

11 DCCW2004/0938/F - CONSTRUCTION OF 44 DWELLINGS, A NEW CRICKET PAVILION, IMPROVED SPORTS FACILITIES, CAR PARKING AND ASSOCIATED WORK AT LAND AT PENTLAND GARDENS, KINGS ACRE, HEREFORD

For: Persimmon (South Midlands Ltd) per Mr. G. Brockbank, Hunter Page Planning Ltd., Thornbury House, 18 High Street, Cheltenham, GL50 1DZ

Date Received: 31st March, 2004

Ward: Three Elms

Grid Ref: 48631, 41276

Expiry Date: 26th May, 2004

Local Members: Councillors Mrs. P.A. Andrews; Mrs. S.P.A. Daniels and Ms. A.M. Toon

1. Site Description and Proposal

- 1.1 The Bulmers sports ground consists of 3.5 hectares (8.64 acres) of land on the western edge of Hereford city. The site is bounded to the south and east by housing developments and to the north and west by open countryside. The sports ground itself is a relatively flat site with a number of trees, particularly to the western boundary and a mature hedge on the west and north boundaries. The site is currently laid out for use as a single football pitch, a cricket pitch, a bowling green, disused tennis courts and a car park. There are four buildings currently occupying the site, all of which are predominantly wooden in construction. The application site also includes an existing play area off Pentland Gardens which would be reconfigured as part of the development proposed. Access to the site is obtained off Kings Acre Road via Cotswold Drive. This one access point onto Kings Acre Road serves all of the existing housing on site and would serve the 44 dwellings proposed by this scheme.
- 1.2 This application seeks full planning permission for the erection of 44 dwellings, 15 of which would be dedicated as affordable housing. The scheme also involves the dedication of approximately 2 hectares (4.98 acres) of land to be used as sports facilities to Herefordshire Council. This would enable the retention of the cricket pitch (relocating the square) and the bowls club in its current position and would involve the construction of a new sports pavilion on the site. The applicant has also agreed the principle of financial contributions for the ongoing maintenance of the facility and a contribution to provide a replacement football pitch elsewhere in the city.
- 1.3 The scheme as submitted which is accessed via Pentland Gardens across an existing area of public open space contains a mixture of housing types ranging from four bedroomed detached houses to two bedroomed bungalows. The majority of the housing is indicated on the site of the existing football pitch at the southern end of the site adjoining Pennine Close and Grampian Close. The northern part of the site would remain predominantly as a cricket pitch which adjoin the bowling club facility. A new pavilion and parking area are also to be provided. At present the site is fenced and protected by locked gates and there is no incidental public access to any of the land. The land has not been maintained as a cricket pitch for some time.

- 1.4 As identified in the adopted Hereford Local Plan (1996), the site is allocated as private outdoor play space where Policy R5 is applicable. In the emerging Unitary Development Plan (revised deposit draft) the site is shown as "safeguarding open space and allotments" where Policy RST4 is applicable.

2. Policies

2.1 Planning Policy Guidance:

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

2.2 Hereford and Worcester County Structure Plan:

Policy H2B	-	Housing Requirements
Policy H2C	-	Housing Requirements
Policy CTC9	-	Development Requirements
Policy CTC18	-	Development in Urban Areas
Policy LR12	-	Recreational Facilities in Sensitive and Pressure Areas

2.3 Hereford Local Plan (1996):

Policy R4	-	Outdoor Playing Space Standards
Policy R5	-	Loss of Private Outdoor Playing Space
Policy R8	-	Children's Play Areas
Policy ENV14	-	Design
Policy ENV15	-	Access for All
Policy ENV16	-	Landscaping
Policy H3	-	Design of new Residential Development
Policy H4	-	Residential Roads
Policy H5	-	Public Open Space – Provision in Larger Housing Schemes
Policy H6	-	Community Open Space Provision in Smaller Schemes
Policy H8	-	Affordable Housing
Policy H12	-	Established Residential Areas – Character and Amenity
Policy R2	-	Deficiencies in Public Open Space Provision
Policy T3	-	Traffic Calming
Policy T11	-	Pedestrian Provision
Policy T12	-	Cyclist Provision

2.4 Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S6	-	Transport
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR5	-	Planning Obligations
Policy DR6	-	Water Resources
Policy DR7	-	Flood Risk

Policy H2	-	Hereford and the Market Towns – Housing Land Allocations
Policy H3	-	Managing the Release of Housing Land
Policy H9	-	Affordable Housing
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H16	-	Car Parking
Policy H19	-	Open Space Requirement
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T11	-	Parking Provision
Policy T16	-	Access for All
Policy LA5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA6	-	Landscaping Schemes
Policy RST1	-	Criteria for Recreation, Sport and Tourism Development
Policy RST3	-	Standards for Outdoor Playing and Public Open Space
Policy RST4	-	Safeguarding existing Open Space
Policy CF5	-	New Community Facilities
Policy CF6	-	Retention of existing Facilities

3. Planning History

- 3.1 HC900262PO/W Site for residential development, open space and car park at part of Bulmers Sports Ground. Outline permission 28th October 1991 - a legal agreement was signed restricting any other planning application on the remainder of sports ground - this lapsed 31st March 2001.
- 3.2 CW2003/0223/F Residential development of 59 no. 2, 3 and 4 bed dwellings, associated roads, drives and sewers on former Bulmers playing field including the upgrade of existing cricket and bowling facilities and new pavilion. Application withdrawn 11th June 2003.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water - Sewerage:

Conditions:

1. Foul water and surface discharges must be drained separately from the site.
Reason - To protect the integrity of the public sewerage system.
2. Surface water discharges will only be permitted to discharge to the public surface water sewerage system.
Reason: To prevent hydraulic overloading of the public foul/combined sewerage system, to protect the health and safety of existing residents and to ensure no detriment to the environment.
3. No land drainage runoff 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.

4. No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been agreed in writing by the local planning authority in liaison with Dwr Cymru Welsh Water's Network Development Consultant.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

5. The proposed development site is crossed by a public sewer/rising main/disposal main, the approximate position being marked on the statutory public sewer record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centre line of the public sewer.

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

Advisory Note:

If a connection is required to the public sewerage system the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants.

Sewerage Treatments:

No problems are envisaged with the waste water treatment works for the treatment of domestic discharge from this site.

Water Supply:

Dwr Cymru Welsh Water has no objections to the proposed development. The proposed development is crossed by a trunk/distribution water main. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

- 4.2 Sport England - the application is significantly different from the earlier application that was withdrawn in that it is no longer proposed to replace the grass pitch that would be lost if this development were to proceed. It is not, therefore, appropriate for the applicant to attach a letter from us regarding the previous application as an appendix to the supporting statement for the development.

Sport England needs to consider the application in light of its playing fields policy. This policy is now largely incorporated in paragraph 15 of Planning Policy Guidance Note. The 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 identified is far in exception to our normal position and proposing development, which would result in the loss of playing fields.

This proposal means the loss of a substantial amount of playing field land and not simply in the loss of the football pitch but also the former tennis courts, grass play area and part of the car parking. These would all fall within the definition of a playing

field. Sport England consider that the package of proposals that accompanies the previous application could address the loss through a combination of our policy exceptions, E4 and E5, which all form criteria iii and iv in paragraph 15. That is by providing a replacement playing field facilitating benefits to sport to outweigh the loss of the playing field.

In my previous letter I suggested that the applicant are proposing a combination of E1 and E5 in terms of our policy. This would combine criteria iv of paragraph 15 and the advice in paragraph 10. If the applicants are seeking to address playing field policy in this way it would seem obvious that the recommended methodology in paragraph 10 is relevant and a matter for consideration. Playing fields are a form of open space. For RPS to offer the option they have suggested that the protection of open space has no relevance to our remit of protecting playing fields would suggest an overly pedantic and unimaginative interpretation of our role.

To address paragraph 10 the assessment has to be of all the functions that the open space can perform. Furthermore, the applicants need to demonstrate their proposals are widely supported by the local community. In their letter the applicants have commented that an alternative methodology to that recommended by PPG17 has been agreed with your Council. Your Council's views on the study and the conclusions would be welcomed. I have asked our Headquarters to look into the RPS letter, to comments about team generation rate and will advise of any useful response.

The applicants refer to an offer to invest in the quality and improvement of alternative facilities in the area. I would welcome further clarification of this offer.

On the basis of the current information Sport England objects to the planning application on the grounds that there will be a loss of playing field land that has the potential to be benefit to sport and local amenity. We hope that the issues raised in this letter will be addressed and that we will be given a further opportunity to comment based on the information requested.

Internal Council Advice

- 4.3 Head of Policy and Resources - Education - the provided schools for this site are Trinity Primary and Whitecross High Schools. It is likely that there will be space at Trinity, however additional children entering the area would prevent us removing temporary classrooms that we may otherwise be able to do. Whitecross has already reached its capacity and would require additional accommodation to house additional children on its current site. The UDP includes a planning obligation policy requiring financial contributions for housing developments towards education facilities. Other plan policies will require new developments to be located and address safe routes to schools.
- 4.4 Head of Transportation and Engineering - recommends amendments to the proposed highway network to service development at the junction with Pentland Gardens and further information is required. The application does not state how stormwater will be disposed of and as there are no watercourses nearby, the developer may have to consider on site storage with flows limited to green field valleys.
- 4.5 Leisure Services Manager - after considering the revised document from RPS - Playing Pitch Assessment we have some minor reservations around some of the additional information given, but on the whole the document provides a very robust

assessment of the current provision and the conclusion that there is a surplus provision within this area is accepted. Given Sport England objections, the compensatory provision alone proposed should satisfy their policy.

- 4.6 Head of Environmental Health & Trading Standards - no comments.
- 4.7 Head of Forward Planning - the sports ground is identified as private outdoor play space in the Hereford Local Plan (Policy R5) and it is also allocated as open space to be safeguarded in the emerging revised deposit draft of the UDP (Policy RST4).

The adopted Hereford Local Plan Policy R5 allows development on such areas in exceptional circumstances. Playing fields should normally be protected except where sports and recreation facilities can be retained and enhanced with a redevelopment of a small part of the site, alternative provision of equivalent community benefit is made available, or the Local Plan shows an excess of sports pitch provision and public open space in the areas, taking account of the recreation and amenity value of such provision. The proposal is to develop a significant part of the site and to lose a football pitch. No alternative provision is proposed for this lost pitch. The remaining cricket pitch and bowling area and the appropriate building appear to be improved to some extent and these recreational areas would be able to be used by the general public rather than run as private club facilities for workers at Bulmers.

Emerging UDP Policy RST4 is similar in that development proposals involving the loss of public or private open space will not be permitted except in specified circumstances. Circumstances relevant to this case are:

- 1) Any evidence of an excess (or deficiency) of provision in the area, or
- 2) Alternative provision of at least equivalent benefit in a convenient and accessible location.

The Council does not yet have its own rigorous assessment of open space needs and provision in place to judge accurately whether there is a surfeit or deficiency of pitches in this area. This assessment will need to take account of projected participation rates of population growth, as well as the current situation. Some impression of planned local population growth up to 2011 can be gained from the UDP. The Plan presently makes no land allocations for housing development close to the application site, the nearest in this north west sector being at Whitecross School, the Eye Hospital and Friars Street. Any growth in demand around the application site over the Plan period could therefore be expected to come mainly from growth in local households, windfall site development and increase participation in sports.

PPG17 has been revised since the Hereford Local Plan was published. In the absence of the "robust assessment of need" by the Council, as referred to in paragraph 1-5, stringent requirements are set out in PPG17 (paragraph 15, i-iv). The scheme will not appear to meet these criteria, unless point iv is interpreted as including cases where improved recreational facilities are provided as part of a wider development that outweighs the loss of any existing facilities. If this interpretation is valid, the value of the improved/replacement facility offered on site by the applicant, including improvement "conversion" from private to public facilities, need to be weighed against the loss of existing facilities, based on technical advice from the

Council's Leisure Services and Sport England. [It is noted that Sport England does not appear to make this interpretation of point iv at paragraph 15 of PPG17].

If this interpretation is not valid, then replacement playing fields of equivalent or better quality and utility would be required. However, it is acknowledged that the applicant has included a study document, which assesses the need for outdoor recreational space in the northwest of Hereford, in accordance with national guidance (paragraph 10). This has to be regarded by the Case Officer as a material consideration, and the technical data and conclusions therein should also be fully considered and commented upon by the Council's Leisure Services. If it is then considered that the applicant has made a sufficiently justified case for development, which includes the loss of playing field, taking into account the requirements of national planning and local planning guidance, then this application could be progressed.

5. Representations

- 5.1 In support of the application a Planning Statement has been produced by the applicant's agent which concludes firstly, the proposed development sits comfortably with the sequential test application of PPG3, which identifies greenfield sites adjacent to urban areas as being the most appropriate places for housing developments after previously developed land.

The development of 44 units will help Herefordshire Council meet their required provision of dwellings during the Plan period up to 2011.

The proposed development will respect the existing character of the landscape, which has a flat topography and will correspond to the existing pattern of development that exists in Pentland Gardens. Furthermore, the proposed residential development will not compromise the existing landscape transition between the urban fringe of Hereford and the surrounding open countryside.

The additional dwellings proposed are ideally located to take advantage of the well-established transport links to the area. In addition, the opportunity exists to ensure that there is minimal reliance on the private car, as alternative modes of transport exist close to the site in the form of bus services for the centre of Hereford, linking the site and its potential occupants to shops, services and employment opportunities.

The additional traffic that is likely to be generated by this proposal can easily be accommodated safely on the existing road system without undue environmental consequences. In addition this proposed revised planning application incorporates an improved access for occupiers of the site and emergency vehicles as necessary.

Importantly the proposed development due to the enhancement of the existing sporting facilities and surplus of senior sports pitches in the northwest of Hereford, will not result in a shortfall of recreational opportunities within this part of the city. The residential development will complement to the existing recreational facilities providing exceptional circumstances in which to justify the residential development that forms part of this proposal.

In essence the proposed development will be entirely in accordance with Planning Policy Guidance and it is hoped that this proposal is considered appropriately and planning permission is granted in due course.

A supporting assessment of playing pitch provision for the northwest sector of Hereford City produced by RPS on behalf of the applicant demonstrates that the loss of the playing field at Bulmers Sports Ground would not result in the under provision of pitches in the study area.

- 5.2 Hereford City Council - concern at how backland development can be accommodated via existing local road pattern without congestion arising.
- 5.3 Hereford Civic Society - while this application appears to show some improvements over the previous application withdrawn by Persimmon we believe that it should be rejected unless some agreement is reached with the developer on improvement to the standard of architecture of the proposed houses which, to say at the least, is uninspired. Until some effort is made to ensure that housing developers raise the standard of their architecture we shall continue to have Hereford condemned to have large areas of poorly designed speculative houses. Also we are not convinced that the access arrangements have been modified sufficiently to ensure safe and adequate movement of traffic to existing houses in the area, to the new development proposed and to the sports facilities.
- 5.4 Herefordshire Football Association - Herefordshire FA and Herefordshire Local Football Partnership formally object to the loss of the football facility at this site. Hereford is devoid of quality pitches as confirmed by the REFF Report. The loss of one of the best playing surfaces in the county without the compensatory measures is strongly objected to and contrary to Policy R5 and R11 of the Hereford Local Plan. At a time when the issues of obesity are high on the agenda it is important that we increase participation through the recreation and provision of quality facilities. The development of football within Herefordshire is directed to the local football partnership strategy of which your Council is a key partner and player. This identifies the need to upgrade existing facilities and support the promotion of enhanced community pitches rather than part pitches as provided by the Herefordshire County Council. Accordingly appropriate planning gains should be achieved through either the provision of a compensatory provision or money to enable other facilities to be enhanced. Through discussion with the Football Association Facilities Manager, Herefordshire is lacking behind the provision of Section 106 money from development and this is a key issue which must be addressed as it would enable the Council and the local football clubs to draw down several hundreds of thousands of pounds of grant money into the county. We therefore urge you to seek compensatory football facilities in light of the above or if not forthcoming refuse the application.
- 5.5 39 letters of objection have been received from local residents. The contents of the letters often raise very strong objections to the proposed development and go into considerable detail on specific issues. For the purpose of this report the key planning issues will be summarised as follows:
- The principle of housing on this protected site is objected to as the site is clearly shown as private recreation land in the Development Plan. Such land should not be built on and there is a strong presumption against new residential development especially involving the loss of good quality sports facilities. This site offers some of the best sporting facilities in the city.
 - Very strong objections are raised with regard to additional vehicular traffic entering the site via Cotswold Drive which is the cul-de-sac already serving in excess of 150 houses. Parking is already a problem and this proposal does not accommodate enough parking for any visitors. Significant increases in traffic will

be particularly dangerous giving the amount of children playing in the area and it will be totally unsafe for the Council to approve such a development on an inadequate road network. The knock on impact onto Kings Acre Road and into the city would be horrendous, the visibility from the existing road network onto Kings Acre Road is below standard and unsafe. In reality the scheme would generate at least 100 cars plus sporting visitors at the weekend and through the week given Council ownership of the land. The access road was only put in to serve Cotswold Drive and now takes extra traffic from Pentland Gardens. The increase is not acceptable. Within the layout there are no footpaths on the side of the road which again will lead to children playing behind cars and will be extremely dangerous. Peak time traffic is already particularly bad and this scheme will only go to add to the problem and endanger other highway users.

- Strong concerns are raised about the density and mixed nature of the development proposed including the social housing element. The character of the area is defined by detached and semi-detached dwellings and this high density proposed including social housing is totally out of character with the immediate area.
- There is a lack of sports and recreation facilities in the locality and the loss of the football pitch would be unacceptable. The children's play area is to be modified and repositioned, this area is already abused and the children for who it is designed are unable to use it and this will compound the situation which will become an eyesore as it currently is.
- Strong concerns that the infrastructure of the area such as drains won't be able to cope with the new capacity from the development and would the development result in flash flooding and is there sufficient capacity such as schooling in the area which is already severely stretched. Concerns that if the development is constructed that emergency vehicles will not be able to access the area which would result in delays.
- The proximity of new houses to the common boundary with existing properties and the impact that such development would have in relation to overlooking, loss of light and general amenity.

5.6 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 the consideration of this application relate to

1. The principle of residential development in accordance with adopted planning policy.
2. The impact on sports and recreation facilities.
3. The access and transportation issues.
4. Site layout.
5. Any other material considerations.

6.2 Policy R5 of the adopted Hereford Local Plan (1996) states that development proposals which would lead to the loss of private playing fields, school playing fields

and other private outdoor sports facilities would only be permitted in exceptional circumstances, having regard to

- a) where sports and recreation facilities can be best retained and enhanced through the development of a small part of the site, particularly in respect of any improvements in public access;
- b) the extent to which alternative provision of equivalent community benefit is to be made available in a suitable location;
- c) the role of the facility meeting outdoor play needs, taking into account the long term impact of the loss of the facility.

6.3 The site is identified in the Hereford Local Plan as private recreational space. As will be noted from the above policy requirement, development proposals will only be permitted in exceptional circumstances having regard to the three criteria set out. As set, there is a general presumption against residential development on such sites.

6.4 The scheme itself proposes the erection of 44 dwellings which are predominantly sited on the southern half of the sports field where an existing football pitch is presently located. The scheme itself provides a good mix of residential units ranging from two bedroom, bungalows and semi-detached properties through to four bedroom detached dwellings. It should also be noted that the proposal includes the full 36% policy requirement for affordable housing which are to be provided in 2 bed bungalows, 2, 3 and 4 bed houses, giving a total number of dwellings of 15. In terms of residential density and provision of affordable housing the scheme is fully compliant with the latest advice contained in PPG3 (Housing).

6.5 Officers consider the principle of housing on this land should only be accepted if the proposal is submitted in "exceptional circumstances" and the provision and enhancement of the sports and recreation facilities offer the opportunity for enhanced community participation. If planning permission is granted then the proposal would represent a departure from the Development Plan.

6.6 The sports facilities provided on the former Bulmers playing field are considered to be of a particularly good quality when they were in use, most notably the cricket pitch was arguably the best in the city. The application proposal whilst retaining the cricket use on the site would involve the relocation of the square to the pitch to the moved in a northern direction. Also proposed by the application is the erection of a new cricket pavilion which will be access via a new road network from Pentland Gardens, a coach parking facility, 41 car parking spaces are also shown on the site to serve both the cricket pitch and the retained bowls club. An area of grasscrete is also detailed for overspill parking.

6.7 At present all of the sports and recreation facilities are undertaken on a private club basis and the site remains locked and gated when not in use. From a recent inspection, it would appear that the cricket pitch is not in use in the current season as the square is in an unkempt state. With the scheme before Members, 2 hectares (4.9 acres) of the 3.5 hectares (8.64 acres) of the application site would be dedicated to the Council as well as a commuted sum for the long term maintenance of the site. The developer would also construct a new cricket pavilion and associated storage shed and could provide money to refurbish the existing bowls club house to provide toilet accommodation.

6.8 At present all of the sports and recreation facilities on site are undertaken on a private club basis and the site remains locked and gated when not in use. The

Leisure and Countryside Manager has indicated that in principle the Council would be willing to take control of the sports facility proposed within this scheme with a view to reaching an agreement with the Education Department as the new Whitecross High School is an approved specialist college which has outline permission on the adjoining site and the cricket facility could form part of the overall sports offer as part of that scheme. The Whitecross School scheme makes provision that all the sports facilities will be open for public use outside school hours and due to the location of the cricket pitch and site boundary both proposals could easily form one sports site. However, the Leisure Services Manager is concerned in respect of the maintenance costs of such a facility and the applicants have put forward as part of the scheme £10,000 for the repositioning of the cricket square, and £50,000 towards the maintenance of the cricket pitch. These commuted sums would be secured as part of a Section 106 Agreement and would represent a Planning Obligation. As part of this sports offer, it is proposed that a new cricket pavilion would be constructed on the site for that facility. After discussing this matter with the Leisure Services Manager and a inspection of the current facilities on site, all of the existing buildings with the exception of the bowls club pavilion are to be removed. The bowls club pavilion is a timber structure which if acquired by the Council would have a relatively high maintenance regime due to its construction form. It is the opinion of your Officers that the new pavilion as put forward should be extended to include two more changing rooms and associated changing facilities so one building is provided on site to a modern standard to the appropriate specification that will serve both the cricket and bowls purposes. This matter has been taken up with the applicants and their formal response on this matter is awaited.

- 6.9 A contribution of £44,000 is also proposed as part of the scheme towards appropriate schemes for Trinity Primary School. Given that this site is not an allocated housing site and is brought forward on a "windfall" basis, the Local Education Authority have requested a contribution of £1,000 per unit.
- 6.10 The response of Sport England on this application is presently one of objection as they are not convinced from the initial report submitted that the proposal complies with the terms of PPG17. However, a key issue in respect of sports provision is the loss of the football pitch which is currently on site. At the submission of the current application £20,000 was offered towards the provision of a new football pitch off site. After discussions, it is clear that such a contribution is not sufficient to provide such a facility off site. From the assessment carried out by RPS on behalf of the applicant, it is stated there is not a shortfall of such sports pitches within this quadrant. It is therefore proposed that the replacement pitch is provided at the recreation site at Aylestone Hill. After negotiations it is now proposed to offer £100,000 for this purpose. Such a contribution is considered sufficient to provide a pitch off site to a standard acceptable to the relevant leagues that play in Hereford. Once this offer has been formally submitted to the Local Planning Authority an updated position on the latest Sport England views will be requested and reported at the meeting,
- 6.11 To summarise the sport and recreation position on this application, it is considered that the dedication and relocated cricket pitch, new sports pavilion, financial contributions for the relocated football pitch are in principle welcome. However, this is on the basis that the financial contribution offered by the developer is considered acceptable by the Leisure Services Manager and Sport England. It should be noted however that the relaying of the cricket square and repositioning of the pitch could take a significant period of time to establish and the quality of the cricket provision and the setting of the ground will be significantly different to that which exists on site presently. Furthermore, whilst the dedication of the facilities to the Council in theory

makes the facility more available to the general public, it is intended that the existing club using the bowling facility will continue, and the cricket provision will be included within the management of the adjoining Whitecross High School approved specialist sports college campus. The facilities on offer at Whitecross School will be managed by "Halo" and it will be for the Education Directorate in conjunction with Whitecross School to open negotiations with regard to the open availability of the cricket facility. It is a view of the Leisure Services Manager that Whitecross High School should act as a feeder club to a senior club who and could use the facility on weekends and evening matches. As part of the package for the cricket ground, it is proposed also to provide a cricket roller shed and associated car parking for the facilities.

- 6.12 The access and transportation issues associated with this scheme have been an area of particular concern to local residents. Almost all of the objection letters submitted raise concerns on highway safety grounds and potential for congestion, both within the site and on Kings Acre Road. Given that all of the existing development (in excess of 150 houses) is served by one access point off Kings Acre Road, the Head of Engineering and Transportation does not raise any objections to the capacity that the existing highway network which would serve the development but raises issues on a number of details, particularly the positioning of car parking for the sports facilities, specification of coach parking, details of visibility of the new access road with Pentland Gardens and details of the bollards on the proposed emergency access route located directly to the rear of the pavilion. The issue of road capacity has been discussed at length with the Transportation Unit who are of the opinion that the existing road network can accommodate the dwellings proposed.
- 6.13 The issues raised in the Transportation Unit's comments can be generally addressed with the submission of amended plans and this matter is currently being processed by the applicant's agent. Therefore, in conclusion the Transportation Unit has no objections in principle to the scheme but requires reassurance on a number of detailed design elements which relate to the junction of Pentland Gardens and the new development and within the proposal itself not the wider highway network.
- 6.14 The previous application was submitted on the basis of the importance of the development of the site in relation to the then financial difficulties of H.P. Bulmers Plc and justification was submitted which made a case that the cash sum released from the site would underpin the company's position. That argument no longer exists since the Scottish and Newcastle takeover and therefore the scheme must be considered against relevant adopted policies and other material considerations.
- 6.15 It is your Officers opinion that if the cricket pitch is managed from the new Whitecross High School site then there is an argument that the car parking associated with the cricket pitch use which has been proposed as part of this scheme could well be removed and located within the school grounds. Clearly local residents have concerns as already set out in respect of the road network capacity and highway safety issues and the removal of this car parking provision would take some capacity away from the local highway network. This matter is currently being discussed with the applicant's agent and if progressed amended plans detailing this will be submitted. The area in question for the car parking is to the west of Plot 46. It is your Officers opinion that if this car parking is removed then it would be more appropriate to relocate Plots 1 and 2 to the northern side of the proposed access road adjoining the new bowls club, the resulting area which is currently detailed for Plots 1 and 2 could then be used as a further area of open space which would then form a linear strip of open space from Pentland Gardens to the rear western

boundary thus having a more open feel to the development when approaching and viewed from Pentland Gardens.

- 6.16 Issues of building to building relationship have been considered extremely carefully as those residents which currently back onto the site have an open aspect. The issue of the loss of view is not a material planning consideration, however the issue of the proximity to the new development to the adjoining dwellings is. The closest relationship between existing dwellings and those proposed is in the vicinity of Plots 11, 13, 21 with development proposed within some 1-2 metres of the common boundary. In relation to the development on Plot 11, the new dwellings proposed are of bungalow single storey design and it is considered that relationship is acceptable. In relation to development on Plot 13, the new dwelling is set some 5 metres to the rear of the existing dwelling, the relationship when in the garden of the existing dwelling adjacent to this plot would one looking at a gable wall which is not an uncommon relationship on modern day residential developments, the densities of which are set by those in PPG3 where the Local Planning Authority is duty bound to seek the most effective use of land at a higher density than historic developments such as that adjacent to the application site. In relation to Plot 21, although the building is located in close proximity to the boundary some 2 metres, the rear elevation of the existing property to the side elevation of the proposed property is some 18 metres.
- 6.17 The issue of proximity of dwellings has also been raised in relation to those properties in Pentland Gardens and the new development where the back to side relationship is 15 metres. Although this may appear close to the residents of those properties and their views are clearly appreciated in respect of the planning merits such a distance of 15 metres again is considered to be an appropriate distance and indeed Inspectors on schemes in Hereford City have reduced such relationships to a much lower level.
- 6.18 In correspondence received a number of residents have commented on the surface water issue that in periods of heavy rainfall water has been visible standing on the site, and indeed one residential has produced photographic evidence of such. This matter has been discussed with the Council's Drainage Section, and it is considered that appropriate conditions are required for the development to ensure that a flash flooding situation does not occur to both the adjoining existing residential properties and those part of the scheme proposed. Detailed conditions therefore would be necessary to ensure that detailed drainage systems are submitted and should be designed on the basis of the existing greenfield runoff capacity which may require holding tanks to be constructed on the site which is not an unusual situation and there are many recent residential developments in Hereford City which have been designed in such a manner.
- 6.19 On balance and after careful consideration, Officers conclude that the methodology submitted in respect of the assessment of playing pitch provision and the views of our own Leisure Services Manager detail that there is not a shortfall of playing pitch capacity in the locality and in fact once the Whitecross High School scheme is constructed for which there is outline planning permission already granted and a current application being considered for the detailed scheme, there would be an increase in football pitch provision in the locality as those pitches will be open for public use as part of the school's proposals. Therefore the Planning Obligation proposed will allow the provision of a football pitch for Aylestone Hill to come on line adding to the capacity of the northern part of Hereford City which would result in added capacity to football provision. It is also proposed that the cricket pavilion

proposed notwithstanding the submitted details and its location should be subject of a condition whereby that provision is combined with new provision for the bowls club and located in an appropriate location somewhere in the area of the existing bowls club building. Your Officers are of the opinion that this matter can be controlled appropriately through a planning condition. Such new provision would upgrade the facility for the bowls club and providing the necessary facility for the cricket pitch.

- 6.20 The issue of the orientation of the pavilion was raised in the previous application by Sport England when it was located in a similar position, however it is not unusual to have the orientation of the pavilion orientated towards a westerly direction. The acquisition of the cricket pitch by the Local Authority and used in conjunction with Whitecross High School for the students of that campus and outside hours use, will open up a facility which is currently private with extremely limited use to the former Bulmers employees. As already noted in the report and from a recent site visit, the pitch is no longer in a condition that could be played without substantial work to the wicket. It is therefore considered by your leisure experts from this Authority that the proposals put forward and the evidence supplied by the applicants and the amendments proposed by this report by the provision of a joint pavilion that the sports offer gives added value to sports facilities for this part of Hereford and the wider area, however the views of Sport England on these proposed amendments are awaited and will be reported verbally to Committee.
- 6.21 The issue of the transportation network raised by local residents is noted and afforded some weight in the consideration of this proposal, however with Transportation's opinion that the highway network can accommodate the scheme as proposed, a reason for refusal on this basis would be unreasonable when highway engineers have not offered objections on this basis but it is your Planning Officers opinion that the removal of the car parking capacity allocated for the cricket use will reduce traffic flows to the sports pitches. If the existing pitches were to be used then they could be used more intensively than previous which would result in the capacity associated with such uses increasing.
- 6.22 The removal of cricket car parking will allow for the relocation of Plots 1 and 2 in a manner that would visually open up the site and increase the open space provision for not only the residents that would occupy the new and adjoining properties but the area as a whole. The issue of the building to building relationships have also been considered and amendments have also been requested to all those plots adjacent to the southern boundary by means of removing the existing gabled end details and those roofs redesigned to include a hip which will cut down the physical bulk so when viewed from the adjoining properties, it is considered that such treatment is appropriate for Plots 41 and 42 also and if such design amendments cannot be accommodated then newly designed dwellings may be required for these plots.
- 6.23 It is your Officers opinion that the scheme has addressed the normal planning issues associated with a residential development of this type in relation to the issues raised in this report. An appropriate weight is given to the added value to sports and recreation facilities being offered to the general locality and the northern area of Hereford City as a whole. On the basis of the case put forward it is considered that there will be an improvement to sports provision. On this basis having regard to all the material considerations considered with this detailed and complex application, the scheme is recommended for approval subject to a Section 106 Planning Obligation to ensure the delivery of the benefits and financial contributions put forward.

RECOMMENDATION

1. That:

- i) the application is notified to the Secretary of State for the Environment, Transport and the Regions as a departure from the Development Plan;**
- ii) subject to the Secretary of State confirming that he does not intend to call it in**

The County Secretary and Solicitor be authorised to complete a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to

- 1) Provision of affordable housing (15 units comprising of 6 rented and 9 shared equity).**
- 2) A contribution of £44,000 to Trinity Primary School.**
- 3) A contribution of £50,000 towards the maintenance of the cricket pitch.**
- 4) A contribution of £100,000 for the provision of a new football pitch off site.**
- 5) A contribution of £10,000 for the repositioning of the cricket square.**
- 6) The construction of a new cricket/bowls pavilion to Sport England's specification design guidance.**
- 7) The relocation and siting of play equipment and laying out of public open space together with a commuted sum for the maintenance of such areas for a period of 10 years after completion of development.**
- 8) Payment of the Council's legal costs in preparing the Planning Obligation**

and any additional matters and terms as she considers appropriate.

- 2. On completion of the aforementioned Planning Obligation Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the receipt of suitably amended plans and no further objections raising additional material planning considerations after a reconsultation with adjoining residents and no objections being raised by Sport England.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.