

A G E N D A

Central Area Planning Sub-Committee

Date: **Monday, 1st December, 2003**

Time: **2.00 p.m.**

Place: **Council Chamber, Brockington**

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

For any further information please contact:

Ben Baugh
Members' Services
Brockington, 35 Hafod Road, Hereford
Tel: 01432 261882 Fax: 01432 260286

e-mail: bbaugh@herefordshire.gov.uk



**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Central Area Planning Sub-Committee

To: Councillor D.J. Fleet (Chairman)
Councillor R. Preece (Vice-Chairman)

Councillors Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, T.W. Hunt (ex-officio), G.V. Hyde, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell, Mrs. S.J. Robertson, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams, J.B. Williams (ex-officio) and R.M. Wilson.

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES To approve and sign the Minutes of the meeting held on 29th October, 2003.	1 - 14
4. ITEM FOR INFORMATION - APPEALS To note the Council's current position in respect of planning appeals for the central area.	15 - 18
5. HEAD OF PLANNING SERVICES REPORT To consider and take any appropriate action on the attached reports of the Head of Planning Services in respect of the planning applications received for the central area and to authorise him to impose any additional conditions and reasons considered to be necessary.	19 - 150
Plans relating to planning applications on this agenda will be available for inspection by Members during the meeting and also in the Council Chamber from 1.30 p.m. on the day of the meeting.	
EXCLUSION OF THE PUBLIC AND PRESS	
In the opinion of the Proper Officer, the next item will not be, or is likely not to be, open to the public and press at the time it is considered.	
RECOMMENDATION:	THAT the public be excluded from the meeting for the following item of business on the grounds that it involves the likely

disclosure of exempt information as defined in Schedule 12(A) of the Local Government Act, 1972 as indicated below.

6. ITEM FOR INFORMATION - ENFORCEMENT

151 - 152

To note the Council's current position in respect of enforcement matters for the central area.

12) Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:

- (a) any legal proceedings by or against the authority, or**
- (b) the determination of any matter affecting the authority (whether, in each case, proceedings have been commenced or are in completion)**

13) Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

7. DATE OF NEXT MEETING

To note that the next scheduled meeting is Wednesday 14th January, 2004.

Your Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO:-

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

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

Public Transport Links

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

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

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

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

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Central Area Planning Sub-Committee held at Council Chamber, Brockington on Wednesday, 29th October, 2003 at 2.00 p.m.

Present: Councillor D.J. Fleet (Chairman)
Councillor R. Preece (Vice Chairman)

Councillors: Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell, Mrs. S.J. Robertson, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams and R.M. Wilson

In attendance: Councillors T.W. Hunt and J.B. Williams

36. APOLOGIES FOR ABSENCE

Apologies were received from Councillors G.V. Hyde and D.C. Short MBE.

37. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
R.M. Wilson	Ref. No. 3 – DCCW2003/1716/F Change of use from agricultural land to village playing field at: FIELD TO THE NORTH OF STALLS FARM AND TO THE SOUTH OF THE A438, BARTESTREE, HEREFORD	Declared a personal interest, spoke as Ward Member but left the meeting for the remainder of the discussion on this item.
Mrs. S.J. Robertson	Ref. No. 5 – DCCE2003/2639/F Convert existing outbuildings to annex apartment at: 15 JUDGES CLOSE, HEREFORD, HR1 2TW	Declared a prejudicial interest and left the meeting for the remainder of the meeting.
D.J. Fleet and Mrs. A.M. Toon	Ref. No. 8 – DCCW2003/2113/O Site for construction of new high school and associated playing fields at: LAND OFF THREE ELMS ROAD AND TO THE REAR OF BININGTON DRIVE, HEREFORD.	Both Members declared personal interests and remained in the meeting.

38. MINUTES

RESOLVED: That the Minutes of the meeting held on 1st October, 2003 be approved as a correct record and signed by the Chairman.

39. ITEM FOR INFORMATION - APPEALS

The Sub-Committee noted the Council's current position in respect of planning appeals for the central area.

40. HEAD OF PLANNING SERVICES REPORT

The report of the Head of Planning services was presented in respect of planning applications received for the central area.

RESOLVED: That the planning applications be determined as set out in the appendix to these Minutes.

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: That under section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION

41. ITEM FOR INFORMATION - ENFORCEMENT

The Sub-Committee received an information report about enforcement matters within the central area.

- 12) Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:**
- (a) any legal proceedings by or against the authority, or**
 - (b) the determination of any matter affecting the authority**
- (whether, in each case, proceedings have been commenced or are in completion)**
- 14) Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.**

CHAIRMAN

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APPENDIX

Ref. 1
BUSH BANK
CW2003/2321/F

Erection of 1.62 ha of spanish polytunnels (23 tunnels in total) retrospective - table top method of growing at:

LAND ADJACENT TO BRICK HOUSE, BUSH BANK, HEREFORD, HR4 8PH

For: **MR. POWELL PER MISS FOGGO, ANTONY ASPBURY ASSOCIATES, 34 CARLTON BUSINESS CENTRE, CARLTON, NOTTINGHAM, NG4 3AA**

The Central Divisional Planning Officer reported the receipt of further correspondence from the occupants of Well Cottage.

In accordance with the criteria for public speaking, Mr. and Mrs. Eady spoke in objection to the application and Miss Foggo, the applicant's agent, spoke in support.

Councillor J.C. Mayson, the Local Member, noted the importance of agriculture to the local economy and felt that this application, with the recommended conditions, would regularise the situation.

A number of other Members commented on the need to ensure that agriculture remained viable and supported the application.

RESOLVED:

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

- 1. The structures hereby permitted shall be removed and the land restored to its former condition on or before 29th October 2009 in accordance with a scheme of work to be submitted to and approved by the local planning authority.**

Reason: To enable the local planning authority to give further consideration to the acceptability of the development. Permanent permission of this nature would not be appropriate having regard to potential future changes in agricultural production methods.

- 2. The polythene covering shall only be applied for a period of seven months per calendar year unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of visual amenity having regard to the specific requirements of the growing season.

- 3. G22 (Tree planting).**

Reason: To ensure the environment of the development is improved and enhanced.

- 4. G25 (Scope of tree planting).**

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

5. G23 (Replacement of dead trees) (Five years).

Reason: To safeguard the amenity of the area.

Ref. 2
MARDEN
CW2003/2313/F

Proposed conservatory on rear of property at:

FOURACRES (PLOT 3), LOWER CROFT, MARDEN, HEREFORD, HR1 3EW

For: **MR. J.M. CARD OF THE SAME ADDRESS**

Councillor J.G.S. Guthrie, the Local Member, noted that Marden Parish Council had raised no objections to the application and, therefore, he supported the application.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. A06 (Development in accordance with approved plans).

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

Ref. 3
BARTESTREE
CE2003/1716/F

Change of use from agricultural land to village playing field at:

FIELD TO THE NORTH OF STALLS FARM & TO THE SOUTH OF THE A438, BARTESTREE, HEREFORD.

For: **BARTESTREE WITH LUGWARDINE GROUP PARISH COUNCIL**

The Central Divisional Planning Officer reported receipt of a further letter of objection from the occupants of Hagley Croft reiterating concerns raised in previous correspondence.

In accordance with the criteria for public speaking, Mr Shore of Bartestree with Lugwardine Parish Council spoke in support of the application.

Councillor R.M. Wilson, the Local Member, spoke in support of the application. In response to a question, the Central Divisional Planning Officer advised Members that the playing field would be permitted to be moved within a defined 'buffer zone' to mitigate wear and tear. Having declared an interest, Councillor Wilson then left the meeting for the

remainder of this item.

A number of Members spoke in support of the application.

In response to questions, the Central Divisional Planning Officer drew attention to condition 10 which stated that no floodlighting would be permitted and advised that the existing car parking provided around the village hall was considered adequate; it was noted that a condition would require the provision of cycle parking.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2 G04 (Landscaping scheme (general))

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

3 G05 (Implementation of landscaping scheme (general))

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

4 G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

5 No works shall take place on the site or use commenced until the overhead electric lines crossing the site have been put under ground in accordance with the specification to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of public safety.

6 No development approved by this permission shall be commenced until a scheme detailing the position of formal sports pitches have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved plans and the position of the approved pitches shall not be moved unless otherwise agreed in writing by the local planning authority or additional pitches added.

Reason: In order to protect the visual amenity of the area and to ensure that adjoining dwellings have satisfactory privacy.

7 No hard surfaces shall be provided on the application site nor shall the application site be used for the parking of any vehicles at any time.

Reason: In the interests of visual amenity and highway safety.

- 8** No development approved by this permission shall be commenced until pedestrian access and maintenance access points to the application site have been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details and remain as approved thereafter.

Reason: To ensure adjoining dwellings have satisfactory privacy and in the interests of highway safety.

- 9** H29 (Secure cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

- 10** No floodlighting or external lighting shall be provided on the site at any time.

Reason: To safeguard local amenities.

Notes to Applicant:

- 1** HN01 - Mud on highway
- 2** N03 - Adjoining property rights
- 3** N04 - Rights of way
- 4** N11 - Wildlife and Countryside Act 1981

Ref. 4
PORTWAY
CE2003/2041/F

Erection of new dwelling with garage/garden store at:

PORTWAY, GRAFTON LANE, NR. HEREFORD

For: **LEOMINSTER DRYLINING LTD, JOSAN, NEWLANDS DRIVE, LEOMINSTER, HEREFORDSHIRE, HR6 8PR**

The Central Divisional Planning Officer advised Members that an additional condition should be added to any planning permission granted to deal with issues in respect of the layby and footpath.

In response to a question by Councillor W.J.S. Thomas, the Local Member, the Central Divisional Planning Officer advised the Sub-Committee that condition 11 would ensure that the drainage arrangements were adequate.

RESOLVED:

That subject to the receipt of suitably amended plans, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions

considered necessary by officers:

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 **A07 (Development in accordance with approved plans)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.
- 3 **B01 (Samples of external materials)**

Reason: To ensure that the materials harmonise with the surroundings.
- 4 **H01 (Single access - not footway)**

Reason: In the interests of highway safety.
- 5 **H03 (Visibility splays)**

Reason: In the interests of highway safety.
- 6 **H05 (Access gates)**

Reason: In the interests of highway safety.
- 7 **H06 (Vehicular access construction)**

Reason: In the interests of highway safety.
- 8 **H10 (Parking - single house)**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.
- 9 **H13 (Access, turning area and parking)**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.
- 10 **E17 (No windows in side elevation of extension)**

Reason: In order to protect the residential amenity of adjacent properties.
- 11 **No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been approved by the local planning authority. The scheme shall be implemented in accordance with the approved details.**

Reason: To prevent pollution of the water environment.
- 12 **G04 (Landscaping scheme (general))**

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

- 13 **G05 (Implementation of landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.

14. Prior to the first occupation of the dwelling hereby approved, the layby and footpath shall be completed to a specification submitted to and approved in writing by the local planning authority.

Reason: In the interests of the visual amenity of the area.

Notes to Applicant:

- 1 **HN01 - Mud on highway**
- 2 **HN04 - Private apparatus within highway**
- 3 **HN05 - Works within the highway**
- 4 **If connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water Development Consultants on tel: 01443 331155.**
- 5 **N14 - Party Wall Act 1996**
- 6 **The application falls outside areas of known problems for septic tank drainage. However, to comply with DETR Circular 3/99 and BS 6297:1983 the applicant should ensure that the following criteria are met:**
 - a) **The septic tank and soakaway system are designed to meet the requirements of BS 6297:1983; and**
 - b) **There is no connection to any watercourse or land drainage system and no part of the soakaway system is situated within 10m of any ditch or watercourse; and**
 - c) **Porosity tests are carried out to the satisfaction of the local planning authority to demonstrate that suitable subsoil and adequate land area is available for the soakaway (BS 6297:1983).**

Ref. 5
HEREFORD
CE2003/2639/F

Convert existing outbuildings to annex apartment at:

15 JUDGES CLOSE, HEREFORD, HEREFORDSHIRE, HR1 2TW

For: **MR. & MRS. DEVERILL, PER MR. J.E. SMITH, PARKWEST, LONGWORTH, LUGWARDINE, HEREFORD**

The Central Divisional Planning Officer reported the receipt of further correspondence from the applicant's agent.

Councillor D.B. Wilcox, the Local Member, felt that Members would benefit from seeing the site and proposed that a site inspection be held based on all three grounds as defined in Paragraph 14 of the Code of

Conduct for Councillors and Officers Dealing with Planning Matters. Councillor A.L. Williams, the other Local Member, also felt the need for a site inspection.

RESOLVED:

That consideration of planning application CE2003/2639/F be deferred for a site inspection.

Ref. 6
HOLME LACY
CE2003/2800/F

Proposed new dwelling at:

**LAND ADJOINING STONEY YELD, HOLME LACY,
HEREFORDSHIRE**

For: **MR. G. DYER, PER MR. N. LA BARRE, 38 SOUTH STREET,
LEOMINSTER, HEREFORDSHIRE, HR6 8JG**

The Central Divisional Planning Officer reported the receipt of a further letter of objection from the occupants of 1 River View reiterating concerns raised in previous correspondence.

Councillor W.J.S. Thomas, the Local Member, concurred with the Officer's Appraisal and welcomed the application.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2 A07 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

4 E09 (No conversion of garage to habitable accommodation)

Reason: To ensure adequate off street parking arrangements remain available at all times.

5 F22 (No surface water to public sewer)

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

6 Foul water and surface water discharges must be drained separately from the site.

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

7 F48 (Details of slab levels)

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

8 G04 (Landscaping scheme (general))

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

9 G05 (Implementation of landscaping scheme (general))

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

10 G18 (Protection of trees)

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

11 H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

Notes to Applicant:

1 HN01 - Mud on highway

2 HN05 - Works within the highway

3 There are no foul/surface water sewers in the immediate vicinity. It is therefore likely that off-site sewers will be required to connect to the public sewerage system. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on 01443 31155.

Ref. 7
HEREFORD
CE2003/2471/F

Proposed loft conversion and rear extension at:

80 LICHFIELD AVENUE, HEREFORD, HEREFORDSHIRE, HR1 2RL

For: **MS. R. HAYNES, PER MR. I. WILLIAMS, TUPSLEY COURT COTTAGE, TUPSLEY COURT, HEREFORD, HR1 1UX**

RESOLVED:

That planning permission be granted subject to the following conditions:

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

Reason: Required to be imposed by Section 91 of the Town

and Country Planning Act 1990.

2 B02 (Matching external materials (extension))

Reason: To ensure the external materials harmonise with the existing building.

3 E19 (Obscure glazing to windows)

Reason: in order to protect the residential amenity of adjacent properties.

Ref 8
HEREFORD
CW2003/2113/O

Site for construction of new high school and associated playing fields at:

LAND OFF THREE ELMS ROAD AND TO THE REAR OF BONINGTON DRIVE, HEREFORD

For: **HEREFORDSHIRE COUNCIL PER PROPERTY SERVICES, HEREFORDSHIRE COUNCIL, FRANKLIN HOUSE, 4 COMMERCIAL ROAD, HEREFORD, HR1 2BB**

The Director of Environment advised the Sub-Committee that this outline planning application was being considered as a matter of urgency given the identified need for a new high school and because of constraints with the project timetable resulting from delays in receiving advice from external consultees.

The Chief Development Control Officer advised that, as a 'departure' application involving development by the local planning authority, the application would need to be referred to the Secretary of State for the Office of the Deputy Prime Minister if the Sub-Committee was minded to approve the proposal. As a consequence of this, a revised recommendation was outlined. Referring to paragraph 4.10 of the report, the Chief Development Control Officer noted that further information had been provided to the Head of Engineering and Transportation. He reminded the Sub-Committee that, as the proposal had been submitted in outline form, all matters were reserved for future consideration.

Councillor Mrs. P.A. Andrews, a Local Member, noted the need for a replacement school but expressed disappointment that the Education Department had not kept Local Members informed about the proposal. Councillor Mrs. Andrews felt that the Education Department should have utilised the expertise of the Planning Department at the earliest possible opportunity and should have put pressure on external consultees to respond more speedily.

Councillor Mrs. Andrews urged the Education Department to arrange a number of public meetings prior to the submission of the reserved matters application to respond to the numerous concerns. She suggested that a site inspection should be held for Members in due course and that a site tour should be arranged for local residents.

Councillor Ms. A.M. Toon, a Local Member, noted that lack of communication had resulted in people misunderstanding elements of the proposal. Councillor Mrs. S.P.A. Daniels, the other Local Member,

said that she had been inundated with questions but had no information with which to respond. Both Members endorsed the approach suggested by Councillor Mrs. Andrews.

Councillor R.I. Matthews welcomed the proposal and commented on flood risk issues.

Councillor P.J. Edwards noted that this application site had been identified as a proposal in the Unitary Development Plan (Deposit Draft) and noted the opportunities for public inspection of the Plan. He felt that consultees had ample time to comment on the application.

Councillor Mrs. E.M. Bew noted that a public meeting on the proposal had been held in Whitecross and commented that progress had been hindered by difficulties with consultants.

Councillor Mrs. M.D. Lloyd-Hayes felt that there would be many benefits if more information about such proposals was made available on the internet.

RESOLVED:

That:

- i) **the application is notified to the Secretary of State at the Government Office for the West Midlands;**
- ii) **subject to the Secretary of State confirming that he does not intend to call it in Planning Permission be granted subject to any conditions considered necessary by officers.**

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCCW2003/2223/F**

- The appeal was received on 11th November, 2003
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr. & Mrs. Marshall
- The site is located at Heathfield, Breinton, Hereford, Herefordshire, HR4 7PP
- The development proposed is Extension and alterations to existing garage to provide detached ancillary accommodation (retaining single garage)
- The appeal is to be heard by Written Representations

Case Officer: Mr. Steve MacPherson on 01432 261946

Application No. DCCW2003/1730/F

- The appeal was received on 20th October, 2003
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Hargreaves
- The site is located at 39 Yazor Road, Hereford, Herefordshire, HR4 9PT
- The development proposed is Forming drop kerb to access vehicular parking to front of property
- The appeal is to be heard by Written Representations

Case Officer: Miss Helen Brown on 01432 261947

Application No. CW2003/1054/F

- The appeal was received on 31st October, 2003
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Messrs Powell/Gilbert
- The site is located at Tillington Court Farm, Tillington, Hereford, Herefordshire, HR4 8LG
- The development proposed is Improvements to access and track
- The appeal is to be heard by Written Representations

Case Officer: Mr. Steve MacPherson on 01432 261946

Application No. DCCW2003/1619/F

- The appeal was received on 3rd November, 2003
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr. A.R. Bird
- The site is located at Holmer Street, Hereford, Herefordshire, HR4 0HN
- The development proposed is New detached house
- The appeal is to be heard by Written Representations

Case Officer: Mr. Steve MacPherson on 01432 261946

APPEALS DETERMINED**Application No. CE2002/3527/F**

- The appeal was received on 16th July 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by D.W Oliver
- The site is located at 1A, Scotch Firs, Fownhope, Hereford, Herefordshire, HR1 4NW
- The application, dated 12th November 2002, was refused on 27th January, 2003
- The development proposed was First floor rear extension

Decision: The appeal was **Dismissed** on 21st October, 2003

Case Officer: Miss Kelly Gibbons on 01432 261949

Application No. CE2002/3748/F

- The appeal was received on 4th August, 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr TS Oakley
- The site is located at Land adjacent to Lower House, Fownhope, Herefordshire, HR1 4NN
- The application, dated 12th November, 2002, was refused on 4th February, 2003
- The development proposed was Demolition and replacement of farm building to provide farm store
- The main issue is the effect of the development on the character and appearance of the surrounding area, having regard to its sensitive location within the Wye Valley Area of Outstanding Natural Beauty (AONB) and within an Area of Great Landscape Value (AGLV)

Decision: The appeal was **Allowed** on 7th November, 2003

Case Officer: Miss Kelly Gibbons on 01432 261949

Application No. CW2003/0857/O

- The appeal was received on 15th August, 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr. A. Skyrme
- The site is located at Frankland Villa, Sutton St. Nicholas, Hereford
- The application, dated 14th March, 2003, was refused on 12th May, 2003
- The development proposed was site for 2 storey dwelling
- The main issue is the principle of a new dwelling in the open countryside outside any recognised settlement. The Inspector concluded that despite the applicants personal circumstances the principle of a dwelling conflicted with policy SH11 of the South Herefordshire District Local Plan

Decision: The appeal was **Dismissed** on 24th October, 2003

Case Officer: Mr. Steve MacPherson on 01432 261946

Application No. CW2003/0421/F

- The appeal was received on 15th August, 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr. & Mrs. E.M. Brimfield
- The site is located at Land adjacent to Dorgar, Shelwick, Hereford, Herefordshire, HR1 3AL

Decision: The appeal was **Withdrawn** on 29th October, 2003

Case Officer: Mr. Steve MacPherson on 01432 261946

Application No. CE2002/2885/F

- The appeal was received on 12th May, 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Bond Homes (Central) Ltd
- The site is located at Land to rear of Oak Willows, Roman Road, Hereford
- The application, dated 28th August, 2003, was refused on 11th November, 2003
- The development proposed was residential development comprising 5 no. detached dwellings (3 no. houses & 2 no. dormer bungalows), sewage treatment plant and retention of part of land for conservation purposes. New estate road and amended access to Oak Willows
- The main issues are the effect of the proposed development on the character and appearance of the area, and whether it would preserve or enhance the character or appearance of Aylestone Hill Conservation Area; and the effect of the proposed development on nature conservation

Decision: The appeal was **Dismissed** on 3rd November, 2003

Case Officer: Mr. Andrew Guest on 01432 261957

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

REF. NO.	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
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SITE VISITS

1	Mr. & Mrs. Deverill	Convert existing outbuildings to annex apartment at 15 Judges Close, Hereford, HR1 2TW	DCCE2003/2639/F	21
2	Asda Stores/Eign Enterprises Ltd.	Demolition of existing buildings and development of mixed-use scheme comprising Asda Food Store, community uses, residential development, replacement bowling green/club house, retained tramway and flood defence wall, parking, servicing, landscaping, new accesses and other highways infrastructure improvements at Land to the west of A49(T) and north of Belmont Avenue, Belmont, Hereford	CW2002/3441/F	25
3	Asda Stores Ltd/Eign Enterprises Ltd.	Demolition of Greyhound Dog Public House, associated outbuildings and former store office at The Greyhound Dog Public House, outbuildings and adjacent store room, Belmont Road, Hereford	CW2003/0729/C	59

APPLICATIONS RECEIVED

4	George Wimpey UK Limited	Site for mixed use development to provide housing, open space, community and local retail uses at Land at Bradbury Lines, Bullingham Lane, Hereford	CE2001/2757/O	63
5	George Wimpey UK Limited	Change of use of former military chapel to community use at Bradbury Lines, Hoarwithy Road, Hereford	CE2002/1901/F	87
6	Mrs. C. Dolan	Proposed two-storey extensions at Hampton Grange Nursing Home, 48/50 Hampton Park Road, Hereford, HR1 1TH	DCCE2003/2592/F	91
7	J.S. Bloor (Tewkesbury) Ltd.	Site for demolition of existing light industrial premises and construction of residential dwellings at The Old Dairy, Bullingham Lane, Hereford	CE2002/2405/O	95

REF. NO.	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
8	H. Morgan	Demolition of existing house & outbuildings and erection of 11 no. flats with associated car parking at Southbank House, 33 Southbank Road, Hereford, HR1 2TL	DCCE2003/2814/F	109
9	H. Morgan	Full demolition of existing buildings and associated single storey outbuildings at Southbank House, 33 Southbank Road, Hereford, HR1 2TL	DCCE2003/2815/C	109
10	Mr. & Mrs. Watkins	Conversion and extension of existing retirement home to form 14 self-contained flats (11 x 1 bedroom; 3 x 2 bedroom) at Stratford House, Bodenham Road, Hereford, HR1 2TN	DCCE2003/2210/F	119
11	Mr. K. Tobin	Two storey extension to dwelling at Wood View Cottage, Wellington, Herefordshire	DCCW2003/2728/F	125
12	Malvern Properties Estates Ltd.	Proposed change of use from a former chapel to create 1 no. dwelling and 2 no. car spaces at Ferry Lane Chapel, Ferry Lane, Fownhope, Herefordshire	DCCE2003/2886/F	129
13	HFT Forklifts Ltd.	New industrial unit and driver training centre with service yard and car parking development at Land at Fir Tree Lane, Rotherwas, Hereford	DCCE2003/2937/F	133
14	Mr. D. Edwards	Proposed conversion of buildings into 3 dwellings at Holmer Park, off Attwood Lane, Hereford	DCCW2003/2792/F	139
15	Mr. D. Edwards	Single storey extension to form cardio training room at Holmer Park, off Attwood Lane, Hereford	DCCW2003/2671/F	147

**1 DCCE2003/2639/F - CONVERT EXISTING
OUTBUILDINGS TO ANNEX APARTMENT AT 15
JUDGES CLOSE, HEREFORD, HR1 2TW**

**For: Mr. & Mrs. Deverill per Mr. J.E. Smith, Parkwest,
Longworth, Lugwardine, Hereford**

Date Received: 1st September 2003 Ward: Aylestone Grid Ref: 52242, 40268

Expiry Date: 27th October 2003

Local Members: Councillor D.B. Wilcox and Councillor A.L. Williams

This application was deferred at last month's meeting to enable a Members site visit. This was undertaken on 10th November 2003. The report and recommendations below remain unaltered from last month's meeting.

1. Site Description and Proposal

- 1.1 The application site is a large detached dwelling located at the centre of an estate of modern detached dwellings known as Judges Close. The dwelling known as Crescent House is a single unit of accommodation with a large curtilage. Access is gained from Judges Close with a driveway leading to the dwelling, a number of garages and a total of 10 off road car parking spaces. Although the property can be considered a classical Victorian property, it is not Listed, nor does it lie within the Conservation Area.
- 1.2 The proposal is to convert a part of the existing dwelling and adjoining outbuildings to annex accommodation. This part of the building is located to the rear (east) of the property and will be at ground floor level only. The accommodation will form a bedroom, study, living room, bathroom, hall and kitchen. The only external alterations would be the insertion of three small velux rooflights. The works for the refurbishment of the outbuildings were previously approved under application no. CE2003/0921/F.
- 1.3 In some instances planning permission is not required for the conversion of an existing part of a dwelling into annex accommodation when it will not be let or sold separately. As the agent's letter or application documentation does not state the precise and exact use of the annex, conditions are recommended to control the use.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG3	-	Housing
PPG13	-	Transportation

2.2 Hereford City Local Plan:

H12	-	Established Residential Areas – Character and Amenity
H16	-	Alterations and Extensions

2.3 Herefordshire Unitary Development Plan (Deposit Draft):

H18 - Alterations and Extensions

3. Planning History

- 3.1 CE2003/0921/F - Replacement of conservatory, reconstruction of outbuildings and provision of gates and gateposts. Approved with conditions 12th May, 2003.
- 3.2 CE2003/3615/F - Extension to existing flat roofed garage. Approved with conditions 17th January, 2003.
- 3.3 CE2002/0977/F - Proposed extension to existing garage. Approved with conditions 7th May, 2002.

4. Consultation Summary

Internal Consultation Advice

- 4.1 Head of Engineering and Transportation: No objection.

5. Representations

- 5.1 Hereford City Council: No objection subject to any permission granted being subject to the condition requiring the annex to be used in conjunction with and not separately from the existing dwelling known as 15 Judges Close and further that no additional highway access be created from Judges Close into the curtilage of No. 15.
- 5.2 Six letters of objection have been received from Nos 11, 21, 32, 34, 36 and 38 Judges Close. A number of these letters contain issues which are not material planning considerations including unrelated on street parking. The relevant planning matters that are raised in the letters are summarised as follows:
 - The additional accommodation would increase the amount of rubbish at the premises which will exacerbate existing problems;
 - The incorporation of a low budget apartment would be a wholly inappropriate alteration to this classical and historical Victorian property;
 - Concern that the additional accommodation will increase traffic that will be parked on the road;
 - Concern that the premises are being used as a builder's yard for developer;
 - The architect's drawings unclear and description misleading;
 - The kitchen appears to be sited within the main property, whereas the application is based on change of use of outbuildings. A side doorway in the main property appears to be sealed off to create the kitchen. There appears to be no direct daylight into the kitchen;
 - The exterior wall of the apartment appears to be a single brick screed, based on a reduced thickness of the existing outbuilding wall, whereas an external wall is expected to have a double screed and cavity. There seems to be no emergency exit from the apartment.
- 5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The application is for the alteration of the existing utility area to create an annex apartment to be used in association with Crescent House. It will provide a unit of living accommodation as described in Section 1. The main issues for consideration are the impact of the proposed unit of accommodation on the character of the existing dwelling and surrounding area, including impact on highway safety.
- 6.2 The proposed alterations to provide this unit of accommodation will not effect the external appearance of the dwelling except for the introduction of three small Velux rooflights. These could be inserted into the roof without the need for planning permission by virtue of the Town and Country Planning (General Permitted Development) Order. The annex will have two points of entrance, one from the main house and one from the rear garden. The annex is to be used as accommodation ancillary to the main dwellinghouse and as such a restriction on the separate sale or let of the unit is recommended. It is considered that any additional activity generated by the annex is likely to be limited having regard to the size and layout of the existing property and the intended ancillary use, and as such, no adverse harm would be caused to the amenities of the area.
- 6.3 Additional persons living at the property may increase traffic and pedestrian movements or impact on car parking. The existing dwelling has space for 10 cars to park within the curtilage which is ample provision for the existing dwelling and the annex. Details of the parking spaces can be requested by condition to ensure that they are retained for future use.
- 6.4 The local residents have raised concern over the arrangements for the disposal of waste and rubbish from the site. In a letter from the agent dated 14th October, 2003, it is stated that 'dustbins will be left for collection within the curtilage of Crescent House (C.1839) where they have been placed traditionally since 1946. The site is the former tradesman's entrance when the property was the Judges residence'. As this is not clear, a condition is recommended requiring details of the exact siting of the bin store to be submitted prior to commencement of any works in the interests of the proper planning of the development.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 E15 (Restriction on separate sale)

Reason: It would be contrary to the policy of the local planning authority to grant consent for a separate dwelling in this location.

3 E29 (Occupation ancillary to existing dwelling only (granny annexes))

Reason: It would be contrary to the policy of the local planning authority to grant planning permission for a separate dwelling in this location.

- 4 The development hereby permitted shall not commence until a plan showing an area within the application site for the parking and turning of one car associated with the annex has been submitted to and approved in writing by the local planning authority. The approved parking and turning area shall then be used and retained thereafter free of any impediment to such use.

Reason: In the interests of highway safety and to help prevent indiscriminate parking on the highway.

- 5 The development hereby permitted shall not commence until a plan showing an area within the application site for the storage of refuse has been submitted to and approved in writing by the local planning authority. The approved area for the storage of refuse shall then be used and retained thereafter free of any impediment to such use.

Reason: To ensure adequate provision for the storage of refuse from the dwelling in the interest of the amenities of nearby residents.

- 6. Foul water and surface water discharges must be drained separately from the site.

Reason: To protect the integrity of the Public Sewerage System.

- 7. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

- 8. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.

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

Note to Applicant:

- 1. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

2 CW2002/3441/F - DEMOLITION OF EXISTING BUILDINGS AND DEVELOPMENT OF MIXED-USE SCHEME COMPRISING ASDA FOOD STORE, COMMUNITY USES, RESIDENTIAL DEVELOPMENT, REPLACEMENT BOWLING GREEN/CLUB HOUSE, RETAINED TRAMWAY AND FLOOD DEFENCE WALL, PARKING, SERVICING, LANDSCAPING, NEW ACCESSES AND OTHER HIGHWAYS INFRASTRUCTURE IMPROVEMENTS AT LAND TO THE WEST OF THE A49(T) AND NORTH OF BELMONT AVENUE, BELMONT, HEREFORD

For: Asda Stores/Eign Enterprises Ltd. per RPS Group Plc, 3rd Floor, Park House, Greyfriars Road, Cardiff, CF10 3AF

Date Received: 29th November 2002 Ward: St. Martins & Hinton Grid Ref: 50612, 39257

Expiry Date: 21st March 2003

Local Members: Councillors Mrs. W.U. Attfield, A.C.R. Chappell and R. Preece

1. Site Description and Proposal

- 1.1 The application site is located at the junction of the A49/A465 immediately to the south of the River Wye and Hereford City Centre. It is almost triangular in shape and covers approximately 7.1 hectares. The former tramway and associated public open space form the northern boundary of the site whilst to the east of the site is the A49 and Greyfriars Bridge. To the west is Hunderton County Primary Junior School and associated playing fields and the site's southern boundary is formed largely by the rear of residential properties fronting onto Belmont Avenue and the Belmont road junction.
- 1.2 The site appears generally level but there is a slight slope down from the south-east towards the river to the north. Presently the site is largely overgrown. The only existing buildings on site are a boarded up office and hardstanding on the eastern boundary where a garage and caravan site used to be situated. There is also the landmark Greyhound Dog which is also in a derelict condition fronting onto Belmont roundabout behind which is an existing bowling green which is incidentally the only active land use on site. The allotments to the rear of the Greyhound Dog do not form part of the application site.
- 1.3 At present the most distinctive landscape feature on site is the former tramway which forms the northern boundary adjoining the River Wye. The tramway embankment has formed a flood defence for the site and now has a significant coverage of mature trees and shrubs. There are also a number of other significant trees on site which are clearly visible from surrounding areas.

- 1.4 Vehicular access to the site is not at present possible with the former access being blocked up on land between the Greyhound Dog and the One Stop shop fronting Belmont roundabout. There are however public rights of way which are well used, particularly for recreational purposes and dog walking.
- 1.5 This planning application which is subject to the Environmental Impact Regulations 1999 proposes a comprehensive redevelopment of the site which can be broken down into the following key elements.
- An Asda foodstore totalling 7,480 m² (80,500 sq.ft.) gross together with 530 customer/operational car parking spaces.
 - A new community centre (482 metres²/5190 sq.ft.) gross to serve the Belmont area.
 - A community health centre (87m²/940 sq.ft.).
 - A creche totalling 200 m² (2150 sq.ft.) with associated outdoor play area.
 - 18 residential apartments in a landmark block adjoining the A49.
 - A new replacement bowling green, club house and facilities totalling 96m² (1,030 sq.ft.) with car parking.
 - New and enhanced pedestrian/cycle routes and links through the site to the city centre and Belmont area including a £50,000 contribution to the Local Authority to improve Drybridge Walk.
 - The retained tramway and flood defence wall on the northern boundary of the site.
 - A comprehensive landscaping scheme, including £5,000 contribution to nature conservation enhancement.
 - New access infrastructure incorporating a major new highway junction and roundabout on the A49 together with vehicular emergency access/egress and pedestrian access onto Belmont Avenue. A financial contribution of £78,000 will also be made to improve public transport services.
- 1.6 As well as the above the application proposes a financial contribution of £2,000,000.00 from the developer towards the cost of a comprehensive flood alleviation scheme to protect the City of Hereford against flooding from the River Wye. This contribution will be paid to the Environment Agency.
- 1.7 As identified in both the Hereford Local Plan (1996) and the emerging Unitary Development Plan, the site lies within the Hereford Central Conservation Area and is identified as land liable to flood.
- 1.8 The proposal, if minded for approval by Herefordshire Council would be referred to the Secretary of State for the Environment as a departure from the adopted Development Plan. This could result in a call-in Public Inquiry.

2. Policies

2.1 Planning Policy Guidance Notes:

PPG1	-	General Policy and Principles
PPG3	-	Housing
PPG6	-	Town Centres and Retail Development (subsequent Ministerial Statements)
PPG9	-	Nature Conservation
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment
PPG16	-	Archaeology and Planning
PPG23	-	Planning and Pollution Control (Draft)
PPG24	-	Planning and Noise
PPG25	-	Development and Flood Risk

2.2 Hereford & Worcester County Structure Plan:

Policy E2	-	Economic Growth
Policy T15	-	Pedestrians and Cyclists
Policy CTC15	-	Preservation, Enhancement and Extension of Conservation Areas
Policy CTC18	-	Use of Urban Areas for Development
Policy S1	-	Criteria for Retail Development
Policy S3	-	Retail Development outside Town Centres

2.3 Hereford Local Plan:

As identified in the Hereford Local Plan (1996) the site lies outside the city centre but is a designated development site with a specific policy. Policy H2 specifies that:

“Land at Belmont Road is suitable for development for residential, commercial and open spaces purposes. The residential element will form the major part of any scheme, which should also incorporate substantial open space provision. To be acceptable schemes must be prepared on a comprehensive basis for the site as a whole. Piecemeal approaches will be discouraged. Development is contingent upon approval of the Department of Transport and the Environment Agency in respect of access and flooding respectively. It is imperative that studies of these aspects be undertaken prior to development proposals being formulated.”

Other policies directly relevant to this proposal are:

Policy ENV1	-	Land Liable to Flood
Policy ENV2	-	Flood Storage Areas
Policy ENV3	-	Access to Watercourses
Policy ENV4	-	Groundwater
Policy ENV7	-	Noise
Policy ENV8	-	Contaminated Land
Policy ENV9	-	Energy Conservation
Policy ENV11	-	Infrastructure
Policy ENV14	-	Design
Policy ENV15	-	Access for All
Policy ENV16	-	Landscaping
Policy ENV17	-	Safety and Security

Policy ENV18	-	External Lighting
Policy H3	-	Design of Residential Development
Policy H4	-	Residential Roads
Policy H6	-	Amenity Open Space Provision in Small Schemes
Policy H7	-	Communal Open Space
Policy H12	-	Established Residential Areas – Character and Amenity
Policy H14	-	Established Residential Areas – Site Factors
Policy H21	-	Compatibility of Non-residential Uses
Policy S1	-	Role of Central Shopping Area
Policy S11	-	Criteria for Large Scale Retail Development
Policy CON12	-	Conservation Areas
Policy CON 13	-	Conservation Areas – Development Proposals
Policy CON14	-	Planning Applications in Conservation Areas
Policy CON16	-	Conservation Area Consent
Policy CON17	-	Conservation Area Consent – Condition
Policy CON18	-	Historic Street Pattern
Policy CON19	-	Townscape
Policy CON20	-	Skyline
Policy CON21	-	Protection of Trees
Policy CON23	-	Tree Planting
Policy CON35	-	Archaeological Evaluation
Policy NC1	-	Sites of National Importance
Policy NC2	-	Sites of International Importance
Policy NC5	-	Wildlife Network
Policy NC6	-	Criteria for Development Proposals
Policy NC7	-	Development Proposals – Habitat Creation and Enhancement
Policy NC8	-	Protected Species
Policy NC9	-	Infrastructure Works
Policy NC10	-	Management Agreements
Policy NC11	-	Access to Wildlife Site
Policy NC12	-	Community Involvement
Policy T2	-	Highway and Junction Improvement
Policy T3	-	Traffic Calming
Policy T5	-	Car Parking – Designated Areas
Policy T6	-	Car Parking – Restrictions
Policy T7	-	Car Parking – Short Stay
Policy T8	-	Park and Ride
Policy T11	-	Pedestrian Provision
Policy T12	-	Cyclist Provision
Policy T13	-	Pedestrian and Cycle Routes
Policy R2	-	Deficiencies in Public Open Space Provision
Policy R11	-	Urban Open Space
Policy R13	-	Public Rights of Way
Policy SC1	-	Health Care
Policy SC4	-	Day Nurseries
Policy SC7	-	Hunderton Infant School

2.4 Unitary Development Plan (Deposit Draft):

As with the Hereford City Local Plan the application site is shown within the Central Conservation Area and as land liable to flood. The site specific policy TCR24 states that:

“Land at Causeway Farm is identified for comprehensive mixed use development to secure the regeneration of this important gateway site. The scheme should

1. Provide a mix of uses including residential, commercial, community and open space recreation within the requirements of other Plan policies, including those for nature conservation.
2. Provide for the retention within the site of the bowling club and green and allotments.
3. Achieve a high standard of design, particularly in terms of the riverside location and main road frontages.
4. Ensure that safe, effective and attractive pedestrian links are provided to the city centre and neighbouring areas and uses.”

The UDP also identifies Causeway Farm under Policy H2 – Housing Land Allocations as providing 50 dwellings as part of any development.

Policy RST4 – Safeguarding existing Open Space is also given as a site specific policy within the UDP. The policy states that

“Development proposals that would result in the loss of public or private open spaces with recreational and amenity value, or facilities that help meet the recreational needs of the community will not be permitted unless

1. Alternative provision of at least equivalent community benefit is provided in a convenient and accessible location (without reducing a developer’s obligation to provide new open space within the development); or
2. The open space or recreational facilities can be best enhanced or complemented through the development of a small part of the site; or
3. There is a clear excess of outdoor playing space provision and/or open space in the area taking into account of the wider recreational and amenity value of such provision.

Development within parks and public gardens should be limited to that which is complementary to the main use of the open space. Change of use from private to public open space will be permitted only where it secures enhanced provision for the community.”

The other policies directly relevant to this application are

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S5	-	Town Centres and Retail
Policy S6	-	Transport
Policy S11	-	Community Facilities and Services
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR5	-	Planning Obligations

Policy DR7	-	Flood Risk
Policy DR9	-	Air Quality
Policy DR10	-	Contaminated Land
Policy DR13	-	Noise
Policy DR14	-	Lighting
Policy H13	-	Sustainable Residential Design
Policy H14	-	Reusing Previously Developed Land and Building
Policy H15	-	Density
Policy H16	-	Car Parking
Policy H19	-	Open Space Requirements
Policy E7	-	Other Employment Proposals in Hereford and the Market Towns
Policy TCR1	-	Central Shopping and Commercial Areas
Policy TCR2	-	Vitality and Viability
Policy TCR9	-	Large Scale Retail Development outside Central Shopping and Commercial Areas
Policy T1	-	Public Transport Facilities
Policy T2	-	Park and Ride
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T8	-	Road Hierarchy
Policy H11	-	Parking Provision
Policy T13	-	Traffic Management Scheme
Policy T16	-	Access for All
Policy LA5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA6	-	Landscaping Schemes
Policy NC1	-	Nature Conservation and Development
Policy NC2	-	Sites of International Importance
Policy NC3	-	Sites of National Importance
Policy NC5	-	European and Nationally Protected Species
Policy NC7	-	Compensation for Loss of Biodiversity
Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy NC9	-	Management of Landscape Features
Policy HBA6	-	New Development within Conservation Areas
Policy HBA7	-	Demolition of Unlisted Buildings within Conservation Areas
Policy HBA8	-	Locally Important Buildings
Policy HBA9	-	Protection of Open Areas and Green Spaces
Policy ARCH1	-	Archaeological Assessment and Field Evaluations
Policy ARCH6	-	Recording of Archaeological Remains
Policy S8	-	Recreation, Sport and Tourism
Policy RST4	-	Safeguarding existing Open Space
Policy RST7	-	Promoting Recreation Routes
Policy CF1	-	Utility Services and Infrastructure
Policy CF2	-	Foul Drainage
Policy CF5	-	New Community Facilities

3. Planning History

- 3.1 CW2000/2908/F Demolition of existing buildings and development of a district centre mixed use scheme comprising an Asda foodstore, retail/service/community uses, residential development, replacement of bowling green and allotments and associated car parking and landscaping. Withdrawn 17th April 2003.

CW2000/2931/C Application for Conservation Area Consent for the demolition of the vacant Greyhound Dog Public house and associated outbuildings. Withdrawn 17th April 2003.

4. Consultation Summary

4.1 Given the length of time over which this application has been processed a number of consultation responses have been received from statutory consultees. The following represents a summary of their latest comments on the amended scheme for consideration.

Statutory Consultations

4.2 Highway Agency: The Highways Agency has no objection to the proposed development subject to the delivery bay shown adjacent to No. 8 Belmont Road being removed and the following conditions:

1. No development may commence until arrangements for temporary access to the development and for temporary traffic management has been submitted to the local planning authority for approval in consultation with the Highways Agency. Thereafter all temporary access to the site and temporary traffic management shall be in accordance with the approved plans.
2. No part of the development may be occupied until the local planning authority in consultation with the Highways Agency has certified the highway works in the form shown on drawing no. 1501.08D entitled proposed site access and highway works dated 14th April 2003 in writing as complete.

Reasons: To enable the A49 Trunk Road and A465 Trunk Road to continue to be an effective part of the system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by avoiding the disruption to the flow on those routes by traffic expected to be generated by the development and to protect the interest of road safety on the trunk road.

4.3 Environment Agency: Letter dated 10th November 2003 – further to submission of a formal Flood Risk Assessment (FRA) by the applicant's agent the Environment Agency are now in a position to offer additional revised comments for the consideration of the Council.

Flood Risk

Whilst the Agency has been in discussions with the applicant's agent, these have not been concluded to our satisfaction with respect to the issue of flood risk. The proposed development and its context within the flood plain is clearly one material issue of concern to the Local Planning Authority. It is also an issue which the Agency comments upon in the context of PPG25 – Development and Flood Risk.

The site, as proposed, is shown as being within the 1% apf (annual probability flooding) Indicative Floodplain and is located upon the Agency's Section 105 map which relates to historic flood data. This shows that the site is at risk of flooding. The Environmental Statement and FRA submitted with the application acknowledges that the site floods. Government advice in PPG25 states that those proposing particular developments are responsible for:

- “providing an assessment of whether any proposed development is likely to be affected by flooding and whether it will increase flood risk elsewhere and of the measures proposed to deal with these effects and risks; and
- satisfying the local planning authority that any flood risk to the development or additional risk arising from the proposal will be successfully managed with the minimum environmental effect, to ensure that the site can be developed and occupied safely.” PPG25, Paragraph 20.

The Environment Agency’s response goes on to comment in detail on the Flood Risk Assessment (FRA). In those details they state that:

A key concern is that the proposed development will be at risk of flooding and disruption at relatively low thresholds until completion of a proposed Hereford Flood Alleviation Scheme (FAS). The FRA has considered the consequences of flooding before and following the completion of the Agency’s proposed FAS and it is understood by the Agency and the developer, that this proposal, if approved, ultimately requires completion of the Hereford FAS to provide a suitable level of protection to the development. The developer wishes to construct the development scheme in advance of the Hereford FAS. The FRA has thus addressed this issue by providing a phased occupation as described in section 3 only allowing occupation of the proposed retail unit and bowling club prior to completion of the Hereford FAS. Occupation of the creche, community and health centre and residential elements would only be upon completion of the appropriate elements of the wider Hereford FAS. An evacuation plan has also been adequately described which will effectively close the retail unit on receipt of the Agency’s flood warning service, which exists for this area. The Agency concurs with the FRA that a large lead in time of approximately 10 hours is given for the issue of flood warnings for this site when floods are generated from the upper catchment. However, this is not always the case as past experience has shown that rainfall between Hay-on-Wye and Hereford can trigger flood levels which have not been previously predicted.

Policy Context and Agency Comments

PPG25 states that development in a “development area” with a high risk (annual probability) of flooding may be suitable for residential, commercial and industrial development provided the appropriate minimum standard of flood defence (including suitable warning and evacuation procedures) can be maintained for the lifetime of the development. It is thus considered essential that there is a minimum standard of appropriate defence.

The proposed development also includes provision of a creche and other community facilities behind a flood defence. Paragraph 35 of PPG25 recognises the issue and advises that “....Sites vulnerable to rapid inundation should defences be overtopped or breached are unlikely to be suitable for those of restricted mobility.....”. Whilst it refers directly to housing or institutional accommodation the issue of vulnerability is considered to apply equally to other uses occupied primarily by children and the immobile. Whilst the applicant proposes not to occupy the above elements until relevant elements of the Hereford FAS are completed, and to establish an evacuation plan, it is the Agency’s opinion, that adopting the precautionary principle, these elements should not be provided behind a flood defence.

Biodiversity

In addition to the comments on flood risk the Agency made representations concerning biodiversity issues in our letter dated 27th May 2003. I would reiterate the point that the Agency consider Herefordshire Council to be the relevant 'competent authority' under the 1994 Habitats Regulations, on the basis that the matter to be determined is a planning application.

Notwithstanding this, in acknowledgement of the nature conservation value of the River Wye and in the interests of environmental protection, if the Council were minded to approve the application the Agency would recommend that appropriate conditions be imposed to minimise the risk of pollution of the water environment.

Hereford Flood Alleviation Scheme – comments in letter dated 27th May 2003.

Hereford Flood Alleviation Scheme

This section is provided to inform your Council of the up to date situation concerning the Hereford Flood Alleviation Scheme (FAS). The Agency has been actively pursuing the Hereford FAS. Earlier this month, the Agency in consultation with the Local Flood Defence Committee decided to progress the Scheme to a more advanced stage. Consultants have been engaged to prepare a detailed environmental study and options appraisal, with the objective of securing DEFRA approval and thereafter implementation. This Scheme is independent of and would not if approved by DEFRA rely upon any funding which might be secured by means of a S106 Planning Agreement with the applicant. I would clarify that at this date there is no guarantee of the construction of the Hereford Flood Alleviation Scheme.

Conclusions

The FRA has assessed the risks to and from the proposed development to be broadly in accordance with the requirements of PPG25 Appendix F. The Agency agrees that the site falls within Zone 3a – Developed Area, of Table 1 PPG25 and as such is considered suitable for residential commercial and industrial development provided the minimum standard of defence can be maintained for the lifetime of the development. However, the Agency does not consider that the risk of locating a creche, community and health facilities, within a flood risk area is acceptable and does not accord with the precautionary approach of PPG25. This is on the basis that sites vulnerable to rapid inundation should defences be overtopped or breached are unlikely to be suitable for those of restricted mobility. Whilst PPG25 refers directly to housing or institutional accommodation the issues of vulnerability is considered to apply equally to other uses occupied primarily by children and the immobile.

Recommendations

The Agency maintains its OBJECTION to the development proposals as submitted due to the presence of a creche, community and health facilities located within the flood risk area of the site.

If your Council is minded to grant permission, it should consult further with the Agency as recommended by paragraph 65 of PPG25. This consultation would be to seek measures to mitigate perceived adverse impacts, signing of a S106 Agreement, to secure an appropriate contribution towards the wider FAS and to secure wider community benefits.

- 4.3 English Nature - response dated 19th December 2002: The application site lies close to the River Wye SSSI and we are treating it as a notice under Section 281 of the Wildlife and Countryside Act. This development presents the same difficulties as the previous application in terms of assessing the possible effect of a flood defence scheme for Hereford on the River Wye Candidate Special Area of Conservation. Such a scheme is integral to the protection of this land and to its development.

A Hereford Flood Alleviation Scheme is likely to require an appropriate assessment under Regulation 48 of the Habitat Regulations. Appropriate assessment for that project should involve co-ordination between Herefordshire Council and the Environment Agency as competent authorities (Regulation 52). We understand that investigations into the flood defence options are still underway and the Environment Agency will prepare an Environmental Assessment as part of those investigations.

It is difficult to see how the impact of removing land from the flood plain and defending the Asda development can be considered in isolation from the Hereford Flood Alleviation Scheme as it is dependent upon and will act in combination with a wider scheme. We are awaiting further clarification from the Environment Agency as to what stage their environmental studies and the development of the scheme has reached. Following a further submission from the applicant, English Nature have accepted in their letter dated 28th October 2003 that it is not possible to carry out an "in combination" assessment as no FAS has been proposed to date.

Environmental Assessment - options - we note that the statement does not include a sequential test of options for sites within Hereford and has selected the site as most closely meeting that need. It is unclear what environmental factors influence the selection of options considered. The consideration of alternative locations for the proposed development on wildlife habitats, flooding, water quality and traffic congestion has therefore not been assessed.

Construction phase impacts - we are pleased to note that the Environmental Statement addresses construction impacts. A set of appropriate conditions would need to be established to enforce these measures if development were to proceed.

Protected species - the assessment identifies the use of the site by badgers and proposes retention of their main sett on the tramway. A detailed badger management plan is required to address this issue.

Open space - the adopted planning policy of this area (H2) requires provision of substantial public open space. The proposal retains an area of allotments but does not provide significant public open space. We suggest that this issue might be addressed by enhancing the land between the tramway and bank of the River Wye. A comprehensive plan to improve and manage this area as a wildlife amenity and landscape corridor should be considered.

Letter dated 21st February 2003 - as previously noted works to the embankment would require a licence because of the presence of badgers. In view of the significant reworking of the embankment in places and the proximity of sheet piling to the tramway we advise that this additional information is necessary before determining the planning application. A key point is to ensure that it is feasible to devise a working method statement that can reconcile the badger issues with the proposed alignment.

- 4.4 English Heritage - letter dated 20th December 2002: There are clearly complex planning policy issues to be resolved by your Council in assessment of this application.

These are mostly outside English Heritage's locus but may affect historic environment considerations in so far as for example the Council may or may not judge that the present proposal is a mixed use scheme as specified in the Local Plan.

The scheme as presented in the current application goes some way to meeting our objections in principle to the previous scheme. In particular the location of the main building towards the western end of the site offers the opportunity to provide a better outlook from Greyfriars Bridge thus to meet one of our earlier previous concerns. The retention of the existing allotments is welcomed but English Heritage would be concerned that the design of the car park does not prejudice the visual gains from reconsideration of the site of the main building.

We also note the intention to provide a landmark building at the junction of the Ross Road and Belmont Road. The principle of providing a landmark building is certainly one that English Heritage would support.

Letter dated 6th May 2003. We refer to our extensive previous correspondence and discussions about this site and specifically the proposal for the residential building adjacent to the main road serving the development site.

We have discussed the site which is one on which it is difficult to discern a clear historic built context and the townscape qualities of the site will be further altered by the highway construction. We would however suggest that the site has an important urban design function as a gateway to the historic city for the traveller from the south and leading the eye towards Greyfriars Bridge and the historic city.

In discussions we have considered a number of options as to how this function may be achieved. In particular we have discussed a development that derives its form more clearly from the shape of the site albeit that shape is determined by the engineering requirements of the highway layout.

No formal response has been received with regard to the revised design as now proposed for the landmark residential building. English Heritage have indicated however to Officers of the Council that forming frontages to the A49 and superstore access road is a more convincing way to mark the prominent corner and lead the eye up towards Greyfriars Bridge and the city beyond the river. The building as proposed could now "turn the corner" very effectively. Some reservations were expressed with regard to the height of the building which is estimated to be at least one and three quarters times the height of the Greyhound Dog pub.

- 4.5 Welsh Water - latest comments in letter dated 28th April 2003: We would request that if you are minded to grant planning consent for the above development that conditions are included.

Eight conditions are suggested, most of which are technical requirements from the development. It should be noted however that a condition worded as follows is suggested should the Council be minded to grant permission.

"There shall be no beneficiary use or occupation of any building on the site until essential improvements have been completed and approved by Dwr Cymru Welsh Water and the local planning authority has been informed in writing of its completion. Completion of these improvements will occur no later than the 31st December 2005."

Reason: To protect the proposed development and public health and safety.

- 4.6 Sport England: It would appear that a view has been taken that the bowling green is not surplus to requirements and does need to be replaced. This is welcomed in recognition of the important role sport and recreation uses have in the community. The main issue is whether or not the proposed site is appropriate and how will the future management and viability of the bowling green be secured. No information has been supplied in respect of management and maintenance. If the proposal is approved it is hoped that conditions or agreements will ensure the replacement of the greens as a whole is available before the existing facility is lost and the management and maintenance of the facility will be secured.

Internal Council advice

- 4.7 Head of Engineering and Transportation: (comments dated 29th August 2003). The comments can be summarised that a number of improvements have been made during discussions with the applicant to improve the internal layout and sustainable forms of access into and out of the site. A number of conditions will be required to ensure these improvements are implemented should planning permission be granted. The Transportation Unit have been in discussion with the applicants on a number of ways in which sustainable access could be improved to the residential dwellings and the store itself. Issues such as the alignment of the cycleways, provision of cycle stands and coach parking and manoeuvring facilities have been improved and are considered to be adequate. At the time of this response, no proposals have been put forward for the improvements of the pedestrian/cycleway under the A49 and nor had any financial contribution been discussed to improve public transport links into the site.

Since receiving the comments of the 29th August 2003, the applicant has indicated a willingness to provide a £50,000 contribution to improve the Drybridge Walk pedestrian/cycleway under the A49. With regard to public transport, a contribution of £78,000 is suggested to improve bus services into the site. Comments on the acceptability of these figures are still awaited at the time of writing this report.

The developers must apply to the Public Rights of Way Department for an Order to divert the public footpath HER63 as soon as they have received planning permission. It should be noted that development must not commence until the Order has been made and confirmed. As public safety must be secured during construction the developers will need to apply for a temporary closure order from this department. The reassurances of the developers regarding road crossings are accepted, however we would like to see detailed plans of various points at which HER63 will cross vehicular access roads when they are available. The new pedestrian routes across the site will be permissive rights of way. We note the proposed pedestrian access to the bowling club is "fully supported by the bowling club".

- 4.8 Chief Forward Planning Officer: (memorandum dated 15th May 2003): the Council's retail consultant have raised fundamental concerns at the proposed development. The applicant has failed to demonstrate a quantitative need for the store and the arguments in relation to qualitative issues are not regarded as sufficiently material to justify demonstrable need. The importance of quantitative need expressed in terms of goods sold has now been given greater weight in terms of determining applications in light of the recent Parliamentary Statement (10th April 2003).

For the reasons given above the proposed development is in conflict with the Development Plan policies and Government guidance relating to issues of need.

4.9.1 Chief Conservation Officer:

- Historic Building and Design – Proposed Retail Store. The main proposal is to develop the site for retail purposes with extensive associated car parking and some limited community facilities. This is to be a combined with what has been defined by the applicant's as a landmark building' for residential use at the main entrance to the site adjacent to the redefined Belmont roundabout. The site does not include the Council owned allotment gardens and nor does it have direct access onto the river frontage.

By its very nature the development of this site will involve the removal of substantial tree and shrub cover and their replacement with the mass of the large retail unit and associated car parks. It will therefore by definition directly affect the character of the site. The question is whether it preserves or enhances the character of the Conservation Area as this is the principal test which needs to be applied under the provisions of PPG15 (Planning and the Historic Environment).

In architectural terms both the store and landmark residential block have been subject to extensive discussions but a number of elements which were previously unsatisfactory have been resolved in architectural terms. After detailed examination Officers remain unconvinced that the proposed food store with associated car parking will either preserve or enhance the character of the Conservation Area. If it fails to meet that test it would be contrary to the provisions of PPG15 para. 4.19.

Proposed Residential Building – (comments dated 2nd October 2003) The proposed "landmark" building has been significantly amended and as now proposed is capable in itself of making a major architectural contribution to the city.

Road Traffic Proposals – very serious concerns about the proposed redefinition of the proposed Belmont roundabout are raised due to the severe visual impact this will have on the townscape setting at this important entrance to the Central Conservation Area. The scale of the proposal will totally disrupt the scale and setting of surrounding buildings in a manner that is completely alien to this or any other part of Hereford.

In summary it is considered that the architecture of individual elements of this scheme have been significantly improved, however my original reservations on the appropriateness of the whole site for the development still remain as do the serious reservations with regard to the highway improvements.

- Landscape Impact (memorandum dated 8th September 2003). It is considered that the proposed layout lacks any design flair and maximises the development potential development of the site without investigating the potential for amenity open space linking with the riverside walk. It is suggested that it would be possible to provide a planted footpath corridor from the riverside walk to Belmont roundabout without going through the proposed food store car park.

The construction of the access road, car park and flood wall so close to the embankment will result in the loss of at least half of the trees. I do not agree with the landscape master plan which shows most of the trees on the western part of the tramway being retained. The construction of the flood wall will inevitably destroy a good proportion of them. This will manifest itself as a significant thinning

of tree cover along the western part of the tramway and total loss of cover along much of the tramway to the east of the bisecting footpath. I consider that this overall loss is unacceptable and contrary to the landscape principles of the Environmental Statement, and a number of improvements could be made.

- In respect of archaeology conditions are recommended should planning permission be granted.
- Having regard to ecology the application is very thin on mitigation for the impact that the development would have on nature conservation. It is accepted however that the applicant's would have difficulty given that up to 90-95% of the site is earmarked for development. It has been suggested that off site mitigation could be secured through a Section 106 Agreement and that opportunity exists to enhance native planting on the river frontage through the city to improve nature corridors.

5. Representations

5.1 Hereford City Council - response dated 18th September 2003. The City Council have no objection to this application but make the following comments:

- (1) The proposed development is long overdue and the area should be tidied up.
- (2) The application is considered to be the most appropriate use of land in that area.
- (3) The visual approach from Greyfriars Bridge will be acceptable.
- (4) There will be no adverse impact on the view from Belmont Road.
- (5) Adequate screening will be provided for the avoidance of visual and sign nuisance for houses behind Belmont Road.
- (6) The approved access to the site should be to the satisfaction of the Highway Authority.
- (7) The development should not have any serious impact on the Belmont roundabout.
- (8) It is understood that the development will not add to potential flooding problems believed to be caused by drainage from the Newtown Farm area.
- (9) The proposed development does not go outside the tramway which is in itself believed to be part of the flood defences.
- (10) The provision of pedestrian access should help local community and should give local people the choice of shopping locally or in the city and provide competition between supermarkets.
- (11) The development should provide investment in local jobs.
- (12) The provision of adequate parking for the disabled and cycle store and locker is welcomed.
- (13) The inclusion of 18 flats with decent and well proportioned living/dining accommodation looking out onto a green is welcomed.

(14) The needs of the community are attended to in the application with the provision of a play area and bowling green and the retention of the allotments.

5.2 Hereford Civic Trust – response dated 21st April 2003: As you are aware we objected to the original application and the amended plans while going some way to overcome the objections raised by ourselves and many others still leave many questions unresolved as they deal primarily with the so called landmark building at the entrance to the site. In our view matters unresolved include:

1. The design of the store itself with the large unbroken roof line and no attempt made to show structural form or environment energy saving improvements.
2. Its location near Hunderton Road housing and the noise nuisance this will bring.
3. No demonstration that the retail case for the store in this area contrary to the UDP has been made. We remain unconvinced that Hereford needs this supermarket at all.
4. No more information on the flooding problems - particularly Belmont Road sewer. While we understand the use of flood water retention culvert to deal with the site drainage, we are not convinced that this will be effective in all flood conditions originating from both the river and the sewer system.
5. (These comments relate to the previous design). As far as the proposed redesign of the flats at the entrance is concerned which together with the conservation assessment form the main part of the revised submission, we feel that while there is some improvement on the original proposal, it does not to us have the inherent character required for a building on this city gateway site. Also the conservation report does not demonstrate the proposed landmark building is in keeping with the other existing buildings or add to the character of this Conservation Area. Therefore we wish to maintain our objections to these proposals.

5.3 Conservation Area Advisory Committee: The proposed store building is out of scale with development in the area and is not considered to be good design. The application is considered to be a lost opportunity for the city - one was hoping to see a building of a design which would be worthy of the site but this design is considered bland and has no scale or thought. The elevations are a mish mash of designs taken from buildings within the city. The elevation to the river is bland and will be a target for vandalism. The general roof line of the store is disappointing, a large track of unbroken flatness which could be broken up with a fresh good design.

Comments dated 16th September 2003 – amended residential block – the Committee were pleased to see a building which will be an asset to the Conservation Area and the city. The building will be a focal point especially when lit at night. The CAAC felt the design will give the City of Hereford a building which will enhance this area and also a building of good design worthy of this important site.

5.4 CABE (letter dated 11th July 2003): Having considered the materials sent to us we do not wish to review this scheme formally, however we do have the following observations:

- The various site constraints and ownerships have given the designers a difficult task, however we do not believe that the current proposal is not making optimum use of the site.
 - Whilst we welcome the mix of uses we would observe that the Local Planning Authority ambition for a mixed use scheme for the site should not end up with a series of “bolt on elements” but should produce a scheme that works in the round.
 - We believe that the awkward and inconsistent routing across the site needs to be considered further.
 - We are concerned about the location the bowls club next to a turning corner for articulated lorries – it seems to us that this may prove to be the opposite of a tranquil haven which most bowls club members seek.
 - On the residential block, our view is that although unusual it may have a role in making a decent piece of new architecture. In our view there are more fundamental issues of concern in this proposal (these comments again relate to the previous design).
- 5.5 CPRE: We object to the proposed development which is not in accordance with the Development Plan. CPRE would expect to see details of a significant transport provision with this scheme connected with a broad city transport network before further consideration is given to the application. We would strongly question whether demonstrable need has been established in qualitative and quantitative terms in this location - the sequential approach for site selection has been followed and question whether the site can even be defined as edge of centre.
- 5.6 Herefordshire Nature Trust (comments dated 15th September 2003): In our previous comments dated 20th December 2002 we recommended that the application should not be determined until the Environment Agency had completed its Hereford Flood Alleviation Scheme Study. Until this work is completed we will not be in a position to review our initial position and provide further comments on flood impact issues relating to the overall scheme. However we thought it may prove useful to clarify our current position on other issues relating to the proposal.
- The Trust is minded to recommend to Herefordshire Council that the proposal be refused. (The detailed response sets out four reasons for refusal relating to nature conservation legislation and adopted policies contained within the Hereford Local Plan. Given the length of the response it is not repeated in full in this report, however it is available for inspection at the Planning Office).
- 5.7 Open Spaces Society: Raise a number of comments with regard to walking and cycling through the site but do not quantify an objection or support for the scheme. In summary they have reservations about the proposed dual use of the cycle and pedestrian ways through the site as they appear too narrow. They suggest the local planning authority consult their Rights of Way Department.
- 5.8 South Wye Regeneration Partnership: The site has been derelict for a number of years and is a real eyesore as both an entrance to Hereford city and South Wye area. The development of this site would therefore have a real impact on the physical appearance of one of the city's gateways. The proposed development is also consistent with the business and community ambitions of the Herefordshire Plan. I

would make the following comments with regards to how the application fits with the strategy for regeneration of South Wye.

Physical regeneration - this site has been singled out as a development opportunity for housing and business uses if the flooding and access issues relating to the site can be resolved. The South Wye Regeneration Partnership approved the UDP allocation for this site at its Committee meeting on the 3rd December 2002 with a request that retail be included as an additional use.

Employment opportunities - unemployment in the South Wye area and specifically Belmont Ward (5.6%) is consistently higher than the County average (1.9%). This development is likely to see a significant number of jobs made available to local people. I would comment that Asda should work closely with the South Wye Regeneration Partnership and existing networks to maximise these opportunities for South Wye residents.

Health facilities - health statistics show the South Wye residents are more likely to die younger than elsewhere in the County. At a meeting on the 30th December 2002, the Primary Care Trust expressed an interest in the health care facility linked to the store especially if there was an in store pharmacy to be used in health promotion under the venue for shoppers to see a nurse or other medical staff. A request was made to Asda's representative to confirm whether an in store pharmacy would be included - no response has been received.

Childcare provision - the Early Years Childcare Development Partnership has identified the need for additional full time childcare places, in both Belmont and St. Martins Wards. However neighbourhood nursery initiative funding will provide these places and proposed schemes have already been identified at Hunderton Infant School and St. Martins Primary School. Initial comments from the EYCDP indicate that the Asda site may be appropriate for resiting of an existing provider or to consider other types of family services such as childrens centres mentioned in the Government spending review.

Community facilities - on the basis of the survey of community services feasibility report produced by Archetype in 2000, the main principle underlying the development of facilities at South Wye is that each of the five estates should have its own neighbourhood centre acting as a generic community facility with other facilities allocated to one or more of this network of centres depending on the location, distribution and availability of suitable space. I would therefore comment that negotiations with Asda should include discussions on their support for the development of community facilities on the estates identified in the partnership strategy.

Transport issues - the need for an improved bus service between the estates of South Wye to link with the Rotherwas Industrial Estate and centre of Hereford has been well documented. The area has been successful in its urban bus challenge bid which will develop the bus service South Wye to operate over the next two financial years (up to March 2005). I would therefore comment that negotiations with Asda should include discussions on how the service could be continued with their support after March 2005.

Updated position 13th May 2003 - the meeting on the 25th February 2003, the Partnership agreed to support the proposal for a community and health facility on site and were concerned to hear the Environment Agency objected to such a proposal. There was some disappointment that the applicant had chosen not to use the consultation event in February 2003 to consult over what community facilities local

people wanted at the site. At that meeting the applicant's representative advised that Asda would be unable to provide any financial support for any off site provision of community facilities as it might be challenged in the High Court which would delay the development.

Neither the Partnership nor the South Wye Community Development Team have had the resources to conduct a meaningful consultation with the local community about establishing end users for the proposed building. The priority for our resources at the moment is to support the community and residents' associations and the development of community facilities they have already identified. However, there are some internal discussions amongst partners about the following possibilities - offices for community/voluntary groups, a sports facility and health facility possibly linked to a pharmacy.

The applicant's representative will be attending a community event meeting on the 31st May 2003 so this might be an opportunity to start discussions. However, we feel that a major consultation exercise/feasibility needs to take place before we are in a position to say what the end use of the possible building should have. Of course this may then require some changes to the current proposed design of the building to allow a flexible use of space.

- 5.9 Ramblers' Association: In general the developer should be congratulated in the provision of paths and cycleways in the vicinity of the new store, however there are a few points which require additional input. Some clear distinction needs to be placed between pedestrian and cycle routes.
- 5.10 St. Martins Street Residents and Traders Association: There is significant concern about the proposed development and a number of comments are made as to how the scheme could be improved for local people. With regard to design issue there was a consensus of opinion that the architecture of the proposed buildings are very poor and a much better individual design should be put forward. Of particular concern were the design of the residential block which must have a positive not negative impact on the approach to the city and the view of the development from the river which should be considered more carefully on the northern elevation. (Design comments relate to the previous scheme).
- 5.11 Sixteen private letters of objection have been received to the development. The issues raised as objections can be summarised as follows:
- There are strong concerns about the ability of the site to accommodate the amount of traffic generated by the proposal in light of the existing problems which are experienced at the Belmont roundabout.
 - Strong concerns are made with regard to flooding of the site and the knock on impact that the flood defence wall may have elsewhere in the city.
 - Objections are raised from local retailers at the site entrance who will lose the existing loading/unloading/parking area with the reworked traffic light control gyratory. This will significantly affect small businesses.
 - The need for another supermarket in Hereford is strongly questioned and objections are raised on this issue.
 - Strong retail objections are made with regard to the site which is not allocated for retail purposes and is not within a city centre or even in an edge of centre location as defined by PPG6. The applicant is obliged to demonstrate there is a

"need" for the store, particularly in light of the Parliamentary Statement of the 10th April 2003. The applicant has sought to demonstrate there is capacity for their proposal but this is based on their estimates of overtrading at existing stores. They are seeking to absorb virtually all the available growth up to 2011. This growth could be accommodated in a number of ways in the existing centre. The proposed store would take up all of this capacity and still require a high level of trade diversion from the existing stores serving the same catchment. Asda are reliant on a 50% trade draw from Tescos at Belmont to demonstrate that there is sufficient capacity to justify the proposed floorspace. This confirms the weakness of their quantitative need case.

- The Hereford catchment is well served by existing stores (Safeways, Sainsburys and Tescos have two stores) where choice is especially good. Any additional floorspace required should be directed to maintain the vitality and viability of the existing centre. The proximity of the proposed store to the city centre must mean that it will have an impact. No information is supplied with regard to comparison goods or the type of goods to be sold. The Parliamentary Statement confirms this information should be provided by the applicants.
- The site is not well related to the primary shopping area in Hereford, particularly for pedestrians and cannot be considered as edge of centre. The proposed improvements to the pedestrian network will not overcome the inadequacies of the pedestrian route to the main shopping centre which is lengthy and inconvenient. It is clearly evident that there are strong objections to the proposal both at national and local levels.
- The proposed development represents a missed opportunity for the site at a very important entrance to the city. The proposed landmark block would be more akin to an out of town business park being charmless and overbearing. The Greyhound Dog as existing is a far superior building and part of Hereford's history.

5.13 A petition (received 12th June 2003) against the removal of the slip road/parking area to the front of the Friar Tuck containing approximately 660 names.

5.14 One private letter of support has been submitted for the application and a petition has been provided by the applicant which has the names of 46 local residents in support of the scheme. The letter in support states that the site has sat derelict for too many years which has been detrimental to the area and is potentially dangerous for local residents. The letter encourages the development to tidy up the site and improve the overall amenity of the area.

5.15 Four additional private letters have been received which do not clearly support or object to the development proposal but raise issues of concern and comment. Suggestions are made in these letters as to how the scheme could be improved for local residents and the wider community.

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

6. Officers Appraisal

6.1 In dealing with a major development scheme of this size there are clearly a number of important issues which need to be carefully considered as part of the schemes overall

assessment. The key issues in this instance are the retail need for the proposed development, access and transportation issues associated with the development, flooding and land drainage, design and nature conservation issues and finally any other material considerations which should be afforded weight in the overall assessment.

- 6.2 The Development Plan for the area comprises of the Hereford Local Plan (1996), the Hereford and Worcester County Structure Plan and the emerging Herefordshire Unitary Development Plan, Deposit Draft (2002). The Hereford Local Plan Policy H2 allocated the site as being suitable for development for residential, commercial and open space purposes. To date no scheme has been put forward which meets the requirements of Policy H2 which suggest that residential development would form the major part of any scheme and that a proposal should incorporate a substantial provision of open space. Reference is made to the requirement of access and flooding which need to be resolved in order for development to take place. Clearly the current proposal does not comply with Policy H2 which in light of the Environment Agency's latest comments would be very difficult to achieve. Given the new emphasis in PPG25, it is understood that the Environment Agency would be likely to object to a significant residential development unless both a Flood Defence Scheme and the ground level of the site were raised to an acceptable level.
- 6.3 The emerging Unitary Development Plan has a site specific Policy TCR24 which identifies the site for a comprehensive mixed use development to secure the regeneration of this important gateway site. It then lists four criteria which should be achieved from a comprehensive development. Again, a requirement for housing is suggested under Policy H2 of the UDP as the site providing 50 dwellings. As with the previous policy for the site, this will be difficult to deliver unless significant ground level changes were to occur to the satisfaction of the Environment Agency.
- 6.4 Policy RST4 seeks to safeguard existing open space and is also directly relevant to the Causeway Farm site. Again, three criteria are specified which the development should comply with.

Retail Need

- 6.5 Planning policy in respect of retail development and town centres has evolved in recent years and to some extent is still evolving through recent decisions reached by the Office of the Deputy Prime Minister in recent appeal decisions. The key national planning policy guidance is contained in PPG6 (Revised) "Town Centres and Retail Development" (June 1996) and has been supplemented by subsequent Ministerial Statements including a recent statement issued by the ODPM on the 10th April 2003 seeking to clarify policy on planning for town centre retailing.
- 6.6 PPG6 emphasises the sequential approach to site selection for new development proposals, including retail, employment, leisure and other key town centre uses. This approach means that first preference should be for town centre sites, where suitable sites for conversion are available, followed by edge of centre sites. In addition, the guidance recognises the need for an identification and assessment of sites in a range of locations. Such an approach is appropriate for both developers and local authorities in assessing new sites. It is however important to note that the guidance stresses that the sequential test and site selection exercise should be undertaken in the development plan process only after carefully considering the need for the development. Neither the adopted Hereford Local Plan (1996) or the Herefordshire Unitary Development Plan (Deposit Draft 2002) identify the Causeway Farm site

specifically for large retail development. In terms of the site's assessment in line with the PPG6 requirements, it is considered that the site is neither within the central shopping or commercial area, or can it be described as an "edge of centre" location relative to the central shopping and commercial area. This means within easy walking distance taking into account the physical barriers between the site and the central shopping area and involves distances of approximately 200-300 metres. As the position of the proposed food store clearly exceeds the threshold in PPG6 it is considered a "out of centre" location where a need must be justified. From the centre of High Town to the store entrance it would be in excess of 1,000 metres for a pedestrian.

- 6.7 Taking into account the above national policy issues and guidance an important element of the overall assessment of this application must be to consider to what extent the size of the store proposed could be accommodated by future growth in convenience goods expenditure and whether or not there is a clear need for a store of 7,480 sq. metres gross. If capacity for the store cannot be demonstrated then are there other material considerations or weighty 'qualitative' needs which must be deemed material in the assessment. Only if need is justified is it then necessary to consider the development with the requirements of the sequential approach.
- 6.8 For this proposal the applicant has undertaken a sequential test for a number of sites in and around the city centre. At the time of submission, proposals for the "Edgar Street Grid" had not been prepared or been subject to any consultation. The Council had identified the existing cattle market site as being suitable for redevelopment with a mix use scheme as reflected in Policy TCR21 of the emerging Unitary Development Plan (Deposit Draft). As such, the developer and the Council's own Retail Advisor did not consider it to be a suitable location for convenience goods retail and subsequently discarded the site for the purposes of this application. Since that time the Edgar Street Grid master planning exercise has been undertaken giving a number of development options for this area some including convenience retail uses. It should be noted that in theory, a number of sites in the Edgar Street Grid would be sequentially preferable than the Causeway Farm site.
- 6.9 The issue of "retail need" has most recently been addressed by the Ministerial Statement of the 10th April 2003. Previously, a Ministerial Statement (Richard Cabourne - Planning Minister for the Regions Parliamentary Statement February 1999) had stated

"The requirement to demonstrate "need" should not be regarded as being fulfilled simply by showing that there is capacity (in physical terms) or demand (in terms of available expenditure within the proposal's catchment area) for the proposed development. Whilst the existence of capacity or demand may form part of the demonstration of need, the significance in any particular case of the factors which may show need will be a matter for the decision maker."

- 6.10 The above statement implied that retail need should not be just based on a quantitative demonstration but the wider and more qualitative or intangible benefits such as improved choice, improved competition, contributions to social inclusion or other regeneration benefits must also be considered. This particular issue is critical in the assessment of the current planning application on which the applicant has placed a strong qualitative need argument. For the purposes of this application the applicant's retail case can be summarised as follows.

- The scheme will redevelop a prominent and strategically located “brownfield” allocated development site which is accessible by sustainable forms of transport.
- The proposed Asda store will have a catalytic effect in terms of facilitating the provision of a mixed use scheme use with “district centre” credentials.
- The store will bring about qualitative and quantitative improvements in South Hereford’s retail offer.
- The introduction of a quality food store will assist in “clawing back “ expenditure that is spent at the out of centre Tesco’s store at Abbotsmead.
- The generation of potential “spin-off” benefits for Hereford city centre associated with link trips.
- The proposed development will result in new opportunities for the local community.

6.11 Following a careful assessment of the applicant’s retail case, it is considered that the quantitative need arguments associated with this development are extremely weak. The applicant’s retail case relies heavily on qualitative arguments associated with the issues listed above. Whilst it is accepted that the proposed food store would not have a significant impact on the vitality and viability of the city centre and that the applicant has undertaken a thorough sequential test to site selection, the quantitative need arguments for additional food retailing in the city cannot be justified.

6.12 The latest Ministerial Statement on town centres and retail development (10th April 2003) seeks to clarify the previously ambiguous issue of what actually constitutes retail need. Many recent large retail schemes across the country have been subject to lengthy Inquiries where the issue of retail need has been examined. Many of these Inquires have revolved around qualitative needs/benefits on the application which in some instances have been accepted as strong factors in the overall assessment of need. However it is important to review the most recent statement issued by Central Government as to what should be considered material when forming a view on the need for a retail development. The statement issued by the First Secretary of State with regard to the definition of need is as follows.

“Some applicants have sought to make distinction between quantitative and qualitative need for new retail facilities. PPG6 does not make this distinction although evidence on both has frequently been presented at Planning Inquires. The First Secretary of State accepts that need can be expressed in quantitative and qualitative terms but considers that evidence presented on need is becoming increasingly unnecessarily complicated. He therefore places greater weight on quantitative need for new retail provision to be defined in terms of additional floorspace for the types of retail development distinguished in PPG6 which are comparison and convenience shopping.

6.13 In view of the above it is clear that greater weight should be placed on the quantitative issues rather than the qualitative need/benefits of the proposed retail development. In fact the statement goes on to suggest that qualitative issues such as regeneration and job creation do not constitute retail need. It is considered that the issuing of this statement whilst not providing a definite guide as to what actually constitutes retail need, it does place greater clarity on the weight attached to quantitative need and whether or not such issues as regeneration or job creation should be seen as part of the need demonstration.

- 6.14 Whilst Officers would not normally examine one issue in such great detail in their Committee Report, it is stressed that a recent publication of a Ministerial Statement has a significant bearing on the overall assessment of this proposal. In assessing the "retail need" issues associated with this proposal, Officers and the Council's independent retail consultant conclude that the application fails to comply with Central Government advice contained in PPG6 and more recent Ministerial Statements. This conclusion will need to be balanced against the other issues contained in this report.

Access and Transportation Issues

- 6.15 A full Transportation Assessment has been submitted with this planning application which has been carefully considered by the Highways Agency and Council Officers. The highway works as proposed as part of the development include improvements to both the vehicular highway network, pedestrian and cycle facilities and public transport. Arguably the most significant improvement proposed is the replacement of the existing Belmont Road roundabout with a traffic signalled gyratory. Furthermore, the existing substandard U-turn facility from Meadow Close and the adjacent commercial developments would be replaced with a new turning facility as part of the gyratory arrangements. The Highways Agency raise no objections to the latest plans of the gyratory or the content of the Transport Assessment as submitted.
- 6.16 It is important to note that the reworked Belmont roundabout is based on the former scheme of the Highways Agency which is no longer part of their programme of works. As such, the proposed development is the only legitimate short term opportunity for the improvement works to take place at this heavily congested junction.
- 6.17 The proposed scheme also includes improvements to pedestrian facilities in the locality to include direct crossing facilities on the gyratory system and pedestrian routes through the car park proposed food store to the surrounding area. Pedestrian links will provide access to the Wye Valley/riverside link (to the north) to Belmont Avenue (to the south) and the proposed gyratory system to the west. Pedestrian facilities would be provided to the bowling club and community facilities on the site. Improvements for the provision of cyclists would be made with a split use between cyclists and pedestrians on the new footpaths which are at least three metres wide. In a letter dated 4th November 2003, the applicant's Highway Consultant has indicated that his client would also be willing to offer the sum of £50,000 towards pedestrian and cycle improvements in the vicinity of the site. This is in addition to the works shown on the site plan and could be secured through a Section 106 Agreement.
- 6.18 The site layout also has provision for a bus stop within the site and a bus turning facility is included as part of the site layout. Discussions are ongoing with local bus companies regarding diversions and enhancement of the existing services into the site. This includes an increase in the bus frequency to ensure two buses per hour.
- 6.19 The applicant in support of the proposal states that being close to the town centre the development would reduce the overall need to travel and furthermore the provision of a supermarket in the South Hereford area would again lead to significant journey reductions. The proposed Belmont gyratory would improve capacity on the highway network to allow for both supermarket and future traffic growth. Furthermore, the proposed gyratory system would improve safety for both vehicular, pedestrian and cycle and public transport modes.
- 6.20 In total the site provides car parking spaces for 541 vehicles. Parking is primarily contained around the store itself, however a large section of customer parking is

provided on land between the allotments and the tramway to the northern part of the site and abuts Greyfriars Bridge. Generally it is considered that the proposed access, parking, pedestrian and cycle provision are reasonable. Some minor points of detail remain unresolved, however the basic concepts and principles as detailed in the scheme and the Transportation Assessment are generally accepted. The proposal does offer the opportunity for improvements in pedestrian and cycle provision and gives good access to South Wye residents to the Wye Valley Walk. It also offers the opportunity to enhance pedestrian and cycle linkage between the South Wye area and the city centre.

- 6.21 With regard to public transport and access issues, discussions are ongoing between the applicant and the First Group Bus Company to deal with buses to and from the site serving the South Wye area. It is considered that at minimum two buses per hour from the Belmont and Hunderton direction should be diverted into the site. This would be the minimum acceptable bus service to the proposal. Should Members be minded to approve the scheme a clear commitment to bus services would need to be secured through a Section 106 legal agreement which may include some kind of bond to ensure the improved services are provided. The Development Impact Group has considered the issue of financial contributions to improve the wider bus facilities for the South Wye area and a contribution towards a potential park and ride scheme from the south side of the city also been examined. The applicant is not prepared to make financial contributions to these projects and argues improvements will accrue from the proposed development and that it will be well served by public transport.
- 6.22 On balance, whilst minor issues remain outstanding and of course the necessary agreement and Footpath Diversion Orders would be required there is no significant objection which would justify a refusal on any of the matters referred to above. Furthermore, it should be stressed that the development is the only reasonable prospect of the long awaited improvements to Belmont roundabout being fulfilled in the short term. This does carry material weight in the assessment of the scheme should Members consider this to be a priority. The counter argument is of course that the developer must put the junction in place to access the site and as such the works to Belmont roundabout are the minimum infrastructure required for the development to proceed. The applicant has stressed this particular issue as one which should carry significant weight in the assessment of the proposals.

Design and Conservation Area Impact

- 6.23 The site known as Causeway Farm is situated within the Hereford Central Conservation Area at the principal entrance to the city from the south close to the River Wye. It is also bounded to the north side by the former tramway which runs parallel to the river. The essential character of this part of the Central Conservation Area is defined by its openness and by the proliferation of trees which occupy the site. It is particularly visible when viewed from the banks of the River Wye and from the raised Greyfriars Bridge which takes the main A49 Trunk Road through the city. This gives an unusual dimension to the character of the site in that it can be viewed from so many different areas and particularly from elevated positions. The principle of some form of development on this site is not questioned given the allocation in both the Hereford Local Plan and the emerging Unitary Development Plan. However, the essential consideration for development in the Conservation Area is whether the proposal would preserve or enhance the character or appearance of the area. This must be the principal test which is applied under the provisions of PPG15 (Planning and the Historic Environment). The main part of this proposal is to develop the site for retail purposes within an extensive associated car parking area and new community

facilities. This is to be combined with what has been defined by the applicant as a "landmark residential building" at the entrance to the site adjoining the redefined Belmont roundabout. The site does not include the Council owned allotments nor does it have direct access onto the river frontage. By its very nature the development of this site will involve the removal of a substantial tree and shrub cover and their replacement with the mass of a large retail unit and associated car parks. It will therefore by definition directly affect the character of the site. The key issue is whether or not the proposal will preserve or enhance that character.

- 6.24 The two principal buildings which are the Asda food store with integral community facilities and the landmark residential block have both been subject to extensive discussions with Officers. With regard to the store a number of elements which were previously unsatisfactory have been resolved. It has been the purpose of negotiations to ensure the best possible design solution and then to judge the impact of the scheme on the character of the Conservation Area. The general scale of the building has been reduced visually by the inclusion of external "bolt ons" which help disguise the basic rectangular form of the retail store. The interplay of planes and selection of materials has helped reduce the mass of this building even further. Various architectural devices have been used to articulate the façade and give some interest to its visual appearance and to highlight the main entrance. Whilst primarily the negotiations on the store have led to a satisfactory design, one area of concern still relates to the north elevation facing the river. Internally this section of the building houses the main service area and as such the applicant contests that articulation of the elevation is particularly difficult. The landscape assessment submitted with the scheme suggests that the tramway retention will significantly screen the northern side of the building and that the majority of the trees on the tramway will be retained. This issue will be directly addressed later in the report, however given the size and scale of the building it will have a significant visual impact from the north particularly during winter months.
- 6.25 If the principle of development is accepted for a supermarket to be developed on the site, it is considered that the design of the store itself is not a major issue and in terms of its siting and design is arguably the most satisfactory solution that could be provided.
- 6.26 With regard to the extensive areas of surface car parking, the applicant has tried to mitigate this element of the scheme with the introduction of a significant planting programme through the site. Also integral to the layout of the site is the incorporation of a new flood defence wall against the south side of the tramway to the north of the store. The details of the wall show that it will be significantly underpinned and this will in effect act as a flood defence wall for the site and could form part of the Environment Agency's scheme for the city which has not yet been produced and for which there is no design or costings.
- 6.27 At present the application site forms a major green wedge adjoining the banks of the River Wye and the city. Whilst this green wedge will partially be retained by the tramway retention, should significant trees be lost the proposal will have a significant impact. Furthermore, the loss of trees on the tramway will be very difficult to mitigate against given the proximity of the River Wye and flood storage area and the fact that new planting could significantly disrupt flood flows on the north side of the tramway. The applicants have suggested that the retention of the allotments which do not form part of the site will ensure the partial retention of the green areas and tree coverage.
- 6.28 The second major design element is the landmark residential block containing 18 apartments at the site entrance adjoining the reworked Belmont roundabout. Arguably

in townscape and design terms this is the most vital element of the overall development scheme and will be particularly prominent on the approach to Hereford city centre on Belmont Road and Ross Road. In townscape terms the proposed gyratory roundabout will have a significant impact on the character and appearance of the townscape in this area. The proposed residential block is sited between Greyfriars Bridge and the new entrance road to service the site. It is however an extremely constrained site and particularly sensitive given that critical views can be obtained from all four sides. The building itself is a modern flat roofed design ranging between 3 and 5 storeys in height. Adjoining highway, it is a maximum of 16.3 metres high (53½ feet).

- 6.29 The latest design for the residential block represents a significant amendment to the scheme as submitted. It has been broken down into three almost separate blocks which are joined by large glazed stairwells. The largest central block which is southerly facing is linked by the glass stair towers to two lower units each containing six apartments with a seventh “penthouse” apartment with its own roof terrace. The concept of these “stepped” elements is to reduce the scale of the building as it extends on one hand into the supermarket site and on the other to Greyfriars Bridge. A covered car park is provided beneath the building (at ground floor level) which enables an uninterrupted landscape courtyard garden area for future residents.
- 6.30 The architect has examined a number of different finishes and materials for this modern design and has provided details of a materials pallet. Primarily the central “tower block” will have a steel and glass finish with over sailing brise soleil to provide solar shading. A horizontal timber cladding would be applied to the setback apartments on each of the lower blocks with an off-white render applied to the side walls.
- 6.31 Careful assessment has taken place with regard to this design and Officers are satisfied that the proposed building will effectively “turn the corner” and is capable in itself of making a positive architectural contribution to the city subject to its detailing. The test of suitability in design terms must relate to PPG15 and whether the building proposed will either preserve or enhance this part of the Conservation Area and whether it is in itself of such architectural merit that it will make a positive contribution to the entrance of the city.
- 6.32 In conclusion Members must decide whether the overall scheme either preserves or enhances the character or appearance of the Conservation Area through its design and layout. Whilst individual elements of the scheme in architectural terms have been significantly improved, the requirements of PPG15 must be applied to the development as a whole. On this issue Officers conclude on balance the development of the whole site would fail to preserve or enhance the Central Conservation Area.

Flooding and Land Drainage

- 6.33 The site as allocated in both the Hereford Local Plan and the emerging Unitary Development Plan shows the designated area as land liable to flood. As Members will be aware Belmont roundabout has been particularly prone to flooding in recent times as a direct result of the River Wye and the backup of the combined foul and surface water drainage in this part of the city.
- 6.34 With regard to the Environment Agency’s objection to the proposal, it relates directly to Planning Policy Guidance Note 25 (Development and Flood Risk) which sets out to reduce the risk to people and the developed and natural environment from flooding.

As the application includes a community and health facility and nursery/crèche sited within the flood risk area, the proposal is unacceptable to the Agency and it maintains its objection. They define the site as falling within Zone 3A of Table 1 (para. 30) of the PPG.

- 6.35 As part of the planning application the developer is proposing a £2,000,000.00 contribution to the Environment Agency in its implementation of a Flood Defence Scheme for the City of Hereford. This contribution is above and beyond the Flood Defence Scheme proposed for the application site. The proposed site would be protected directly from the River Wye by a newly constructed floodwall on the south side of the existing tramway. The proposed wall, which is crossed in one place for pedestrian access projects 2.3 metres above ground level but is sheet piled to prevent groundwater penetration from the river to a depth of approximately 6 metres.
- 6.36 The applicant has produced a Flood Risk Assessment which has considered the consequences of flooding before and following the completion of the Environment Agency's proposed Flood Alleviation Scheme and it is understood by the Agency and the developer that this proposal, if approved, ultimately requires the completion of the Hereford Flood Alleviation Scheme to provide a suitable level of protection to the development. The developer wishes to construct the development scheme in advance of a Flood Alleviation Scheme for the city and thus has addressed this issue by providing the option of a phased occupation which would only allow the occupation of the retail unit and bowling club prior to the completion of the wider Flood Defence Scheme. Occupation of the crèche, community and health centre and residential elements would only be upon completion of the appropriate element of the wider Flood Alleviation Scheme. It is your Officers' opinion that such a phased development would be unacceptable and would fail to deliver the community benefits on which the applicant has placed significant weight. Ultimately with no control over the timing and delivery of the Hereford Flood Alleviation Scheme, the Local Planning Authority could in theory approve land uses which could not be occupied leaving just the bowling club and a free-standing superstore on the site.
- 6.37 Given that the wider Flood Defence Scheme for Hereford has not yet been publicised the comments of the Environment Agency are critical both on development of the site itself and on the possible implications for the scheme to directly affect the River Wye which is a cSAC and a SSSI. Given the importance placed on developments within flood plains and land liable to flood, the objection of the Environment Agency although only relating to certain elements of the scheme must carry significant weight in the overall assessment. Officers would also advise strongly against a condition which 'phased' the occupation of important elements of the scheme.
- 6.38 As noted above, the flooding problems experienced on the site and at Belmont roundabout have been shown to be the combined effect of both water from the River Wye and the backing up of the combined sewer outlet which runs diagonally across the site and discharges into the river. On the site itself the backing up of foul water occurs in the approximate location of the proposed store. Welsh Water in their consultation response on foul water drainage suggests a number of conditions to be attached to any planning permission. One of those conditions requires no beneficial use or occupation of any building on site until essential improvements have been completed and approved by Dwr Cymru. The completion of these improvement works will occur no later than 31st December 2005. It is not clear from this condition if they will be undertaking the necessary works or it is a requirement of the developer. Clearly ensuring no foul and surface water flooding problems occur in conjunction with any approved Flood Defence Scheme is of paramount importance. At the time of

writing, further clarification is being sought from Welsh Water. It would appear that the wording of the condition is both unclear and unreasonable and would fail to meet the 'tests' for a planning condition. This being the case this material planning issue could be a reason for refusal.

Nature Conservation and Landscape Impact

- 6.39 In their initial consultation responses, English Nature concluded that it would be premature of the Local Authority to determine the application until a Flood Alleviation Scheme has been identified and its environmental affects assessed and tested against the Habitat Regulations. They therefore advised under Section 281 of the Wildlife and Countryside Act (as amended) that consent should not be given for the proposal. Their view was formed on the basis that the proposal represents an integral part of the Hereford Flood Defence Scheme. Given the proximity of the River Wye which is a cSAC and also a SSSI (Site of Special Scientific Interest) an "appropriate assessment" should be carried out by a competent Authority where a proposal may have a significant effect on those designated areas. Following the receipt of additional information submitted by the applicant, English Nature in their letter dated 28th October 2003 comment further on the issue of prematurity and the need to carry out an "an appropriate assessment" in accordance with Regulation 48(1) of the Habitats Directive. They state that, "having considered the current position of the Hereford Alleviation Scheme (HFAS), which it appears remains at a preliminary stage in which various options are being considered, we do not consider that there is a particular plan or project which has formed to a stage at which it could be said to be actually proposed." As such English Nature now accept that Herefordshire Council and the Environment Agency as "competent authorities" can assess the development proposed against the Habitat Regulations in the absence of the HFAS. They do however state that English Nature remain concerned at the influence of the development that is being considered would have on any future flood scheme. If the development site were fully defended it would clearly have an impact on flooding within Hereford by removing a substantial area of the River Wye flood plain.
- 6.40 The habitat survey accompanying the planning application also identified the use of the site for badgers, which are a protected species. The badger setts which are located in the tramway could be significantly affected by the proposed floodwall and sheet piling required for this part of the development. Whilst a detailed badger management plan has been forwarded by the applicant, English Nature in their letter dated 2nd October 2003 state that a mitigation package would need to be provided including a management plan to establish how badgers will be managed during construction stages, an English Nature licence will be required before construction can commence. No clearance work on site in the proximity of any badger setts should begin without a licence.
- 6.41 Given the loss of a significant part of the site to the proposed development, it has been identified that there is an opportunity to create an enhanced habitat/recreation facility on land immediately to the north of the tramway. Whilst this land is not within the applicant's ownership, they have indicated that a financial contribution to improve the nature conservation value of this land may be negotiated. Limited planting is possible in this area given the proximity of the River Wye and the requirement for flood storage, however there is potential for native riverside planting to enhance wildlife corridors and for a management plan to be prepared to retain and enhance biodiversity features.

- 6.42 As noted earlier in the report, a comprehensive landscaping scheme has been put forward as part of this application to mitigate the loss of a significant number of trees and shrubs. Officers' main concern with regard to the landscape impact of this proposal relates to the tramway embankment running along the northern boundary of the site. The current tramway contains a number of mature and semi mature trees. The applicant maintains the majority of these trees will be retained and will provide an effective screen when approaching and viewing the site from the north. It is contested however that with the proposed flood defence wall a large proportion of the root systems of these trees will inevitably be damaged and will lead to the loss of a significant amount of the species on site. Furthermore, the root system of these trees forms an intrinsic part of the embankment structure. It is estimated by the Chief Conservation Officer that up to 50% of the trees will be lost which could provide significant exposure of the development when viewed from the north. Given that replacement planting on the tramway may not be acceptable and that the remainder of the land to the north would remain within the flood flow storage area, any significant replacement planting could be severely restricted.
- 6.43 To summarise, the key physical landscape issue which is of concern to Officers relates to the tramway embankment on the northern part of the site. The majority of proposed landscaping in combination with the retention of the allotments and the existing trees within that site is considered acceptable in principle. The loss of up to half the trees on the tramway however is of significant concern and will be detrimental both to the landscape quality of the site itself and the wider Conservation Area. Furthermore, the acceptability of a 'badger management plan' remains unresolved in light of English Nature's comments on this issue.

Other Material Considerations

- 6.44 A desk top archaeological survey has been undertaken prior to the submission of this application which has been considered. It is considered that the archaeology issues associated with this site can be satisfactorily addressed with conditions. Some concerns have been expressed by the applicants on the suggested wording of archaeological conditions, however if approved conditions will be attached in accordance with the archaeological advisors comments.
- 6.45 The issues of air quality, noise from both the operation of the site and during the construction phase and contaminated land have all been carefully examined. Some concerns have been expressed with regard to the position of the residential block as it falls within the Air Quality Management Area (AQMA) for the city. Under the draft PPG23 (Planning and Pollution Control) it has been recommended that consideration be given that the building should be sited outside the specified boundary of the management area. On closer inspection it would appear that only part of the proposed residential block is within this area and given the constraints associated with the site, it would be impossible in the scheme's current form to address this concern. The Head of Environmental Health and Trading Standards does identify that this new housing block is within an area of poor and failing air quality.
- 6.46 The relationship of the proposed development to existing residential properties has also been carefully considered. Most notably the development will be extremely close to properties on Belmont Avenue on the southern boundary of the application site. At its closest point the proposed community centre is less than 10 metres from the adjoining residential boundary. Furthermore, improvements to landscaping would be required to reduce the impact of the development on the residential properties closest to the first roundabout upon entering the site. This may entail the removal of car

parking spaces to soften this part of the scheme should Members consider the proposal to be acceptable.

6.47 As set out under the first heading of the Officer comments on this report, the applicant has heavily stressed the qualitative (benefits) arguments of this scheme and indeed the other material consideration which the decision maker should take into account in assessing the proposal. To summarise the benefits suggest include:

- A commitment by the developer to contribute £2,000,000 to wards the Environment Agency's Hereford Flood Alleviation Scheme.
- An Asda store which will meet the quantitative and qualitative need for a new major food store to serve South Wye and the wider community.
- A major new junction improvement which are widely acknowledged as being needed although the Highways Agency does not appear to be in a position to deliver the project.
- The provision of community facilities including a crèche/health care provision and a new community centre to serve the South Wye area.
- The provision of a replacement bowling green and club house together with increased parking.
- The provision within the store of between 400-450 much needed jobs within this part of the city where unemployment is greatest.

6.48 Whilst all of the above are legitimate material planning considerations, they should not be confused with the issue of retail need for additional convenience floor space outside the city centre.

Conclusions

6.49 This multifaceted planning application raises a number of very important issues and considerations for the decision maker to take into account. The application has been subject to extensive discussions and negotiation between the applicant and Officers in an attempt to resolve as many of the outstanding issues as is possible. It is your Officers opinion that within the confines of this development proposal that objective has been achieved and that this scheme has been taken as far as it reasonably can at this stage.

6.50 It is clear by simply travelling past the site that this part of the city does little to enhance this important gateway to Hereford and requires much needed regeneration. This need for regeneration should not though outweigh some fundamental planning principles which any scheme no matter what the use should satisfactorily resolve. Indeed the allocation in both the Hereford Local Plan (1996) and the emerging Unitary Development Plan clearly establish a principle for development on the site. Furthermore, as noted above there are material planning considerations associated with this scheme which do carry weight in the assessment of the proposal. Most notably these include the opportunity for significant improvements to the local highway infrastructure and the provision of 400-450 jobs. The site also clearly has huge potential for a gateway building to act as a landmark on the approach from the south to the city. The applicant has also made a significant offer of a £2,000,000 financial contribution towards the wider Flood Defence Scheme for Hereford which would be

secured through a Section 106 legal agreement and also needs due weight attached to it.

- 6.51 The applicant asserts that this proposal will bring significant benefits on a number of different levels to both the local community, the whole of South Wye and indeed the City of Hereford. In reality however it is a financial contribution towards a Flood Defence Scheme and the creation of jobs which are in Officers' opinion the only significant benefits of this proposal. The proposed gyratory system whilst in theory improving traffic flows is a necessity of the development in order to provide an acceptable form of access. It could be argued that this is merely infrastructure to facilitate the development. Furthermore, whilst the significance in location and townscape terms of the site is not contested, the proposed design and layout must either preserve or enhance the character or appearance of the Conservation Area.
- 6.52 The application also contains new community facilities including a community centre, a community health centre, nursery and crèche. Again, whilst in principle these facilities are supported, no end users have been identified although work is ongoing with the South Wye Regeneration Partnership. Officers consider that whilst new community facilities are in principle welcomed, it is vitally important that they are sited in the communities in which they are to serve. The South Wye Regeneration Partnership is already committed to a number of projects within the specific areas of South Wye and the inability to identify an end use for this community provision does raise some concern about their future viability.
- 6.53 Returning to the basic principle of a 80,500 sq.ft. food store in this location, it is clear from the relevant planning guidance that a retail need for the proposal must be demonstrated. The issue of the vitality and viability of the city centre and a sequential approach to site selection have been satisfactorily addressed by the scheme as submitted. However, given that the proposal is not in accordance with an up to date Development Plan allocation, the 'need' issue is of paramount importance. The Ministerial Statement from the Office of the Deputy Prime Minister on the 10th April 2003 has clearly put greater emphasis on the quantitative demonstration of need as being more important than other qualitative issues. Whilst qualitative issues can still be material consideration in assessing a scheme for development, this Ministerial Statement emphasises how the Government view town centre retail policy. In addition to this, the proposed location of the store is unlikely to result in significant linked trips between the store and the established retail core and would in essence operate as a stand alone facility outside the city centre. The development therefore does not fulfil the aims and objectives set in PPG6 which seek to direct new retail investment into or on the edge of established centres. The regeneration arguments for a store in this location do not outweigh this fundamental issue.
- 6.54 In view of the above your Officers conclude this major development scheme is contrary to national and local planning policy conflicting with retail planning guidance and the requirements for development within a Conservation Area. Furthermore, the Environment Agency objection must carry significant weight in the final decision on this scheme. Notwithstanding the weight attached to the other material considerations, refusal is recommended.

RECOMMENDATION

That planning permission be refused for the following reasons:

1. The proposed development is contrary to PPG6 (which has since been clarified by statements from the then Planning Ministers, Mr. Richard Caborne and Mr. Nick Rainsford and more recently by the Deputy Prime Minister, Mr. John Prescott) and Policy TCR9 (Large Scale Retail Development outside Central Shopping and Commercial Areas) of the deposit draft Herefordshire Unitary Development Plan. The applicant has failed to demonstrate that there is a "retail need" for the proposed food store. In considering "retail need" the application fails to show that there is sufficient quantitative need to support the size of food store proposed.
2. The proposed scheme fails to comply with Policy H2 of the adopted Hereford Local Plan (1996) or Policies TCR24, H2 and RST4 (Causeway Farm) of the emerging Unitary Development Plan (Deposit Draft 2002). Notwithstanding the other material considerations submitted in support of this scheme, the proposal does not justify a decision not in accordance with the adopted and emerging policies for the site.
3. The application site is located within the recognised flood risk area as identified by the Environment Agency's Section 105 map which relates to historic flood data. As the proposal includes uses which are likely to be occupied by vulnerable members of the public, notably the community and health facilities and a nursery/creche, the proposal is unacceptable in accordance with Zone 3a of Table 1 (para. 30) of PPG25 "Development and Flood Risk" which seeks to reduce the risk to people and the developed and natural environment from flooding.
4. The site lies within the designated Hereford Central Conservation Area where the local planning authority has a duty to ensure new development either preserves or enhances the character or appearance of the area. It is considered that the essential character of this part of the Conservation Area is defined by openness and the substantial amount of trees which occupy the site. Having regard to size and scale of the proposed foodstore, the residential building and the resulting surface level car parking, the proposal would neither preserve or enhance the character or appearance of the area. Furthermore the proposed flood defence wall would lead to a significant loss in established and mature trees on the existing tramway embankment. Having regard to the important visual and nature conservation role of this established landscape feature and the very limited opportunity for suitable mitigation, the loss of trees would be harmful to the character and appearance of the site and would have a detrimental impact on the established wildlife and habitat of the feature. As such, the proposal conflicts with Policies ENV14, CON12, CON13, NC7 and CON21 of the adopted Hereford Local Plan, emerging Policies DR1, HBA6 and NC1 of the emerging Herefordshire Unitary Development Plan (Deposit Draft) and Central Government guidance contained in PPG9 – Nature Conservation (1994) and PPG15 - Planning and the Historic Environment (1994).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

3 CW2003/0729/C - DEMOLITION OF GREYHOUND DOG PUBLIC HOUSE, ASSOCIATED OUTBUILDINGS AND FORMER STORE OFFICE AT THE GREYHOUND DOG PUBLIC HOUSE, OUTBUILDINGS AND ADJACENT STORE ROOM, BELMONT ROAD, HEREFORD

For: Asda Stores Ltd/Eign Enterprises Ltd. per RPS Group Plc, 3rd Floor, Park House, Greyfriars Road, Cardiff, CF10 3AF

Date Received: 7th March 2003

Ward: St. Martins & Hinton

Grid Ref: 50683, 39236

Expiry Date: 2nd May 2003

Local Members: Councillors Mrs. W.U. Attfield, A.C.R. Chappell and R. Preece

1. Site Description and Proposal

- 1.1 This application seeks Conservation Area Consent to demolish the Greyhound Dog Public House and four other associated outbuildings. The pub itself adjoins the north bound carriageway of the A49 Trunk Road and is sited approximately in the middle of the realigned carriageway as proposed by the planning application which accompanies this Conservation Area Consent application.
- 1.2 The Greyhound Dog dates from the early mid part of the 19th century and is a three storey brick construction under a slate roof. Its last use was that of a public house but it has been empty and deteriorating for a number of years.

2. Policies

2.1 Planning Policy Guidance:

PPG15 - Planning and the Historic Environment

2.2 Hereford Local Plan:

Policy CON1 - Preservation of Buildings of Architectural and Historic Interest
 Policy CON16 - Conservation Area Consent
 Policy CON17 - Conservation Area Consent – Demolition
 Policy CON18 - Historic Street Pattern
 Policy CON19 - Townscape
 Policy CON20 - Skyline

2.3 Unitary Development Plan (Deposit Draft):

Policy HBA6 - New Development within Conservation Areas
 Policy HBA7 - Demolition of Unlisted Buildings within Conservation Areas
 Policy HBA8 - Locally Important Buildings

3. Planning History

None directly relevant to this proposal.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency: The site lies within the Agency's indicative flood plain which shows a 1% APF (annual probability flooding). The Agency has concerns over the material being located in the flood plain. All the demolition materials should be removed from the site as soon as possible during and following demolition and no waste is to be stored on site.

4.2 The Environment Agency recommends the following planning condition is imposed:

All materials resulting from the demolition works shall be stored in permeable containers on site. The containers shall be removed from the site within 5 days of being full to capacity.

Reason: To ensure that there is no increase risk of flooding to other land/properties due to the impendance of flood flows and/or reduction of flood storage capacity.

5. Representations

5.1 Hereford City Council has no objection to this application.

5.2 Hereford Civic Trust: We assume that this application will stand to be considered currently with and not before the Asda application to redevelop the site at Causeway Farm with a superstore and ancillary accommodation. This is to avoid an unsightly gash in the present street scene. One may well wonder at the employment of consultants to prepare for the purpose of this application a glossy and extravagant Hereford riverside conservation area analysis to justify the provision of what is intended to be a landmark building - a questionable designation for the submitted design. (Comments on design relate to the previous scheme).

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

6. Officers Appraisal

6.1 The key issue in the consideration of this application relates to an assessment of the importance of the Greyhound Dog and ancillary outbuildings and the importance which they play within the Conservation Area. Also important having regard to advice in PPG15 and adopted Policy CON17 is the suitability of any scheme for the redevelopment of the site subject to the application.

6.2 Since its last use as a public house, the Greyhound Dog has been empty and deteriorating for a number of years. It has been allowed to deteriorate into its current position which is an almost dilapidated condition. Attempts to have the building listed were unsuccessful. Notwithstanding its current appearance, it is considered that the building does define the historic street line which existed prior to the construction of Greyfriars Bridge when the Greyhound Dog formed part of St. Martins Street. It is also considered that the building is of a scale which relates to its neighbours in this part of

the Conservation Area both in terms of its own form and design and in terms of its position adjacent to the main road. Whilst it could clearly not be argued that the building in its present form makes a positive contribution to the Conservation Area, the importance of its siting and design carry some weight and an appropriate refurbishment could act as a benefit and enhancement to the Conservation Area.

6.3 In line with adopted policies and Government guidance contained in PPG15 (Planning and the Historic Environment), demolition should only be supported on the basis of an approved comprehensive and appropriate scheme for the redevelopment of the site. Having regard to the planning application report reference CW2002/3441/F and the conclusion there in, Officers are unable at this time to support the demolition of the Greyhound Dog Public house. PPG15 recommends that consent for demolition should not be given unless there is an acceptable and detailed plans for redevelopment (par. 4.27) and where a full contract is in place for the implementation of such a replacement scheme (para. 4.29). This advice is reflected in adopted Planning Policy CON16 of the Hereford Local Plan and emerging Policies HBA6 and HBA7 of the emerging Unitary Development Plan.

6.4 In view of the above notwithstanding the present condition of the building which clearly detracts on the approach to the city centre, in the absence of an appropriately detailed and approved replacement scheme refusal is recommended.

RECOMMENDATION

That Conservation Area Consent be refused for the following reason:

- 1. The proposal is to demolish the former Greyhound Dog Public House and four other small scale buildings at the entrance to the Causeway Farm site. The site lies within the designated Hereford Central Conservation Area. Having regard to the requirements of Policy CON16 of the adopted Hereford Local Plan and emerging Policies HBA6 and HBA7 of the Herefordshire Unitary Development Plan (Deposit Draft) the proposed demolition is not acceptable. The application is not accompanied by an acceptable redevelopment scheme for the site and therefore the buildings demolition would create an unsightly gap on this important approach to the city. As such, the proposal also conflicts with Central Government advice contained in PPG15 (Planning and the Historic Environment 1994).**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

4 CE2001/2757/O - SITE FOR MIXED USE DEVELOPMENT TO PROVIDE HOUSING, OPEN SPACE, COMMUNITY AND LOCAL RETAIL USES AT LAND AT BRADBURY LINES, BULLINGHAM LANE, HEREFORD

For: George Wimpey UK Limited per Gough Planning Services, Mill Court, Mill Street, Stafford, ST16 2AJ

Date Received: 16th October 2001

Ward: St Martins & Hinton

Grid Ref: 50970, 38084

Expiry Date: 11th December 2001

Local Members: Councillors Mrs. W.U. Attfield, A.C.R. Chappell and Councillor R. Preece

1. Site Description and Proposal

- 1.1 The former Bradbury Lines military camp is situated towards the southern edge of Hereford City, to the east of residential properties fronting Ross Road, and to the west of Hoarwithy Road and to the north of the Hereford-Newport railway line. Entrances to the site are located off Hoarwithy Road and Bullingham Lane (the latter road splitting the camp into two parts). The overall site area is 20.5 ha.
- 1.2 The site supports a variety of buildings, open spaces and roads, all associated with the former use. The entire camp (with the exception of security offices) is now vacant.
- 1.3 In policy terms the site comprises 'white land' although is adjoined to the north, east and west by Established Residential Areas, and to the south by open countryside (beyond the railway line).
- 1.4 The proposal is for outline planning permission to redevelop the entire site for mixed housing, open space, community and local retail uses. All matters are reserved although a comprehensive 'bundle' of reports and surveys has been provided covering matters including the master plan, archaeology, contamination, infrastructure, open space provision, landscaping, and the design framework. Additionally, a Transport Assessment has been prepared for the entire site.
- 1.5 As all matters are reserved there is no detailed site layout although the masterplan gives a clear indication of the intended size and location of the various proposed uses. These are 14.23 ha for residential development (this equating to 498 dwellings based on 35 dwellings per ha), 3/7 ha for open space and 1.22 ha for other non-residential uses (community/health facility, special care unit and local retail facility).
- 1.6 The masterplan, as updated by the design framework, sets out the broad terms of the proposal. The design framework divides the site into three 'phases' - phases 1, 2 and 3. Phase 1 (160 dwellings and open space) already has the benefit of a Council resolution to grant planning permission subject to a Section 106 Agreement (reference: CE2001/2756/O; Central Area Planning Sub-Committee meeting of 24th July, 2002). The current application encompasses phase 1, but in addition is for the remaining phases 2 and 3.

- 1.7 Vehicular access to all phases is indicated to be from Bullingham Lane with improvements to the Bullingham Lane/Ross Road and Ross Road/Holme Lacy Road/Walnut Tree Avenue junctions (to include traffic signalled control at the former). Pedestrian, cycle and emergency links would be provided from Hoarwithy Road and Bradbury Close. A bus-only link would be provided through the site between Hoarwithy Road and Bullingham Lane.
- 1.8 Existing mature planting at the edges of the site would be retained and enhanced where necessary. The illustrative drawings forming part of the masterplan indicate 10 local areas for play (LAP's) to be provided across the site and 3.17 ha of further open space to include a local equipped area for play (LEAP), a junior size equipped football pitch, and a multi-purpose play area. The open space would be divided into a principal 'park' at the centre of the site and broad amenity margins along the Bullingham Lane and Hoarwithy Road frontages.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG3	-	Housing
PPG13	-	Transport
PPG17	-	Sport and Recreation
PPG24	-	Planning and Noise

2.2 Hereford and Worcester County Structure Plan:

CTC18	-	Development in Urban Areas
LR6	-	Public Rights of Way
LR10	-	Cycling Routes

2.3 Hereford Local Plan:

ENV7	-	Noise
ENV8	-	Contaminated Lane
ENV14	-	Design
H3	-	Design of New Residential Development
H4	-	Residential Roads
H5	-	Public Open Space Provision in Larger Schemes
H12	-	Established Residential Areas
CAL15	-	Long Distance Views
NC6	-	Criteria for Development Proposals
T11	-	Pedestrian Provision
T12	-	Cyclist Provision
R2	-	Deficiencies in Public Open Space Provision
R4	-	Outdoor Playing Space Standard
R5	-	Loss of Outdoor Playing Space
R6	-	Provision of Outdoor Playing Space
R8	-	Childrens Play Areas

2.4 Herefordshire UDP (Deposit Draft):

S1	-	Sustainable Development
S2	-	Development Requirements

S3	-	Housing
S6	-	Transport
S8	-	Recreation, sport and tourism
S11	-	Community facilities and services
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning obligations
DR10	-	Contaminated land
H1	-	Settlement boundaries and Established Residential Areas
H2	-	Housing
H9	-	Affordable Housing
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H19	-	Open space requirements
T6	-	Walking
T7	-	Cycling
T8	-	Road hierarchy
RST1	-	Criteria for recreation, sport and tourism development
RST3	-	Standards for outdoor playing and public open space
RST4	-	Safeguarding existing open space
RST5	-	New open space in/adjacent to settlements
CF2	-	Foul drainage
CF5	-	New community facilities
CF9	-	Community facilities at Bradbury Estate, Hereford

2.5 Supplementary Planning Guidance:

Bradbury Estate Hereford Development Option – November 2000

3. Planning History

- 3.1 CE2001/2756/O - Site for mixed use development to provide housing, open space, community and local retail uses (Phase 1) - Committee resolution to grant planning permission subject to Section 106 Agreement 26th June, 2002.

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency: No objection subject to conditions.
- 4.2 Environment Agency: Support recommendations made in the ecological report for the ecological enhancement of the site.

Regarding the contamination survey - the complexity of the various land-uses at the site makes an assessment of contamination difficult. In addition, it is quite possible that during the redevelopment additional areas of contamination will be identified. The Draft Remedial Action Plan provides an acceptable method statement for dealing with contamination identified in the contamination survey and further potential unidentified contamination.

- 4.3 Herefordshire Nature Trust: Recommends conditions.
- 4.4 Railtrack: Recommends informative notes.
- 4.5 Open Spaces Society: Development should not block un-extinguished former rights of way across site, if any. The cycleways should be a shared segregated cycle route, both for pedestrians and cyclists.
- 4.6 Sport England: Has considered the application in the light of its Playing Fields Policy. This policy aims to ensure that there is an adequate supply of playing fields and quality pitches to satisfy the current and estimated future demands for pitch sports. The policy identifies five exceptions to our normal position of opposing development, which would result in the loss of playing fields.

Sport England considers that none of the exceptions identified in the policy have been addressed and satisfied by the applicant in the submission. Playing fields under threat should wherever possible be protected from development as they provide a valuable local amenity resource. As no suitable alternative replacement facility has been put forward to offset the loss, the proposal has not been justified as exceptional circumstances.

In these circumstances Sport England makes an objection to the planning application on the grounds that there will be a loss of a playing field.

- 4.7 Herefordshire NHS Primary Care Trust: Keen to have health care accommodation on the overall camp site. South Wye is an area of particular health need, and with the exception of the Ross Road Clinic (already at full capacity), there are no bases for providing services in the area.

Public surveys as part of the South Wye regeneration project have identified the high priority which local people give to having better local access to health. Discussions with the local residents have received keenness for such facilities to be appropriately linked with general community accommodation there.

Preference would be for purpose-built health clinic rooms which could be used by GPs and a range of other health workers.

Object to the application unless satisfied that the health needs of the additional population can be met, which is likely to require the ability to establish additional primary and community health service facilities in the area of the development.

The PCT report concludes as follows:

"The PCT would have grave concerns about the ability to provide an appropriate level of service to the population of the new development given the lack of community and primary care facilities in the area at present. There is also already significant demand on existing services and no scope at present to develop new facilities. While it is recognised that not all the population would be new to Hereford City - some residents would relocate from other areas - the potential impact on demand in an area where service provision is already stretched should not be underestimated."

Internal Council advice

- 4.8 Head of Engineering and Transportation: No objection in principle subject to conditions and planning obligation. Conditions must include details of means of controlling emergency/cycle accesses to prevent their use by general traffic, and layout of the overall site. Also, expect the infrastructure for bus access on to the site to be provided as part of the development as difficult to provide retrospectively.

From a safety standpoint, a pedestrian crossing should be provided on the A49 nearby Bradbury Close.

- 4.9 Head of Environmental Health and Trading Standards: Recommend conditions covering railway noise, noise from on-site activities and contaminated land.

- 4.10 Chief Conservation Officer: Quality trees on the site should be retained. Slow worms on the railway embankment should be protected by way of a buffer zone. No vegetation clearance should take place during the bird nesting season (March to August). Archaeological excavations are now taking place in the areas identified through initial evaluation. Recommend conditions.

- 4.11 Head of Policy and Resources - Education: Projections of pupil numbers suggest that there will be sufficient space in the existing schools south of the river to cater for all primary aged children from the new housing. However, there will be more secondary aged children - funding for two permanent classrooms for the entire camp site is required to make up the projected deficiency.

- 4.12 Leisure Services Manager: At the current proposed level of open space, best use would be for informal recreation and play space. A MUGA (Multi Use Games Area) and NEAP (Neighbourhood Equipped Area of Play) together with the increased percentage for informal recreation and a careful planting scheme would best serve the immediate community. Proposed LAPs (Local Areas of Play) within the housing areas, providing safe play spaces for younger children, and proposed linear park areas and buffer planting will enhance the site and provide amenity value.

The MUGA, NEAP and LAP should be appropriately equipped by the developer, and maintenance costs met through Section 106 Agreement.

- 4.13 Head of Strategic Housing Services: The developer has agreed to 36% affordable housing provision in accordance with SPG. The developer is also aware that the housing must be delivered without public subsidy. Provision should be phased throughout the development. Phasing and form of housing should be controlled through a Section 106 Agreement.

5. Representations

- 5.1 Hereford City Council: Serious reservations concerning the density of the proposed development and concerns were seriously expressed about the potential impact on road traffic and public transport.

- 5.2 Lower Bullingham Parish Council: Summarised as follows:

- severe traffic congestion along Ross Road, B4399 Holme Lacy Road and Hoarwithy Road. A new traffic count should be taken to assess impact;

- likely problem with foul-water disposal. As far as the Parish Council knows there have been no substantial improvements in foul drainage for many years along the Holme Lacy/Ross Road and city system. Already south of the river some extra 500 houses have been built still using the same system (some with holding tanks). New development should couple to large main in Goodwin Way (linking straight to Rotherwas or Eign Works);
- site requires a quality development with social benefits, amenity, playing fields, and adequate infrastructure;
- application is premature.

5.3 Representations have been received from 8 nearby residents and 'Rail for Herefordshire' summarised as follows:

- traffic generation and congestion;
- social and community facilities required south of the river;
- flooding as a consequence of additional development;
- inconvenience to users of Bullingham Lane/A49 junction;
- adequate screening should be provided/retained at edges of site;
- other uses more appropriate - e.g. prison, refugee centre, etc;
- disturbance to wildlife and trees;
- change in levels between site and Web Tree Avenue leading to loss of privacy unless screened;
- public transport infrastructure must be provided before houses are occupied;
- contribution should be made towards Rotherwas Relief Road.

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

6. Officers Appraisal

6.1 The main issues relevant to the consideration of this application are the principle of the proposed development, the general layout of the scheme (including public open space provision), access and traffic generation, infrastructure provision, wildlife, affordable housing, and other consequences of the development.

6.2 An important material consideration is the earlier Sub-Committee resolution to grant planning permission for phase 1 of this current application. Phase 1 forms an integral part of the 'Master Plan' for the site, phases 1, 2 and 3 being inextricably linked.

6.3 Principle of Development

In November 2000 the local planning authority published the Bradbury Estate Hereford Development Options Report (BEHDO) for the entire camp site. The purpose of the BEHDO was to assess the current land uses within the estate and to consider redevelopment options to be incorporated in the emerging UDP. The BEHDO envisages redevelopment to provide a 'mixed use development comprising predominantly housing, but also including private and public open space, neighbourhood/community facilities, employment uses and a graveyard'.

6.4 The camp is shown as 'white land' in the Hereford Local Plan, and is 'brownfield' for the purposes of PPG3. It is surrounded on three sides by residential development defined as Established Residential Areas in the Hereford Local Plan. Having regard to

the location essentially within an Established Residential Area, no objection is seen to redevelopment of the overall site for predominantly residential purposes.

- 6.5 In September 2002 the Council published the Herefordshire UDP (Deposit Draft). The site is defined as a Proposed Housing Site in this document with an estimate of 400 residential units to be provided in two phases during the Plan period (Policy H2). Additionally, Policy CF9 expects an appropriate area of land and/or buildings for community facilities, and Policy RST5 expects new public recreational, amenity and open space uses.
- 6.6 The overall camp site covers 20.5 ha of which 3.2 ha is proposed to be open space and 1.2 ha community/health land uses and a possible site for extra care housing. 14.2 ha is proposed for housing this equating to some 426 – 568 dwellings based on densities of 30 – 40 dwellings to the hectare. PPG3 advises that local planning authorities should seek to avoid development with densities less than 30 units to the hectare and encourage higher densities where appropriate (for example, where there are good links to public transport). The site is in a location with a reasonable level of public transport provision and, therefore, development at a higher density is considered appropriate. Notwithstanding the proposed UDP allocation, development at a density of 35 units to the hectare would result in a approximately 500 units.
- 6.7 No industrial development is proposed as referred to in the BEHDO. The lack of any on-site provision is not considered to be an overriding issue having regard to the proximity of Rotherwas and the likely adverse impact of commercial traffic generation in a residential area.

6.8 General Layout (including public open space provision)

The application is in outline form with all matters reserved. The Master Plan and Design Framework do, however, include illustrative layout drawings. The Design Framework being the most recent document indicates residential development over the larger part of the site, although with central and marginal areas of open space totalling 3.2 ha. Three principal roads would enter the site from Bullingham Lane with pedestrian/cycle/bus/emergency access only from Hoarwithy Road. This access arrangement differs from that shown on the original Master Plan stemming from the results of the TA – see paragraph 6.12 below.

- 6.9 Public open space provision comprises a 1ha formal central park and 1.45 ha informal/‘sport’ recreational area (including the MUGA) to its south side. Further green corridors would be provided adjacent to Hoarwithy Road, Bullingham Lane, and the railway totalling approximately 0.72 ha. Applying the NPFA six acre standard as set out in Policy R4 of the Local Plan (which requires 2.43 ha of open space per 1,000 residents), 3.2 ha of open space is sufficient for 500 units (1180 residents at 2.36 persons per unit require a minimum of 2.9 ha of open space).
- 6.10 The open space would include a MUGA (at the request of the Parks Officer) and a LEAP, and an additional 10 toddlers play areas (LAPs) would be provided within the residential areas in accordance with Policy H5.
- 6.11 Sport England have raised objection to the development in view of the loss of existing playing fields on the military base. There is presently 5.5 ha of private open space on the base of which approximately 1.85 ha is playing fields. Policy R5 of the Local Plan states that development proposals which would lead to the loss of private playing fields will only be permitted in exceptional circumstances having regard to, in particular,

whether sports and recreation facilities can best be retained and enhanced through the development of a small part of the site (particularly where there are improvements to public access) and the availability of nearby alternative public and private play space. In this case the proposal is to provide public open space which is more than adequate in area to meet the needs of the proposed development itself. To meet a recognised shortfall in playing field provision in the wider locality the proposal includes the LEAP and MUGA (and a community building – see paragraph 6.28). Having regard to the historic lack of access to the military base, these public open space and playing field provisions are considered to be a significant gain, overriding Sport England's objection to the development.

6.12 Access and Traffic Generation

As a former military base there are no public rights of way into or across the site. A new network of roads, cycleways and pedestrian routes would be provided as part of the development. All vehicular traffic would access the site from three junctions with Bullingham Lane. Pedestrian, cycle, bus and emergency access would be provided from Hoarwithy Road only. Pedestrian, cycle and emergency access would be provided from Bradbury Close.

6.13 To accommodate additional traffic from the development on the wider road system, an upgraded traffic-signalled junction is proposed at the junction of Bullingham Lane and the A49(T) (with south-bound bus lay-by and service road access repositioned). Additionally, modifications are proposed to the A49(T)/Walnut Tree Avenue/Holme Lacy Road junction through some widening and introduction of traffic islands. Improved pedestrian/cycle routes would be provided from the site to the A49(T) along Bullingham Lane and on the A49(T) (including crossing facilities as part of the new traffic-signalled junction). A central island would be provided close to the junction of Bradbury Close with the A49(T).

6.14 A Traffic Assessment has been carried out as part of the application process which concludes that there are no highway safety issues arising from the proposed development subject to the off-site works described above. Specifically the TA concludes the following:

- “a) The proposed site accesses to Bullingham Lane are in accordance with the appropriate design standards and have been shown to function satisfactorily in the assessment year.
- b) The A49(T) Ross Road/Bullingham Lane junction will function satisfactorily without capacity modification with up to 265 dwellings in use on the site. With the proposed capacity modifications presented this junction will function satisfactorily with 500 dwellings in use on the site in the 2022 assessment year. Improvements at this junction for pedestrians have been identified and are proposed to be implemented before any dwellings on the site come into occupation.
- c) The A49(T) Ross Road/Holme Lacy Road junction, with proposed modifications, will function without detriment in the assessment year. Indeed, the proposed development, and associated junction improvement proposals, will improve conditions at this junction for all road users. The proposed junction modifications will become necessary after more than 160 dwellings are occupied on the site.

- d) The existing Holme Lacy Road/Hoarwithy Road junction will function satisfactorily in the assessment year.”

The Highways Agency and this Council’s Transportation Manager broadly concur with these conclusions, subject to the off-site works being completed prior to the occupation of the 161st dwelling on the site and further contribution through a Section 106 Agreement relating to pedestrian, cycle and bus facilities. Conditions are recommended accordingly.

6.15 Pedestrian, Cycle and Bus Facilities

Both PPG3 and PPG13 emphasise the importance of integrating decisions on planning and transport in order to reduce the need for travel by car. The TA addresses this particularly important issue in some detail proposing the following:

- a) New signal-controlled pedestrian facilities at the A49(T) Ross Road/Bullingham Lane junction, encouraging pedestrian access to bus services on Ross Road and benefiting existing residents as well as those of the proposed development;
- b) Provision of new pedestrian and cycle facilities on Bullingham Lane;
- c) Pedestrian and cycle linkages to Hoarwithy Road, providing access to local facilities and to bus services on Hoarwithy Road;
- d) Pedestrian and cycle linkage to Bradbury Close, providing access to local facilities and a convenient route to Hereford city centre;
- e) Provision of a new pedestrian refuge on the A49(T) Ross Road south of Bradbury Close, benefiting existing residents as well as those of the proposed development;
- f) Provision of a new bus stop with shelter on the site frontage to Hoarwithy Road 50m north-west of Winston Road;
- g) Complementary 12-month bus passes for owners/occupiers of new dwellings for travel within the City of Hereford.

6.16 These proposals are commendable insofar as they relate directly to the site. However, to achieve full integration and to fulfil the principles of sustainability, further measures are considered reasonable and necessary, and to this end the applicant has agreed to the following over and above the TA conclusions:

- a) Financial contribution towards ‘Safer Routes to School’ between the application site and Haywood High and Blackmarston Schools (to include walk/cycle links, lighting, signage and surfacing improvements, traffic calming and contributions towards study costs);
- b) Financial contributions towards improved walk/cycle links to city centre and Rotherwas;
- c) Financial contribution towards a new ‘toucan’ crossing on Holme Lacy Road in the vicinity of the Co-op store.

- 6.17 With specific regard to bus services, the Master Plan proposes a bus only link across the centre of the site from Bullingham Lane to Hoarwithy Road with a new central stop. The applicant does not propose to provide, or subsidise, a new or diverted bus service (see paragraph 6.18), although it is intended to provide the necessary infrastructure if required. The applicant is proposing to fund bus passes for the owners/occupiers of the new dwellings (this equating to some £250,000 at current prices), and would not object to this sum being used to subsidise a bus service through the site as an alternative. This is considered a reasonable approach to dealing with the issue of bus services, and the two options can be tabled in a Section 106 Agreement.
- 6.18 The TA addresses the issue of existing bus services noting in particular that the majority of houses on the site would be within 400m of existing and proposed bus stops on Hoarwithy Road and Ross Road where frequent services run. The Institute of Highways and Transportation's Guidelines for Planning for Public Transport in Developments recommend that the maximum walking distance to a bus stop should not exceed 400m. Although this figure is largely achieved, it could be improved by bus penetration into the site, possibly through diversion of existing services. This is a matter which requires further examination at the detailed application stage although the commitment now by the applicant to provide the infrastructure is welcomed.
- 6.19 Regarding the further pedestrian/cycle link contributions, these are also supported, in particular those relating to Safer Routes to School. The complete package of highways works and improvements are considered to be both appropriate and relevant to the development proposed, in accordance with legislation.

6.20 Infrastructure Provision

An Infrastructure Assessment has been provided for the entire site. In the main, new on-site infrastructure would be provided and basic services (electricity, gas, water) are within capacity. More specifically, Hyder have confirmed that adequate capacity exists within the 300mm public sewer in Hoarwithy Road to cater for foul water discharge from the full development.

- 6.21 With regard to surface water, the Infrastructure Assessment calculates that the peak surface water discharge rate from the site would exceed the capacity of the culverted water course in Hoarwithy Road. Various solutions to this are presented including balancing ponds, underground storage tanks and permeable pavements which would 'hold' the excess water for later controlled release. In theory these are acceptable solutions to the capacity issue, and can be controlled by planning condition. There is adequate space on the site to accommodate balancing ponds/tanks.

6.22 Wildlife

A full Ecological Appraisal has been carried out which concludes that habitats present within the site are of low to negligible value offering no significant constraint to redevelopment. Slow worms are present in the vicinity of the railway embankment and conditions are recommended for their future protection in particular.

6.23 Affordable Housing

The Council's SPG 'Provision of Affordable Housing' sets a target of 36% provision on large sites (25 units or more) such as this. The applicant is agreeable to meeting this target with a mix of RSL/low cost market affordable housing. With a development of 500 units the number of affordable units would be 180.

6.24 Government guidance on affordable housing in Circular 06/98 sets out the requirement for Local Plans to include policies for affordable housing on suitable sites. The Circular does not, however, specify the form the affordable housing should take. Notwithstanding this, the Section 106 Agreement relating to the Phase 1 application has been drafted on the basis of a 50/50 split between RSL provided affordable housing and low cost market housing. It is considered that it would be entirely reasonable to apply this ratio to the current application affecting the whole site.

6.25 Other implications of the Development (Section 106 Agreement)

The applicant has agreed to the principle of providing affordable housing, carrying out off-site highways works (or making contributions to such works), providing open space (including the MUGA) and 'gifting' bus passes to the occupiers of the development (or contributing finance towards a bus service). Additional implications of the development are the impact of further children on school facilities, the impact on local health care provision, the provision of more general community facilities and cemetery accommodation.

6.26 Regarding school facilities, the Council's Education and Policy and Resources Officer has calculated that the overall proposal is likely to result in a requirement for two additional classrooms at nearby schools. As a consequence it is considered reasonable that the applicant should fund these classrooms.

6.27 In relation to health care facilities, the Herefordshire NHS Primary Care Trust raises objection in view of the impact of the development on local health care provision. The applicant is unwilling to fund such provision although would be agreeable to land and/or buildings being provided as part of an overall community facility. This is considered to be a reasonable approach to dealing with this matter, providing a starting point for the Trust from which accommodation could be provided for the benefit of the wider community.

6.28 The applicant has agreed to provide land and/or buildings for community use. The revised preference of the local residents group, the Putson Residents Association, is for a new purpose-built community hall with access from Hoarwithy Road. The applicant is willing to provide, or contribute towards, such a facility and a clause can be included in the Section 106 Agreement accordingly.

6.29 The BEHDO sets out a requirement for a new graveyard within this area in association with St Martin's Church which could be provided on part of the overall camp site. The applicant is willing to contribute towards this provision and a clause can again be included in the Section 106 Agreement.

6.30 Other matters, including contamination, archaeology (the site is in the process of being investigated) and landscaping would be covered by conditions.

6.31 Conclusion

Phase 1 of this proposal effectively has planning permission stemming from the earlier Sub-Committee decision. This application is for the entire site including phase 1.

6.32 The proposal is essentially to create a new community within the existing community with all the facilities necessary to achieve sustainable integration. In addition to the well-planned and equipped new development on the site itself (to include mixed housing, open space, sports facilities and a community building), the applicant also

proposes to carry out considerable off site works and/or contribute to other off site works relating to highway improvements, education provision, safer route to school, cemetery space and pedestrian/cycle links to other parts of the city. Having regard to the brown field status of the site and the acceptability of the development package in all respects, approval is recommended subject to the applicant entering into a Section 106 planning obligation.

6.33 Attached to this item is an annex setting out the terms and financial implications of the planning obligation.

RECOMMENDATION

1 The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 requiring the applicant to provide:

- (i) 36% of the housing units as affordable housing of which a minimum of one half to be provided through a Registered Social Landlord (and a minimum of two thirds of this 'half' to be for rent), all appropriately phased throughout the development;**
- (ii) a financial contribution towards the provision of additional education facilities at the local schools;**
- (iii) complimentary bus passes for owners/occupiers of the residential units for the first year of occupation and/or a financial contribution towards a bus service/re-routed service on the site;**
- (iv) the provision of open space to include the LEAP, MUGA and 10 LAP's together with a financial contribution towards maintenance costs for the next 10 years;**
- (v) the provision of a serviced and equipped community building and associated facilities (access, parking, landscaping) or a financial contribution and land for the provision of such a facility;**
- (vi) a financial contribution towards the cost of providing safer routes to school facilities and improved pedestrian/cycle links within the vicinity of the site (to include a toucan crossing on Holme Lacy Road);**
- (vii) a financial contribution towards cemetery provision within the City.**

And deal with any other appropriate and incidental terms, matters or issues.

2 Upon completion of the aforementioned planning obligation the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered necessary by Officers:

1 Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

- 2 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 by Section 92 of the Town and Country Planning Act 1990.

- 3 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 by Section 92 of the Town and Country Planning Act 1990.

- 4 Plans and particulars of the reserved matters referred to above relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.**

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

- 5 The development shall be carried out in all respects strictly in accordance with the approved plans except where otherwise stipulated by conditions attached to this permission.**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 6 No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure that the materials harmonise with the surroundings.

- 7 No development shall take place until the applicants or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service.**

Reason: To ensure the archaeological interest of the site is recorded.

- 8 The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow him/her to observe the excavations and record items of interest and finds. A minimum of 5 days' written notice of the commencement date of any works forming part of the development shall be given in writing to the County Archaeology Service.**

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

- 9** The hours during which site plant and machinery may be operated shall be restricted to 8.00am to 6.00pm Mondays to Fridays and 8.00am to 1.00pm on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality.

- 10** The loading and unloading of service and delivery vehicles together with their arrival and departure from the site shall not take place outside the hours of 8.00am and 6.00pm Mondays to Fridays and 8.00am and 1.00pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality.

- 11** No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works and surface water run-off limitation has been submitted to and approved in writing by the local planning authority. Such scheme shall be implemented before the first use of the development hereby approved.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 12** There shall be no, direct or indirect, discharge of surface water to the public foul sewer.

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

- 13** No materials or substances shall be incinerated within the application site during the construction phase.

Reason: To safeguard residential amenity and prevent pollution.

- 14** No phase of the development hereby approved shall commence until the scheme to deal with contamination of the site set out in the Remedial Action Plan - Bradbury Lines, Hereford (Document: 20971 rap2) dated September 2003 ("the Plan") has been implemented in accordance with the Plan to the satisfaction of the local planning authority. Following completion of de-contamination of each phase the applicant shall notify the local planning authority in writing prior to discharge of this condition as it affects the particular phase. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the Plan then details shall be submitted in writing to the local planning authority prior to decontamination works taking place.

Reason: To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority.

- 15** Prior to the commencement of each phase of the development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings

approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

- 16** No phase of the development hereby approved shall be occupied until a landscape design has been submitted to and approved by the local planning authority. The submitted design shall include drawings at a scale of 1:200 or 1:500 and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 17** The landscaping scheme approved under condition 16 above shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 18** The landscaping scheme required by condition No. 16 above shall include the following:

(a) Full details of all existing physical and landscape features on the site including the position, species, height, girth, spread and condition of all trees, clearly distinguishing between those features to be retained and those to be removed.

(b) Full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting.

(c) Full details of all protective measures to prevent damage during the course of development to trees and other features to be retained.

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

- 19** A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner,

for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of visual and residential amenity.

- 20 (a) The detailed siting and layout plans to be submitted under condition no. 4 shall include provision of a single area of public open space (the "Central Area") to be a minimum of 2.45 ha in area (to include a suitably equipped Locally Equipped Area of Play and a Multi-Use Games Area), other open areas/corridors to be a minimum of 0.72 ha; and a minimum of 10 suitably equipped toddlers' play areas (each a minimum of 0.2ha in area in accordance with the standards adopted by the local planning authority).

(b) The Central Area and other open areas/corridors shall be provided and equipped for use in accordance with the approved siting and layout plans prior to the occupation of any part of phases 2 and 3 of the development or in accordance with a programme to be agreed in writing with the local planning authority. The first toddlers play area shall be provided and equipped prior to the occupation of the 50th dwelling, and subsequent toddlers play areas shall be provided and equipped after the occupation of each subsequent block of 50 dwellings or in accordance with a programme to be agreed in writing with the local planning authority.

Reason: To ensure the proper planning of the development in accordance with the Master Plan and ensure a phased and adequate standard of amenity for the development.

- 21 (a) A minimum of 36% of the dwellings hereby approved shall comprise affordable housing.

(b) One third of the total affordable housing shall be provided in each of the three phases of the development unless otherwise agreed in writing with the local planning authority.

(c) Within each phase of the development no more than 60 of the open market dwellings shall be occupied prior to the completion of the affordable housing unless otherwise agreed in writing with the local planning authority.

Reason: To ensure a satisfactory housing mix and to accord with local and national planning policy.

- 22 (a) The detailed siting and layout plans to be submitted under condition no. 4 shall include a new community building (the details of which are to be agreed in writing by the local planning authority) and access thereto from Hoarwithy Road on a site to be a minimum of 1 ha in area.

(b) The new community building and access thereto shall be provided and equipped for use in accordance with the approved details prior to the occupation of the 240th dwelling.

Reason: To ensure the proper planning of the site in accordance with the Master Plan and the policies for the provision of community facilities.

- 23 Prior to the commencement of Phase 3 of the development a reptile mitigation strategy that includes details of the timing, methodology, reptile fencing and personnel responsible for slow worm translocation shall be submitted to and agreed in writing by the local planning authority. The strategy must include all details of the proposed slow worm corridor alongside the railway line including its protection during construction and its future management including the construction of an artificial reptile hibernaculum. The strategy shall be implemented as approved prior to the commencement of Phase 3.

Reason: To protect the nature conservation interest of the site.

- 24 Development shall not begin until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the local planning authority.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 25 The development shall not be occupied until the roadworks necessary to provide access from the nearest publicly maintained highway have been completed in accordance with details submitted to and approved in writing by the local planning authority.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 26 All roadworks shall be completed within a period of 2 years or other period agreed in writing from the commencement of work on the site, or within 6 calendar months of the substantial completion of 75% of the dwellings hereby approved if this is sooner. This will entail the making good of surfacing, grassing and landscaping in accordance with a specification submitted to and approved in writing by the local planning authority. (Nothing in this condition shall conflict with any phasing scheme, in which respect it will be interpreted as applying to the particular phase being implemented).

Reason: In the interests of highway safety and convenience and a well co-ordinated development.

- 27 Prior to the first occupation of any dwelling to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the local planning authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 28 Before any other works associated with any particular phase of the development hereby approved are commenced, the construction of the vehicular access(es), footway/cycleway improvements to Bullingham Lane, and pedestrian links and pedestrian crossing refuges associated with the particular phase shall be carried out in accordance with drawing no. HSL00466 - Fig 3 with the Traffic Assessment

dated August 2002, and in accordance with a specification to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety.

- 29 The highway improvements shown on drawing no. HSL00466/005/Revision C, entitled Proposed Improvements to Ross Road/Bullingham Lane Junction and dated 27-05-03 shall be certified as completed in full by the Local Planning Authority in consultation with the Highway Authority prior to the occupation of the 161st dwelling within this development. Minor Amendments to this drawing may be made at the discretion of the local planning authority in consultation with the Highway Authority; these amendments can only be given effect if endorsed in writing by the local planning authority in consultation with the Highway Authority.

Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with section 10 (2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road.

- 30 The improvements to the Ross Road/Bullingham Lane junction will include the provision of traffic signal control equipment and the necessary telecommunication works to ensure that this junction can be operated either as an efficient stand-alone junction or as part of a wider co-ordinated network.

Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with section 10 (2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road.

- 31 The highway improvements shown on drawing no. HSL00466/024/Revision B, entitled Ross Road/Holme Lacy Road/Walnut Tree Avenue Junction Improvements and dated 22-05-03 shall be certified as completed in full by the local planning authority in consultation with the Highway Authority prior to the occupation of the 161st dwelling within this development. Minor amendments to this drawing may be made at the discretion of the local planning authority in consultation with the Highways Authority; these amendments can only be given effect if endorsed in writing by the local planning authority in consultation with the Highway Authority.

Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with section 10 (2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road.

- 32 The improvements to the Ross Road/Holme Lacy Road/Walnut Tree Avenue junction will include the provision of traffic signal control equipment and the necessary telecommunication works to ensure that this junction can be operated either as an efficient stand-alone junction or as part of a wider co-ordinated network.

Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with section 10 (2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road.

- 33** Means of vehicular access for construction traffic to the development hereby approved shall be from Bullingham Lane only.

Reason: In the interests of highway safety and to safeguard residential amenity.

- 34** Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interests of highway safety.

- 35** The detailed siting and layout plans to be submitted under condition no. 4 shall include full details of the bus link through the site including specification of construction and, if required, means of controlling access from Hoarwithy Road. The bus link shall be constructed as approved in accordance with a programme to be agreed in writing with the local planning authority.

Reason: To ensure the proper planning of the development in accordance with the proposed scheme.

- 36** There shall be no vehicular access(es) between the site and Hoarwithy Road other than for pedal bikes, buses and emergency vehicles in the event of an emergency, and to exclusively serve the community building. The reserved matters shall include details of the intended means of ensuring that there will be no vehicular access between the site and Hoarwithy Road; and these works shall be carried out as approved prior to the commencement of building works on the site or in accordance with a programme to be agreed in writing with the local planning authority.

Reason: To accord with the terms of the application and safeguard highway safety.

- 37** There shall be no vehicular access between the site and Bradbury Close other than for pedal bikes and emergency vehicles in the event of an emergency. The reserved matters shall include details of the intended means of ensuring that there will be no vehicular access between the site and Bradbury Close; and these works shall be carried out as approved prior to the commencement of building works on the site.

Reason: To safeguard residential amenity.

- 38** There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within:
- a) 5m of the top of any bank or watercourses; and/or
 - b) 3m of any side of an existing culverted watercourse,

inside or along the boundary of the site, unless agreed in writing by the local planning authority.

Reason: To enable access to be maintained to the watercourses for maintenance or improvement purposes, and to provide for overland flows.

- 39 Prior to the commencement of phase 3 details of measures to protect those dwellings affected by noise disturbance from the railway line shall be submitted for approval in writing by the local planning authority. The details shall be carried out as approved prior to occupation of the affected dwellings.

Reason: In the interests of residential amenity having regard to the information contained in the Railway and Road Traffic Noise Assessment dated October 2001.

- 40 The detailed siting and layout plans to be submitted under condition no. 4 shall include a plan (to be entitled "Affordable Housing") for each phase appropriately coloured to show exclusively the affordable housing (a different colour to be used for the Discounted Low Cost Housing and RSL Housing). Ultimately at completion of the entire development a single plan for the whole site, again appropriately coloured, shall be submitted to show exclusively the affordable housing.

Reason: To clarify the location of all housing on the site and to ensure future certainty as to the specific location of the affordable housing.

- 41 (a) The detailed siting and layout plans to be submitted under condition no. 4 shall include details of the retail use, to comprise a Local Centre.

(b) The retail use shall be provided and equipped in accordance with the approved details prior to the occupation of the 60th dwelling in Phase 3 of the development or in accordance with a programme to be agreed in writing with the local planning authority.

Reason: To accord with the terms of the application and to ensure the proper planning of the development.

[After 5th December 2003 all reasons for conditions to refer to Development Plan policy].

Notes to Applicant:

- 1 Your attention is drawn to the requirements of Part M of the Building Regulations 1991 in respect of the need to provide access and facilities for the disabled.
- 2 This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
- 3 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.

- 4 Your attention is drawn to Section 80 of the Building Act 1984 whereby no demolition may be carried out without proper notice to the local authority and a counter notice issued under Section 81.
- 5 The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- 6 This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. A.G. Culley, Divisional Surveyor (South), Unit 3, Thorn Business Park, Rotherwas, Hereford Tel: 01432-261955, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.
- 7 No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact Mr. R.J. Ball, Lead Planner (Transportation), PO Box 236, Hereford, HR4 9ZH to progress the agreement.
- 8 The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations to Mr. A. Byng, Section 38 Manager, Engineering Services, PO Box 236, Hereford, HR1 2ZA. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.
- 9 It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, Herefordshire Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways.

The applicant is, therefore, advised to submit the engineering details referred to in this conditional approval to Mr. A. Byng, Section 38 Manager, Engineering Services, PO Box 236, Hereford, HR1 2ZA at an early date to enable surface water disposal arrangements to be assessed.
- 10 Reference in any condition to phasing, or phases, relates to the "Design Responses - Land Division" plan forming part of the Design Framework. For clarification, this divides the site into three phases - area 1; areas 2a, 2b and 2c; and 3b.
- 11 If you have any queries regarding the archaeological interest of the site or the requirements of the conditions relating to archaeological work, please contact Herefordshire Archaeology, Planning Services, Town Hall, St. Owen Street, Hereford (Tel: 01432-383351).
- 12 Slowworms are a protected species under the terms of the Wildlife and Countryside Act 1981. It is an offence to harm or kill a protected species or its habitat. The applicant is advised to contact English Nature regarding measures

required to protect the species and any license requirements to carry out works close by.

- 13 For the purposes of condition no. 41, the term "Local Centre" is defined as a small grouping of local convenience shops as referred to in Annex A of PPG6".

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

ANNEX TO REF. 4 – PLANNING OBLIGATION

Obligation	Phase 1	Phases 2 & 3
(i) Affordable Housing	36% Provision	
(ii) Education Facilities	£80,000	£80,000
(iii) Public Transport	£250,000	
(iv) Open Space: <ul style="list-style-type: none"> - toddlers play areas - LEAP - MUGA 	£15,000* £18,800*	£35,000* £20,000* est. £35,000*
	Plus 10 years maintenance if offered for adoption	
(v) Community facility [©]	£220,800	£469,200
	Including three years maintenance	
(vi) Graveyard	£16,000	£34,000
(vii) Off Site highways works: <ul style="list-style-type: none"> - Bus stop infrastructure - Walk / Cycle facilities - Safer routes to schools 		£20,000 £45,000 £70,000
Total (excluding (i) & (iv)/(v) maintenance)	£350,600	£1,058,200
Total of Phase 1 + Phases 2 & 3	£1,408,800	

* - equipment to the value of.

© - excluding land value

5 CE2002/1901/F – CHANGE OF USE OF FORMER MILITARY CHAPEL TO COMMUNITY USE AT BRADBURY LINES, HOARWITHY ROAD, HEREFORD

For: George Wimpey U.K. Limited per Gough Planning Services, Suite 2, Trevithick House, Stafford Park 4, Telford, Staffordshire, TF3 3BA

Date Received: 26th June 2002

**Ward: St. Martins
& Hinton**

Grid Ref: 51201, 37898

Expiry Date: 21st August 2002

Local Members: Councillors Mrs. W.U. Attfield, A.C.R. Chappell and R. Preece

1. Site Description and Proposal

1.1 The 1 ha application site is located in the south-east corner of the Bradbury Lines former military base. It supports two self-contained buildings - the Palladrin Club (former camp social club) and Chapel (former camp chapel), both now vacant. Access to both buildings is from Hoarwithy Road.

1.2 The proposal is to change the use of the chapel to a local community building for use by Putson Community Association and other similar community groups. No external alterations are required. In its original form the application also proposed change of use of the Palladrin Club to community use, however following an unfavourable structural report this element of the application has been withdrawn. The Palladrin Club is to be demolished along with all other buildings on the base, this not requiring planning permission.

2. Policies

2.1 Hereford Local Plan:

ENV7	-	Noise
SC9	-	Local Facilities

2.2 Herefordshire UDP (Deposit Draft):

S11	-	Community facilities and services
DR13	-	Noise
CF5	-	New community facilities
CF9	-	Community facilities at Bradbury Estate

3. Planning History

3.1 There is no relevant planning history.

4. Consultation Summary

Statutory Consultations

4.1 Highways Agency: No objection.

Internal Council Advice

4.2 Head of Engineering and Transportation: Views awaited.

4.3 Head of Environmental Health and Trading Standards: Consideration should be given to potential noise disturbance from activities undertaken and hours of operation.

5. Representations

5.1 There are no representations on this application.

6. Officers Appraisal

6.1 As part of the overall redevelopment of the Bradbury Lines site it is the intention of the applicant to provide a new community facility. In the event of the re-development application being approved, the provision of the facility and its phasing in the overall site programme would be controlled through a Section 106 Agreement and planning conditions. Central Government Circular guidance in respect of such agreements requires their drafting to be reasonably undertaken with 'triggers' for works to commence, or contributions which have financial implications, to be appropriately phased through the site programme.

6.2 In this case it is considered reasonable to require the applicant to provide a new community facility. However, it is not considered reasonable to require the facility to be provided right at the beginning of the site programme. A more realistic trigger date is likely to be, perhaps, 3 or 4 years into the programme when cost to the developer can be more reasonably absorbed.

6.3 Acknowledging the frustration this is likely to cause to parties benefiting from the community facility the applicant is proposing as a temporary measure for the existing chapel to be retained and used as a community facility. On face value this is a generous undertaking which would benefit the community groups in the locality until such time as when the permanent community facility is provided through the Section 106 Agreement. The terms and conditions of any contract made between the applicant and the community groups relating to the use of the chapel would be an entirely private matter.

6.4 On its planning merits, the chapel (and adjacent Palladrin Club) has been used for social, religious and community purposes, albeit associated with the military base. The use of the chapel for general community purposes would not, it is considered, have any greater impact on the general amenities of the area. In the event of planning permission being granted conditions are recommended to control the hours of use and requiring existing vehicle parking areas to be retained.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 No community or social activities or functions shall take place at the site outside the hours of 7.00am to 23.30pm daily unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the amenities of the locality.

- 3 The existing parking and turning areas at the site (including those serving the former Palladrin Club) shall be permanently maintained exclusive for the purpose of parking and turning in connection with the use hereby permitted.

Reason: To ensure that there is adequate parking and turning at the site in the interests of highway safety.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

6 DCCE2003/2592/F - PROPOSED TWO-STOREY EXTENSIONS AT HAMPTON GRANGE NURSING HOME, 48/50 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TH

For: Mrs. C. Dolan per Hook Mason, 11 Castle Street, Hereford, HR1 2NL

Date Received: 26th August, 2003 Ward: Tupsley Grid Ref: 52806, 39139

Expiry Date: 21st October 2003

Local Members: Councillors G.V. Hyde, Mrs. M.D. Lloyd-Hayes and W.J. Walling

1. Site Description and Proposal

- 1.1 The site comprises an established nursing home positioned on the south side of Hampton Park Road within an Established Residential Area and Conservation Area. To the east side is a small estate of modern detached houses - Grange Gardens.
- 1.2 The proposal is to erect a two storey extension to the east side containing 10 bedrooms, each with en-suite bathroom, and a two storey infill extension to the front elevation to provide day space.
- 1.3 The side projection of the side extension would be 13.7m with an approximately 3.0m (minimum) wide gap retained to the common boundary with the adjacent house, Woodend, Grange Gardens. The width and height of the extension would be similar to the existing nursing home. A bin store presently to the side of the nursing home on the site of the proposed extension would be relocated to the front of the building, and six additional parking spaces provided to its side.

2. Policies

2.1 Hereford Local Plan:

ENV14	-	Design
H12	-	Established Residential Areas
H21	-	Compatibility of non-residential uses
CON13	-	Conservation Areas

2.2 Herefordshire UDP (Deposit Draft):

DR13	-	Noise
HBA6	-	New development within Conservation Areas
CF7	-	Residential nursing and care homes

3. Planning History

- 3.1 HC940124LE - Extension of existing nursing home to form new bedrooms and larger laundry including new external fire escape and additional car parking - approved 5th May, 1995; not implemented.

- 3.2 CE2002/2356/F - Two storey extension - approved 30th October, 2002; not implemented.

4. Consultation Summary

Internal Council Advice

- 4.1 Chief Conservation Officer: No objection.
- 4.2 Head of Engineering and Transportation: No objection.

5. Representations

- 5.1 Hereford City Council: No objection subject to architectural compatibility.
- 5.2 One letter of objection has been received from Mr Rees of Woodend, Grange Gardens summarised as follows:
- too close to common boundary wall and consequently intrusive on privacy;
 - noise disturbance from residents calling, vehicular movements, staff congregating (an existing problem that would increase).
- 5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main issues in this case are the impact of the proposed extensions and alterations on residential and visual amenity.
- 6.2 The site is located in an Established Residential Area where Policy H12 of the Local Plan requires environmental character and amenity to be protected or enhanced. The site also lies within a Conservation Area where Policy CON13 requires new development to either preserve or enhance the designation. More specifically, Policy H21 requires proposals for non-residential development to be compatible with adjacent residential uses.
- 6.3 The recent planning history is a material consideration in this case. In 2002, in particular, permission was given for a side extension, albeit slightly smaller than the current proposal.
- 6.4 The current proposal itself would be sited closer to the common boundary with the neighbouring house and would be visible over the common side boundary. However, a gap of 3m would be retained, and this combined with the side by side relationship of the extension with the adjoining house would ensure no adverse impact in visual terms.
- 6.5 Regarding potential noise disturbance, it is not considered that the proposal would significantly change the existing situation. No living room windows are proposed in the flank elevation and a condition can be imposed to control the use of the door. The bin store presently to the side of the nursing home which is a potential cause of noise disturbance would be relocated away from the boundary with the adjacent house. For these reasons it is not considered that there would be such an impact on privacy to justify a refusal decision.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 A07 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 Before any other operation hereby approved is commenced, the bin store shall be moved from its present location to the area annotated 'new fenced bin enclosure' on drawing no. 2334.5.2B, and the enclosing fence shall be erected to a height not less than 1.8m. Thereafter there shall be no storage of bins or other waste material in the area presently used for that purpose.

Reason: To safeguard the amenities of nearby residential properties and accord with the terms of the application.

4 The east facing en-suite bathroom windows shall be glazed with obscured glass.

Reason: To safeguard the amenities of nearby residential properties.

5 The east facing external doorway serving the stairwell shall be used as an emergency fire exit only and shall only be opened in the event of a fire or other emergency or for practices for a fire or other emergency. For the remainder of the time the door shall be kept shut.

Reason: To safeguard the amenities of nearby residential properties.

6 B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

7 H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

Note to Applicant:

1 There shall be no storage of materials or equipment by the river, either during or after construction works.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 CE2002/2405/O - SITE FOR DEMOLITION OF EXISTING LIGHT INDUSTRIAL PREMISES AND CONSTRUCTION OF RESIDENTIAL DWELLINGS AT THE OLD DAIRY, BULLINGAM LANE, HEREFORD

For: J.S. Bloor (Tewkesbury) Ltd. Per J.S. Bloor (Services) Ltd., Ashby Road, Measham, Swadlincote, Derbyshire, DE12 7JP

Date Received: 22nd August, 2002 Ward: St. Martins & Hinton Grid Ref: 50880, 37637

Expiry Date: 17th October 2002

Local Members: Councillor Mrs. W.U. Attfield, A.C.R. Chappell, R. Preece,

1. Site Description and Proposal

- 1.1 The 1.5 ha application site is located amongst a small scattering of houses on the west side of Bullingham Lane, to the south of the city boundary. It is partly an allocated site for housing development in the Hereford Local Plan, and is surrounded by countryside.
- 1.2 The site itself was historically a dairy with single dwellinghouse although in more recent times has been used for other, often unauthorised uses, including vehicle repairs, vehicle breaking, storage, and supply of LPG. The site has been subject to considerable enforcement investigation and action over the years, most recently in relation to the supply of LPG and general untidiness.
- 1.3 The site rises away from the carriageway of Bullingham Lane for the majority of its depth, although levels off at the eastern end at the top of the hill. It supports substantial former dairy buildings at its lower end (adjacent to the highway), and a scattering of smaller buildings towards the centre including a dwellinghouse. There are two existing vehicular accesses from Bullingham Lane.
- 1.4 The proposal is for outline planning permission to redevelop the site for residential purposes. Initially all matters with the exception of the access were reserved, although following the serving of an Article 3(2) Notice details of siting and layout, and drainage arrangements have been supplied. The siting/layout drawing shows a scheme of some 34 dwellings of mixed size, type and form, all positioned on the sloping part of the site. The eastern end, or top of the hill, which is not within the allocated housing site is indicated to be retained as public open space. A further children's play area would be provided and equipped towards the centre of the site.
- 1.5 Foul and surface water drainage of the site would be by means of a combined private treatment plant ('biosphere'), with waste water pumped to the top of the site and then discharged across adjacent fields owned by the applicant into an attenuation area/pond before outfall into the nearby brook.
- 1.6 A children's play area is proposed at the centre of the site, to be suitably equipped.

- 1.7 The main vehicular access would be at the existing access point to the dairy buildings. To ensure safe use, traffic calming measures are proposed in the vicinity of the site including contrasting surfacing materials; and a pavement would be provided between the access and the railway bridge (to pass under the bridge) with a resulting reduction in the width of the carriageway.

2. Policies

2.1 Hereford Local Plan:

ENV8	-	Contaminated land
ENV11	-	Infrastructure
ENV12	-	Private sewerage
ENV14	-	Design
H1	-	Sites for residential development
H3	-	Design for new residential development
H4	-	Residential roads
H6	-	Amenity open space provision in smaller schemes
H8	-	Affordable housing
CAL1	-	Residential development
CAL15	-	Long distance views
T13	-	Pedestrian and cycle routes
R4	-	Outdoor playing space standard
R8	-	Children's play areas

2.2 Herefordshire UDP (Deposit Draft):

S2	-	Development requirements
DR1	-	Design
DR5	-	Planning obligations
DR10	-	Contaminated land
H7	-	Housing in the countryside outside settlements
H13	-	Sustainable residential design
H19	-	Open space requirements

3. Planning History

- 3.1 The overall site has a history of piecemeal unauthorised use with a number of enforcement actions.
- 3.2 HC940440PF - Demolition of old dairy outbuildings and 130 and 138 Bullingham Lane and residential development of land to provide 20 dwellings with new access road - approved 7th June, 1996; not implemented.
- 3.3 CE2000/0716/F - Change of use to car sales - refused 1st August, 2000.
- 3.4 CE2001/2409/F - LPG tank - refused 15th January, 2002.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objection in principle to the development, but have concerns with regard to the foul drainage proposals at this time, with reservations to the proposal

of installing a private treatment plan, with discharge of treated sewage effluent from this proposed development to either ground or surface waters. Consider that connection to the mains sewerage system should be preferred option in line with Circular 3/99. Capacity issues would be addressed by means of storage tanks.

Notwithstanding the above concerns, recommend conditions requiring details of foul water drainage, surface water drainage and decontamination to be submitted. More particularly require calculations of run-off routes from flood attenuation pond to establish acceptability in principle of indicted drainage proposals.

- 4.2 Dwr Cymru Welsh Water: If connected to the mains sewer the proposed development would overload the existing public sewerage system. Improvements are planned which would enable a connection to be made in 2006. Any development prior to this date would be premature and, as such, objection is raised.

No problems are envisaged with a private waste water treatment works for the treatment of domestic discharges from the site.

A water supply can be made available to serve the proposed development.

Conditions are recommended in the event of permission being given.

Internal Council Advice

- 4.3 Head of Engineering and Transportation: Recommends conditions.
- 4.4 Chief Conservation Officer: Recommends conditions.
- 4.5 Head of Strategic Housing Services: Affordable housing SPG seeks 36% of units to be 'affordable' unless evidence provided to support lower provision.
- 4.6 Chief Forward Planning Officer: The site in question is subject to Policy H1 of the Local Plan and has been specifically allocated for residential development. The Plan states that 20 dwellings is the maximum that can be accommodated due to access limitations; the fact that the proposal is for more than 20 leads to the assumption that access has, or will be, improved. That said, PPG3 states that developments which make inefficient use of land (less than 30 dwellings per hectare) should be avoided.

The amendments proposed by the developer attempt to take into account the other relevant housing policies within the Local Plan. However, Policy H6 requires that provision of open space should be well related to the form and layout of the development. Whether or not the retention of a paddock at one end of the scheme fulfills this requirements is questionable. PPG3 states that local planning authorities, in their determination of applications, should reject poor design.

Although the issue of housing provision for those with mobility problems and the elderly may have been addressed in line with Policies H9 and H10, the information submitted does not say so in explicit terms. PPG3 states that local authorities should formulate plans which encourage the provision of housing to meet the needs of special groups.

If the proposal has dealt with these possible areas of concern satisfactorily, there is no objection.

- 4.7 Leisure Services Manager: The area of open space would be suitable for public recreation. All trees should be retained and protected throughout the development period.

The area designated as Childrens Play Area would be most suitable as a small green, with a low single rail to prevent parking encroachment. A small, fenced area of open space should be provided with play equipment. This is because play equipment on the central open space would be too close to some of the properties.

- 4.8 Head of Policy and Resources - Education: A contribution should be made towards education provision in the area.
- 4.9 Head of Environmental Health and Trading Standards: There are a number of contamination issues resulting from historic uses of the site as a dairy, filter bed, scrap yard, vehicle repair garages, builders yard and waste transfer station. Therefore, condition required for contamination survey and remediation plan.

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 Six letters of representation have been received from 122, 125, 134 (x 2) and 136 (x 2) Bullingham Lane summarised as follows:
- benefits from removing existing uses of site as a matter of principle;
 - detailed layout unsatisfactory;
 - building line in Bullingham Lane not followed;
 - undermines rural appearance of lane;
 - overdevelopment - PPG3 seeks quality development;
 - no nearby mains sewer;
 - traffic generation;
 - no account taken of septic tank on site serving nos 134/136 Bullingham Lane;
 - loss of access to nos. 134/136 Bullingham Lane.
- 5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main issues in this case are the principle of redevelopment of the site for residential purposes, and if this is established the impact of the specific scheme on visual and residential amenity and highway safety, and the acceptability of the private foul water treatment works.

6.2 The Principle of Residential Development

The larger part of the site is defined as a Site for Residential Development in the Hereford Local Plan. As a matter of principle redevelopment for residential purposes is, therefore, acceptable. The site is not defined as a housing site in the Herefordshire UDP Deposit Draft. However, as the UDP is at the earliest stage of the Development Plan process little weight can be attached to it at this time.

6.3 General layout (including public open space provision)

The layout drawing shows 35 houses of mixed size and form, including detached, semi-detached and terraced units. All but one would be accessed from the new access road through the site (the exception being a single detached unit with direct access from Bullingham Lane shared with the existing driveway serving 134 and 136 Bullingham Lane). A children's play area would be located centrally on the site, and a further larger public open space at the rear at the top of the hill (on that part of the application site defined as open countryside).

6.4 Policy H1 of the Local Plan gives an indicative figure of 20 units for the site which is exceeded by the proposal. Notwithstanding the additional units, the layout is considered satisfactory (with the exception of units 31-35) having a higher density in accordance with PPG3 yet retaining a natural form appropriate for the rural situation. The layout has been amended and reduced since the original submission to address amenity concerns, including those raised by third parties. As a consequence privacy relationships between the site and neighbouring properties are considered satisfactory, and an appropriate transition has been achieved with adjoining open land.

6.5 The siting of units 31-34 and 35 require further amendment and/or reduction in view of their cramped arrangement and unsatisfactory relationship with adjoining existing houses. There is also third party concern that some of these units may be proposed to be erected on the septic tank/spreaders or nos. 134/136 Bullingham Lane. For these reasons it is considered that the siting of these units must be reserved for further negotiations and a condition is recommended accordingly.

6.6 In accordance with Policy H6 of the Local Plan the proposals incorporate a children's play area and a larger area of public open space. In the event of planning permission being given a Section 106 agreement would be required covering matters of future use and/or maintenance of these areas. The large open space is located in open countryside at the top of the hill where distant views are possible, and the commitment to retain it as open land would, therefore, protect the overall amenity of the wider locality in accordance with Policy CAL15.

6.7 Highway Safety

To enable the immediate road infrastructure to accommodate the number of units proposed the applicant through negotiation proposes traffic calming measures and pavements alongside Bullingham Lane. This is satisfactory and would significantly improve highway safety in the area.

6.8 Drainage requirements

The applicant proposes a private water treatment plant which would be located at the back of the site on raised land with discharge across an adjacent field to an attenuation area. Both foul and storm water would be pumped via rising mains from the Bullingham Lane end of the site to the water treatment plant before discharge to the attenuation area.

6.9 Circular 10/99 advises that there is a first presumption to discharge foul water into public sewers. If this is not feasible then alternatives can be considered. In this case the nearest public sewer is in Hoarwithy Road which is distant from the application site over an area of level ground which would require at least one pump. The sewer itself is also unable to cope with further discharges, resulting in an objection to its use by

Welsh Water. Under these circumstances a private water treatment plant is considered appropriate.

6.10 The Environment Agency raises no objection to the proposed water treatment plan in principle subject to acceptable flow rates at the point of discharge. At this stage the flow rate information is not available. As this information is fundamental to the acceptability of the proposed treatment plan (and consequently the whole development) it is not considered appropriate to grant planning permission until the information is available. The recommendation is worded accordingly.

6.11 Affordable Housing

The Affordable Housing SPG requires sites such as this to normally contribute a maximum of 36% of the units as affordable. Circular 06/98 provides specific guidance on circumstances when, or when not, affordable housing should be required with relevant factors being the proximity to local services and facilities and access to public transport, whether there are particular costs associated with development of the site, and whether the provision of affordable housing would prejudice the realisation of other planning objectives that need to be given priority in the development of the site.

6.12 In this case there are a number of circumstances which are considered to outweigh the need for full provision of affordable housing. Specifically, there are particular extraordinary costs associated with the development of this site stemming from, in particular, its extensive contamination from past uses. Furthermore, the priority in this case is to enable redevelopment of the site to remove the non-conforming and visually intrusive existing and former uses in the interests of local amenity. The site is also isolated from local services and amenities. For these reasons it is not considered that the site is suitable to contribute to the stock of affordable housing. Instead a reasonable financial contribution towards off-site provision is recommended to be assured through a Section 106 Agreement. A mix of open market houses would be provided which is considered appropriate in this case.

6.13 Other implications of development

The proposal will have various impacts on infrastructure and local facilities. Conditions are recommended dealing with the necessary highways works and drainage arrangements. Regarding local facilities, it is considered reasonable for the developer to contribute to the cost of education provision in the locality, and a clause is recommended in the Section 106 agreement accordingly. It is also considered reasonable for the developer to contribute towards the first 10 years maintenance of the open spaces assuming they are to be offered for adoption, and again, a clause is recommended in the Section 106 agreement.

6.14 Conclusion

The proposal is for the residential development of an unattractive site which is allocated in the Local Plan for the purpose. The scheme itself is for a relatively high density development which has, in the main, been designed to respect its semi-rural situation. Improvements to the immediate road system would increase road safety for the benefit of both the proposed and existing residents. For these reasons approval is recommended subject to the Environment Agency's requirements being met and a Section 106 agreement covering open space, affordable housing and education contributions.

RECOMMENDATION

That subject to the submission of drainage run-off details to the satisfaction of the Environment Agency:

1 The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 requiring the applicant to provide:

- (i) a financial contribution towards the provision of additional education facilities at local schools;
- (ii) a financial contribution towards off site affordable housing provision;
- (iii) the provision of open space to include a LAP together with a financial contribution towards maintenance costs for the next ten years

and deal with any other appropriate and incidental terms, matters or issues.

2 Upon completion of the aforementioned planning obligation the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered necessary by Officers:

1 Approval of the details of the design and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

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 by 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 by Section 92 of the Town and Country Planning Act 1990.

4 (a) Plans and particulars of the reserved matters referred to above relating to the design and external appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

(b) The means of access to the site and the siting of the units shall be in accordance with the approved site layout plan no. TE010 - 21/A except where otherwise stipulated by condition attached to this permission.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990, and to ensure adherence to the approved plans.

- 5 The reserved matters shall include details of a revised layout and/or a reduction in units on plots 31-34 and 35.

Reason: To ensure a satisfactory layout in the interests of visual and residential amenity.

- 6 No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings.

- 7 No development shall take place until the applicants or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service.

Reason: To ensure the archaeological interest of the site is recorded.

- 8 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents.

- 9 Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of the buildings hereby permitted.

Reason: In order to ensure that satisfactory drainage arrangements are provided.

- 10 No development approved by this permission shall be commenced until:

(a) The application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved by the Local Planning Authority.

(b) Detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the local planning authority.

(c) For each part of the development contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such developments appropriate.

(d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then revised 'Contamination Proposals' shall be submitted to the local planning authority.

(e) If during development work site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out inline with the agreed 'Contamination Proposals'.

Reason: To prevent pollution of the water environment.

- 11 There shall be no, direct or indirect, discharge of surface water or land drainage run-off to the public foul sewer.

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

- 12 No materials or substances shall be incinerated within the application site during the construction phase.

Reason: To safeguard residential amenity and prevent pollution.

- 13 Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

- 14 No development shall commence on site or machinery or materials brought onto the site for the purpose of development until a landscape design has been submitted to and approved by the local planning authority. The submitted design shall include drawings at a scale of 1:200 or 1:500 and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 15 The landscaping scheme approved under condition 14 above shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously

retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 16 No more than 25 dwellings shall be occupied until the areas shown on drawing no. TE010-21/A as 'children's play area' and 'paddock to be retained as public open space' have been laid out in accordance with details to be submitted and approved as a requirement of condition nos. 17 and 18 and those areas shall not thereafter be used for any purpose other than as a public open space.

Reason: To ensure a reasonable standard of amenity for future occupants of the development.

- 17 Prior to development commencing details of the 'children's play area' including equipment, surfacing, landscaping, means of enclosure and provision of seating and litter bins shall be submitted to and approved in writing by the local planning authority. The play area shall be constructed in accordance with the approved details and thereafter retained.

Reason: To ensure the play area is suitably equipped.

- 18 The details of the landscaping of the site required to be submitted shall include details of a scheme for the preservation or laying out of that part of the submitted plans indicated as being 'paddock to be retained as public open space'.

Reason: To ensure a reasonable standard of amenity for future occupants of the development.

- 19 Details of any walls, railings or fences to be erected on the site, including location, height, materials and a timetable for their erection, shall be submitted to and approved in writing by the local planning authority before the development commences. The walls, railings or fences shall be constructed in accordance with the details and timetable agreed with the local planning authority.

Reason: In the interests of residential and visual amenity.

- 20 Before any other operation commences the proposed highways works shown on Halcrow drawing no. KW/HBHH/505A (comprising a new access to Bullingham Lane, new pavements alongside Bullingham Lane, traffic calming and visibility plays) shall be constructed in accordance with the drawing and a specification to be submitted to and approved in writing by the local planning authority, and the visibility plays shall be kept permanently clear of any obstruction.

Reason: In the interests of highway safety.

- 21 Prior to the occupation of any dwelling hereby approved the existing vehicular accesses onto the adjoining highway shall be permanently closed. Details of the means of closure and reinstatement of this existing access shall be submitted to

and approved in writing by the local planning authority prior to the commencement of work on the development hereby approved.

Reason: To ensure the safe and free flow of traffic using the adjoining County highway.

- 22 Prior to the first occupation of any dwelling to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the local planning authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 23 The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 24 Development shall not begin until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the local planning authority.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 25 Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interests of highway safety.

Notes to Applicant:

- 1 The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- 2 This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. A.G. Culley, Divisional Surveyor (South), Unit 3, Thorn Business Park, Rotherwas, Hereford Tel: 01432-261955, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.

- 3 No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact Mr. R.J. Ball, Lead Planner (Transportation), PO Box 236, Hereford, HR4 9ZH to progress the agreement.
- 4 The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations to Mr. A. Byng, Section 38 Manager, Engineering Services, PO Box 236, Hereford, HR1 2ZA. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.
- 5 It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, Herefordshire Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways.

The applicant is, therefore, advised to submit the engineering details referred to in this conditional approval to Mr. A. Byng, Section 38 Manager, Engineering Services, PO Box 236, Hereford, HR1 2ZA at an early date to enable surface water disposal arrangements to be assessed.

- 6 The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.
- 7 The attention of the applicant is drawn to Section 175A(3) of the Highways Act 1980 within which the Highway Authority shall have regard to the needs of disabled persons when considering the desirability of providing ramps at appropriate places between carriageways and footways.
- 8 This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
- 9 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 10 This permission does not extinguish any rights of way which may exist over the site nor does it imply that such rights of way may be diverted or otherwise altered.
- 11 Your attention is drawn to Section 80 of the Building Act 1984 whereby no demolition may be carried out without proper notice to the local authority and a counter notice issued under Section 81.
- 12 Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

Work on an existing wall or structure shared with another property

**Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property
Excavating near a neighbouring building.**

The legal requirements of this Act lies with the building/site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 - explanatory booklet. Copies are available from the Planning Reception, Blueschool House, Blueschool Street, Hereford.

- 13 If you have any queries regarding the archaeological interest of the site or the requirements of the conditions relating to archaeological work, please contact Herefordshire Archaeology, Planning Services, Town Hall, St. Owen Street, Hereford (Tel: 01432-383351).**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 DCCE2003/2814/F - DEMOLITION OF EXISTING HOUSE & OUTBUILDINGS AND ERECTION OF 11 NO. FLATS WITH ASSOCIATED CAR PARKING AT SOUTHBANK HOUSE, 33 SOUTHBANK ROAD, HEREFORD, HR1 2TL

9 DCCE2003/2815/C – FULL DEMOLITION OF EXISTING BUILDINGS AND ASSOCIATED SINGLE STOREY OUTBUILDINGS AT SOUTHBANK HOUSE, 33 SOUTHBANK ROAD, HEREFORD, HR1 2TL

For: H. Morgan per Jamieson Associates, 30 Eign Gate, Hereford, HR4 OAB

Date Received: 3rd October 2003

Ward: Aylestone

Grid Ref: 52084, 40440

Expiry Date: 28th November 2003

Local Members: Councillors D.B. Wilcox and A.L. Williams

1. Site Description and Proposal

- 1.1 The 0.15 ha 'backland' site is located on the north side of Southbank Road, accessed by a private service road which also serves three other residential properties. It is surrounded by established residential development - to the north-east, 18 Belgravia Gardens; to the south-east, the access drive, and beyond this, 35 and 37 Southbank Road; to the south-west, 31a Southbank Road; and to the north-west, 14 Aylestone Drive and 23 Southbank Road.
- 1.2 The site supports a large 3/4 storey period house divided into four flats but presently vacant. To its rear (and on the boundary with 14 Aylestone Drive and 23 Southbank Road) are a row of linked single storey and two storey outbuildings. The majority of the open parts of the site are hard-surfaced for car parking. Ground levels generally fall across the site from north to south - the boundary with 18 Belgravia Gardens being defined by a 2-2.5m high retaining wall topped with a panel fence, and the boundary with 31a Southbank Road by a 0.5-1.5m high retaining wall topped by a low fence to the side of the house and gappy hedge to the rear.
- 1.3 The site has two existing vehicular accesses from the private access drive, and the front 'boundary' supports several mature trees.
- 1.4 The proposal is to demolish the existing buildings and erect eleven two bedroom flats together with parking courts for 17 vehicles. The flats would be contained in a single building ranging between 3 and 4/5 storeys. It would be orientated with principal elevations facing the access drive to the front and 14 Aylestone Drive and 23 Southbank Road to the rear.
- 1.5 The design/form of the proposed building is three simple blocks linked by service towers. The blocks would be staggered, that nearest to 18 Belgravia Gardens being farthest forward. The central block would be 4/5 storeys (including basement visible

only from the rear (and set into the sloping ground)), the north block 3 storeys, and the south block also 3 storeys but with a lower overall height due to the change in levels. The blocks would be finished with shallow pitched roofs giving an overall height of approximately 13m (approximately 1m higher than the original building), whilst the service towers would have flat roofs. The fenestration would have vertical emphasis with sash windows and bays to the rear and sliding doors/railings to the front.

- 1.6 The car park courts would be laid out to the front (3 spaces) and rear (14 spaces) providing 1.5 spaces per flat. The rear court would run the full length of the rear boundary of the site with the existing boundary wall retained and/or improved with a close boarded fence. The drive to the rear court would run alongside the proposed building and common side boundary with 31a Southbank Road, with a 2m wide margin retained for screen planting. The existing accesses from the private drive would be increased in width, this requiring removal of one of the mature trees. The open parts of the site would be landscaped.

2. Policies

2.1 Planning Policy Guidance:

PPG3	-	Housing
PPG15	-	Planning and the Historic Environment

2.2 Hereford Local Plan:

Policy ENV14	-	Design
Policy H3	-	Design of new Residential Development
Policy H6	-	Amenity Open Space in Smaller Schemes
Policy H7	-	Communal Open Space
Policy H12	-	Established Residential Areas
Policy H13	-	Established Residential Areas
Policy H14	-	Established Residential Areas
Policy CON12	-	Conservation Areas
Policy CON13	-	Conservation Areas
Policy CON14	-	Planning Applications in Conservation Areas
Policy CON16	-	Conservation Area Consent
Policy CON17	-	Conservation Area Consent
Policy CON19	-	Townscape

2.3 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy HBA6	-	New Development within Conservation Areas
Policy HBA7	-	Demolition of Unlisted Buildings in Conservation Areas

3. Planning History

- 3.1 CE2002/2197/F - Demolition of existing house and outbuildings. Erection of 12 flats with associated car parking - withdrawn 20th September, 2002.
- 3.2 CE2002/2193/C - Full demolition of existing building and associated single storey outbuildings - withdrawn 20th September, 2002.
- 3.3 CE2003/3088/F - Demolition of existing house and outbuildings. Erection of 11 flats with associated car parking - refused 15th January, 2003; appeal dismissed 18th July, 2003.
- 3.4 CE2002/3089/C - Full demolition of existing building and associated single storey outbuildings - refused 15th January, 2003; appeal dismissed 18th July, 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Dwr Cymru Welsh Water: No objection subject to conditions.

Internal Council Advice

- 4.2 Head of Engineering and Transportation: No objection subject to conditions.
- 4.3 Chief Conservation Officer: No objection on landscape, archaeology and impact on existing trees. The demolition of Southbank House in principle is supported, provided that the replacement is of a quality which will at least preserve, but preferably enhance, the character of the Conservation Area. The present proposal is a partial re-working of the original scheme which was originally refused and dismissed on appeal. Despite that background, reiterate support for the principle of the approach and the design of that original scheme.
- 4.4 Head of Strategic Housing Services: Supports application as it supports the housing ambitions of the Herefordshire Plan and meets the current strategic objectives of the Empty Property Strategy by bringing empty properties back into residential use.

5. Representations

- 5.1 Hereford City Council: Objection; considered to be an over intensive use of the site. The proposed access to the rear of the site appears to be via a sub-standard track which in turn presents problems of safe access on to Southbank Road.
- 5.2 CAAC: The proposed flats fit in well with the site and the proposal flows down the contour. The elevations with bay windows and balconies and pitched roofs harmonise with the surrounding properties. It is noted that the scheme will have little impact on the Conservation Area and adjoining houses due to its location. The materials shown are welcomed.
- 5.3 Nine objection letters have been received from 23 (x 2), 31, 31a, 35 and 54 Southbank Road; 1 and 3 Bodenham Road; and 3 Belgravia Gardens summarised as follows:
 - previous application refused and dismissed; current proposal substantially the same; token effort only to meet Inspector's objection;

- no adequate case for demolishing existing building which could be restored and preserve character of Conservation Area;
- in considering impact on Conservation Area, entire Conservation Area should be taken into account comprising large Victorian houses (red brick and slate) with substantial gardens and trees; proposed building would stand out as totally different to its neighbours and detract from the character of the Conservation Area;
- detrimental to sustainability of Conservation Area and set precedent for similar development in Conservation Area; Conservation Area boundary specifically includes site;
- no way of enforcing traffic control on access road which must remain private;
- proposal would contribute to traffic congestion in area and endanger users of highway;
- metal is not a traditional local material for pitched roofs; pitched roofs would raise height to detriment of views; materials (including rendering) are inappropriate;
- light pollution from windows (specifically stairwells);
- insufficient amenities/gardens for occupiers and out of keeping with area;
- removal of rear buildings would make boundary wall dangerous which is important feature of Conservation Area;
- not in-keeping or in-scale with surrounding 'domestic scale' development; materials not in-keeping with Conservation Area and costly to maintain;
- noise disturbance to the detriment of amenity;
- does not reverse the trend for hardsurfacing of gardens in area;
- insufficient sewer capacity;
- overlooking and unneighbourly relationship with adjoining houses;
- high density development inappropriate in area;
- water run off problems.

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

6. Officers Appraisal

- 6.1 The main issues in this case are the impact of the proposal on the character of the area and the Conservation Area, the adequacy of the site to accommodate development at the scale and density envisaged, residential amenity, highway safety and drainage. Additionally, and specifically with regard to the application for Conservation Area Consent, a further issue is the acceptability of demolition of the existing buildings on the site.
- 6.2 An important material consideration is the recent dismissed appeal decision for the erection of a similarly positioned and proportioned block of 11 flats and associated parking on the site. In his decision letter states the following:

“Despite my decision I would emphasise that the proposal has much to commend it. Firstly, because most professional opinion clearly supported the appellant’s claim that the proposed building is, in architectural terms, “a high quality scheme” Secondly, because, in spite of claims to the contrary, nothing I saw on site suggested that the proposal would lead to an unacceptable loss of privacy, for all areas in question were to some not insignificant extent, already overlooked – nor did I find that the proposal would lead to unacceptable levels of danger or inconvenience to other road users. Thirdly, because it was shown that it would not make economic sense to repair the existing building which is something of an eyesore. Fourthly, because the proposed development would not involve the loss

of any landscape features of importance and, finally, because in its overall size and location it would not appear to be unacceptably out-of-place with its neighbours.

However, despite the foregoing, and despite finding that the conservation area consisted mainly of large, late Victorian villas interspersed with areas of relatively modern housing, I have determined to dismiss the appeal for the following reason.

Basically Government advice, in PPG15 paragraph 4.17, states that while new buildings in conservation areas should not directly imitate earlier styles, they should, nevertheless, be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own. Consequently, while development in the area can reasonably be held to consist of a veritable gallimaufry of building forms inspection showed that these variants do, nevertheless, have a common denominator in that they all retain a domestic scale and have a traditional vernacular appearance. As a result no building, regardless of its size, stands out as being visually intrusive. However, such would not be the case with the proposed building which would, largely on account of its non-traditional flat roofs and large areas of glass walling, stand out as being totally different to its neighbours.

As a result, while the proposed building may well be a fine piece of architecture, it cannot reasonably be said to respect the character of the area or be in visual harmony with its neighbours. Because of this I have concluded that it would neither preserve, nor, on balance, enhance the character and appearance of the Bodenham Road Conservation Area. I have therefore determined that the proposal is in unacceptable conflict with the guidance given in PPG15 and unacceptably in conflict with policies ENV14, H12, H14 and CON13 of the 1996 Hereford Local Plan.”

- 6.3 It is evident from this appeal decision that, as far as the Inspector was concerned, the impact of the previous proposal on residential amenity, highway safety and landscape features was satisfactory. The circumstances of the current application in terms of the general layout of the site (including access and parking), the number of units, and landscape features is broadly identical to the previous scheme. Likewise, there have been no changes in wider policy and guidance since the appeal decision was made some five months ago. Consequently, it is considered that an objection now for these reasons could not be sustained. The slight increase in the height of the proposed building through pitched roofs is not considered sufficiently significant to introduce a privacy objection at this time.
- 6.4 The determining issue is, therefore, the acceptability or otherwise of the impact of the amended design now proposed on the character and appearance of the area having regard to the designation as an Established Residential Area and Conservation Area. With this defined, particularly relevant policies are H12, H14, CON12, CON13, CON16 and ENV14 of the Local Plan.
- 6.5 Policy H12 of the Local Plan requires the environmental character and amenity of the Established Residential Areas to be protected and where appropriate enhanced. Policies H13 and H14 set out detailed criteria for new residential development requiring, in particular, appropriate relationships with adjoining properties, adequate access and car parking provision, adequate amenity space, appropriate layout and design including the physical scale of new buildings, appropriate density, and landscaping.

- 6.6 Policy CON12 requires particular attention to be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area, and Policy CON13 resists proposals which would not achieve this aim. Specifically Policy CON13 requires development to be of a high standard of design, in scale and in keeping with adjacent buildings and the area as a whole, constructed in materials and finishes appropriate to the character of the area and for uses compatible with the area. Policy ENV14 requires new development to respect its wider setting.
- 6.7 In relation to demolition, Policy CON 16 states that proposals will be considered with regard to the intrinsic merit of the existing building, the contribution the building makes to the special architectural or historic interest of the area, and any aesthetic and other advantages accruing from demolition. Where demolition is proposed to be followed by redevelopment, consent will only be granted where there are acceptable and detailed plans for the redevelopment of the site.
- 6.8 The proposed building differs from the dismissed scheme in that shallow pitched roofs with decorative fascias and Terne coated stainless steel external finish have been introduced on the three blocks (replacing the previously proposed flat roofs), and changes made to the fenestration to reduce the areas of glass. The fenestration details include bay projections on the rear elevation and more traditional sash windows, and small balconies with mild steel painted balustrading to the front elevation. Raised plinths have been introduced at each floor level to be coloured white, the remainder of the walls to be buff-coloured render except on the ground floor where facing bricks would be used.
- 6.9 As a consequence of these changes the external appearance of the building has completely changed being now more traditional at least in the detailing, and with greater vertical emphasis than before. The basic size and shape of the building remains unchanged with the exception of the additional height created by the pitched roofs.
- 6.10 Having regard to the Inspector's decision letter, it is considered that through these detailed changes the proposal is now acceptable in terms of its impact on the Established Residential Area and Conservation Area (although subject to further review of materials – see paragraph 6.11). Specifically, it is considered that by introducing pitched roofs, bay and sash windows, and railings to balconies the architect has changed the emphasis in the design from ultra-modern to modern-traditional, this paying greater regard to local vernacular. The building would continue to be 'modern' and consequently distinct from its neighbours, although to an acceptably lesser extreme than previously proposed and to an extent which respects the existing visible evolution of building design in the area. With specific regard to the Inspector's comments, it is considered that the proposal now has a 'traditional vernacular appearance' through reduced areas of glass and flat roofs, and consequently would no longer be 'visually intrusive'.
- 6.11 Regarding the size of the proposed building, it is inevitably larger than that existing. However, through its staggered 'three box' design and contrasting vertical emphasis to the 'boxes', it is considered to now have a domestic scale, reading as three town houses rather than a single block as before. For this reason, the size is considered acceptable and appropriate within its context. Careful and clever use of materials would enable the distinction between the blocks to be further exaggerated, and materials should, therefore, be reserved, notwithstanding those specified in the application particulars.

- 6.12 The Conservation Officer considers the proposal to be an unacceptable compromise in design terms between modern and pastiche, and a step backwards from the original scheme. The original scheme has, however, been refused and dismissed at appeal and, as such, is not an available option. The proposal now under consideration is without question a compromise, but for the reasons given is considered to address the previous objections.
- 6.13 PPG15 provides important guidance on the design of new development in Conservation Areas. The guidance states that many Conservation Areas include buildings that make no positive contribution to the character or appearance of the area, and that their replacement should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area. More specifically the PPG states that what is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own.
- 6.14 For the reasons set out above it is considered that the proposed building does now respect its context and, as such would not appear intrusive or alien. The existing site, although once a grand property in its own right, makes no positive contribution to the Conservation Area (indeed, the Inspector described it as an 'eyesore' which 'it was shown would not make economic sense to repair'). Having regard to policy and guidance it is, therefore, concluded that the proposal would now enhance the character and appearance of the Conservation Area and Established Residential Area.

RECOMMENDATION

In respect of DCCE2003/2814/F:

That planning permission be granted subject to the following conditions;

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

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

- 2. The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. 3772.P20, .P21, .P24, .P25, .P26, .P27, and .P28) except where otherwise stipulated by conditions attached to this permission.**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 3. B01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings.

- 4. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.**

Reason: To protect the amenity of local residents.

- 5. E18 (No new windows in specified elevation) (south-weest and north-east facing)**

Reason: In order to protect the residential amenity of adjacent properties.

6. The south-west and north-east facing side elevation windows shall be glazed with obscured glass and fixed shut.

Reason: In order to protect the residential amenity of adjacent properties.

7. Notwithstanding the details shown on the approved drawings, full details of the intended treatments of the rear (south-west) boundary of the site shall be submitted for approval in writing by the local planning authority prior to the commencement of any other works, and the intended treatment shall be carried out as approved prior to occupation of the units.

Reason: The application contains insufficient information for the satisfactory approval of this detail at this stage.

8. F20 (Scheme of surface water drainage).

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

9. F22 (No surface water to public sewer).

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

10. F48 (Details of slab levels).

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

11. G02 (Landscaping scheme (housing development)).

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

12. G05 (Implementation of landscaping scheme (general)).

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

13. G18 (Protection of trees).

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

14. H14 (Turning and parking: change of use - domestic).

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.

15. H27 (Parking for site operatives).

Reason: To prevent indiscriminate parking in the interests of highway safety.

16. H29 (Secure cycle parking provision).

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

Notes to Applicant:

- 1. HN19 - Disabled needs.**
- 2. The applicant is advised to ensure that there are no bats or other protected species in the existing buildings prior to their demolition. It is an offence to kill or injure protected species and their habitats. If protected species are found then English Nature should be contacted and their requirements met.**
- 3. N01 - Access for all.**
- 4. N03 - Adjoining property rights.**
- 5. N13 - Control of demolition - Building Act 1984.**
- 6. N14 - Party Wall Act 1996.**

In respect of DCCE2003/2815/C:

That Conservation Area Consent be granted subject to the following conditions:

- 1. C01 (Time limit for commencement (Listed Building Consent)).**
Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2. C14 (Signing of contract before demolition).**
Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10 DCCE2003/2210/F - CONVERSION AND EXTENSION OF EXISTING RETIREMENT HOME TO FORM 14 SELF-CONTAINED FLATS (11 X 1 BEDROOM; 3 X 2 BEDROOM) AT STRATFORD HOUSE, BODENHAM ROAD, HEREFORD, HR1 2TN

For: Mr. & Mrs. Watkins per David Edwards Associates, Station Approach, Barrs Court, Hereford, HR1 1BB

Date Received: 22nd July 2003

Ward: Aylestone

Grid Ref: 52075, 40340

Expiry Date: 16th September 2003

Local Members: Councillors D.B. Wilcox and A.L. Williams

1. Site Description and Proposal

- 1.1 The application site comprises a very large, older house, historically subdivided for residential purposes, presently vacant but last used as a nursing home with 30 bedrooms. It has frontages to Bodenham Road (shared with three later houses) and Southbank Road. Main vehicular access is from Bodenham Road leading to parking areas to the front and side of the building. Ground levels rise away from Bodenham Road. The site lies within an Established Residential Area and Conservation Area as defined in the Hereford Local Plan.
- 1.2 The proposal is to convert and extend the building to provide a total of 14 flats (11 x 1 bedroom, and 3 x 3 bedroom) and basement store. The extension would be on the south-east side of the building (adjacent to No. 46 Southbank Road). It would be single storey with side projection of approximately 3 metres (0.7 metres from the side boundary), and would replace, at least in part, an existing lean-to addition. Other than in the extension, no new windows, doorways or other openings are proposed.
- 1.3 Car parking would be provided largely on the existing surfaced area in front of the building with two additional spaces on the adjacent 'front garden'. Twenty spaces would be provided altogether.
- 1.4 This application is an amendment to the originally submitted scheme which was for conversion and extension of the building to provide 17 flats (including studio units) and a larger parking area.

2. Policies

2.1 Hereford Local Plan:

Policy H12	-	Established Residential Areas
Policy H17	-	Conversion of Houses into Flats
Policy CON13	-	Conservation Areas: Development Proposals

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy H1	-	Hereford and the Market Towns
Policy H13	-	Sustainable Residential Design
Policy H16	-	Car Parking
Policy H17	-	Subdivision of existing Houses
Policy HBA6	-	New Development within Conservation Areas

3. Planning History

- 3.1 CE2000/0026/F - extension and alteration to nursing home - approved 25/07/00; not implemented.
- 3.2 CE2001/2754/F - addition of small extension to already approved rear conservatory - approved 29/11/01; not implemented.
- 3.3 CE2002/2765/F - change of use of vacant nursing home to hostel - refused 25/10/02.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: no objection.

Internal Council Advice

- 4.2 Head of Engineering and Transportation: no objections.
- 4.3 Chief Conservation Officer: no objection to internal alterations. Ground floor extension not appropriate but is set back from main elevation and, as such, would not have direct impact on Conservation Area; therefore, no objection.
- 4.4 Head of Strategic Housing Services: supports application as meets with current strategic objectives of the Housing Strategy by bringing properties back into residential use.
- 4.6 Chief Forward Planning Officer: proposal appears to be in accordance with Local Plan policy subject to amenity space being retained for use by residents.

5. Representations

- 5.1 Hereford City Council: objection on grounds that it is grossly intensive in use and is contrary to Conservation Area status which was introduced to halt further erosion of multi-occupancy of an important area of 'town houses'. Trust that Highway Engineer is content that the provision of parking facilities is adequate for each flat.
- 5.2 Conservation Area Advisory Committee: no objection.
- 5.3 Letters of objection have been received from 8 third parties (1, 3, 5, 12 and 23 Bodenham Road and 37, 44 and 46 Southbank Road) summarised as follows:

- 17 units too many - 12 more appropriate; resulting noise disturbance from intensity of use;
- out of keeping with surroundings;
- inadequate parking leading to congestion;
- concern about management of dustbins;
- poor standards of accommodation; no laundry provision, no fire escapes;
- detrimental to Conservation Area - in particular, additional areas of hardstanding for car parking.

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

6. Officers Appraisal

- 6.1 The main issues in this case are the principle of residential re-use of the building, and if this is accepted, the appropriateness of the number of units proposed and the impact on residential and visual amenity, highway safety, the Conservation Area and the Established Residential Area.
- 6.2 Regarding the principle, the site lies within an Established Residential Area as defined in the Local Plan where new residential development, including flatted development can be acceptable. Having regard to the residential nature of the proposal, no objection is seen as a matter of principle.
- 6.3 Following negotiations the application has been amended from 17 units to 14 units comprising both 1 and 2 bedroom accommodation. 14 units 'fit' within the building (the building being substantial) and, as such, no objection is seen to this number. Adequate space exists on the existing hardstanding and immediately adjoining land to accommodate up to 20 cars (equating to 1.4 spaces per unit) without harmful encroachment on to the front garden area. 1.4 spaces per unit are considered to be satisfactory in this sustainable city location, and in accordance with the aspirations of the draft UDP. The flats themselves, although not massive, provide adequate accommodation which, in any event, is a matter for the market to decide.
- 6.4 Activity would be generated by the flats from movements of the residents although this is not likely to be significantly different from the past use as a nursing home and should also be within sociable, residential hours. To address concerns over amenity space for the occupiers, the larger part of the existing front garden is now shown to be retained as front garden, and part of the basement is indicated to be retained as storage space. Conditions are recommended requiring these areas to be retained as such, and also requiring details of refuse storage areas to be provided prior to development commencing.
- 6.5 Regarding the Conservation Area, external works are limited to a small side extension and slight enlargement of the parking area. Having regard to the limited size of these changes, it is not considered that any adverse harm would be caused to the designation.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. 2949 (proposed elevations), 2949.5C, 2949.6B, 2949.7B, 2949.8B, 2949.12), except where otherwise stipulated by conditions attached to this permission.**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 3. B02 (Matching external materials (extension)).**

Reason: To ensure the external materials harmonise with the existing building.

- 4. The side elevation "lounge" window of the unit contained in the extension hereby approved shall be glazed with obscured glass.**

Reason: To safeguard the amenities of the adjoining residential property.

- 5. F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.

- 6. F41 (No burning of materials/substances during construction phase).**

Reason: To safeguard residential amenity and prevent pollution.

- 7. The front garden area shown as open space on drawing no. 2949.12 shall be permanently retained as open amenity space for the occupiers of the flats and shall not be used for any other purpose.**

Reason: To safeguard the amenities of the Conservation Area in accordance with Policy HBA6 of the Hereford Local Plan.

- 8. The basement store area and cages shown on drawing no. 2949.5C shall be permanently retained as a domestic storage area for the occupiers of the flats and shall not be used for any other purpose.**

Reason: To accord with the terms of the application and to ensure the proper planning of the site in the interests of amenity.

- 9. This permission is to be exercised as an alternative to and not in addition to or in combination with any part of the planning permissions issued on 25th July 2000 under reference CE2000/0026/F and 29th November 2001 under reference CE2001/2754/F.**

Reason: To accord with the terms of the application and to ensure the proper planning of the site in the interests of amenity.

- 10. Prior to the commencement of development a scheme for the storage of refuse shall be submitted for the approval of the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted.**

Reason: In the interests of amenity.

- 11. **H13 (Access, turning area and parking).**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 12. **The existing access to the site from Southbank Road shall be used for occasional servicing purposes only and shall not be used for regular entry or exit to the parking areas.**

Reason: In the interests of highway safety.

Notes to Applicant:

- 1. **N01 - Access for all**
- 2. **N07 - Housing Standards**
- 3. **Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environment Protection Act 1990.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

11 DCCW2003/2728/F - TWO STOREY EXTENSION TO DWELLING AT WOOD VIEW COTTAGE, WELLINGTON, HEREFORDSHIRE**For: Mr. K. Tobin per Mr. N. La Barre, 38 South Street, Leominster, Herefordshire, HR6 8JG****Date Received: 9th September 2003 Ward: Wormsley Ridge Grid Ref: 49026, 48080****Expiry Date: 4th November 2003**

Local Member: Councillor J.C. Mayson

1. Site Description and Proposal

- 1.1 The application site is located on the south side of the main road running through the village with the dwelling located in a setback position when compared to adjoining properties. As identified by the South Herefordshire District Local Plan, the site lies within the settlement boundary and designated Conservation Area of Wellington.
- 1.2 This application seeks full planning permission for the erection of a two storey rear extension to provide a new kitchen/dining area and utility on the ground floor with a bedroom and two small bathrooms to the first floor. The application shows a revised design to a recent refusal for a two storey extension under reference CW2003/1649/F.

2. Policies**2.1 South Herefordshire District Local Plan:**

Policy GD1	-	General Development Criteria
Policy SH223	-	Alterations and Extensions
Policy C22	-	Maintain Character of Conservation Areas
Policy C23	-	New Development affecting Conservation Areas

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

Policy DR1	-	Design
Policy H18	-	Alterations and Extensions
Policy HBA6	-	New Development within Conservation Areas

3. Planning History

- 3.1 CW2003/1649/F Erection of a two storey rear extension. Refused 25th July 2003.

4. Consultation SummaryInternal Council Advice

- 4.1 Head of Engineering and Transportation has no objection subject to conditions.
- 4.2 Chief Conservation Officer has no objections.

5. Representations

- 5.1 Wellington Parish Council: no objection to this application.
- 5.2 One letter of objection has been received from G.J. Morris, Oak Cottage, Wellington who comments
- Given the setback position of the cottage, the proposed extension would definitely invade privacy and light to my property. Whilst I appreciate the owner wishes to develop the property, I feel a two storey extension of this size is totally inappropriate. A revamp of the existing single storey kitchen and bathroom area would be more satisfactory and in keeping with its character.
 - An objection is also raised to the area of car parking which is shown to the rear of the extension which would invade privacy when there is ample parking facilities to the front of the property.

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

6. Officers Appraisal

- 6.1 The main issue for consideration in this application are the siting and design of the proposed extension having regard to both the character and appearance of the Conservation Area and the impact it would have on adjoining residential properties.
- 6.2 As will be noted from the planning history, a recent two storey extension was refused permission under the adopted Scheme of Delegation due to the size, scale and resulting overlooking of adjoining properties. It was also considered that the proposal would not preserve or enhance the Wellington Conservation Area. This revised design significantly reduces the size and scale of the proposal with the two storey element being reduced from 9 metres to 6 metres in length. A small single storey addition would be attached to the gable end to provide a slightly larger ground floor. Officers consider that the size and scale of this extension as now proposed represents a significant improvement on the previous refusal and is acceptable in terms of its impact on the Conservation Area and on the property itself.
- 6.3 The previous refusal reason also raised the issue of overlooking which has been addressed in this submission. Previously proposed dormer windows have been removed with one high level roof light on either side of the two storey block. With a condition restricting future windows to the first floor west and east elevations it is now considered that the extension would not have a detrimental impact on either of the adjoining properties and would not result in any direct overlooking. The submitted letter of objection also raised concerns with regard to the parking area as shown to the rear of the property. This issue has also been considered but given that these works would normally constitute permitted development, it is considered that a planning objection could not be sustained on this matter.
- 6.4 In view of the above, it is now considered this scheme represents an acceptable form of development and permission is recommended subject to the following conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. **A06 (Development in accordance with approved plans).**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. **B01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings.

4. **E17 (No windows in side elevation of extension) (east or west elevations).**

Reason: In order to protect the residential amenity of adjacent properties.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

12 DCCE2003/2886/F - PROPOSED CHANGE OF USE OF A FORMER CHAPEL TO CREATE 1 NO. DWELLING AND 2 NO. CAR SPACES AT FERRY LANE CHAPEL, FERRY LANE, FOWNHOPE, HEREFORDSHIRE

For: Malvern Properties Estates Ltd., per Interplan Design Partnership Ltd., Halbury House, Much Birch, Hereford, HR2 8HJ

Date Received: 23rd September 2003 Ward: Backbury Grid Ref: 57682,34507

Expiry Date: 18th November 2003

Local Member: Councillor Mrs. J.E. Pemberton

1. Site Description and Proposal

1.1 The site comprises a vacant chapel positioned prominently on the north-west side of Ferry Lane, within the Fownhope Settlement and Conservation Area. It is positioned right on the road with no curtilage. To its side and rear are further closely-grouped residential properties, including Chapel Cottage which is attached.

1.2 The proposal is to convert the chapel to a single two bedroom dwelling. Alterations would be all internal with the exception of six roof lights in the side elevation.

2. Policies

2.1 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy C2	-	Settlement Boundaries
Policy C5	-	Development within AONB
Policy C22	-	Maintain Character of Conservation Areas
Policy C23	-	New Development affecting Conservation Areas

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy LA1	-	AONB's
Policy HBA6	-	New Development within Conservation Areas

3. Planning History

3.1 CE2003/0951/F Proposed change of use of former chapel to create 2 no. dwellings including 2 no. car spaces. Withdrawn 17/06/03.

4. Consultation Summary

Statutory Consultations

4.1 Dwr Cymru Welsh Water: recommends conditions.

Internal Council Advice

4.2 Head of Engineering and Transportation: recommends condition.

4.3 Chief Conservation Officer: no objection

4.4 Head of Strategic Housing Services: recommends smoke alarms.

5. Representations

5.1 Fownhope Parish Council: application is supported but car parking is very limited and should be end on to the land, and with greater depth.

5.2 Fownhope Residents' Association: no objection.

5.3 One letter of objection has been received from Mr. B. McLaughlin of 7 Cantilupe Street, Hereford summarised as follows:

- inadequate utility/garden space;
- inadequate parking on isolated "green field" site with inadequate turning; parking area detrimental to views from new houses;
- site only suitable for holiday let;
- inadequate escape routes.

The full text of this letter can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 The main issues in this case are the suitability of the building for the intended use, and if this is established, the quality of the conversion design, the impact on neighbours amenities and highway safety.

6.2 The proposal is to convert the building to residential use. Having regard to the location amongst other residential properties within the settlement, use for this purpose is considered appropriate as a matter of principle. The fact that there is no 'garden' with the building is not considered to be sufficient reason to raise objection, this being a matter of choice dictated by the market. Loss of a community facility can be a material consideration although in this case Fownhope is well equipped with other facilities and, in any event, the location of the chapel is now considered unsuitable for "busy" community uses having regard to the lack of parking facilities and the close relationship with adjoining residential properties.

6.3 The scheme itself respects the character and appearance of the original chapel by minimising the extent of external alteration. The building would continue to "read" as a chapel notwithstanding its residential use. To safeguard the privacy of the adjoining house, obscured glass is recommended to be used in the side elevation rooflights and existing main window.

6.4 The site has no parking itself, space indicated to be provided in a lay-by further along Ferry Lane. Having regard to the sustainable settlement location where there is access to local amenities and public transport, no objection is seen to a no parking

approach. On street parking in Ferry Lane is, however, available as demonstrated in the application.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. **The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. DM/03/CH/02A, /03A, /04A, /05A), except where otherwise stipulated by conditions attached to this permission.**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. **The roof lights shall be of the conservation type.**

Reason: To safeguard the amenities of the Conservation Area in accordance with Policy C23 of the South Herefordshire District Local Plan.

4. **The north-west facing rooflights and existing north-west facing window (serving stairs) shall be glazed with obscured glass and fixed shut.**

Reason: To safeguard residential amenity in accordance with Policy GD1 of the South Herefordshire District Local Plan.

5. **C07 (Painted finish to windows/doors).**

Reason: To safeguard the character and appearance of this building within the Conservation Area.

6. **C12 (Repairs to match existing).**

Reason: To safeguard the character and appearance of this building within the Conservation Area.

7. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed in any elevation of the property other than those expressly authorised by this permission.**

Reason: To safeguard the character and appearance of the building having regard to its location within the Conservation Area and to accord with Policy C23 of the South Herefordshire District Local Plan.

8. **F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.

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

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

10. There shall be no, direct or indirect, discharge of surface water or land drainage run-off to to the public foul sewer.

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

Notes to Applicant:

- 1. N03 - Adjoining property rights.
- 2. N14 - Party Wall Act 1996.
- 3. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.
- 4. The proposed development is crossed by a trunk/distribution watermain. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the Developer.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

13 DCCE2003/2937/F - NEW INDUSTRIAL UNIT AND DRIVER TRAINING CENTRE WITH SERVICE YARD AND CAR PARKING DEVELOPMENT AT LAND AT FIR TREE LANE, ROTHERWAS, HEREFORD

For: HFT Forklifts Ltd., per Mr. P.C. Moseley, RIBA, The Old Post Office, 29d Park Road, Barry, Vale of Glamorgan, CF62 6NX

Date Received: 26th September 2003

Ward: Hollington

Grid Ref: 52844, 38077

Expiry Date: 21st November 2003

Local Member: Councillor W.J.S. Thomas

1. Site Description and Proposal

- 1.1 The application site comprises a visually important open parcel of land positioned at the corners of Straight Mile Road, Fir Tree Lane and Campwood Road covering approximately 0.6 ha. To its west side is established industrial development. To its east side (on the other side of Fir Tree Lane) is another open parcel of land although with further industrial development to the north. On the south side (on the other side of Straight Mile Road) is further industrial development. To the north side (on the other side of Campwood Road) is a small parcel of open land with residential development beyond - 2 to 8 Firemans Quarters. The application site and all adjacent parcels of open land are allocated as Proposed Employment Land in the South Herefordshire District Local Plan.
- 1.2 The proposal is to erect a single two storey industrial unit with 'footprint' of approximately 1400 sq.m. It would be sited towards the centre of the site, approximately 26 metres from Straight Mile Road, 17 metres (minimum) from Fir Tree Lane and 28 metres (minimum) from Campwood Road. Overall dimensions would be 43 metres by 38 metres by 9 metres high. Car parking for 41 vehicles would be provided to the front and sides of the building and an HGV parking/turning area to the side/rear. Vehicular access would be via an existing access 'stub' off Campwood Road.
- 1.3 The intended use of the building is a workshop and driver training centre for fork lift trucks with associated offices. Fork lift trucks would be sold and serviced from the site and instruction courses given in their use. This is a sui generis use (that is, not falling into any particular Use Class). All activities would be carried out inside the building with the exception of rough terrain driver training which would take place on the south side.

2. Policies

2.1 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy ED1	-	Employment Land Availability
Policy ED2	-	Employment Land

Rotherwas Chapter

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S2	-	Development Requirements
Policy S4	-	Employment
Policy DR1	-	Design
Policy DR13	-	Noise
Policy E1	-	Rotherwas Industrial Estate
Policy E3	-	Confirmed Local Plan Employment Land Allocations
Policy E8	-	Design Standards for Employment Sites

3. Planning History

3.1 There is no relevant planning history.

4. Consultation Summary

Statutory Consultations

4.1 Dwr Cymru Welsh Water: recommends conditions.

Internal Council Advice

4.2 Head of Engineering and Transportation: no objection subject to conditions.

5. Representations

5.1 Lower Bullingham Parish Council: no objection.

5.2 One letter of objection has been received from Mr. D.J. Beardsley of 2 Firemans Quarters on behalf of all of the residents of Firemans Quarters summarised as follows:

- detrimental to quality of life of nearby residents;
- site only suitable for Class B1 use (and assurances given as such by Council);
- roads unsuitable for further development without traffic calming;
- likely noise disturbance;
- detrimental to visual amenity.

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

6. Officers Appraisal

6.1 The main issues in this case are the principle of the proposed use of the site, and if this is accepted the impact of the specific design and use on residential and visual amenity and highway safety.

6.2 The site and surrounding land is designated within the Local Plan as Proposed Employment Land where Policy ED2 allows Class B employment-generating uses as a matter of principle. More specifically, Proposal 5 of the Rotherwas Chapter of the Local Plan states that "Land off Fir Tree Lane" shall be used for Class B1 and B2 business and general industrial use.

- 6.3 The proposed use is a sui generis use (that is, not falling into any particular Use Class). Notwithstanding this, it is an employment-generating use which is appropriate within the business setting of Rotherwas. For this reason the proposal is considered to comply with the spirit of the policies and proposals for business related uses at Rotherwas and, as such, is considered appropriate as a matter of principle.
- 6.4 The proposed unit itself 'sits' satisfactorily on the site with adequate space for parking, servicing and landscaping. Important existing trees would be retained. The building itself is typical of many already at Rotherwas and, as such, would fit into the industrial street scene without harm to visual amenity. However, the landscaping indicated on the deposited drawings is limited. Conditions are recommended in relation to landscaping. Greater use of landscaping will be required to give a setting for the building proposed especially when viewed from Holme Lacy Road.
- 6.5 Regarding residential amenity, Firemans Quarters are located approximately 55 metres from the site with two intervening roads and an area of open land (allocated for employment development). The site would be visible from Firemans Quarters across the open land, but in view of its appropriate design and retained margins, would not have a detrimental impact on the outlook from these properties.
- 6.6 The driver training area and workshops are contained within the proposed building and on a small area of land to its south side. Consequently the building itself would largely contain any noise. Parking and servicing would take place outside of the building (as is usual). However, this is not considered to be a likely cause of adverse disturbance particularly having regard to the intervening space between the site and Firemans Quarters.
- 6.7 The road network in this part of Rotherwas has been designed to accommodate commercial traffic in accordance with the land use designation. Although the development would generate additional traffic it is not considered that danger or inconvenience would be caused to users of the highway.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. 1201/AL/11/B, /12/A, /13/A, /14, /15/A, 16/A), except where otherwise stipulated by conditions attached to this permission.**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 3. B01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings.

- 4. The maintenance, repair, servicing and/or preparation of fork lift trucks and/or other vehicles shall not take place anywhere on the application site other except**

within the "workshop" as shown on drawing no. 1201/AL/12/A. The instruction in use of fork lift trucks and/or other vehicles shall not take place anywhere on the application site except within the "driver training centre" as shown on drawing no. 1201/AL/12/A and the "external rough terrain driver training area" as shown on drawing no. 1201/AL/11/B.

Reason: To protect the amenities of nearby properties.

5. F15 (Scheme of noise insulation).

Reason: To safeguard the amenity of the area.

6. Foul water and surface water discharges must be drained separately from the site.

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

7. F22 (No surface water to public sewer).

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

8. F27 (Interception of surface water run off).

Reason: To prevent pollution of the water environment.

9. G04 (Landscaping scheme (general)).

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

10. G05 (Implementation of landscaping scheme (general)).

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

11. H13 (Access, turning area and parking).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

12. H29 (Secure cycle parking provision).

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

Notes to Applicant:

1. HN01 - Mud on highway.

2. HN05 - Works within the highway (South).

3. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.

4. The site is crossed by a trunk/distribution watermain. The applicant is advised to contact Dwr Cymru Welsh Water's Network Development Consultants regarding the exact location and any requirements.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

14 DCCW2003/2792/F - PROPOSED CONVERSION OF BUILDINGS INTO 3 DWELLINGS AT HOLMER PARK, OFF ATTWOOD LANE, HEREFORD**For: Mr. D. Edwards, Station Approach, Hereford, HR1 1BB****Date Received: 15th September 2003****Ward: Burghill,
Holmer & Lyde****Grid Ref: 50840, 42313****Expiry Date: 10th November 2003**

Local Member: Councillor Mrs. S.J. Robertson

1. Site Description and Proposal

- 1.1 The application site is located on the south side of Attwood Lane and comprises a former stable building associated with the substantial Holmer Park. The building itself which is sited against the highway boundary is an attractive brick built structure with a pantile roof. The application site also contains the Grade II listed aviary converted into a summerhouse within the grounds of Holmer Park. This building is constructed of 16th century timbers from the Hereford Town Hall with a pyramid tile roof and was erected on this site in 1862 when the former Town Hall was demolished. The site as a whole is currently overgrown and has a somewhat neglected appearance. From Attwood Lane the substantial brick boundary wall and entrance gates define the site's character which has an enclosed nature with the buildings in close proximity to each other.
- 1.2 This application seeks full planning permission to convert the former stable building into three small dwelling units. Two of the units will contain just two bedrooms while the larger central unit contains three bedrooms. Vehicular access to the site would be obtained via the existing entrance gates off Attwood Lane and the new boundary fence would be constructed between this site and Holmer Park which is currently undergoing renovations and alterations following the granting of planning permission for a private leisure and health club. Each of the dwellings would have a small rear courtyard area as amenity space.
- 1.3 The previous application reference CW2003/1126/F was withdrawn on the 3rd September 2003 because of an objection by Welsh Water regarding the treatment of foul drainage. This application proposes to deal with foul drainage by a private septic tank and associated soakaways located within the site.

2. Policies**2.1 Planning Policy Guidance:**

PPG1	-	General Policy and Principles
PPG3	-	Housing
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment

2.2 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy C29	-	Setting of a Listed Building
Policy SH24	-	Conversion of Rural Buildings
Policy C36	-	Reuse and Adaptation of Rural Buildings
Policy C37	-	Conversion of Rural Buildings to Residential Use

2.3 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy HBA4	-	Settings of Listed Buildings
Policy HBA12	-	Reuse of Traditional Rural Buildings
Policy HBA13	-	Reuse of Traditional Rural Buildings for Residential Purposes

3. Planning History

- 3.1 CW2003/1126/F Proposed conversion of buildings into 3 no. dwellings. Withdrawn 3rd September 2003.

4. Consultation SummaryStatutory Consultations

- 4.1 Environment Agency: The Agency refer to Point 3 of Planning Circular 3/99 which states that:

"When drawing up sewerage proposals for any development, the first presumption must always be to provide a system of foul drainage into a public sewer."

However, the Environment Agency conclude that were a connection to the mains foul sewer is unfeasible, and the Local Planning Authority is minded to approve the application, the following condition should be imposed:

No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To prevent pollution of the water environment.

- 4.2 Dwr Cymru (Welsh Water): A consultation response is awaited from Welsh Water although as the application does not affect the mains sewerage system, it is unlikely that an objection will be raised.

Internal Council Advice

- 4.3 Head of Transportation and Engineering: reiterates the comments made on the original application CW2003/1126/F which stated that no access gate should be provided and that the wall to the west of the access be reduced in length.

Subject to the scheme being approved, Highway Note 5 - "Works within the highway" be attached to any permission.

5. Representations

5.1 Holmer Parish Council: a letter of objection was received from Holmer Parish Council on the 15th October 2003. The points raised by the Parish Council are summarised as follows:

- 1) The proposal will create more traffic along an already congested lane. The Parish Council would welcome traffic calming measures that force traffic to slow down at the junction of Attwood Lane and Church Lane.
- 2) The Parish Council express concern over the absence of a percolation test sheet, particularly as the area suffers from drainage problems.
- 3) The proposed roof light to the bathroom of one of the proposed dwellings would be over looked from other areas. This would require obscured glazing or could be omitted.
- 4) A further roof light intended to serve a bedroom could be replaced by a window in the wall of the particular room looking out on Attwood Lane.

The Parish Council supports the principle of development on this site but would welcome careful consideration of these points.

5.2 One letter of objection has been received from Mr. A.J. Forrester and Mrs. P.A. Jenkins, The Court Orchard, Attwood Lane, Holmer. The objections raised can be summarised as follows:

- 1) Attwood Lane/Church Way is used as a shortcut between Roman Road and the A49. The congestion and speed of traffic creates a hazard for motorists and pedestrians. A further access will create more problems.
- 2) There are visibility and safety issues with the proposed access.
- 3) Work to the rear of the social club continues to create congestion, including trade vehicles that use the verge for parking.
- 4) This proposal is likely to precipitate development at the other end of Attwood Lane, damaging local wildlife habitats.

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

6. Officers Appraisal

6.1 The key issues in determining this application relate to the principle of the proposed use, the impact of the proposal on the Grade II listed summerhouse, the detail of the conversion scheme and how this impacts on adjoining uses and the highway and access issues associated with the proposal.

6.2 As identified in the South Herefordshire District Local Plan, land at Holmer to the north of Roman Road is not identified as a recognised settlement or as having a settlement boundary. As such, in theory open countryside policies would apply to development proposals in this area. In this instance and having regard to the nature of development and the character of the area, open countryside policies are not the most appropriate.

Furthermore, the location of Holmer and the nature of the area is recognised in the emerging Unitary Development Plan which shows it clearly within the built up part of Hereford. In this instance the former stable building is an attractive red brick structure in a prominent position on Attwood Lane. Clearly it is worthy of retention and this scheme proposes its conversion into three small residential properties, two of which contain two bedrooms and one three. Whilst normally the conversion of such buildings would be subject to suitable marketing to see if an economic use would be viable, in this instance having regard to the buildings location within the recognised boundary of Holmer, the residential use is in principle considered acceptable subject to the other details of the scheme being satisfactory.

- 6.3 As mentioned above, the building is in close proximity to the Grade II listed former aviary which was converted into a summerhouse at Holmer Park. The structure which is particularly attractive is currently overgrown and somewhat neglected in appearance and is enclosed by buildings and mature trees. Whilst minor alterations are shown to the boundary wall adjoining the summerhouse, no physical alterations will occur to the structure itself. It is proposed that vehicular access would be proposed between the stable building and the summerhouse and a parking area will be contained and surfaced with gravel to the west side of the Listed Building. In conservation terms, there are concerns regarding the impact on the setting of the Listed Building in terms of its context and relationship to Holmer Park. As originally proposed, a solid boundary fence was proposed between this conversion site and the rest of Holmer Park which would harm the relationship between the buildings. Following negotiations the application now proposes a much more subservient and more traditional open steel railing to a height of 1.4 metres and as such when viewed from the main grounds of Holmer Park, the relationship between the summerhouse and the main building will be retained. In view of these alterations, Officers are satisfied that the proposal will not have a detrimental impact on the setting of the Listed Building.
- 6.4 The conversion scheme itself generally accords with the Council's policies for conversions of traditional rural buildings with minimal new openings. The lantern light detail on the ridge of the building which will be reconstructed will assist in retaining the building's appearance, particularly when viewed off Attwood Lane and Churchway and the existing entrance gates will be used to access the site. Whilst the units are relatively small and have small courtyard areas as external amenity space, in this context having regard to the relationship between the stable and Holmer Park the layout of the conversion scheme is considered acceptable.
- 6.5 Holmer Park itself is currently in the process of being converted to a private leisure club and the relationship between this club and the proposed residential units has been carefully considered. Furthermore, four dwellings are currently under construction on the east side of Holmer Park in close proximity to the stable building. Again, careful consideration has been given to the impact of these units on the approved scheme. A condition would be suggested to obscure glaze the proposed circular window at first floor level on the east side of Unit 2 to prevent any direct overlooking to Plot 4 of the adjoining development which has not yet been constructed. This will prevent any direct overlooking problem.
- 6.6 A number of concerns have been raised about drainage from the site, particularly of foul water. The application indicates that storm and surface water will be dealt with via soakaways for which there is clearly room within the application site. Foul water is proposed to be dealt with via the mains drainage system which serves the area. The comments of Welsh Water who are responsible for the mains drainage are still awaited at the time of writing this report and an update will be given at the Committee meeting.

- 6.7 Vehicular access is proposed via the existing entrance to the west of the stable block building. Again following concerns expressed by Officers, a revised parking layout has been indicated which would be proposed to be surfaced with gravel. Concerns were also expressed about potential impact on the trees, however the Landscape Officer has visited the site and confirmed the proposed six car parking spaces are acceptable and will not have a detrimental impact on the existing trees. None of the mature trees would be felled as part of this proposal although there will be some pruning as part of an agreed management of the trees with the Council's Landscape Section.
- 6.8 On balance it is considered that this scheme represents an acceptable reuse of a building which is clearly worthy of retention. The provision of small scale accommodation in reasonably close proximity to Hereford is considered a sustainable reuse of the building.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. **A09 (Amended plans).**

Reason: To ensure the development is carried out in accordance with the amended plans.

3. **F18 (Scheme of foul drainage disposal).**

Reason: In order to ensure that satisfactory drainage arrangements are provided.

4. **E16 (Removal of permitted development rights).**

Reason: To preserve the character and appearance of this conversion scheme.

5. **B05 (Alterations made good).**

Reason: To maintain the appearance of the building.

6. **E19 (Obscure glazing to windows).**

Reason: In order to protect the residential amenity of adjacent properties.

7. **F39 (Scheme of refuse storage).**

Reason: In the interests of amenity.

8. **G10 (Retention of trees).**

Reason: In order to preserve the character and amenities of the area.

9. **F41 (No burning of materials/substances during construction phase).**

Reason: To safeguard residential amenity and prevent pollution.

- 10. C04 (Details of window sections, eaves, verges and barge boards).**

Reason: To safeguard the character and appearance of this building of special architectural or historical interest.

- 11. C05 (Details of external joinery finishes).**

Reason: To safeguard the character and appearance of this building of special architectural or historical interest.

- 12. C10 (Details of rooflights).**

Reason: To ensure that rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of special architectural or historical character.

- 13. C11 (Specification of guttering and downpipes).**

Reason: To safeguard the character and appearance of this building of special architectural or historical character.

- 14. G02 (Landscaping scheme (housing development)).**

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 15. G03 (Landscaping scheme (housing development) – implementation).**

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 16. G01 (Details of boundary treatment).**

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

Notes to Applicant:

- 1. N03 – Access for All.**
- 2. N06 – Listed Building Consent.**
- 3. N07 – Housing standards.**
- 4. N14 – Party Wall Act 1996.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

15 DCCW2003/2671/F - SINGLE STOREY EXTENSION TO FORM CARDIO TRAINING ROOM AT HOLMER PARK OFF ATTWOOD LANE AND CLEEVE ORCHARD, HEREFORD**For: Mr. D. Edwards, David Edwards Associates, Station Approach, Hereford****Date Received: 2nd September 2003****Ward: Burgill,
Holmer & Lyde****Grid Ref: 50785, 42281****Expiry Date: 28th October 2003**

Local Member: Councillor Mrs. S.J. Robertson

1. Site Description and Proposal

- 1.1 The site is located to the north of Roman Road and is accessed off the residential estate serving Cleeve Orchard. The building which was formerly used as the Inco Social Club is a large detached building set in mature attractive grounds. The site has remained unoccupied for some period of time since the social club closed. The existing site has provision for approximately 70 cars which are laid out in car parking areas to the west side of the main building.
- 1.2 This application seeks full planning permission to increase the size of a previously approved single storey extension to form an enlarged cardio training area within a new health and leisure club. Planning permission was previously approved for a small flat roofed extension under planning reference CW2002/0819/F. The proposed extension is sited within a courtyard area between the main Holmer Park building and the former stable complex which is currently subject to a separate application for conversion to three dwelling units.
- 1.3 This application is submitted following the recent withdrawal of a previous proposal on which concerns were raised about the impact on adjoining residential properties. As submitted the extension projects 10 metres off the existing building and measures 3.3 metres in height.

2. Policies**2.1 South Herefordshire District Local Plan:**

Policy GD1 - General Development Criteria

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

Policy DR1 - Design

3. Planning History**3.1 Applications considered relevant to this proposal are:**

CW2002/0819/F	Change of use of Wiggins Social Club to D2 (Health and Leisure Club) training area and swimming pool with changing and plant rooms with underground extension. Approved 16th October 2002.
CW2003/1708/F	Proposed single storey extension to form cardio training area. Withdrawn 28th July 2003.
CW2003/1126/F	Proposed conversion of former stable building into three buildings at Holmer Park. Withdrawn 3rd September 2003.
DCCW2003/2792/F	Proposed conversion of former stable buildings into three dwellings. Not yet determined.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: comments awaited.

Internal Council Advice

4.2 Head of Health and Trading Standards: no objections.

5. Representations

5.1 Holmer & Shelwick Parish Council: the Parish Council had no objection to the modified plan in principle but would ask the following comments be acted upon:

- Air conditioning on noisy material should be suitably silenced for the benefit of neighbours.
- Where any windows are situated adjacent to stairways, obscure glass to be used to prevent overlooking.
- As more traffic is anticipated visiting the site, the Parish Council would like to see some traffic calming measures to prevent traffic speeding on the unclassified lane which is used as a rat run during peak periods. These should be widening the verge at the junction of Attwood Lane and Church Lane to change the emphasis of the junction to force traffic to slow down to negotiate the junction particularly as access is proposed in this area.

5.2 One letter of objection has been received from Mr. P. Glasby. "I object to this application for the following reasons:

1. Scale and character - in determining the extant consent CW2002/0819/F Members were informed that the applicant had been advised a large extension could have a detrimental impact on the setting and character of the original building and could not be supported. Having considered this advice the approved scheme was submitted depicting a small extension to form a cardio training area and this was not considered detrimental to the original building. Notwithstanding this advice the applicant now invites Members to approve an extension some 75% larger than already approved.

2. Justification for the application - I respectfully suggest that Members should in fact determine this as an amended scheme of an extant consent as physically development required by the extant consent has only recently commenced and is some months away from completion. Despite this the applicant has now returned to the Council seeking a larger extension.
 - The letter submitted with the application seems to imply that in doing calculations the developer innocently overlooked the need to calculate enough floor space for the cardio vascular training facility. I would ask Members to consider that it is inconceivable to believe a developer would invest in a scheme without first ensured it was financially and commercially viable in all aspects.
 - Therefore to determine the current application in abstract without taking into proper account the accumulative affect would be more circumvent to the Council's original objective of preserving the building from inappropriate over development which is discordant with its scale and character.
3. Noise issues - the applicant has failed to demonstrate a suitable scheme showing how noise emanating from the site will be controlled. Consequently the Council is not able to determine the impact of the approved development on the surrounding residential area. If approved conditions should be imposed to ensure quiet enjoyment for the surrounding residential areas not affected.
4. Conclusion - for the reasons given above I would urge the Committee to refuse this application.”

The full text of this letter can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The key issues in respect of this proposal relate to the principle of the proposed extension and its resulting impact on adjoining residential properties.
- 6.2 As will be noted planning permission was granted under reference CW2002/0819/F for a change of use of the former Wiggins Social Club to a D2 (Health and Leisure) club with extensions to form cardio fitness training area and an underground swimming pool and changing facilities. The detail of that scheme showed a relatively small extension to the part of the building directly affected by this scheme. The applicant has now submitted a new proposal following a recent withdrawal of an unacceptable scheme to increase the size of the cardio vascular training area. In principle it is considered that the extension is acceptable subject to the resulting impact that it has on existing residential properties and when considering its relationship to a current planning application to convert the former stable complex to three new residential units.
- 6.3 Officers have considered carefully both the design and scale of the extension in relation to the host building and the possibility of future resident in the current application to convert the stable block. The revised details have significantly reduced the height of the extension and although it projects some 10 metres from the existing building, the scale and design are such that it will have minimal visual impact on Holmer Park and furthermore will not overshadow or overlook any of the adjoining residential properties. As such it is considered that the scheme is acceptable on these issues.

6.4 Concern has also been raised with regard to potential for noise. The Council's Environmental Health Officer has raised no objection to the scheme and the applicant has indicated that no windows would be open whilst the exercise area were in use. Furthermore given that air conditioning units will operate within the building, the opening of windows would seriously compromise their affect. Details in relation to the condition previously imposed on the original change of use for noise attenuation have recently been received and are being considered at the time of writing this report. In light of the advice from the Council's Environmental Health Officer, it is not considered that noise and disturbance could not be reasonably controlled in this instance and it is not a justifiable reason to object to this scheme.

6.5 On balance with appropriate materials, it is considered that the size and scale of this extension would have little impact on the host building and not affect the character of the area. Furthermore, the scheme will not represent a dominant structure which would be harmful to adjoining residential amenity nor will it create any direct overlooking. As such, planning permission is recommended subject to the following conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. **B01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings.

- 3. **F02 (Scheme of measures for controlling noise).**

Reason: In order to protect the amenity of occupiers of nearby properties.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

Document is Restricted

