and section 12 of the NPPF have been met.

6.46 The development will have no impact on the Blackfriars Scheduled Ancient Monument due to the separation distance and intervening buildings. The Oxford Arms is a seventeenth century timber framed grade II listed building adjacent the south east corner of the site. New dwellings within close proximity will impact on the setting of this building but with careful siting, scale and landscaping, a scheme can be designed to preserve and possibly enhance the setting of this heritage asset. This is likely to require a review of the masterplan in this area through the detailed design stage to achieve this.

Conclusion

6.47 Paragraph 14 of the NPPF requires sustainable developments that accord with the development plan to be approved without delay and where a relevant development plan is absent, silent or 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 policies in the NPPF as a whole;
- or specific policies in the NPPF indicate development should be restricted.

6.48 UDP Policy TCR22 which specifically applies to the site is now considered to be out of date as the cinema is now being delivered on the former livestock market and the football club no longer has plans to re-locate the ground. Both the ESG masterplan and emerging policy also shift the emphasis on this site to being primarily residential. The partial conflict with the requirements of policy TCR22 are therefore not considered to be a reason to prevent the development.

- 6.49 The housing will be located outside of the high risk floodplain and this can be achieved without increasing flood risk to third parties and a sustainable drainage solution is proposed. Safe access will be achieved via the link road and loss of parking can be absorbed within other existing car parks supplemented by new temporary parking proposals. The biodiversity of the site will be safeguard with opportunities for enhancement and a small new recreation space will be provided to serve the new residents. Other technical information has been submitted to demonstrate that the development will not generate any other adverse impacts that would warrant refusal of the application or outweigh the benefits.
- 6.50 The Council now has a significant shortfall in deliverable housing land with current calculations placing the deficit in excess of 600 units. The development will deliver new housing and much needed affordable housing on a brownfield site in a particularly sustainable location that is accessible by all modes of transport. Additionally, a balanced housing mix is proposed from one bedroom apartments to large family housing and housing for the elderly thus contributing to the social vitality of the city centre. New employment opportunities both directly through the construction and on-going associated with the extra care home will be created. Finally, it will be the first phase of a new sustainable mixed use community and will support the continuing regeneration of the area.
- 6.51 The development is considered to be economically, environmentally and socially sustainable and compliant with the NPPF, the relevant UDP policies that are consistent with the NPPF and/or up to date and the emerging Core Strategy policies, particularly HD1. Applying the NPPF test of a presumption in favour of sustainable development, the application is recommended for approval subject to completion of a satisfactory Section 106 Agreement.

RECOMMENDATION

That officers named in the scheme of delegation be authorised to issue planning permission subject to the conditions set out in this report and any varied or additional conditions considered necessary by officers:

- 1. The details to be submitted with the first reserved matters application under the terms of condition 4 shall include a construction phasing plan. The submission of details required by the conditions accompanying this decision and the construction shall thereafter follow the agreed phasing plan unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure the construction is phased with the delivery of the essential infrastructure and to comply with policy DR1 of the HUDP.

- 2. A02 Time limit for submission of reserved matters (outline permission)**
- 3. A03 Time limit for commencement (outline permission)**
- 4. A04 Approval of reserved matters**
- 5. A05 Plans and particulars of reserved matters**
- 6. B01 Development in accordance with the approved plans**
- 7. C01 Samples of external materials**
- 8. E01 Site investigation - archaeology**

9. **F08 No conversion of garage to habitable accommodation**
10. **G04 Protection of trees/hedgerows that are to be retained**
11. **G09 Details of Boundary treatments**
12. **G10 Landscaping scheme (To include electric vehicle charging points)**
13. **G11 Landscaping scheme - implementation**
14. **G14 Landscape management plan**
15. **G19 Details of play equipment**
16. **H11 Parking - estate development (more than one house)**
17. **H29 Secure covered cycle parking provision**
18. **M07 Evacuation management plan**
19. **H30 Travel plans**
20. **L02 No surface water to connect to public system**
21. **L03 No drainage run-off to public system**
22. **L04 Comprehensive & Integrated draining of site**
23. **I56 Sustainable Homes Condition**
24. **I16 Restriction of hours during construction**
25. **I42 Scheme of refuse storage (residential)**
26. **I51 Details of slab levels**
27. **M09 Development on land affected by contamination**
28. **M10 Unsuspected contamination**
29. **I26 Interception of surface water run off**
30. **No development shall commence (including any works of demolition) within each geographical phase of development until a construction environmental method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:**
 - **Means of access for construction including vehicle routes to and from the site**
 - **Parking for site operatives and visitors**
 - **Loading and unloading of plant and materials**
 - **A scheme for recycling and disposing of waste arising from demolition and construction works**
 - **Wheel washing facilities**
 - **Site compound area(s) and area(s) for the storage of plant and materials**

Further information on the subject of this report is available from Mr K Bishop on 01432 260756

- used in constructing the development
- The erection and maintenance of security hoarding including the external finish and colour.
- Measures to control the emission of noise, dust and dirt during construction
- Containment of silt/soil contaminated runoff
- Habitat and species protection measures

Reason: To safeguard water quality, the amenity of the area and the biodiversity interest of the site and to comply with HUDP policies DR2, DR3, DR4 and NC1.

31. Other than works associated with the construction of the of the extra care accommodation and unless otherwise agreed in writing with the local planning authority, no other dwellings shall be occupied until the development known as the link road approved under planning permission ref CE092576/F (as amended) has been completed in accordance with the details of that permission and any subsequent amendments.

Reason: To ensure the remainder of the development is served by appropriate vehicular, pedestrian and cycle access and drainage arrangements and to comply with HUDP policies DR4, CF2, T6, T7 and T8.

32. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment, dated 27/03/2013, produced by Capita Symonds.

Reason: To prevent the increased risk of flooding and to comply with policy DR7 of the Herefordshire Unitary Development Plan and the NPPF

33. Details of the means of achieving a safe, dry, pedestrian access and egress route, not adversely affecting the flood regime, on land outside the 1 in 100 year plus climate change event should be submitted to and approved in writing by the local planning authority prior to the commencement of the development within each phase. The agreed details shall be implemented as approved prior to the occupation of any dwellings within the phase of the development to which the proposals relate.

Reason: To provide safe access and egress during flood events to each part of the development and to comply with policy DR7 of the Herefordshire Unitary Development Plan and the NPPF

34. No development shall commence within each phase until a scheme for protecting the proposed dwellings from road traffic and football club noise including detailed construction methods for noise mitigation has been submitted to and approved by the local planning authority. All works which form part of the scheme shall be completed before any of the permitted dwellings within that phase are occupied.

Reason: To protect the residential amenities of the future occupiers of the properties and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

35. B07 – Section 106 Agreement

36. The development hereby permitted is for the construction of a maximum of 191 open market and affordable residential units.

Reason: To define the terms of the permission and comply with policy DR1 and H13

Further information on the subject of this report is available from Mr K Bishop on 01432 260756

of the Herefordshire Unitary Development Plan.

- 37. Unless otherwise agreed in writing with the local planning authority, a minimum of 200 public parking spaces shall be retained within the site and be accessible for public usage until the new car park proposed under planning application ref S131240/CD has been completed and is available for public usage.

Reason: To ensure adequate supply of public parking remains available within the city and to comply with policy DR3 of the Herefordshire Unitary Development Plan.

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. HN08 Section 38 Agreement and Drainage Details

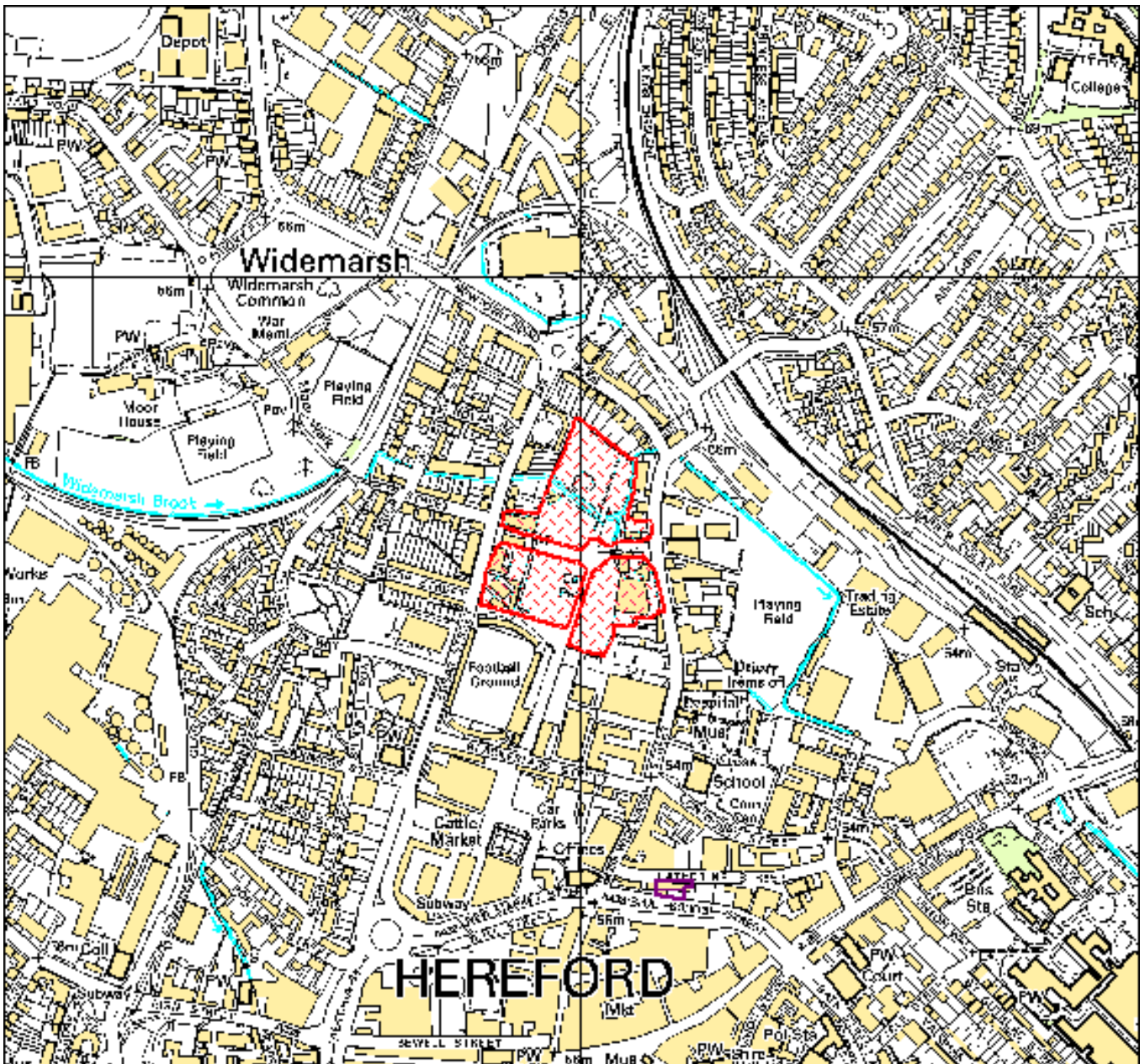
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 130888/O

SITE ADDRESS : LAND AT MERTON MEADOW, EDGAR STREET, HEREFORD, HR4 9JU

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MEETING:	PLANNING COMMITTEE
DATE:	7 AUGUST 2013
TITLE OF REPORT:	<p>131240/CD - REDEVELOPMENT OF SITE TO PROVIDE A PUBLIC CAR PARK WITH ASSOCIATED LIGHTING, SIGNAGE AND PARKING METERS AT LAND AT FORMER ROCKFIELD DIY SUPERSTORE, STATION APPROACH, HEREFORD, HR1 1BB</p> <p>For: The Owner and/or Occupier per Mr Robert Scott, Plough Lane Offices, Hereford, Herefordshire, HR4 0LE</p>
WEBSITE LINK:	http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=131240&NoSearch=True

Date Received: 22 May 2013

Ward: Central

Grid Ref: 351571,240440

Expiry Date: 17 July 2013

Local Member: Councillor MAF Hubbard

1. Site Description

- 1.1 The site lies immediately north east of Station Approach running up to the junction with the A465 (Commercial Road). South west is Morrison's supermarket and north east is the rail station car park. The site was until recently used for retail and occupied by Rockfield DIY but was acquired by the council to enable the construction of the ESG link road. The brick and steel frame corrugated building on site has now been demolished. The site is relatively flat and the boundaries are enclosed by a mixture of railings and brick wall on the roadside and fencing and vegetation to the south and east.
- 1.2 The site is classified as floodzone 2 (1 in a 1000 year probability of flooding) and the grade II listed rail station lies 30 metres north of the site.

The Proposal

- 1.3 The application seeks to re-develop the site to create a Council operated pay and display long stay public car park totalling 175 spaces. The existing two way vehicular access entering on to the mini roundabout serving the station will be retained as will the existing pedestrian access on to Station Approach itself. The site will be re-surfaced with tarmac and spaces demarked, new lighting and ticket machines installed. New landscaping is also proposed along the peripheries, particularly Station Approach.
- 1.4 In addition to the plans, the application is supported by a Design and Access Statement, Traffic Assessment and Flood Risk Assessment.

2. Policies

- 2.1 National Planning Policy Framework (NPPF):

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

At the heart of the NPPF is a presumption in favour of sustainable development and this is defined as encompassing an economic, environmental and social dimension which are mutually dependant.

Relevant sections are as follows:

- Section 4 Promoting Sustainable Transport
- Section 7 Requiring good design
- Section 8 Promoting healthy communities
- Section 10 Meeting the challenge of climate change, flooding and coastal change
- Section 11 Conserving and enhancing the natural environment

2.2 Herefordshire Unitary Development Plan:

- S1 - Sustainable Development
- S2 - Development Requirements
- S6 - Transport
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR7 - Flood Risk
- T1 - Public Transport Facilities
- T6 - Walking
- T7 - Cycling
- T8 - Road Hierarchy
- T10 - Safeguarding of Road Schemes
- T11 - Parking Provision

2.3 Herefordshire Local Plan - Draft Core Strategy:

- SS1 - Presumption in Favour of Sustainable Development
- SS4 - Movement and Transportation
- SS6 - Environmental Quality and Local Distinctiveness
- SS7 - Addressing Climate Change
- HD1 - Hereford
- HD2 - Hereford City Centre
- HD3 - Hereford Movement
- MT1 - Traffic Management, highway safety and promoting active travel
- E2 - Re-development of existing employment land and buildings
- LD1 - Landscape and Townscape
- LD4 - Historic Environment and Heritage Assets
- SD1 - Sustainable Design and Energy Efficiency
- ID1 - Infrastructure Delivery

2.4 Other Guidance:

Supplementary Planning Documents:

Design, ESG Design Framework

Local Transport Plan 3

2.5 Other Material Considerations:

ESG Masterplan

- 2.6 The Unitary Development Plan and draft Core Strategy 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 CE092576/F – Demolition of existing buildings and construction of a new highway, cycleway, drainage, landscaping and associated works between A49 Edgar Street and A465 Commercial Road along with a new link road to Blackfriars Street and Canal Street. Approved 30th March 2010.
- 3.2 S/130788/D – Prior notification of the proposed demolition of DIY superstore. Prior approval not required, 15th April 2013.
- 3.3 S/130789/AM – Non-material amendment to CE092576/F (road levels, cycle provision and north south feeder road). Approved 23rd April 2013
- 3.4 Additionally, various other planning history exists associated with the former retail use of the site but none is now relevant to the consideration of this application.

4. Consultation Summary

Internal Council Advice

4.1 Transportation Manager

The Transport Assessment submitted is based upon traffic flows taken in 2012 and based on a car park size of 188 spaces, whereas 175 are now proposed. An assessment of the likely traffic flows from those previous uses at Barrs Court Trading Estate and Rockfield DIY has also been made. The junction analyses considers one scenario of 75% and one of 100% car park capacity and both based upon 85% of arrivals in the AM peak and 85% departures during the PM peak hour, based upon data from Merton Meadows car park. However I would comment that the 85% departures used for the PM peak appears to be somewhat onerous. It should be noted that the Country Bus Station car park arrival and departure pattern indicates a more gradual arrival and departure pattern and remains relatively full during the PM peak hour.

For the purposes of the analysis, the distribution (origin/destination) of car park trips on the road network has been made according to the distribution of trips at the existing Merton Meadows car park, as the proposed car park is intended as a partial replacement, but it may be that actual traffic patterns do not accurately reflect this. A slight amendment to signal cycle time from 112 to 120 seconds is proposed at the Station Approach/Commercial Road junction to partially mitigate the impact of the car park.

The assessments indicate that in the AM peak the junction operates close to capacity but with a slight improvement from the current situation, obtained by the proposed increase in the signal cycle time. In the PM peak there is a slight deterioration in operation of the junction with increased queue lengths by up to 8 vehicles on some approaches.

It is therefore acknowledged that the proposals will have a slight detrimental impact on the operation of the Station Approach/Commercial Road junction development until such time as the link road is constructed and the revised junction configuration introduced.

However, it should be noted that these comparisons are made against the current situation with Rockfield DIY removed and the reduced occupancy at Barrs Court Industrial Estate to around 20%. A comparison of the previous situation with those developments fully operational indicates little change.

In terms of highway safety, the Transport Assessment concludes that the proposal will not compromise highway, pedestrian and cyclist safety at the junction and on Station Approach.

The proposed internal layout for the car park is considered acceptable.

Consideration should be given to the opportunity to provide cycle parking, preferably covered or lockers, within the car park to supplement that available at the railway station.

Consideration should also be given to provision of a further bus layby to add capacity and reduce bus congestion at peak times. This would also allow future capacity should any operators wish to extend their services to include the railway station.

I consider that the proposals are acceptable subject to the consideration of the cycle parking and bus provision.

4.2 Drainage Engineer

No objection

4.3 Environmental Health Manager

No Objection

5. Representations

5.1 Hereford City Council

No Objection

5.2 7 letters and e-mails of objection have been received. The main points raised are:

- The car park does not support the sustainable travel objectives in the Local Transport Plan and draft Core Strategy
- The development will cause a re-distribution of traffic from Merton Meadow potentially increasing cross city movements and increasing peak hour congestion
- The site could be the location for a new bus station or transport hub which would greatly benefit rail users who wish to catch a bus.
- Provision should be made for a bus stop with shelter and bus waiting bays which will enable additional bus services to call at the station
- Additional traffic through the Station approach junction will make accessing town for pedestrians and cyclists even more difficult
- The site should be used as a green space and park
- The development does not take the opportunity to improve pedestrian and cyclist links and facilities to and from the station

- 5.3 4 letters and e-mails of comment have been received, the additional points raised that aren't already listed above are:
- Additional cycle parking should be provided
 - Access to and from Morrison's could be improved
 - An additional bus stop could be created where the existing cycle parking is located if this were re-located
 - Making small provisions for sustainable transport modes may assist with pulling in additional government funding for more significant sustainable transport infrastructure

5.4 The consultation period has not yet expired at the time of completing this report. Any further representations received within the consultation report (which expires on 1st August) will be reported to Planning Committee and the comments taken into account in the recommendation to Members.

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

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

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

- 1) Parking Need
- 2) Traffic Impacts
- 3) Flood Risk
- 4) Layout and Access
- 5) Public Transport
- 6) Conclusion

Parking Need

6.2 Appended to the recently adopted Local Transport Plan 3 is a short, medium and long term county parking strategy. In terms of the city, this looks at parking supply and demand across the city and considers ways in which modal choice can be influenced in the future through the implementation of new parking measures. Some of the key actions that come out of the strategy are:

- Implementation of park and ride and further promotion of park and share and park and cycle
- A reduction in commuter parking across the city in the medium to long term
- Installation of real time driver info for Council owned car parks on key arterial routes into the city
- Support the re-development of existing public and private car parks
- Work with the supermarkets to establish if any spare capacity could be utilised outside peak times and ensure active enforcement
- Reviewing the parking pricing structure, particularly for commuter parking.

6.3 The above measures have been partly informed by the on-going work on the outer distributor road which has revealed that a high proportion of the car based journeys into the city are from residents who live within 5 miles of the city. There is therefore an opportunity to implement a

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

more aggressive sustainable transport strategy in the future to encourage more sustainable travel patterns, to reduce congestion and complement the new road infrastructure and the Council is committed to this.

- 6.4 Many of the above measures may, however, be very controversial as they will require a shift in the way people choose to travel into the city particularly for work. Many will also take some time to implement and will need to be introduced in sequence. For example, it is unlikely that there can be a significant reduction in city parking until genuine and viable alternatives are provided such as park and ride and improved bus efficiency.
- 6.5 The parking study therefore also examined the short term parking requirements using a simple supply and demand analysis informed by occupancy surveys carried out in 2007 and 2012. The table below summarises the current position and situation over the next year or so.

DATE	EVENT	SUPPLY	DEMAND	DEMAND + 10%	SURPLUS/ DEFICIENCY
June 2013	Current	2957	2234	2457	+500
Feb 2014	Temp Blackfriars car park closes	2905	2234	2457	+448
May 2014	Stanhope dev opens	3520	2640	2904	+616
July 2014	Merton Meadow closes	2760	2640	2904	-144
2015	Link Road complete and new car park in place	2885	2640	2904	-19

Note: The figures all assume Garrick House multi storey is open.
The +10% is to accommodate small variations in demand

- 6.6 The table indicates that there is likely to be a deficit in provision once Merton Meadow car park closes. The figures are also reliant on surplus capacity at all existing public and private car parks being utilised which will require, for example, all floors of the multi storey car park to be used. The data indicates there is a need for replacement car parking at least until other measures can be implemented. However, the replacement will only offset 23% of the commuter parking lost when Merton Meadows is developed and even then, there will remain a small deficit in overall provision. Parking on the Stanhope development will also not be priced to be affordable for commuter parking. As such, the provision of much reduced commuter parking will be a first step towards implementing the new parking strategy.
- 6.7 Locationally, there is currently little long stay parking on the eastern side of the city and therefore this location will intercept some commuter journeys that would have otherwise had to travel through the heart of the city to Merton Meadow car park. Discussions have also taken place with the hospital to provide permits for staff within the new car park to replace those currently provided for at Garrick House.
- 6.8 There is therefore a need for the car park in the short term (next 5 years) and its delivery will not compromise the transport strategy with the LTP3. The location is also considered acceptable in parking demand terms.

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

Traffic Impacts

- 6.9 The application is supported by a Traffic Assessment (TA) that considers the traffic impacts of the development on the Commercial Road/Station Approach junction. This junction has been focussed on as it is already operating close to capacity at peak times. Regard has been had to traffic flows attributable to existing uses in the area and on site (prior to demolition of the retail unit) and proposed flows have been obtained from an assessment of peak flows at Merton Meadow car park during 2012. The junction assessment can be summarised by a Degree of Saturation (DOS) percentage – over 90% and the junction is over capacity, over 100% and the junction is completely saturated.
- 6.10 The TA indicates that in the 2013 existing scenario, some legs of the junction are already operating over capacity, although not saturated. When the car park is 100% full, during the AM peak, the operation of the junction will not be materially different but during the PM peak, 4 legs of the junction will be over capacity (with a DOS over 90%), but none over 100%. This will increase queue lengths on parts of the junction by up to 8 vehicles during the PM peak. Once the new link road is constructed, the TA indicates that the junction will be operating within capacity. The TA also confirms that the proposal will not compromise highway, pedestrian and cyclist safety at the junction.
- 6.11 The impact is proposed to be partially mitigated by increasing the traffic light cycle time from 112 to 120 seconds but the development will have a short term adverse impact on the efficiency of the junction and queue lengths until the new link road is constructed. Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. The additional delay at the junction until the link road is built is not considered to be severe.
- 6.12 The Traffic Manger acknowledges the short term adverse impact on the operation of the junction but does not object to the application as the issues will be addressed when the link road is constructed. Also, the assessment was carried out on the basis of 188 spaces (175 now proposed) and has not discounted any traffic that may be currently travelling through the junction to access Merton Meadow and therefore represents a worst case scenario. Furthermore, the proposal would result in traffic flows that are comparable to the situation prior to demolition of Rockfield and closure of several businesses at Barrs Court Trading Estate.
- 6.13 The traffic impacts of the development are therefore acceptable in accordance with the requirements of policies DR2 and 3 of the UDP and Section 4 of the NPPF.

Flood Risk

- 6.14 The site falls within an area designated as floodzone 2 which equates to a 1 in 1000 year probability of flooding. The proposed car park is classed as a less vulnerable use which the NPPF technical guide indicates is acceptable, in principle, in a floodzone 2 area. Safe and dry access can be achieved via Station approach and there will be no increased flood risk as the existing building slab and surrounding hard surface are being retained therefore there will be no material change in site levels. The extent of impermeable surface will also largely remain unchanged and the existing surface drainage network is to be used in the short term pending construction of the link road. Pollution prevention measures are to be installed to minimise the risk of groundwater pollution. The Council's drainage engineer has no objections and the flood risk requirements of policy DR7 and the NPPF have been met.

Layout and Access

- 6.15 The site will be laid out and serviced in line with other Council car parks in terms of lighting, signage, ticket machines and so on. The surface is to be tarmacked and spaces demarked with white lines. Adequate manoeuvring space will be available. Provision of secure covered cycle parking is considered necessary given the proximity to the station and will be secured by condition. A lighting plan has also been provided to demonstrate there will be no unacceptable light pollution. The car park will have no greater visual impact than the former buildings that occupied the site and there are no properties nearby that will be directly affected by the development.
- 6.16 The existing vehicle and pedestrian access points will be retained and the Traffic Manager has no objection to the design of capacity of these access arrangements. Part of the site falls within the footprint of the permitted link road and therefore approximately 50 spaces will be lost when construction commences. Longer term, a new development plot will be created on the residual land possibly incorporating some adjoining land in a post link road scenario. The layout will therefore need to be modified to accommodate the link road but this is unlikely to necessitate any works that require planning permission.

Public Transport

- 6.17 A number of representations have been received suggesting that a new bus layby should be created along the western road frontage to mirror what already exist on the opposite side of the road. Adequate land exists to achieve this and following further discussions with the public transport officers, it is considered the bus stop would be beneficial. A condition is therefore recommended requiring this to be delivered. Notwithstanding this, the Council also remains committed to the delivery of a new sustainable transport interchange in the future but this is likely to be located in front of the station.

Conclusion

- 6.18 The need for additional long stay parking at least in the short term is evidenced and the location is considered appropriate particularly as public parking on the eastern side of the city is more limited. Short term adverse impacts on the operation of the Commercial Road/Station Approach junction will arise but the impact in terms of delay is not considered severe, is comparable to the situation prior to demolition of Rockfield and closure of businesses on Barrs Court Trading Estate and will ultimately be addressed once the link road is completed. All other land use planning considerations are considered acceptable. The development will also facilitate the delivery of new sustainable housing and other development within the Edgar Street Grid Regeneration Area in line with the NPPF.
- 6.19 A 5 year temporary planning permission is considered appropriate and necessary for the following reasons:
1. To protect the link road permission as required by UDP policy T10,
 2. To allow a further review of parking needs and demand post closure of Merton Meadow car park and opening of the Stanhope development
 3. Review the development opportunities on the residual land
 4. To tie in with the adopted and emerging sustainable movement strategy for the city contained within the Local Transport Plan and Core Strategy for the city
- 6.20 Subject to this, the development is considered acceptable and accords with the relevant UDP policies, the Local Transport Plan and NPPF.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **F18 Temporary permission (5 years)**
- 2. **B01 Development in accordance with the approved plans**
- 3. **G10 Landscaping scheme**
- 4. **G11 Landscaping scheme - implementation**
- 5. **H29 Secure covered cycle parking provision**
- 6. **Prior to the commencement of development, scaled plans identifying the provision of a bus lay-by and supporting bus infrastructure including a bus shelter and signage shall be submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved plans prior to first use of the car park hereby permitted.**

Reason: To improve the public transport facilities in the locality and support the creation of a transport interchange in accordance with policies T1 and DR3 of the Herefordshire Unitary Development Plan.

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. .**

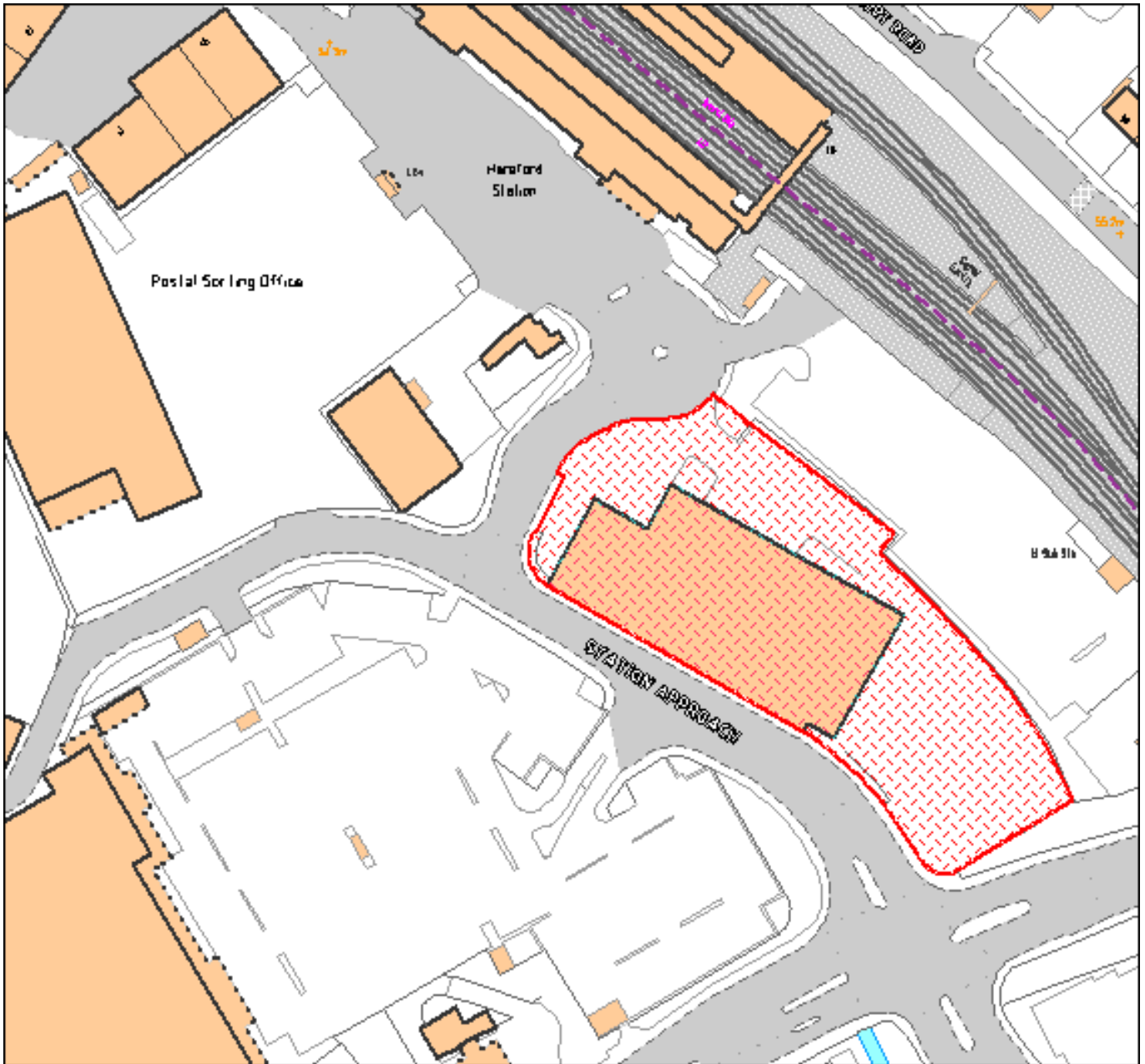
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 131240/CD

SITE ADDRESS : LAND AT FORMER ROCKFIELD DIY SUPERSTORE, STATION APPROACH,
HEREFORD, HR1 1BB

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



MEETING:	PLANNING COMMITTEE
DATE:	7 AUGUST 2013
TITLE OF REPORT:	<p>131071/F - PART RETROSPECTIVE CHANGE OF USE OF REARING OF GAME BIRDS, COLD STORAGE OF ASSOCIATED EQUIPMENT, STORAGE OF ANIMAL FEEDS AND AGRICULTURAL CHEMICALS, SEED AND FERTILISER, INCLUDING THE ERECTION OF 2 FEED SILOS AT LAND AT LEYS FARM, TARRINGTON, HEREFORD, HR1 4EX</p> <p>For: Mr Coleman per Mr Alexander Clive, 8A High Street, Ledbury, Herefordshire, HR8 1DS</p>
WEBSITE LINK:	http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=131071&NoSearch=True

Date Received: 18 April 2013

Ward: Backbury

Grid Ref: 361280,240589

Expiry Date: 13 June 2013

Local Member: Councillor J Hardwick

1. Site Description and Proposal

This application was deferred at the last meeting to enable members to make a site visit.

1.1 The application site lies just off the unclassified 66209 road adjacent to a range of converted traditional farm buildings, at Leys Farm. The building is approximately 30m x 30m and within the yard area two feed silos have been erected. The building is used in connection with pheasant rearing, and includes a chick nursery unit and chiller store. The change of use and associated development applied for has now been undertaken and as such the application is retrospective

1.2 The southern and eastern range of buildings, to the east of the site, are listed buildings.

2. Policies

2.1 National Planning Policy Framework NPPF

Chapter 3 Supporting a prosperous rural economy
 Chapter 11 Conserving and enhancing the natural environment
 Chapter 12 Conserving and enhancing the historic environment
 Paragraphs 121-123

2.2 Herefordshire Unitary Development Plan

S1 - Sustainable development
 S2 - Development requirements
 DR1 - Design

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

- DR2 - Land use and activity
- DR3 - Movement
- DR4 - Environment
- DR13 - Noise
- LA2 - Landscape character
- HBA4 - Setting of listed buildings
- HBA12 - Re-use of rural buildings
- E13 - Agricultural and forestry development

2.3 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>

2.4 Draft Herefordshire Local Plan Core Strategy

3. Planning History

3.1 DCCE2007/3205/F Use of two mobile homes within the building as staff rest rooms Approved

4. Consultation Summary

4.1 Transportation Manager - no objection.

This is for an alternative use of existing farm buildings with a use which is unlikely to be more intensive than an agricultural usage and is also effective over only part of the year. It will be accessed by similar size vehicles to those that would be likely to access a farm.

4.2 Environmental Health and Trading Standards - no objection.

4.3 Conservation Manager:

There is no landscape objection to the reuse of this building. The introduction of the two feed silos, almost 7m high, will have a visual impact, however when seen against the existing agricultural frame building on higher ground immediately to the south they will be of a similar height. It would be useful to know the proposed colour and finish of these, as a dark green or brown would blend in with the background more suitably than a light colour which would stand out as an intrusive element to this historic setting.

The site is adjacent to the boundary of Stoke Edith Grade II Registered Park and Garden. I am concerned that this application does not address the cumulative impact of many changes surrounding the application building. This is a sensitive landscape and the spread of development should be restricted. It is clear that the use of pens are linked to the business necessities and are suitably located adjacent to the existing buildings, however it would be particularly useful to have a site plan showing the land where these structures will be limited to. In particular if there were to be spread any further west this would be within the boundary of the registered parkland, where many historic parkland features have already been lost and further degradation would not be acceptable.

There is also an opportunity to provide landscape enhancement, through additional hedgerow and tree planting to the site boundaries. The historic maps show that there would have been many more mature trees around the site and the land immediately to the south was previously two fields including an orchard. There appears to be scope for mixed native hedgerow planting along the access drive, at the base of the earth mounds. Mixed native hedgerow, with

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

oak tree planting, would also be particularly welcome along the boundary with the public footpath and on the far west boundary at the end of the temporary pens. Any native tree and hedgerow planting would be welcome to increase biodiversity, enhance the landscape character and to reflect the historic parkland.

5. Representations

5.1 Tarrington Parish Council - supports the comments of local residents in objecting to this application on the grounds of the scale of the proposals and the impact on the local community. There are serious concerns about environmental health issues and the proximity to residential properties. The Parish Council feels that it should be possible to locate this activity on a site which does not impact on residential properties.

5.2 Objections from 8 local residents have been received.

These set out the following concerns, although 2 express no objection in principle subject to concerns being addressed.

1. Vermin and use of poison to control it;
2. Chemicals stored in the building;
3. Noise from the chiller unit and power washer;
4. Dust including faecal matter;
5. Smell;
6. Condition of road due to large farm vehicles;
7. Run off from cleaning;
8. Escapees;
9. No permission for units in fields.

5.3 In support of the application and in answer to the concerns expressed the applicant has provided details of how the site is used during the year:

January:

The game larder chiller, sitting within the building, is used for the storage of game which is collected on a twice weekly basis. It has a very quiet electric motor, inaudible to anyone outside of the building. It has been working in its current position for the past 7 years without issue. The yard at the front of the building will be used twice daily to access the grain silos for feeding purposes by ATV machines.

February:

During this month the building is used for general storage of game rearing and agricultural equipment. The chiller is not used in this month and neither are the grain silos.

March:

During this month the building is used for general storage of game rearing and agricultural equipment. The chiller is not used in this month and neither are the grain silos.

April:

During this month the game rearing equipment is progressively removed from the building to be assembled in the rearing field. The chiller is not used in this month and neither are the grain silos. There will be an element of cleaning and preparation work, which will be carried out predominantly in the yard area.

May:

The chick nursery unit is in operation from the end of this month onwards. The nursery unit comprises temporary rearing structures within the building, which house game chicks for a

period of two to three weeks before they are moved to the brooder sheds on the rearing fields. The sheds provide a sheltered, controlled environment for the initial start period of the birds' life. The buildings are then sterilised and another crop of birds are put through the system. The feed for these birds is stored in the grain silos to prevent any infestation by rodents etc. The chiller is not used in this month.

June:

During this month the chick nursery unit continues to be in operation inside the building. The buildings are sterilised after each crop of birds. The feed for these birds continues to be stored within the grain silos so as to prevent any infestation by rodents etc. The chiller is not used in this month. The building would also be used this month for the storage of agricultural products for the purpose of planting game crops ie. seed, agri-chemicals etc.

July:

During this month the chick nursery unit continues to operate within the building. The units continue to be sterilised between batches. The feed for these birds continues to be stored in the grain silos so as to prevent any infestation by rodents etc. The chiller is not used in this month.

August:

During this month the building is not used intensively at all after the first week. All areas are cleared, tidied and cleaned in preparation for the storage of the game rearing equipment the following month. The chiller unit is not used during this month. The feed silos are used for the purpose of feeding the birds on the rearing fields.

September:

During this month the equipment in the rearing fields is returned to the building for storage. The chiller unit is not used. The feed silos are used for the purpose of feeding the birds that have been released on the estate.

October:

During this month the building is used for general storage of game rearing and agricultural equipment. The chiller is only used in for the last few days of the month.

November:

During this month the building is used for general storage of game rearing and agricultural equipment. The chiller is used this month as per January and the grain silos are used for the purpose of feeding the birds that have been released on the estate.

December:

During this month the building is used for general storage of game rearing and agricultural equipment. The chiller is used this month as per January and the grain silos are used for the purpose of feeding the birds that have been released on the estate.

In addition to the above I feel it is important that I clarify the following:

Vehicular Access – We would not be significantly increasing the amount of traffic to the site. During the period of May – July we would expect a feed delivery every 2 / 3 weeks and during the rest of the year a fuel delivery every 6 / 8 weeks. We do have the occasional sundry item delivered via courier but certainly no more frequent than domestic use.

Vermin – When we first took on the Leys Farm tenancy, there were a significant number of rats due to the poor previous housekeeping to the building and the surrounding area. We have significantly reduced the rodent numbers and monitor this on a daily basis. The majority of all food is to be kept in feed silos thus preventing attack by rodents. The presence of rodents

would seriously compromise our work here, so control of rodents will be strictly maintained at all times.

Aromas – There will be no increase in smell above normal agricultural practice. In fact smell will be significantly less than previously due to the reduced use of the building.

Drainage – There appear to be concerns over additional loading to the drainage which is not the case. Surface run off issues are completely separate to the building which has its own drainage system piped away from the area. Since taking on the tenancy we have cleaned all of the drainage system and will continue to maintain it fully.”

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer’s Appraisal

- 6.1 Given that the proposal relates to the use of an existing modern farm building and that the feed silos are to the west of it, it is not considered that the proposal has any adverse impact upon the setting of the listed buildings or on the character and appearance of the wider landscape. Consequently it is considered that the requirements of policies LA2 and HBA4 of the Herefordshire Unitary Development Plan and the guidance provided by the NPPF.
- 6.2 It is clear from the responses received from local residents that the main concerns relate not just to the activity in the building, but also the use of brooder pens in the fields adjacent to the site. These buildings are temporary structures and since there is no material change of use associated with their use, these structures do not require planning permission. Additionally the use of land for the raising of livestock is not development. Therefore it is necessary to restrict consideration of this proposal to concerns relating to the activities within the site/building.
- 6.3 During my most recent site visit, when chicks were present within the building, there was no noise discernible to the rear of the building where the neighbouring dwellings lie. Neither was there any smell detectable. It is also the case that the Head of Environmental Health and Trading Standards has confirmed that there is no objection to the proposal. Having regard to this issue, it is not considered that there are reasonable grounds for refusal on the effect of the use upon the residential amenity of neighbouring occupiers. Accordingly, it is considered that the requirements of Policies DR2, DR13, HBA12 and E13 of the Herefordshire Unitary Development Plan are satisfied and that the proposal is in accordance with guidance provided by the NPPF.
- 6.4 The Transportation Manager has no objection to the proposal. It is considered that the proposal is compliant with Policy DR3 of the Herefordshire Unitary Development Plan.
- 6.5 Most of the issues raised by the Conservation Manager relate to matter beyond the subject of this application.
- 6.6 It is therefore considered that, subject to appropriate conditions, the application complies with the aforementioned policies of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **No cleaning of equipment or housing involving the use of a pressure washer(s) shall take place outside of the hours of 0800 hours to 1800 hours, Monday - Saturday and not at all on Sundays or Bank Holidays.**

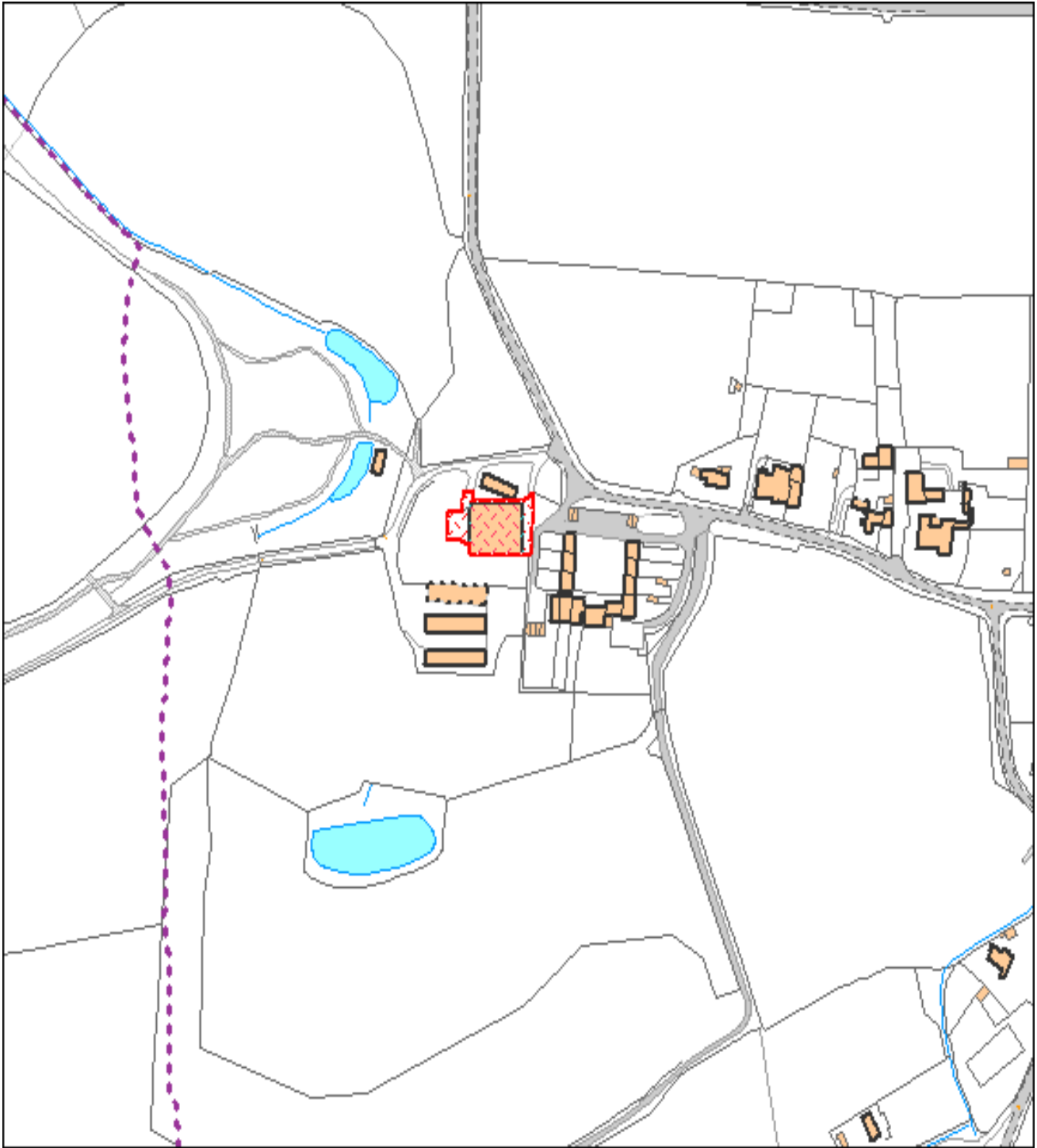
Reason: In order to protect the amenity of nearby residents to ensure continued compliance with policies DR2, DR13, HBA12 and E13 of the Herefordshire Unitary Development Plan.

2. **Within 3 months of the date of this permission, the silos shall have been painted in accordance with details to be submitted to and approved in writing by the local planning authority.**

Reason: In the interests of visual amenity to comply with policy DR1 of the Herefordshire Unitary Development Plan.

INFORMATIVE:

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.**



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APPLICATION NO: 131071/F

SITE ADDRESS : LAND AT LEYS FARM, TARRINGTON, HEREFORD, HEREFORDSHIRE, HR1 4EX

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Further information on the subject of this report is available from Mr M Tansley on 01432 261815



MEETING:	PLANNING COMMITTEE
DATE:	7 AUGUST 2013
TITLE OF REPORT:	131090/F - ERECTION OF COMMEMORATIVE WEATHERVANE/SCULPTURE AT ROUNDABOUT AT BURLEY GATE, JUNCTION OF A465 AND A417, BURLEY GATE, HEREFORDSHIRE For: Mrs Seldon per Mrs Mary Seldon, Downs View, 84 Old Road, Bromyard, Herefordshire, HR7 4BQ
WEBSITE LINK:	http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=131090&NoSearch=True

Date Received: 19 April 2013

Ward: Bromyard

Grid Ref: 359318,247109

Expiry Date: 18 July 2013

Local Members: Councillors A Seldon and JG Lester

1. Site Description and Proposal

- 1.1 Burley Gate roundabout is located at the point where the A417 dissects the A465 approximately 6 miles north-east of Hereford and 6 miles south-west of Bromyard.
- 1.2 The roundabout is generally surrounded by open fields with the village of Burley Gate directly to the north east. It is turfed and has a diameter of approximately 20 metres, rising slightly towards the centre. Four chevron signs are located opposite each approach to the roundabout.
- 1.3 The proposal is to install a weathervane commemorating the Queens Diamond Jubilee and the village itself at the centre of the roundabout. The structure would have a gate at the bottom and signage at the top. It would measure approximately 1.6 metres wide and 4 metres high.

2. Policies

2.1 Herefordshire Unitary Development plan

- | | | |
|-----|---|---|
| DR1 | - | Design |
| DR3 | - | Movement |
| LA2 | - | Landscape character and areas least resilient to change |

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>

2.2 National Planning Policy Framework

Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

2.3 Draft Herefordshire Local Plan Core Strategy

3. Planning History

3.1 None applicable to this application

4. Consultation Summary

4.1 The *Transportation Manager* recommended that further information be sought regarding:

- How the structure will be accessed during construction and maintenance.
- How maintenance will be funded and who will be responsible.
- Licencing of a structure on the highway by the Highway Authority (Amey)

He went on to comment that "there are many precedents of similar structures on roundabouts: Whitecross Road in Hereford has its monument for instance, and other roundabouts have extensive planting. The proposed structure is not solid and can be "seen through".

The applicants provided answers to the Transportation Managers concerns highlighting that access to the site would be on foot, the weathervane would be installed by hand, little maintenance of the structure would be required (given that it would be galvanised) and where maintenance is required it would be undertaken by the Parish Council. These answers were considered acceptable. With regards to point number 3, it was suggested that it be dealt with by way of an informative attached to any permission.

5. Representations

5.1 The *Much Cowarne Parish Council* raise no objection.

5.2 *5 letters of objection* were received highlighting the following concerns:

- Danger to vehicles approaching the roundabout with drivers taking their eyes of the traffic flow to observe the weathervane
- The roundabouts should be kept clear of structures in the interest of highways safety
- Poor design which would not enhance the area
- A costly afterthought to the Queens Diamond Jubilee
- The weathervane could be easily stolen
- Parish Council money could be better spent elsewhere

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

6.1 In appraising this application, consideration was given to the suitability of the structure in terms of its design and the impact which it would have upon highways safety. It is noted that a number of other concerns were highlighted within letters of representation including the purpose of the weathervane, the frivolous spending of parish council monies and the likelihood of the structure being stolen. However, these are not issues which hold weight in the planning process.

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- 6.2 The suitability of the scheme in terms of its design is determined by its ability to satisfy UDP policies DR1 and LA2. These policies seek to protect the landscape and its key features whilst promoting the distinctive character of the area. The site is located in an area of no specific designation. The proposed weathervane would be of modest proportions and seeks to enhance the character of the locality acting as a visual marker to the entrance of Burley Gate. Its design is simple and appropriate for its rural location. As such, the proposal is considered to be of no detriment to the landscape character of the area and would serve as a visual enhancement.
- 6.3 With regards to the impact on highways safety, the application has been considered against UDP Policy DR3. The slender structure would not be solid and can be seen through. Consequently views of traffic approaching and entering the roundabout would not be unduly obstructed. There are many precedents for locating structures, sculptures or dense vegetation at the centre of roundabouts both locally and nationally which do not have implications for highways safety. Members will note that the Transportation Manager raises no objections to highway safety accordingly despite the concerns raised it is considered that the erection of the weathervane would not be of detriment to highways safety as required by UDP Policy DR3.
- 6.4 The scheme is considered to enhance the character of an area which is currently devoid of public art. There are no implications for the safety of road users. Consequently the application accords with UDP policies DR1, DR3 and LA2 and the NPPF, particularly chapters 6 & 11.

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**

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.**
- 2. **HN05 Works within the highway**

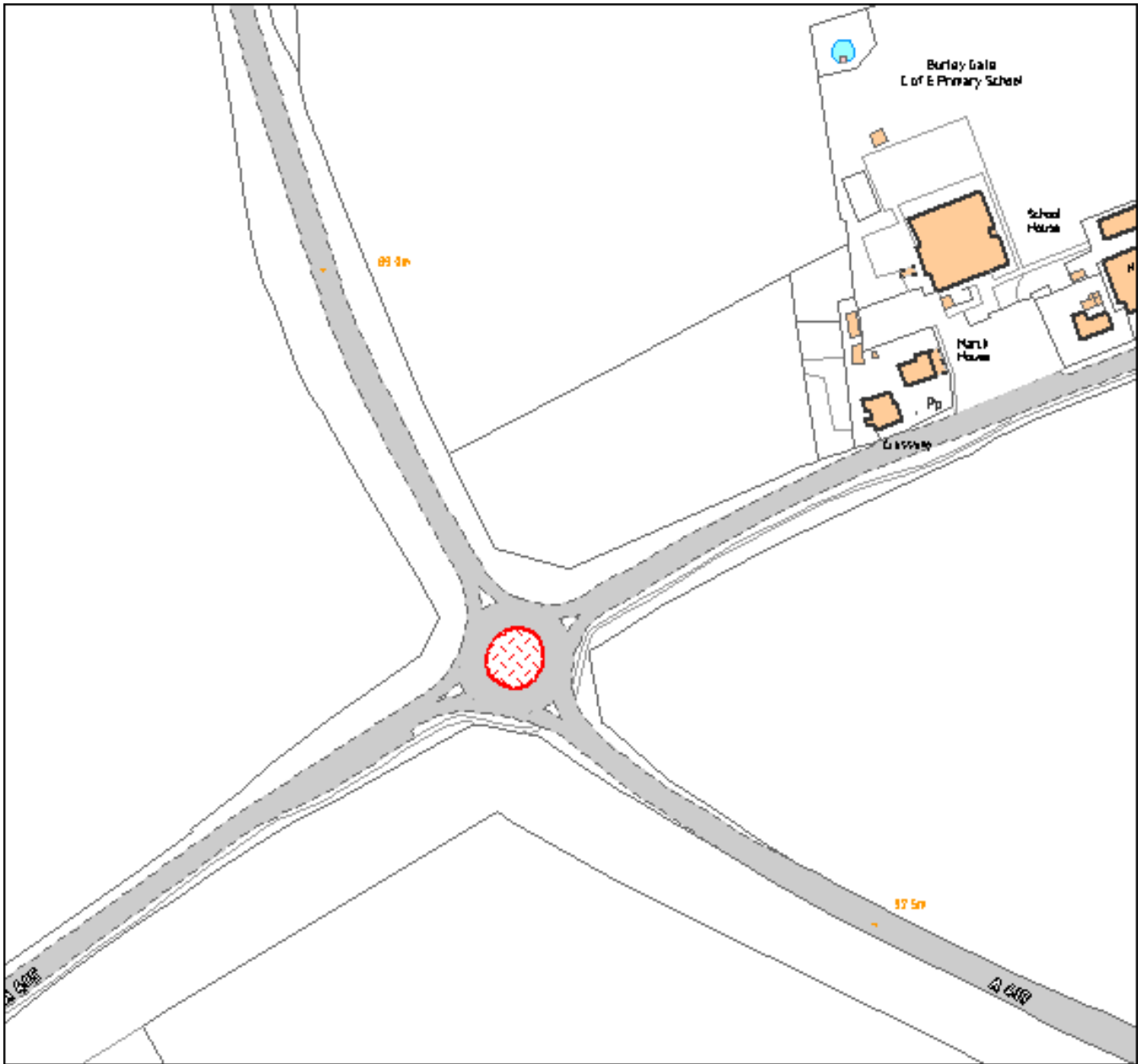
Decision:

Notes:

Background Papers

Internal departmental consultation replies.

Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795



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APPLICATION NO: 131090/F

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