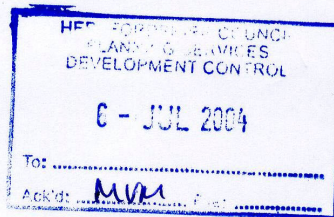


HEREFORDSHIRE & GLOUCESTERSHIRE KS CANAL TRUST

WORKING TOGETHER IN THE PRESENT, TO REVIVE THE PAST, AND SECURE A BETTER FUTURE

Please reply to:- David Penny,
"Coppice",
Burley Gate,
HEREFORD.
HR1 3QS
Tel:- (01432) 820420

Miss K Gibons,
Central Divisional Planning Office,
Herefordshire Council,
Blueschool House, Blueschool Street,
HEREFORD,
HR1 2ZB



2nd July, 2004

Dear Miss Gibons,

DIVISION INTO 7 UNITS AND USE OF LAND ADJACENT TO MORTIMER ROAD/BURCOTT ROAD HEREFORD FOR STORAGE - DCCE2004/2003/F

Thank you for your consultation on the revised Application for the above site, following its previous refusal.

Unfortunately this Application does not appear to be valid as there are considerable and critical errors between the various plans. The location plans (1:1,250 & 1:500) show the red line boundary excluding the Canal Land. The detailed Site Plan (A2 sized with no scale) clearly shows the Canal Land within the red line boundary, and utilised as part of the development. The Application drawings are therefore completely misleading as the red line boundaries etc do not correlate between drawings and we would respectfully suggest that this is not a duly made Application.

Despite the above I will deal with the sketch Site Plan. The proposed change of use as shown on the site plan is in breach of both established and emerging Planning Policy and well established Planning Precedent, and we therefore **OBJECT** to this Application.

The site plan shows the Canal Corridor being an integral part of the operation of the adjoining land, being utilised for turning and parking for the adjoining proposed units and with two units encroaching onto it and with access to those two units from the protected Canal Corridor. This is little improvement from the last Application for this site which was refused. One of the reasons for refusal was protection of the Canal Corridor. This revised Application remains in breach of both Policy and Precedent protecting the Canal Corridor.

We have already sent to your Council a copy of the more detailed layout for the Canal in this area and the area of land that is required for the Canal Corridor (colour A4 attached). This Application shows complete disregard for that. There is little point in showing a Canal Corridor (which is in any case not to the correct dimensions) on the Site Plan and then showing development occupying the same space.

In addition we object to the lack of provision of a suitable turning head at the entrance to the site. As part of the Hereford Retail Park development it was accepted by both Hereford City and Hereford & Worcester County Council Highways that Burcott Road would be closed at the crossing of the Canal. Any development of this site should facilitate that closure by ensuring that its entrance meets the Highway Department's requirements for the turning head which will form the termination of Burcott Road on this side of the Canal.

It should be noted that the Applicants comments with regard to temporary use are spurious as we have clear Precedent at Appeal at Rudford (in the Forest of Dean), where the Inspector ruled very clearly that he would not permit a temporary use on the line of the Canal.

... continued

We always wish to work with Applicants, to protect the Canal Corridor whilst permitting them to maximise the returns from their adjoining land. Whilst we would far prefer a better quality of adjoining development, we attach an amended version of the Applicants Site Plan showing how 5 Units could be accommodated without prejudicing the Canal Corridor. Should they accept such a proposal we would request a Condition requiring the erection and maintenance of the fence shown on the boundary line between the development and the Canal Corridor, to prevent encroachment onto the canal line, as well as the provision of the turning head as part of the entrance.

It should be noted that this site can be viewed in the very clear planning history of the area, specifically related to the Canal Protection Policies:-

1. This specific site has already seen a clear refusal for the use proposed.
2. Previous proposals for similar development expanding on to this site from the Imperial Business Park were judged unacceptable and the Applicant revised the proposals to exclude the Canal Corridor
3. The West Midlands Farmers site adjoining this section of Canal Corridor was subject to the amendment of both building locations and levels to facilitate the Canal restoration on the current Application site
4. Immediately adjoining the Application site is the Hereford Retail Park which saw some 25% of the site reserved for the Canal Corridor which, combined with the Planning Gain of the structures and other works to facilitate the Canal's future passage unencumbered through the site, saw Planning Gain worth some 15% of development value.
5. Immediately adjoining the Hereford Retail Park site is a section of Canal Corridor in three parcels. Each end is owned by Herefordshire Council with a Cabinet resolution earlier this year for their transfer to the Canal Trust for Canal restoration. The central section is owned by Harper Group and represents 50% of their adjoining development site (formerly Votex) which has now commenced development. This is subject to a s.106 Planning Obligation requiring the transfer of the Canal Corridor to the Canal Trust. This is expected within the next 12 months and the Trust, Council and Harper are currently pursuing the restoration of this section of the Canal.
6. All the above sections of the Canal Corridor, including that within the Application site, form part of the proposed Canal restoration which is an integral part of the Edgar Street Grid.

The coherent and strategic defence of the Canal Corridor within the City has been ongoing for many years and is now bringing positive results, not just of protection but also of land transfer, s.106 Planning Obligations to meet the long term maintenance and management costs of the waterway, and the active planning for restoration in the short term.

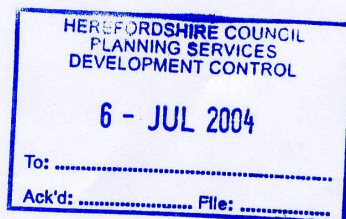
We hope that we may therefore rely on you, your Members and the Council as a whole to continue the defence of this site from such clear breaches of Planning Policy and Precedent as are clearly represented by the current Application. We Object to this Application and request that it be Refused with clear reference to its failure to comply with Policies protecting the Canal within the reasons for Refusal.

If for some reason you are minded to make any other recommendation or decision we request that you contact us so that we may make further representations. Please do not hesitate to contact me if you have any queries or wish to discuss any aspect.

Yours sincerely,



DAVID R. PENNY
*Chairman Steering Committee; Planning & Local Authority Liaison;
Project Director – Over SPG.*



*cc. Richard Woodhead;
Geoff Hughes;
Stephen Oates;*

Ron Pritchard (Agent)