

# PLANNING COMMITTEE

22 February 2012

## Schedule of Committee Updates/Additional Representations

**Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.**

**N113052/F - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF A SUPERSTORE CLASS A1 PETROL FILLING STATION, CAR PARKING, BIOMASS BOILER, LANDSCAPING AND ASSOCIATED WORKS AT LAND AT GALEBREAKER HOUSE, LEADON WAY, LEDBURY, HEREFORDSHIRE, HR8 2SS**

**For: Sainsbury's Supermarkets Ltd per Turley Associates, 25 Saville Row, London, W1S 2ES**

### ADDITIONAL REPRESENTATIONS

#### Members

Councillor Bettington (Ledbury Ward) has written and stated that "Due to information I have received and an out of Town store I wish to OBJECT to the planning proposal".

Councillor Patricia Morgan of the neighbouring Frome Ward which includes the Parishes of Acton Beauchamp, Ashperton, Aylton, Bishops Frome, Canon Frome, Castle Frome, Eggleton, Evesbatch, Little Marcle, Much Cowarne, Munsley, Pixley, Putley, Stanford Bishop, Stretton Grandison and Yarkhill objects to the proposed development. She states:-

"As a neighbouring Ward Councillor to Ledbury I would very much appreciate the Committee taking a few minutes to read my thoughts on this application as it has raised considerable interest locally. I have kept it short!

- The level of interest is a reflection of the affection the Parishes in my ward quite rightly have for Ledbury. I note in the report that as a market town in Herefordshire, Ledbury is something of an exception. It has a well maintained built environment, low vacancy rates, healthy levels of new build and conversion activity. I would concur with this. This vitality in the high street needs to be treated with respect. This does not mean that the town should be preserved in aspic but more that new retail space needs to be thoroughly considered and unintended consequences minimised. This is the major issue and both opposers and supporters acknowledge this although draw different conclusions.
- There is local acknowledgement that there is need for some increased retail space in Ledbury. Indeed in some of my Parishes, locals say that they shop elsewhere from Ledbury because of this. Given the information provided in the report it seems to me that there are too many weaknesses in the argument that the planned size of this store is required. It is therefore likely that it would impact

significantly and detrimentally on the existing high street. This is not about restricting choice but expanding the retail offer must be done thoughtfully.

- The proposed location of this store is very much out of town and this will further threaten the vitality of the current high street. It would seem that there are other options for developing increased retail space and thus enhancing Ledbury as a market town. These must be more positively investigated. They have been too easily dismissed by rather weak arguments.
- An application that does not have the support of the Environment Agency because any flooding risk has not been addressed is unacceptable. I have met too many people affected by flooding not to pass comment here and insist on better.
- In the interest of brevity, this application is simply not good enough for Ledbury. It is a “one size fits all” option and we should demand better. I would urge the Committee to refuse the application on the grounds detailed in the report.”

Councillor Carl Attwood of the neighbouring Hope End Ward which includes the Parishes of Bosbury, Coddington, Colwall, Cradley, Mathon and Wellington Heath registers his concerns with respect the proposed development. He states:-

“I cannot be at the Planning Committee on Feb 22<sup>nd</sup> but as the Member of an adjacent Ward to Ledbury, would like to register my concern over the Sainsbury application.

The refusal of an appeal in Jan 2011 for a catering unit (in a geographical position close to the present application) on the grounds, inter alia, of threatening the vitality and viability of Ledbury Town Centre focuses the nub of the objection to the proposed Supermarket application.

Despite an understandable reaction which has been stimulated by Sainsbury themselves resulting in a degree of local public enthusiasm for this development, the deeper implications for the economy of the Town centre are clear and troubling.

If this application is approved then the opening chapter of the irreversible economic decline of the Town centre is started which will consign it to the fate of other once thriving market towns throughout the country which are now eviscerated of vibrant life, with dire implications for the wider Ledbury community as well as the centre.”

### Objectors

Since the publicity period inviting representations expired (3<sup>rd</sup> February 2012) the Local Planning Authority have received a further 131 written expressions of OBJECTION, providing a total of 2,540. The only new matter raised is that the objectors urge Members not to defer the application at the meeting on 22<sup>nd</sup> February 2012.

### Supporters

Since the publicity period inviting representations expired (3<sup>rd</sup> February 2012) the Local Planning Authority have received a further 547 written expressions of SUPPORT, providing a total of 1,539.

Some of those persons (supporters and objectors) who wrote in after 3<sup>rd</sup> February 2012, appear to have previously written to the Council with regard this application.

### Representation from owner / operator of Orchard Lane/Homend Site

A representation has been received from the agent acting for the owner and operator of the site at the corner of the Orchard Lane / Homend site which is an edge-of-centre site. He makes the following points:-

- In seeking to reject this sequentially preferable site the agent for the applicant seeks to rely upon his client’s view expressed several months ago that the retail store upon the Orchard Lane site was not

considered by his client for an extension or a new store. His client has reviewed their position in the light of the community's feedback and his client's professional advisers are now satisfied that a scheme for a replacement store upon the Orchard Lane site can be produced which meets his client's operational requirements whilst also respecting the locality.

- The Orchard Lane site could accommodate a replacement store with a gross floorspace of 4,201 square metres and a net sales area of 2,942 square metres;
- Given the location of the Orchard Lane site on the edge-of-centre, a larger store in this location has the potential to generate far greater spin-off economic benefits for the town centre associated with new linked shopping trips;
- Although similar in size to the proposed Sainsbury's store, the net increase in on-site retail floorspace at Orchard Lane (due to the demolition of the existing store) would be substantially less than Sainsbury's floorspace which, common sense dictates, would therefore have a far greater impact on Ledbury town centre than would a new store at Orchard Lane, The net increase of floorspace would be 2,039 square metres gross and 1,767 square metres net sales;
- Contrary to the assertion by the agent for the applicant, the cost of closing the Orchard Lane store to facilitate the site's regeneration does not rule out a viable scheme; and.
- There are no uncertainties whatsoever concerning land assembly and scheme delivery;

#### Representation from agent for applicant dated 15th February 2012

The agent for the applicant has made further submissions. In summary he advances the following arguments:-

- The advice the Council has received from Drivers Jonas Deloitte (DJD) is predicated on a fundamental misunderstanding of the impact methodology;
- Elements of their advice are not grounded in national or local planning policy;
- Comments on potential sequential sites is not categorical;
- DJD do not draw any firm conclusions in respect of PPS4, namely Policy EC17
- The adverse impact upon the character of the Ledbury Conservation Area is not soundly based.
- The Council fails to consider all of the material submitted in relation to employment land. It is only a cursory assessment;
- The planning policy requires flexibility in safeguarding land going forward;
- Retail is an important use which creates jobs;
- The development will ensure the expansion and retention of a key employer in Ledbury;
- The Council fail to acknowledge that the relocation of Galebreakers is not considered a material consideration;
- The Transportation assessment fails to consider the sequential approach;
- The recommend Transportation/Sustainability ground of refusal is not founded in planning policy;
- The agent for the applicant states that further information is being collated for the environment agency with regard the issue of flood risk;
- Sainsbury's have identified two potential sites for slow worms which meet the necessary criteria'; and
- The agent for the applicant Local Planning Authority prior to the application being determined.

#### Representation from agent for applicant dated 20th February 2012

The agent for the applicant submitted substantial additional information/submissions late on the afternoon of Monday 20<sup>th</sup> February 2012 which seeks to rebut the recommended nine grounds of refusal. This included a revised an addendum to the originally submitted 'Economic Assessment'. Such late submissions can only be summarised briefly. In summary these submissions:-

- Express concerns that the issues arising from the proposals have not been fully considered;
- Express the view that the reasons for refusal stem from limited dialogue on the key issues rather than insurmountable policy concerns;
- Claim that Officer report seeks to pre-determine the merits of the application And is misleading in stating that recommended grounds of refusal 1-5 cannot be overcome by way of an amendment to the submitted scheme of through negotiation;

- State that planning policy does not preclude out-of-centre retail development;
- Lists the benefits that the agent for the applicant considers the scheme would deliver;
- Draws attention to the support that the proposal has attracted including during their pre-application community engagement process;
- The recommended second ground of refusal is based on the DJD Report does not conclude on the acceptability of the proposal;
- The applicant would wish to engage further with Officers with respect the proposal;
- It is unclear on what basis Officers have been able to conclude that the trade draw resulting from the application proposal is likely to have an adverse affect upon the character of the Ledbury Conservation Area;
- The Officer report fails to give weight to the employment generation;
- The site is in a sustainable location and benefits from a good level of accessibility from surrounding residential areas;
- The proposed development is supported by a range of sustainable infrastructure and transport measures which are designed to promote sustainable travel to the site by foot. Cycle and public transport;
- Further measures to promote sustainability through the life of the development are also contained within an Interim Travel Plan;
- The site is largely surrounded by residential properties, including land beyond the industrial estate to the south of the site;
- Reason for refusal 6 – The agent for the applicant is of the view that a revised Flood Risk Assessment could be submitted that addresses the concerns of the Environment Agency;
- Reason for refusal 7 – It is stated that two sites have been identified for the relocation of slow worms and that these are within the ownership of Herefordshire Council;
- Reason for refusal 8 – the agent for the applicant is satisfied that an agreement could be reached with regard a Planning Obligation
- Reason for refusal 9 - the report does not suggest that this landscaping is fundamental to the acceptability of the application proposal;

### LESS Group

The LESS group that support the application state:-

“After due consideration by the LESS group we feel we must still voice our concerns about the inclusion of the LOTS petition in your report. This petition was collected in opposition to a previous application and as such we feel should not be allowed to stand for this current application. Its inclusion could be seen as misrepresentation of the people who signed as none were contacted to gain their permission to use their name in objecting to the current planning application. Since this came to light we have had numerous people contacting us stating that “although they signed against Tesco’s they are in favour of Sainsbury’s” we therefore feel that to include the petition could lead to a false impression to planning committee members of the level of support against the current application.

We understand that the application will be voted on purely on planning law & government guidelines and is not a "referendum", but, LESS feel, the petition inclusion in your report could have influence on individual planning committee member’s decisions.

We therefore request that the LESS groups concerns and objections are noted and made available to all the planning committee members prior to the meeting on 22<sup>nd</sup> February 2012.”

### **OFFICER COMMENTS**

#### Representation from owner/operator of Orchard Lane/Homend Site

The representation received from the agent acting for the owner and operator of the site at the corner of the Orchard Lane / Homend site which is an edge-of-centre site is highly relevant. It adds weight to the Officer appraisal that the sequentially preferable edge-of-centre Orchard Lane site could deliver additional retail floorspace to Ledbury and that the sequential testing provided by the agent for the applicant is not robust.

#### Representation from agent for applicant dated 15<sup>th</sup> February 2012

It is considered that DJD fully understand the impact methodology, their advice is based on Central Government advice and Development Plan policy, their advice with respect sequential testing is sound and that their conclusions are robust.

It is considered that recommended ground of refusal 2, being the impact upon the character of the Ledbury Conservation Area is soundly based. In this regard Members attention is drawn to paragraph 6.36 of the Committee Report.

The fact that the agent for the applicant appears to acknowledge that the relocation of Galebreakers is not a material consideration is welcomed. The proposal clearly involves the loss of good quality safeguarded employment land. The Council are flexible where an applicant can demonstrate that existing employment land is not suitable. However, the land in question is good quality serviced employment land. Indeed the existing firm that occupy the site have acknowledged that the site / land is a good site for an employment use. Galebreakers continued operation and location in Ledbury is not dependent on the outcome of this planning application. The importance of retailing is not dismissed but the Officer assessment centres around the appropriateness of the application site for retail use.

Recommended ground of refusal 5, is based on planning policy and includes specific reference to both Central Government advice and Development Plan policies.

At the time of reporting this Update Report the agent for the applicant has not provided further information to the Local Planning Authority with regard the issue of flood risk.

Sainsbury's have not informed the Local Planning Authority as to the location of the two sites that they consider the slow worms could be translocated to. It does not form part of the application under consideration. There is no evidence that they have assessed through survey work these two locations as to their suitability as a reptile habitat and have control over the land. There is also no legal mechanism advanced to secure such provision and long-term viability of the translocation as a mitigation strategy.

Engagement with the Local Planning Authority should take place with the Local Planning Authority at the pre-application stage. The submission of a planning application is considered to primarily be a request for a determination not a request for a negotiation. In this instance, the agent for the applicant was informed at the pre-application stage that Officers considered that there would be fundamental objections to the principle of the development, regardless of matters of detail, primarily due to the inappropriate location and scale (i.e. floorspace) of the proposal.

#### Representation from agent for applicant dated 20th February 2012

In the time available Officers have assessed the further submissions made by the agent for the applicant and conclude that there should be no change to the recommendation. The few points that Officers would make are:-

- Dealing briefly with Royal Haskoning's Note paragraphs in turn;

#### Section 2

2.2) I agree that the site is within 1km of the "The Old Cottage Hospital", but the Town Centre is around the Butter Market, which is 1 260m away.

2.3) The Site has been assessed by the industry standard programme "Accession" as "medium accessibility". This programme primarily assesses the accessibility to services and nearby towns and larger cities. The accessibility rating relates less well to accessibility within the town.

#### Section 3

3.2) PPG 13 states in Paragraph 20.1 that Local Authorities should;

"1. Focus land uses which are major generators of travel demand in city, town and district centres and near to major public transport interchanges. ... "

And further in PPG 13 Paragraph 35;

“ ... to promote the vitality and viability of existing town centres, which should be the preferred locations for new retail ... developments. ... At the local level, preference should be given to town centre sites, followed by edge of centre and, only then, out of centre sites ... well served by public transport.”

3.2 In “Guidelines for Providing for Journeys of Foot” (IHT, 2000), there is a table (Table 3.2, on page 49) showing acceptable walking distances, reproduced below.

|                   | Town Centre (m) | Commuting/School/Sightseeing (m) | Elsewhere (m) |
|-------------------|-----------------|----------------------------------|---------------|
| Desirable         | 200             | 500                              | 400           |
| Acceptable        | 400             | 1000                             | 800           |
| Preferred maximum | 800             | 2000                             | 1200          |

This table shows that the proposed development is too far from the town centre and many residential parts of the town for shopping trips.

Note also that in Paragraph 3.36 of the Guidelines above, it is stated that “... gradients, can be crucial in determining whether a development is pedestrian friendly”. The gradients in Ledbury are not generally excessive, but can be a deterrent, particularly for the disabled or elderly.

3.3 and 3.6 See above.

It is important to note that in the Market Town, 20.9% of households do not have access to a car or van. This percentage rises to 35.1% in the core of Ledbury. These figures are from the 2001 census (latest figures available), available at: <http://maps.herefordshire.gov.uk/exponare/GISMULTIMEDIA/RESEARCH/WARDS/AREAPROFILES/Ledbury.pdf>

The paragraphs above demonstrate clearly that the site is not particularly suited for walking access from the town centre and many other parts of the town, in turn significantly reducing the sustainability of the proposed location.

- It is the case that some Ledbury residents would be better served by the proposed new location, but they would be outnumbered by the number of residents disadvantaged by the new position in comparison to a town centre or edge of town centre location.
- Reason for refusal 6 – no revised flood risk assessment has been submitted to the Local Planning Authority, despite the agent for the applicant being sent a copy of the Environment Agency’s letter expressing their concerns on 8<sup>th</sup> January 2012;
- Reason for refusal 7 – the agent for the applicant has not informed the Local Planning Authority of the “suitable” receptor sites that the applicant has identified. There is no evidence that the “suitable sites” have been surveyed for their suitability for reptiles, and the Council’s Planning Ecologist has not had the opportunity to visit and assess them (location unknown). An agreement with the landowner would be essential as well as provision of a legal mechanism to secure the long-term viability of the translocation as a mitigation strategy.
- Reason for refusal 9 – the landscaping is considered to be critical in softening the mass of the proposed retail store. It remain a fact that the landscaping shown to be provided falls outside of the application site area and as such cannot be secured by way of a planning condition nor does the applicant offer an alternative legal mechanism to secure its provision.
- The agent for the applicant could have engaged with the Local Planning Authority in detailed pre-application negotiations but decided to submit a planning application without such detailed discussions. Clearly, after reading the Committee Report if they wished to engage further with the Local Planning Authority, the opportunity existed to withdraw this application and then engage in further discussions with Officers prior to submitting a fresh application (if they considered that appropriate).

**Drivers Jonas Deloitte's advice has also been sought with regard the addendum to the originally submitted 'Economic Assessment'.** Clearly they have had not had sufficient time to have a detailed review of the data provided, but advise:-

"In our previous comments, we stated that we believed that Turley's assessment of impact on Ledbury shops was incomplete, because the impact on Ledbury shops had been calculated based on the proposed store turnover from the catchment only, and had ignored trade diversions from expenditure from beyond the catchment. Turley's have provided additional clarifications and an updated assessment, which was received by Drivers Jonas Deloitte on 21 February 2012.

At the request of the Council, in order to inform an urgent update report, we have had an initial headline review of this information and some brief comments below..

### Sequential Test

- Site & Premises to the West of Lawnside Road – We note Turley's assertion that accommodating a foodstore on the site would be challenging, however there is no evidence that this would be insurmountable through an appropriate design response. Notwithstanding this, to be considered sequentially preferable the site must be considered available within a reasonable amount of time. Our previous comments in this regard stand and it is for the Council to determine and justify this based on their local knowledge and understanding of the circumstances affecting the site.
- Existing Tesco Store – We are aware of confirmation by Tesco that a store similar in scale to that proposed by Sainsbury's can be viably accommodated on the existing site. The site could be considered to be suitable, viable and available for re-development, albeit it is currently in the control of a competing operator. As an edge-of-centre site it is therefore sequentially preferable to the Sainsbury's site.

### Impact

Reason 2 for refusal as stated in the Officer's Report to Committee is that:-

"The local planning authority consider that the expenditure capacity and impact assessments forming part of the planning application are not robust and fail to demonstrate that the proposal would not have a significant adverse impact upon the viability and vitality of Ledbury Town Centre contrary to the Central Government advice contained within Policy EC17 of Planning Policy Statement 4 and Policies S5, TCR1, TCR2 and TCR9 of the Herefordshire Unitary Development Plan 2007."

Whilst Turley's have sought to clarify their assessment, our initial review of their response does not change our over-arching conclusions regarding the likely impact of the proposals.

- Notwithstanding Turley's updated assessment, we still have concerns as to a number of their assumptions and note that the assessment still culminates in what we consider to be a fairly high level of impact. The proportion of turnover derived from outside of the catchment area is still high and in effect underestimates the level of trade diverted from Ledbury stores. We remain unconvinced that convenience goods expenditure capacity exists to support the turnover of the application proposal.
- It should not be assumed that the specialist convenience shops in Ledbury will be immune from the commercial pressures of substantial additional large foodstore provision.
- We accept the additional range and quality of products that would be offered by a new Sainsbury store in Ledbury. These have to be considered against the disbenefits that could arise, in particular any disbenefits in terms of an undermining of the performance of retailers who already play a key role in supporting Ledbury's unusual and valued offer.

That the historic character and conservation area status of much of the town centre places greater weight on consideration of the implications of impact than would otherwise be the case. "

### LESS Group

With regard the comments of the LESS Group, a specific request was made by the LOTS Group to include reference to their previous petition in the report to Committee. Their reasoning for inclusion is set out in paragraph 5.12 of the Committee Report. It was considered that to refuse their request would not be

reasonable. It may be the case that some people who signed that petition are in favour of the current proposal. However, it remains reported to Members for information purposes and as set out above planning applications are not determined on some form of referendum. The Officer appraisal places no weight on this matter.

#### Other Matters

For Members information, it is understood that the vote at the Ledbury Town Council was seven Councillors supporting the proposal and seven Councillors opposing the application (2 abstentions) with the Chairman exercising his casting vote against.

There is an error within my report at paragraph 5.5. The word "Aylton" should be replaced with the word "Pixley".

#### **CHANGE TO RECOMMENDATION**

Amend reason for refusal 2 to read :-

"The local planning authority consider that the expenditure capacity and impact assessments forming part of the planning application fails to demonstrate that the proposal would not have a significant adverse impact upon the viability and vitality of Ledbury Town Centre contrary to the Central Government advice contained within Policy EC17 of Planning Policy Statement 4 and Policies S5, TCR1, TCR2 and TCR9 of the Herefordshire Unitary Development Plan 2007".

### **S113380/F - ERECTION OF TWO DWELLINGS WITH ATTACHED GARAGING AT HILLCREST, GORSLEY, ROSS ON WYE, HR9 7SW**

**For: Country Construction per Mr David Pearce, Lavender Cottage, Nettleton, Chippenham, Wiltshire, SN14 7NS**

#### **ADDITIONAL REPRESENTATIONS**

Letter from B and N Langstone, 5 Ivy House Estate, Gorsley

We would like to bring to your attention the fact there are no semi-detached house on the B4221 between Newent and Gorsley.

The need for affordable housing will be realised by the proposed development between the Council and Two Rivers Housing Association of 12 properties near the Roadmaker public house.

#### **CHANGE TO RECOMMENDATION**

There is no change to the recommendation.

### **S113513/CD - CONSTRUCTION OF CARPARK AND FOOTWAY / CYCLEWAY OFF WATERFIELD ROAD FOR THE BELMONT HAYWOOD COUNTRY PARK. AT WATERFIELD ROAD, HEREFORD, HR2 7EL**

**For: Mr Hemblade per Ms Paula Jobson, Amey, 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT**

#### **ADDITIONAL REPRESENTATIONS**



1.1 Comments from West Mercia Constabulary received as follows:

I feel that the DAS (Design and Access Statement) for this application fails to address and support crime prevention, Anti-Social Behaviour issues or the fear of crime.

I have some concerns on the management of this proposed car parking facility, in particular during late evenings and the hours of darkness when it is suggested the facility will be closed? How is the car parking going to be secured during these times, and are there going to be official seasonal opening times displayed and enforced?

A well used car parking facility can often be 'self policed' by reducing criminal opportunity due to the flow of users and the surveillance this provides.

It can also reduce the anonymity that criminals desire, and reduce the fear of crime of users. However a little used facility does not provide such benefits and crime and anti-social behaviour can flourish.

I consider it vital to the sustainability of this car park and the control of crime and anti-social behaviour that both the management and hours of opening are both clearly displayed and controlled/enforced. Signage should be clearly displayed to inform users of this and should include a telephone number/help point for damage etc to be reported.

Landscaping should be carefully selected and maintained so that areas to hide are reduced as often daylight vehicle crime is committed when the vehicle occupants are observed from close by, parking and leaving their vehicle.

As a general guide, shrubs should be minimal and not within parking areas. Shrubs should be maintained at a maximum height of 1 metre and tree canopies at a height of 2.5 metres from the ground to provide a clear through line of sight and good natural surveillance.

CCTV is omitted from the DAS. Is CCTV a consideration to be installed at this development?

1.2 A further letter has been received from Mr Brawley who identifies explicit concerns about the following:

Fly Tipping – this is already a problem and could be enhanced by convenient 24hr open access. Could be a fire and environmental hazard

Joy riders burning out cars and vans that could set fire to wooden fence and grass crete (plastic) surface

Why not re-use the lockable barriers? Why should residents act as unpaid lock openers or watch the car park?

Youths will migrate from unlit ball court to the lit car park. Potential noise from car stereos / mopeds etc

Lack of rubbish bins for users. The plastic ones in the park have already been set on fire / melted and any provided should be metal.

1.3 In response to these issues raised above and in the report the applicants (Parks and Countryside) have made the following comments:

1) The hedge will be retained which will provide a noise and visual barrier between the car park and Kestrel Road

2) The street lamp will be provided with a double head to ensure the car park is lit up during darkness. There will also be a timer switch installed which will allow it to be turned off after a certain time.

3) We will look to install a vehicular barrier if resources can be identified to lock and unlock it. Some members of the local community have offered to be key holders.

- 4) The local policing team will be requested to patrol the area regularly.
- 5) Amey Herefordshire will be requested to keep the area free of litter and empty the bins regularly.
- 6) A review will be carried out regarding the concern around the nearby existing ball park and its relationship to the proposed car park
- 7) It is proposed that 3 free standing durable (weather resistant) external bins with galvanised steel liners to be installed; 1 in the car park area and 2 along the footway/cycleway.

## **OFFICER COMMENTS**

In response to the comments made by local residents and West Mercia Police, Officers have been working with the applicants and their agents to try and answer some of these queries.

The plans have been amended to show the position of a lockable gate and provision of a double headed light (with timer). This has come in response to the objections outlined above and in the report. A condition relating to the management of the site is suggested so that the mechanisms for locking the gate can be investigated (ie community rota or other means) as well as the consideration of hours opening, signage (including position) and times of lighting.

The matter of CCTV can be explored. There is no money set aside explicitly for this within the Section 106 for the Mulberry Close development and will need to be explored through other means. It is acknowledged that this may have wider benefits in respect of the use of the Ball Park if this can be achieved.

The issues in relation to the legal route of the PROW have also been considered and I understand that the applicants will need to apply for a diversion either under the Highways Act or Town and Country Planning Act.

The matter of the potential that this car park will add to anti-social behaviour in the area has been fully considered and the recommendations of the police taken into account and plans adjusted accordingly. The proposal continues to be recommended for approval.

## **CHANGE TO RECOMMENDATION**

### *Additional Condition:*

Prior to the commencement of development a detailed management plan, that includes the following information shall be submitted to and approved in writing by the local planning authority:

- a) Hours of opening of car park
- b) Details of method and mechanism to locking / unlocking the access gate that serves the car park
- c) Hours of lighting of car park
- d) Position of and details of signs (that should include hours of operation / emergency contact details)
- e) Position of waste bins
- f) Maintenance and management of hedgerow to boundary with Car Park

The management of the car park shall be carried out in accordance with the approved plan in perpetuity.

Reason: In the interests of the amenities of the locality and to deter crime in order to comply with policies S1, DR1, DR2 and DR3 of the Herefordshire Unitary Development Plan