

# A G E N D A

## Central Area Planning Sub-Committee

Date: **Wednesday, 24th October, 2007**

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Time: **2.00 p.m.**

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Place: **The Council Chamber, Brockington,  
35 Hafod Road, Hereford**

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

*For any further information please contact:*

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**e-mail: [bbaugh@herefordshire.gov.uk](mailto:bbaugh@herefordshire.gov.uk)**

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**County of Herefordshire  
District Council**



# AGENDA

## for the Meeting of the Central Area Planning Sub-Committee

To: Councillor JE Pemberton (Chairman)  
Councillor GA Powell (Vice-Chairman)

Councillors PA Andrews, WU Attfield, DJ Benjamin, AJM Blackshaw, ACR Chappell, SPA Daniels, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, TW Hunt (ex-officio), MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, RV Stockton (ex-officio), AP Taylor, AM Toon, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward

	Pages
1. <b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2. <b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by members in respect of items on the agenda.	
3. <b>MINUTES</b> To approve and sign the Minutes of the last meeting.	To follow
4. <b>ITEM FOR INFORMATION - APPEALS</b> To note the Council's current position in respect of planning appeals for the central area.	1 - 2
<b>Applications Received</b>	
To consider and take any appropriate action in respect of the planning applications received for the central area and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
5. <b>[A] DCCE2007/2467/RM AND [B] DCCE2007/2469/F - LAND AT VENNS LANE, ROYAL NATIONAL COLLEGE FOR THE BLIND, COLLEGE ROAD, HEREFORD, HEREFORDSHIRE, HR1 1EB</b> [A] The erection of 81 no. dwellings with associated parking and landscaping. [B] Variation of condition 10 of planning permission DCCE2006/0099/O to allow the construction of 81 affordable and open market residential units.	3 - 20
6. <b>DCCE2007/2594/F - LAND TO REAR OF PROSPECT PLACE, ST. MARTINS AVENUE, HEREFORD, HEREFORDSHIRE, HR2 7RQ</b> Erection of six no. two bed maisonettes and four no. two bed flats with associated parking for fourteen cars.	21 - 36

7.	<b>DCCE2007/2817/F - 62 OLD EIGN HILL, HEREFORD, HEREFORDSHIRE, HR1 1UA</b>	37 - 44
	Proposed erection of nine dwellings.	
8.	<b>DCCE2007/2554/F - 5 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TQ</b>	45 - 52
	Replacement dwelling.	
9.	<b>DCCW2007/2684/F - 131 WHITECROSS ROAD, HEREFORD, HR4 0LS</b>	53 - 58
	Change of use to house of multiple occupancy.	
10.	<b>DCCW2007/2664/F - LAND ADJACENT PARSONAGE FARM, AUBERROW ROAD, WELLINGTON, HEREFORD, HR4 8AU</b>	59 - 70
	Proposed residential development of twelve houses.	
11.	<b>DCCW2007/2834/F - LAND TO THE REAR OF MULBERRY CLOSE, BELMONT, HEREFORD</b>	71 - 86
	Proposed erection of 69 dwellings and delivery of Haywood Country Park.	
12.	<b>DATE OF NEXT MEETING</b>	
	The next scheduled meeting will be held on 21st November, 2007.	

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## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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**ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED****Enforcement Notice EN2007/0117/ZZ**

- The appeal was received on 14th September, 2007.
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice.
- The appeal is brought by Mr. I. Musto.
- The site is located at Barn at Leys Farm, Tarrington, Hereford.
- The breach of planning control alleged in this notice is "Without planning permission, the material change of use of the building from agriculture to a mixed use as a site for mobile homes used for residential purposes and for the kenneling of hunt dogs."
- The requirements of the notice are:
  - (i) *Cease the unauthorized use of the barn as a site for mobile homes used for residential purposes and for the kenneling of hunt dogs.*
  - (ii) *Permanently remove the mobile homes, marked A and B on the attached plan, from the barn.*
  - (iii) *Disconnect and remove the foul drainage system associated with the mobile homes from the land.*
  - (iv) *Demolish the kennel blocks within the barn and remove the resultant materials from the land.*
- The appeal is to be heard by Written Representations.

**Case Officer: Simon Rowles on 01432 260453**

**Application No. DCCE2007/0313/F**

- The appeal was received on 1st October, 2007.
- 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 Mrs. C. Merret.
- The site is located at Land to the rear of Stokes Stores, Holme Lacy Road, Hereford.
- The development proposed is Erection of 3 houses & formation of parking area.
- The appeal is to be heard by Written Representations.

**Case Officer: Russell Pryce on 01432 261957**

## APPEALS DETERMINED

### Application No. DCCE2006/2553/F

- The appeal was received on 19th March, 2007.
- 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 George Wimpey South Wales.
- The site is located at Plot 130, Saxon Court Development at Land off Bullingham Lane, Hereford.
- The application, dated 28th July, 2006, was refused on 25th September, 2006.
- The development proposed was Retrospective application for windows to north facing elevation within bedroom and obscured window to en-suite.
- The main issue is the effect of the development as carried out on the living conditions of the occupants of properties in Web Tree Avenue.

**Decision:** The appeal was UPHELD on 26th September, 2007.

**Case Officer: Russell Pryce on 01432 261957**

### Application No. DCCW2007/0229/F

- The appeal was received on 14th May, 2007.
- 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. N.F. Cable.
- The site is located at The Roods, Marden, Hereford, Herefordshire, HR1 3EW.
- The application, dated 16th January, 2007, was refused on 7th March, 2007.
- The development proposed was Demolition of existing cottage and erection of 3 two bedroom houses and two 3 bedroom houses with parking facilities.
- The main issue is the effect of the proposal on the character and appearance of the surrounding area.

**Decision:** The appeal was UPHELD on 3rd October, 2007.

**Case Officer: Simon Withers on 01432 260756**

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

**5A DCCE2007/2467/RM - THE ERECTION OF 81 NO. DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING. LAND AT VENNS LANE ROYAL NATIONAL COLLEGE FOR THE BLIND, COLLEGE ROAD, HEREFORD, HEREFORDSHIRE, HR1 1EB**

**For: Royal National College for the Blind, Montagu Evans, 44 Dover Street, London, W15 4AZ**

**5B DCCE2007/2469/F - VARIATION OF CONDITION 10 OF PLANNING PERMISSION DCCE2006/0099/O TO ALLOW THE CONSTRUCTION OF 81 AFFORDABLE AND OPEN MARKET RESIDENTIAL UNITS. LAND AT VENNS LANE ROYAL NATIONAL COLLEGE FOR THE BLIND, COLLEGE ROAD, HEREFORD, HEREFORDSHIRE, HR1 1EB**

**For: Royal National College for the Blind, Montagu Evans, 44 Dover Street, London, W15 4AZ**

**Date Received: 3rd August, 2007    Ward: Aylestone    Grid Ref: 51834, 41323**

**Expiry Date: 2nd November, 2007**

Local Members: Councillors NL Vaughan and DB Wilcox

## **1. Site Description and Proposal**

- 1.1 The site is located north east of Venns Lane approximately 250 metres south east of the junction with College Road north of the city centre. The site presently forms part of the campus associated with the Royal National College for the Blind. A new access has recently been completed to serve the development along with other facilities proposed by the College north west of the application site. Existing properties either side of the new access road are owned by the college and used as student accommodation. Five detached bungalows forming Helensdale Close adjoin the southern boundary of the site and predominantly detached two storey properties forming part of Loder Drive wrap around the south eastern corner of the site. Beyond Loder Drive is Aylestone Park which is in the process of being developed by Herefordshire Council for sport and recreation and as a Country Park. The remainder of the land to the north and north west of the site comprises woodland and grassland.
- 1.2 The site itself is predominantly orchard with a mixture of other evergreen and deciduous trees around the fringes. Levels fall generally within and around the site from south to north and east to west. The site including land adjoining the site to the north and north west is designated as a Site of Importance for Nature Conservation

(SINC) within the Unitary Development Plan and all trees (except the orchard) are also protected by a group Tree Preservation Order No. 138.

- 1.3 Outline planning permission was approved on 31st May, 2007 for the mixed use development of the site and adjoining land. The application was a hybrid application which is essentially an outline application incorporating full details of some elements of the proposals. The outline planning permission included the residential development of this site with associated open space, landscaping and access. The outline approval included the proposed access (now completed) with all other matters reserved for future consideration.
- 1.4 Reserved Matters approval is now sought for the layout, scale, appearance and landscaping of the site proposing the construction of 81 affordable and general market dwellings. In detail, the reserved matters application comprises the construction of a mixture of terrace, semi-detached, detached, one, two, three, four and five bedroom dwellings and two bedroom apartments with associated parking, landscaping, access and footpaths/cycle links and open space. In line with the Section 106 Agreement 17.5% of the total number of dwellings will be affordable.
- 1.5 The second application encompassed within this report is for the variation of Condition 10 of Part 2 of the Outline Planning Permission. Condition 10 states:

*The development hereby permitted shall be for the construction of a total of 70 affordable and open market residential units.*

*Reason:*

*To define the terms of this permission and to maintain the landscape and ecological character of the site and its surroundings.*

Planning permission is sought to vary this condition to enable the construction of 81 affordable and general market properties.

## 2. Policies

### 2.1 Planning Policy Guidance:

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS9	-	Biodiversity and Geological Conservation
PPG13	-	Transport

### 2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S6	-	Transport
S7	-	Natural and historic heritage
S8	-	Recreation, sport and tourism
S10	-	Waste
S11	-	Community facilities and services
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement

DR4	-	Environment
DR5	-	Planning obligations
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H2	-	Hereford and the market towns: housing land allocations
H9	-	Affordable housing
H13	-	Sustainable residential design
H15	-	Density
H16	-	Car parking
H19	-	Open space requirements
T6	-	Walking
T7	-	Cycling
T8	-	Road hierarchy
T11	-	Parking provision
T16	-	Access for all
LA5	-	Protection of trees, woodlands and hedgerows
LA6	-	Landscaping schemes
NC1	-	Biodiversity and development
NC4	-	Sites of local importance
NC5	-	European and nationally protected species
NC6	-	Biodiversity action plan priority habitats and species
NC7	-	Compensation for loss of biodiversity
NC8	-	Habitat creation, restoration and enhancement
NC9	-	Management of features of the landscape important for fauna and flora
RST1	-	Criteria for recreation, sport and tourism development
RST3	-	Standards for outdoor playing and public open space
RST7	-	Promoted recreational routes
W11	-	Development – waste implications

### 3. Planning History

- 3.1 DCCE2006/0099/O - Construction of Halls of Residence, Sports and Complementary Therapy Building, creation of floodlit outdoor sports pitch, residential development on 2.3 hectares and associated open spaces, landscaping, infrastructure, access roads, footpaths and cycle paths. Approved 31st May, 2007.
- 3.2 Several other applications over the last 10 years or so involving works to the trees protected by a Tree Preservation Order.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency:  
We have no objections to the proposed development but would make the following comments:

Surface water drainage - no details have been provided of how storm water disposal will be addressed. For a site of this scale, we would require the development to incorporate sustainable drainage techniques to ensure that surface water is attenuated to relevant green field run off rates and manage surface water flow in a sustainable manner to mimic that prior to the proposed development taking place.

## 4.2 Welsh Water:

No objection subject to conditions related to foul and surface water drainage.

## 4.3 West Mercia Constabulary - Crime Risk Manager:

The DCLG Circular 01/2006 states that PPS1 makes it clear that a key objective for new developments should be that they create safe and accessible environments where crime and disorder or a fear of a crime does not undermine quality of life or community cohesion.

This statement is endorsed in the recent HO Publication Cutting Crime/New Partnership 2008/2011. The section on situational crime reduction focuses on the environmental development and planning sector to design out of crime from new developments. It goes on to endorse the good practice through adopting the guidelines set out in Safer Places the Planning System and Crime Prevention and also through the secure by design scheme.

I fully appreciate the need to consider the reduction of car dependence but hold caution against approving planning on a development that allows for leaking cul-de-sacs. Whilst I appreciate the area is not a crime hot spot area the Herefordshire Partnership is aware of the general high level of fear of crime particularly in Hereford.

Internal Council Advice

## 4.4 Traffic Manager:

CE2007/2467/RM - Various concerns exist regarding the detail of the current layout including the geometry and width of the roads, footpaths and cycle links and visibility from some of the private drives. With parking levels overall at an average ratio of 1.84 spaces per dwelling including garages, although above government guidelines is acceptable as many of these are garages. Permitted development rights should be removed for the garages and integral garages to prevent them from being converted to alternative uses. Parking provision for the five bedroom houses is under provided and they require an additional space and some of the bin and cycle stores for the flats is difficult to access.

Comments awaited on amended plans.

CE2007/2469/F - I confirm the traffic assessment accompanying the outline application which investigates the traffic impact of the development accounts for 80 houses and therefore does not require revision. There is therefore no objection in principle to the increase in the number of units from 70 to 81.

## 4.5 Strategic Housing Enabling Officer:

Strategic Housing in principle supports the application which includes 14 affordable units. Strategic Housing in principle also supports the majority of the layout where the affordable units will be positioned, but would prefer to see Block B relocated as it felt that the affordable units need to be more integrated within the development. In line with the Section 106 requirements the affordable housing should be built to Housing Corporation Scheme Development Standards and lifetime homes without grant subsidy. The mix of tenure should be 8 two bedroom flats for rent and four two bedroom flats for shared ownership.

#### 4.6 Children and Young Services Directorate (Education):

The provided schools for the site are Broadlands Primary School, St Francis Xavier RC Primary and Aylestone High School. In light of falling roles across the county the authority has undertaken a review of school provision and it is likely that capacities of schools will be assessed as part of this review. It is therefore the likelihood that the capacities of all these schools could be reduced resulting in little if any surplus capacity at the schools. Any additional children would then result in organisational difficulties for the schools.

The Children and Young Peoples Directorate would therefore be looking for a contribution of £2000 per dwelling to be used towards improvements of school infrastructure at the three identified schools.

#### 4.7 Land Drainage Engineer:

The drainage proposals for the development are covered in the Flood Risk Assessment and Service Water Drainage Management Documents provided with the Outline Planning Application. They state that the flow from the site will be accommodated within a 300mm diameter public storm water sewer with flows being attenuated to green field run off drains. The rate and method of attenuation will therefore be subject to the approval of Welsh Water.

#### 4.8 Conservation Manager - Landscape:

The application has been subject to extensive pre-application negotiation and discussion and much of the layout and design of the site has been refined through this process. There are, however, a number of areas where further detail and information needs to be provided and issues resolved.

- The trees on the site are subject to a Tree Preservation Order and as such should only be removed, pruned or otherwise altered with express permission of the local planning authority. To that end, we will require further details as to which trees are to be removed, translocated and pruned as a result of the development. At the time of writing, I understand that this information is in production. Specifically, we will need details and a method statement as to the translocation of trees within the site.
- Boundary treatments – Details of the types of fencing/walling dividing plots 1 through to 21 and adjacent roadways from the remnant 'wild' area need to be agreed and incorporated onto the landscaping layout.
- Particular attention and details are still required for the two areas of open space within the site: the central, formal space and the resultant space north-east of plot 14. With regard to the central space it will be essential to demonstrate how the space will function in three dimensions, what level of hard landscaping and amenity infrastructure is to be provided and how it relates to the adjacent roadway.
- Further details and information concerning the location and management of the new orchard is also required, although I understand that our ecologist is dealing with this matter.

In general I am satisfied with the layout and form of the proposed development and that the principles for landscaping the site have been addressed. I remain a little concerned that the proposals to translocate mature trees has not been fully described

and that boundary treatments at the time of writing have not been fully identified. The structural landscaping for the site is adequate and should result in a quality development commensurate with the location.

#### 4.9 Conservation Manager - Ecology:

I have visited the site and examined the orchard management plan and proposals. With respect of the proposed compensatory orchard planting, further clarification is required relating to the location and area of proposed orchard, details of the fruit species to be planted and where they are to be sourced from, the timetable of planting. The possibility of translocating existing trees to the new orchard should also be investigated and details of the proposed management are required.

I also notice that a few of the existing fruit trees that are to be removed have potential for use by bats. I therefore recommend that immediately prior to the felling, an inspection of these trees be carried out by a licensed Bat Consultant. If they are found to be present, a license from Natural England may be required which could delay the development works. Bat boxes should also be installed on site in case any bats are found.

#### 4.10 Head of Environmental Health and Trading Standards:

No objection.

#### 4.10 CCTV Officer:

There are 12 West Mercia Constabulary beat areas. Aylestone beat covers the north eastern portion of the city and has the sixth highest recorded incidents. A CCTV camera at either the Aylestone Hill/Venns Lane/Folly Lane junction or College Road/Venns Lane/Old School Lane junction would assist very much with the prevention and detection of crime as these are main routes both for vehicles and pedestrians in and out of the city and are used widely by law abiding and non law abiding citizens as quick escape routes out of the city. These junction have experienced a number of road traffic collisions and CCTV would assist in gathering evidence and being able to assist in the deployment of appropriate emergency services.

A contribution towards the cost of the provision of a camera including associated infrastructure such as cabling and ground control room connection of £17,747 is requested.

#### 4.11 Parks and Leisure Services Manager:

The area of open space is acceptable but we ask that any agreed contributions for play and sport are increased pro-rata in accordance with the approved number of dwellings. Details of the Local Area of Play specification is required.

## 5. Representations

### 5.1 Hereford City Council:

CE2007/2467/RM - The City Council recommends the application be refused as it represents an over intensive development of the site. The City Council would welcome an application with a lower density of housing.

CE2007/2469/F - The City Council has no objection to this application.



5.2 Thirty-four letters of objection/comment have been received including a petition from residents of Loder Drive with 55 signatures. The main points raised are:

- The provision of 81 dwellings of a lower quality is not worthy of this prestigious urban parkland location and appears to fly in the face of the adopted Herefordshire Council policies.
- The exterior designs of the houses are disappointing.
- The increased volume of traffic will have an unacceptable impact on the local highway network particularly at peak periods in the morning and evening and the start and close of local school days
- The development will impact upon the safety of local residents, school children, educational establishments and residential care homes in the locality.
- An increase in the number of units will further erode the quality of life for existing residents.
- The development will impact on local residential amenity
- The retained woodland area in the south east corner of the site should be increased in width by at least 5 metres to maintain the present value as a natural corridor.
- The access to Aylestone Park should be removed in order to reduce the nuisance to local residents and to encourage the sustainability of the wildlife corridor.
- If the cost of other college developments have risen by 1 million and the current uncertainties of other funding required to complete the project, we query whether the college will be seeking further development on other parts of the campus to provide further funds. A better solution would be to trim back the project to match the funds available.
- It is disingenuous to state that extra funding is required for example to increase living space of blind students when these specifications must have been known from the outset.
- Contingency funding should also have been built into the original proposals.
- Local residents are saddened by the lack of consultation by the developers with local residents and seek to retain the original concept of a high quality development as initially promised by the RNC and its consultants.
- If permission is approved a new robust high fence at least 2.7 metres high should be erected along the full length of the south east boundary from Helensdale Close to Aylestone Park, retained woodland area should be extended to the rear of Plots 4 - 8, the proposed orchard should be properly fenced off and all existing and retained trees and proposed planting appropriately maintained and managed.

#### Hereford Civic Society

- Although anxious to support the proposals in principle, the proposed plans show a rather crowded site with insufficient green space for children. This is the result of trying to fit too many dwellings into the site.
- The proposed affordable is less than half the declared objective of Herefordshire Council of 35%.
- The general character of the dwellings is undistinguished and in some cases the rooms in the houses appear unnecessarily small. 3 flats are proposed above garages with no windows on three elevations which would not achieve a satisfactory standard of accommodation.
- We note with approval the plan to retain and conserve 72 mature trees preserving the green outlook for many of the dwellings and contributing to the sustainability of the scheme. We feel that the developers should be encouraged to go further in providing more green space with additional planting to replace all trees that have to be lost.

- Hereford Civic Society recommend the plans require substantial amendments before approval particularly with regards to the excessive number of dwellings, the inadequate proportion of affordable units and lack of green spaces in the development. We also hope room sizes and some of the designs could be improved.
- 5.4 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officer's Appraisal

### The Principle

- 6.1 Outline planning permission now exists for the residential development of the land subject of this application for 70 residential units. The outline permission also included detailed proposals for the access to the site, which is now largely completed. As such the principle of constructing 70 dwellings on site along with the location, design and safety of the access are all approved. These proposals now seek an uplift in the number of units from 70 to 81 and therefore before discussing the detailed layout, it is necessary to establish whether this in principle is acceptable.

### Increased Density (70 to 81 Properties)

- 6.2 Condition 10 of Part 2 of the Outline Permission restricts the number of units on site to 70. The reason being is to define the terms of the permission and to maintain the landscape and ecological character of the site and its surroundings. The figure of 70 units was based upon the proposals set out in the Master Plan accompanying the outline application. However, the plans submitted with the outline application were purely for illustrative purposes. The condition was not therefore imposed to provide a definitive ceiling on the number of units that can be accommodated on the site but rather, to enable the local planning authority to control the number of units and re-evaluate the impact of any increase in the number of units on the site, its surroundings and local infrastructure and if appropriate, to re-negotiate the Section 106 matters.
- 6.3 The construction of 81 dwellings represents a density of 35 dwellings per hectare which is at the lower end of the minimum density of 30 dwellings per hectare advocated by Planning Policy Statement 3. It is also in line with Policy H15 of the Unitary Development Plan, which sets a minimum density of 30 dwellings per hectare for sites that do not fall within or adjoining the city centre.
- 6.4 As well as making a more efficient use of the site, the applicants being the Royal National College for the Blind state that the uplift in the number of dwellings proposed is essential to provide additional funds to facilitate the construction and completion of the sports facilities and new halls of residence also approved as part of the outline planning permission. The College advise that build costs have increased by around £1 million. The reasons being due to increased construction costs partly due to the bespoke design of the student accommodation and teaching areas, the level of equipment required and changes in Building Regulations.
- 6.5 The college is a registered charity and has no reserve funds to put towards capital projects. A funding strategy is in place including bids to the Learning and Skills Council, Advantage West Midlands, the Football Foundation and Sport England along with contributions from trusts and foundations in the corporate sector and individuals.

The only confirmed funding source to date is that obtained from the sale of the residential development site (£5 million) although the bid to the Learning and Skills Council (£3.75 million) is at its final stage and the college is confident that the funding will be approved.

- 6.6 The College is therefore seeking to maximise the funds received from the sale of the residential site which is obviously influenced by the number of units approved. Without the Outline Planning Permission for 70 units on site, the college would not have been able to proceed with the new student accommodation, teaching and sporting facilities. These facilities also have to be provided within a tight timescale, as they are required to be completed by early 2009 to be available as a training venue in association with the Olympics and Para Olympics and the hosting of the World Blind Football Championship in summer 2010. The ongoing usage of the facilities along with special events such as the Olympics and World Blind Football Championship will, the college state, represent an unparalleled inward investment into Hereford. It will raise the profile of Herefordshire by providing excellence in education and sport along with additional local employment and enable the college to continue to be a national leader in providing further education and preparation to entry to employment of blind and partially sighted people.
- 6.7 The above information is obtained from the supporting documentation provided with the applications. It is clear that the funding available to facilitate the sporting, educational and teaching facilities is limited and any additional funds generated by the residential development will greatly assist in facilitating the other facilities. The extra 11 houses will provide around another £800,000 thereby largely covering the increased development costs. There are, however, some inconsistencies in the information provided in terms of the development costs and further information is awaited regarding this.
- 6.8 Ultimately, it does not appear that the funds generated by the additional 11 units is critical to the completion of the other College facilities to the extent that they could not be provided without the additional money as was the case with the original outline planning permission. It is therefore not considered that the financial benefits to the College from the uplift in the number of dwellings should be given significant weight in the determination of these applications. Moreover, the issues are whether the proposal represents a satisfactory development of the site in terms of the layout, scale, design, materials, impact on the landscape, ecology, amenity, highway safety and so on. It is these factors that will ultimately determine whether 81 dwellings is an acceptable number of units for the site but as a matter of principle, the construction of 81 dwellings would accord with both national guidance and UDP policy in terms of residential amenity.

#### Layout

- 6.9 The layout has largely followed the basic principles of the Master Plan with modification where necessary to take account of the constraints of the site. In particular topography and trees. A relatively strong frontage is proposed on the southern side of the new access road with dwellings orientated towards the new sports facilities. Some of the properties are set back from the pavement edge to achieve frontage parking with two plots (13 and 14) to be constructed on the pavement edge as these are to be retained by the College and occupied by students and therefore have no parking. The principles of a high density frontage along the access road is considered appropriate as is the staggered siting of the properties.

- 6.10 The principal access road then meanders through the site with its appearance and impact down graded where possible to a shared surface and private drives serving parking courts. This assists in creating a more informal appearance to the development in keeping with the context of the site.
- 6.11 An area of open space incorporating a Local Area of Play (LAP) is proposed in the heart of the development in keeping with the Master Plan ethos although the size of this area is slightly smaller. Dwellings are proposed to enclose and overlook the space providing natural surveillance and a safe environment for passive recreation. Elsewhere, properties generally are sited on the road or pavement edge creating a sense of enclosure whilst in most instances enabling properties to have an attractive outlook across adjoining land. Key vistas are also retained from high points within the site and from the open space to the north and north east towards Aylestone Park, again in accordance with the master plan.
- 6.12 In line with the Master Plan, the green buffer zone of grassland and trees is to be retained along the southern and south eastern corner of the site wrapping round the eastern and northern boundary. In light of a number of concerns raised by residents, it is advised that the 'developed area' of the site as proposed accords with the principles of the Master Plan and the green buffer zone has not been reduced in area to accommodate the additional 11 dwellings. Elsewhere, key trees are being retained where possible with others being translocated to more appropriate locations within or surrounding the site. The overall principle of the layout identified on the amended plans are considered acceptable.

#### Housing Mix and Designs

- 6.13 A mix of two bedroom apartments along with one, two, three, four and five bedroom houses. In line with the Section 106 Agreement, all the affordable housing is in the form of two bedroom flats comprising of two detached three storey blocks. Elsewhere, a mixture of terrace, semi-detached, detached is proposed. The mix of house types and sizes should achieve a satisfactory mix and balance accommodation ensuring that all levels of affordability are catered for.
- 6.14 The scale of the housing in terms of the height ranges from a mixture of flats above garages to conventional two storey, two-and-a-half storey and three storey. The three storey units comprise the affordable apartments and are located in other key spaces where more imposing development is required. These predominantly being located relatively centrally within the site around the open space, along parts of the access road and along the western boundary with the new (three storey) sports facilities at the College. A lower density and scale is proposed along the northern and eastern boundaries to achieve a smoother transition between the development and adjoining land uses. The mix of house heights and proportions assists in breaking up the ridge heights of the street scene and creates a better transition between different scales of properties.
- 6.15 The proposed designs are fairly typical of a development of this nature. To address officer concerns the applicants are seeking to introduce higher quality detailing such as timber rather than UPVC windows, timber garage doors and cedar cladding to some elevations of properties. This will assist in enhancing the appearance of some of the property designs and create greater character and identity to the overall development. The materials are predominantly a mixture of render and brick providing a subtle contemporary appearance linking in with the more modern design of the adjoining

sports development. Concerns remain regarding the appearance of integral garages on principal streets and the parking areas in front of plots 4, 5 and 6 but additional interest is introduced with gables roofs addressing roads, balcony detailing and chimneys on certain properties. The topography of the site will also greatly reduce the mass of the development with different levels throughout the site.

- 6.16 With the exception of the proposed apartment blocks, the designs are relatively standard which is a little disappointing given the context of the site. However, amended street scenes and dwelling designs are awaited illustrating additional architectural detailing and changes to the palate of materials. Subject to this information, the overall impact of the development in terms of the dwelling designs and scales is likely to be satisfactory.

#### Highway Matters

- 6.17 The general traffic impact of the development was assessed at the outline stage through a Traffic Assessment. This assessment was undertaken on the basis of 80 dwellings and therefore the conclusions of the assessment are still relevant and apply to the current proposals for 81 units. This being that the local highway network can accommodate the traffic associated with the development now proposed.
- 6.18 The principal access to serve the development was approved as part of the outline permission and is now completed in accordance with the approved plans. Beyond the access more informal shared surfaces are proposed removing the need for formal segregated pavements other than where essential. The design of the road network also provides a more tortuous route for traffic to reduce traffic speed and provide a more pedestrian priority environment in line with the principles of Homezones.
- 6.19 Parking is provided on plot or in parking courts located primarily to the rear of the housing. This arrangement assists in screening large areas of hardstanding and parked cars and also ensures that the parking areas are overlooked by surrounding properties. Parking provision is at a ratio of 1.8 spaces per dwelling which although above that required by Policy H16 of the Unitary Development Plan is considered an appropriate provision given the location of the site and the type of housing proposed. Some of the parking is being provided by integral, attached and detached garaging and therefore it will be necessary for permitted development rights to be removed to ensure the garages remain available for the parking of vehicles and are not converted to habitable accommodation or other ancillary uses.
- 6.20 A direct pedestrian/cycle link is provided from Venns Lane through the site to Aylestone Park in line with the Master Plan enabling direct access to Aylestone Park and the associated sports facilities. Comments are awaited on the amended plans but the principles of the highway layout and parking provision now proposed is considered acceptable.

#### Open Space and Trees and Ecology

- 6.21 In line with the Master Plan, the centre of the development will comprise an area of open space incorporating a local area of play which will provide a focal green space to the development. Although the size of this space has been slightly reduced from that illustrated in the Master Plan, it is not considered in itself represents a basis for refusing permission. Front garden boundaries will be defined with hedge planting further enhancing this green space.

- 6.22 The development will entail the removal of all the orchard trees, the principle of which has been approved by virtue of the outline approval. To compensate for the loss of the orchard, replacement orchard planting comparable in area (1 hectare) is proposed within land adjoining the eastern boundary of the site within Aylestone Park. Again, this forms part of the outline proposals and requirements of the Section 106. The scope of translocating some of the orchard trees to the new orchard is also recommended and is currently being investigated. A limited number of trees are proposed to be removed with others translocated to the peripheries of the site. This in principle is considered acceptable although further details are required as to the translocation process and future maintenance to ensure the trees survive. Some concerns exist regarding the proximity of trees to proposed dwellings and therefore some crown management is proposed in consultation with the Council's Landscape Officer.
- 6.23 Outside of the developed area along the southern, eastern and northern boundaries of the site existing trees and woodland areas are to be retained in line with the Master Plan. This also follows the principles of the ecological assessment of the site at outline stage which identified that the orchard was the area of SINC with least ecological value. These areas are also to be retained within the ownership of the College which will secure the long term protection of the areas and the trees in particular. Furthermore, a long term management strategy is in the process of being prepared in line with the outline planning permission and Section 106 Agreement for all of the SINC to enhance its biodiversity value.
- 6.24 Part of the proposals also include the separation of the residential development from the SINC with appropriate boundary treatment. This is currently proposed to be a mixture of close boarded fencing and brick walls. The restriction of public access through the SINC is unfortunate but to maximise the ecological value of this area and in the interests of public safety for existing and proposed residents, it is a necessary part of the development. However, some of the proposed boundary treatments in more prominent locations require further consideration to ensure harmonisation with the sylvan and semi rural context of the site.
- 6.25 The development will undoubtedly have an impact on the SINC but the proposals ensure that this impact is minimised and with the compensatory planting, translocation of trees and the ecological management proposals, the long term ecological value of the SINC should would be retained if not enhanced.

#### Residential Amenity

- 6.26 The only existing residents affected by the development are those along the southern and south eastern boundary of the site within Helensdale Close and Loder Drive. These comprise a mixture of bungalows and detached properties whose rear gardens and rear elevations overlook the site. Due to the difference in levels, the existing properties all sit at a higher level than the application site where it adjoins the respective boundaries. To address concerns expressed by residents of Loder Drive regarding Plot 16, the design of this dwelling has been amended to remove all first floor windows from the eastern gable, which faces onto Loder Drive. Furthermore, this property, which lies 27 metres from the nearest dwelling within Loder Drive and 19 metres from its rear garden boundary, will be constructed at a lower level and the land and trees in between are being retained by the College rather than forming part of the development or private gardens. Additional planting can also be undertaken. The dwelling-to-dwelling distances are above the recognised requirement of 21 metres

generally sought with new housing developments. As such, notwithstanding the objections raised by the residents of Loder Drive it is not considered that this dwelling will have any harmful impact on the amenity of Loder Drive and falls within the development site area approved at outline stage.

- 6.27 The properties which face on to the new access road have their rear elevations facing the bungalows within Helensdale Close. Concerns have been expressed regarding the potential loss of privacy for numbers 2 and 3 Helensdale Close in particular due to overlooking from the new dwellings. As a result, the slab levels of the new dwellings in this area are to be lowered and the gardens have been reduced in length. This will reduce the overall impact and height of the properties when viewed from Helensdale Close to effectively one-and-a-half storey and enable additional planting along the Helensdale Close boundary which will be retained within the ownership of the College. Other layout changes to bring the proposed dwellings further away from the Helensdale Close boundary are currently being considered by the applicants. The properties in this part of the site will inevitably have an impact on Helensdale Close but the amended proposals will ensure the impact is minimised. Ultimately, it is not considered the impact on the amenity of residents within Helensdale Close and Loder Drive is so significant as to warrant refusal of the application.

#### Section 106 Matters

- 6.28 The Section 106 requires that 17.5% of the total number of dwellings to be affordable housing all to comprise two bedroom flats with 60% being available for rent and 40% being available for shared ownership. This creates a total of 14 units. Members may recall that the affordable housing percentage was reduced by half to enable additional funds to be released to facilitate the other college developments. The affordable housing is also of a bespoke design and is restricted to persons on the Home Point waiting list with sight loss, partial sight loss or a disability.
- 6.29 The affordable element is in the form of two detached three storey blocks sited along the eastern boundary of the adjoining College facilities with one parking space per unit. The Strategic Housing Officer has expressed some concerns regarding all the affordable units being in a single location. This ordinarily would not be acceptable but given the restrictions on the occupation of the affordable imposed in the Section 106 and the potentially specialist needs of the occupants along with the design of the accommodation it is considered acceptable in this instance for it to be located in a single location. A direct footpath link is also available from the affordable units to remainder of the College facilities where some of the occupants may be in education. The scale of the proposed affordable can also be better assimilated into the adjoining sports development located on the western boundary.
- 6.30 The other Section 106 contributions are to be proportionately increased in line with that agreed at the outline stage. This is £1500 per dwelling for off site highway works and sustainable transport infrastructure and £1000 per dwelling for off site open space, sport and recreation facilities in lieu of the required provision on site. This is below what which has been achieved from other recent residential developments in and around the city. Further contributions have been sought for a new CCTV camera and other off site highway improvements but the applicants have advised that due to the need to maximise the finances obtained from the development, no other contributions can be sustained.

6.31 Given that circumstances have not changed from that when the outline application was considered and approved by the Central Area Planning Sub-Committee last year and the additional contributions are desirable rather than essential, it not considered reasonable to withhold permission and therefore the pro rata increase agreed is considered acceptable and in line with guidance relating to Section 106 contributions.

#### Other Matters

6.32 The entire development is to be designed and constructed to meet Code Level 3 of the Code for Sustainable Homes in line with that which has been achieved from other recent residential developments in and around the city. This will increase the environmental credentials of the site considerably and particularly the energy efficiency of the houses to reduce the carbon footprint of the development from the start of the construction process through to the future occupation of the houses.

6.33 The relationship and proximity of plot 1 to the existing property fronting Venns Lane adjacent the new access is unacceptable. This property as now been purchased by the developers who are proposing the demolition of the dwelling with a view to a replacement residential development. This will enable a more acceptable juxtaposition to be achieved. The revised legal agreement will also therefore require the demolition of this property prior to occupation of the dwelling on Plot 1 including the requirement to submit an application for a replacement development.

#### Conclusion

6.34 Comments are awaited from Highways and Conservation with regards to the amended layout and further amended plans revising the designs and materials of some dwellings are awaited. In general, however, the proposals are now considered acceptable in accordance with the adopted Development Plan policies.

### **RECOMMENDATION**

- 1. Subject to no further objection from the Traffic Manager and Conservation Manager by the end of the consultation period and receipt of further amended plans addressing the issues raised in this report;**
- 2. The Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional matters and terms that he considers appropriate.**
- 3. Upon completion of the aforementioned planning obligation the officers named in the Scheme of Delegation to Officers be authorised to issue a Reserved Matters Approval and Planning Permission subject to the following conditions and any further conditions considered necessary by officers.**

**DCCE2007/2467/RM**

#### **Informatives:**

- 1. N02 - Section 106 Obligation.**
- 2. N09 - Approval of Reserved Matters.**



3. N15 - Reason(s) for the Grant of PP/LBC/CAC.

4. N19 - Avoidance of doubt.

DCCE2007/2469/F

1. A10 (Amendment to existing permission).

Reason: For the avoidance of doubt.

2. E09 (No conversion of garage to habitable accommodation).

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

3. G40 (Bat/bird boxes).

Reason: In order not to disturb or deter the nesting or roosting of bats which are a species protected by the Wildlife and Countryside Act 1981.

4. The occupation of the dwellings on plots 13 and 14 shall be limited to students at the Royal National College for the Blind unless otherwise agreed in writing by the Council.

Reason: In the interests of highway and pedestrian safety.

**Informatives:**

1. N15 - Reason(s) for the Grant of PP/LBC/CAC

2. N19 - Avoidance of doubt

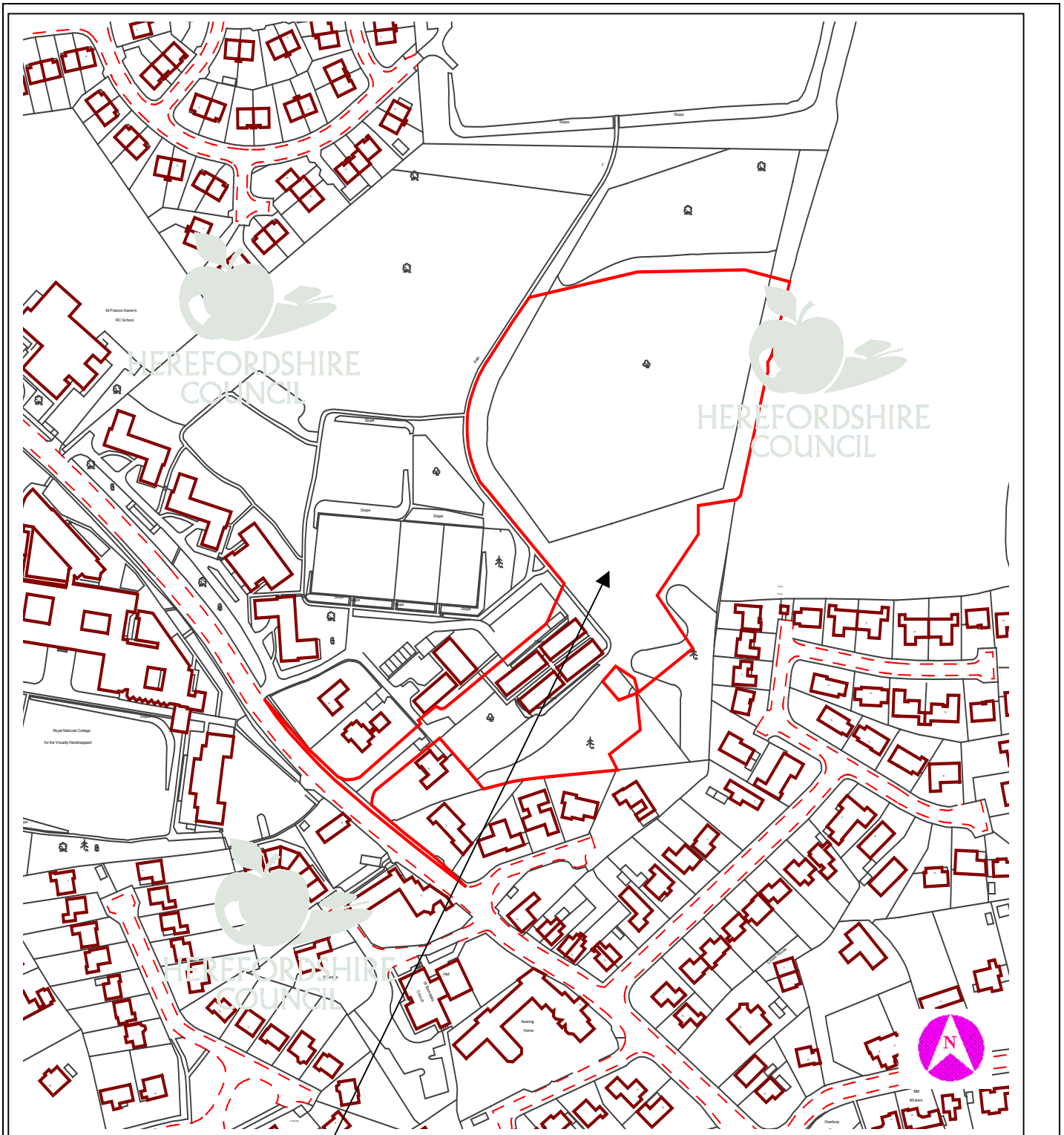
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2007/2467/RM

**SCALE :** 1 : 2500

**SITE ADDRESS :** Land at Venns Lane Royal National College For The Blind, College Road, Hereford, Herefordshire, HR1 1EB

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**DRAFT HEADS OF TERMS**  
**Proposed Planning Obligation Agreement**  
**Section 106 Town and Country Planning Act 1990**

Planning Application – DCCE2007/2467/RM & DCCE2007/2469/F

- Residential development of 81 dwellings with associated parking and landscaping 2.3 hectares with associated open space, landscaping and variation of condition 10 of outline planning permission DCCE2006/0099/O.

At Royal National College for the Blind, Venns Lane, Hereford.

1. The developer covenants with Herefordshire Council, in lieu of a deficit in the provision of open space, play and sport facilities provided on site to pay Herefordshire Council a pro-rata increase per dwelling above 70 in accordance with the Section 106 Agreement dated 31st May, 2007 of £1000 per dwelling.
2. The developer covenants with Herefordshire Council, to pay Herefordshire Council a pro-rata increase per dwelling above 70 in accordance with the Section 106 Agreement dated 31st May 2007 of £1500 per dwelling for off site highway works and improved transportation infrastructure to serve the development.
3. Prior to the occupation of the dwelling on plot 1, the existing dwelling fronting Venns Lane immediately south west of the dwelling on plot 1 shall be demolished subject to planning permission having being approved for a replacement development.
4. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1 and 2 for the purposes specified in the Section 106 Agreement dated 31st May, 2007 within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
5. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
6. The developer shall complete the Agreement by 31st October, 2007 otherwise the application may be registered as deemed refused.

Russell Pryce - Principal Planning Officer

10th October, 2007



**6 DCCE2007/2594/F - ERECTION OF SIX NO. TWO BED MAISONETTES AND FOUR NO. TWO BED FLATS WITH ASSOCIATED PARKING FOR FOURTEEN CARS. LAND TO REAR OF PROSPECT PLACE, ST. MARTINS AVENUE, HEREFORD, HEREFORDSHIRE, HR2 7RQ**

**For: Tobin Enterprises Ltd, Jamieson Associates, 30 Eign Gate, Hereford, HR4 OAB**

**Date Received: 16th August, 2007**

**Ward: St. Martins & Hinton**

**Grid Ref: 50895, 39444**

**Expiry Date: 15th November, 2007**

Local Members: Councillors WU Attfield, ACR Chappell and AT Oliver

**1. Site Description and Proposal**

- 1.1 The site is located to the rear (west) of St Martins Street, north of Prospect Place and south of the River Wye. The northern part of the site is undeveloped and largely overgrown with scrub and vegetation and the southern part is surfaced with tarmac and used as a parking area with 12 spaces demarked. Vehicular access is gained in between 6 and 8 St Martins Avenue via St Martins Street.
- 1.2 The boundaries of the site are enclosed by a mixture of close boarded fencing, post and wire fencing, semi mature trees and hedgerows and the site as a whole is relatively flat. Properties fronting St Martins Street are predominantly three storey brick and pitched slate roofed construction dating back to the early 19th Century with rear gardens extending westwards to the site boundary. The majority are Grade II Listed either individually or under group listings. Parts of the site were historically garden land associated with St Martin Street properties.
- 1.3 Properties in Prospect Place are predominantly two storey constructed from brick and slated pitched roofs with rear gardens extending north backing on to the site. The northern boundary is enclosed by a garden associated with No. 15 St Martins Street beyond which is Wye Street car park and the entire eastern boundary is enclosed by Bishops Meadow Playing Fields. The new flood defence walls will also form the eastern boundary of the site when completed comprising of a steel piled wall faced with a mixture of brick and timber cladding. Along the eastern boundary of the site within the playing fields are also a row of mature lime trees which are protected by a Tree Preservation Order.
- 1.4 The site falls within Hereford City Conservation Area, an Area of Archaeological Importance and also within a Flood Plain (Flood Zone Category 3) it is identified as an established residential area within the Herefordshire Unitary Development Plan 2007.
- 1.5 Planning permission is sought for the construction of a detached three storey building to create six two bedroom maisonette apartments and four two bedroom flats. The building is of a contemporary design constructed predominantly from render and

positioned within the northern part of the site orientated east/west. The existing parking area will be used and slightly enlarged to create a total of 14 spaces.

## 2. Policies

### 2.1 Planning Policy Guidance:

PPS1	-	Delivering sustainable development
PPS3	-	Housing
PPG15	-	Planning and the historic environment
PPG16	-	Archaeology
PPS25	-	Development and flood risk

### 2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S7	-	Natural and historic heritage
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning obligations
DR7	-	Flood risk
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H2	-	Hereford and the market towns: housing land allocations
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking
H19	-	Open space requirements
T6	-	Walking
T7	-	Cycling
T8	-	Road hierarchy
T11	-	Parking provision
T12	-	Existing parking areas
T16	-	Access for all
NC1	-	Biodiversity and development
HBA4	-	Setting of listed buildings
HBA6	-	New development within conservation areas
ARCH1	-	Archaeological assessments and field evaluations
ARCH2	-	Foundation design and mitigation for urban sites
ARCH6	-	Recording of archaeological remains
ARCH7	-	Hereford AAI
W11	-	Development – waste implications

## 3. Planning History

### 3.1 CE1999/3072/F – Use of site for residents parking. Approved 9th January, 2001.

- 3.2 CE1999/3074/F - Change of use from guesthouse to staff accommodation. Approved 9th January, 2001.

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 Welsh Water:  
No objection subject to conditions relating to foul and surface water drainage.
- 4.2 Environment Agency:  
The Agency objects to the proposed development as submitted on the following grounds:

Flood risk: The development lies within Flood Zone 3 of the River Wye and is therefore considered to be at high risk of flooding. Parts of the site may also be classed as Flood Zone 3B/functional flood plain where vulnerable uses should not be permitted. Notwithstanding this, it should be noted that the Hereford Flood Alleviation Scheme which is under construction is likely to protect this site to 1% plus climate change standard upon completion. It should be noted that flood defences do not eliminate a flood risk and proposed developments in protected/defended areas still need to consider the sequential test of flood risk associated with a breach or overtopping scenario in any flood risk assessment. In the absence of a flood risk assessment we therefore raise object.

Sequential test: PPS25 states that a sequential risk based approach to determining suitability of land for development in flood risk areas should be applied. The aim of the sequential test is steer new development to areas of the lowest probability of flooding. Only where there are no reasonably available sites in flood zones 1 and 2 should flood zone 3 be considered. In the absence of a sequential test at this time we object to the application.

If the sequential test can be demonstrated to the local planning authority's satisfaction we then require a flood risk assessment to demonstrate that this development will be safe for its life and offer wider flood risk benefits. This will also need to demonstrate a dry access to and from the site and there should also be no buildings or structures within 7 metres of the landward tow of the flood defence in order to retain a maintenance access strip for the flood defences. Clarification is also required as to surface water disposal method. The use of sustainable urban drainage systems is recommended to demonstrate that there is betterment in overall surface water run off.

Benefits, Enhancements, Developer Contributions: If the above issues are satisfactorily addressed, contributions are sought from the developer towards the maintenance of the flood defences and towards a flood warning system for the lifetime of the development. Our current guidance refers to contribution of 1000 per dwelling for the lifetime of the development for the flood warning system ie this equates to 10 per year if the development has a 100 year life along with a further contribution towards the maintenance and potential structural alterations to the flood wall again for the lifetime of the development.

At this time the proposal is contrary to PPS25 and Policy DR7 of the Unitary Development Plan and may be refused on this basis.

Comments awaited on the Flood Risk Assessment provided.

Internal Council Advice

4.3 Traffic Manager:

I consider the proposed access is acceptable providing there is no intensification over the current use. Further information as to what provision has, if any, been made elsewhere for the loss of the potential residential parking on site.

4.4 Conservation Manager - Archaeology:

The application site is very sensitive archaeologically being within the statutory Hereford Area of Archaeological Importance and very close to the former location of a medieval Church of St Martin. An appreciable amount of ground disturbance will be necessary to bring about the development. Accordingly therefore, in line with Sections 21 to 22 of PPG16 and Policy ARCH1 of the Herefordshire Unitary Development Plan, I would advise that further information regarding the archaeological impact of the proposal is needed to assist in the making of an informed planning decision. The results of the archaeological evaluation are required prior to determination of the application.

Comments awaited on the archaeological evaluation.

4.5 Conservation Manager - Ecology:

I have made a site visit and expect the following ecological issues to be addressed:

1. Extended Phase 1 Habitat Assessment of the site
2. Assessment for the presence of protected species potentially present.

My initial impression when visiting the site was that this would primarily concern reptiles and nesting birds. The development proposals should include mitigation and enhancement measures if any protected species are found to be present. I would also expect general enhancement measures for biodiversity such as use of native trees and shrubs and the incorporation of bat and bird boxes or roosting features. The proximity of the River Wye SAC should also be addressed in the report to demonstrate there will be no impact during the proposed construction.

Comments on the ecological survey awaited

4.6 Conservation Manager: Conservation and Listed Buildings

In discussion with the architect and a review of the site we do not believe that a traditional style building would be appropriate on this site. Given the distinguished company of the adjacent Norfolk terrace we believe that any traditional approach would find difficulty in reflecting an appropriate design without appearing to be out of context. The contemporary style therefore allows the building to be lower, have less of an impact, reintegrate the site and would be subservient to the important listed buildings to St Martins Street. Although there would be some impact on the setting on the adjacent listed buildings we believe that this would not be particularly detrimental given that this is to the rear and not the principle façades. Had such a development been within the streetscape it would have had a much greater impact upon the buildings. The gap between the buildings and the proposed development would mean that in this particular instance the impact on the setting of the listed buildings would be relatively minimal particularly given this urban setting.



In our opinion the greatest impact would be upon the Bishops Meadow. Although there are a number of historic buildings bordering this site it is interesting to note that the only historic buildings to face onto the meadow are Bishops Palace/ Cathedral, Castle Cliff and the hospital which are all north of the river and no historic building to the south of the river has a principle outlook onto the meadow. This pattern changed slightly within the 20<sup>th</sup> century with new housing to the meadow at Hinton Rd and more recently with the Watershed development. It is therefore this impact upon the layout of the historic suburb to the south that would see the greatest impact upon the character of the immediate area. We do not believe that this would be detrimental to the character of the park and would therefore be acceptable.

The bold contemporary design would make a positive addition to the Herefordshire architectural canon. Given the difficulties of a backland site and an adjacent urban parkland setting the building requires 2 faces to integrate with the competing aspirations of the site. The function of the design has to some extent resulted in the form of the current building. However the style expresses a development of the Hereford effect successfully taken forward from the Left Bank at a domestic scale. We believe that this vividly expresses our aspirations for the city elevating the standard for development and providing an interesting juxtaposition between the neo-classicism of 18<sup>th</sup> and 19<sup>th</sup> century Hereford and post modernist architecture of the 21<sup>st</sup> century. We believe that it is important to introduce, in appropriate locations and with high quality designs, elements of the 21<sup>st</sup> century to provide an interesting balance and continue the tradition of high quality architecture.

We also believe that an additional benefit of the scheme is to reinstate the burgage plot pattern, which has been lost. This would be beneficial to the general character of the conservation area as it would highlight the medieval pattern of development, which has currently been lost.

We believe that this building is appropriate for the location, is of a high standard of design and would not have a detrimental affect on the setting of the adjacent listed buildings. It is therefore acceptable.

#### 4.7 Parks, Countryside and Leisure Development Manager:

There is no open space in the proposal. Therefore, the equivalent off site contribution is sought. New standards for off site contributions have been recommended through the emerging Supplement Planning Document on Planning Obligations based on land acquisition, development and maintenance costs. This equates to £3174 for this development.

We also ask for a contribution towards sports facilities provision from all new development. This is in response to Sport England who require such developments to help contribute towards increased participation in active sports. The calculation is based on the Sport England Sports Facilities Calculator and equates to £630 per dwelling/apartment which equates to £6300. Both contributions will be used towards improvements of the Bishops Meadow which provides both a park and sporting facilities.

#### 4.8 Children and Young People's Directorate – (Education):

The provided schools are St Martins Primary School and Wyebridge Sports College. Capacity exists in both schools. However, in light of falling roles across the county the authority is undertaking a review of school provision and it is likely that the capacity of the schools will be assessed as part of this review. There is therefore the likelihood

that capacities of both these schools could be reduced resulting in little if any surplus capacity at the schools. Any additional children would then result in organisational difficulties at the schools.

The Children and Young People's Directorate would therefore be looking for a contribution towards education at the schools of £2000 per dwelling.

## 5. Representations

### 5.1 Hereford City Council:

The City Council recommend the application is refused as it is an over intensive development with inappropriate access including access for emergency vehicles.

### 5.2 Conservation Advisory Panel:

Context in the city scape is important to be proved as is development on the flood plain. Concerns regarding the gated access and its width. Approve of the design quality.

### 5.3 21 letters of objection have been received, the main points raised are:

- The site has significant historical interest to Hereford located on both the John Speed's map of 1610 and Taylor's map of 1757 as being garden and once totally walled.
- The site falls within the setting and curtilage of listed buildings within St Martin Street.
- The site is on the grounds of St Martins Church.
- The proposal for such a modern development in such an ancient place should not be considered.
- The car park should be removed and the land restored into a communal garden for all to share.
- The development will increase traffic and congestion locally.
- The access is limited for construction purposes with loading and unloading of construction materials needing to take place off the highway.
- The development will cause considerable stress to local residents during construction
- There is no visibility from the access.
- The access is too narrow for emergency vehicles.
- The parking provision is inadequate for the number of dwellings.
- The proposed development will be a danger to pedestrians.
- The development will lead to an increase in noise, fumes and light pollution.
- The proposed blue rendering is not in keeping with the surroundings.
- The third floor should be deleted.
- The Design and Access Statement is silent on the impact of the development on the character, appearance and composition of the Conservation Area.
- The form of the development does not respect any of the characteristics of the Conservation Area.
- The proposed plans do not identify all the site boundaries to enable a detailed assessment to be undertaken with regards to privacy and sunlight.
- The development will be highly prominent from numerous public and private vantage points.
- The design will be alien with its surroundings.

- The site is within a flood plain and regularly floods and the flood defences are yet to be tested.
- The development will obscure views from existing properties.
- The development will remove all privacy within neighbouring properties and their gardens.
- The development will overshadow existing properties and gardens.
- The development will devalue the houses in the area.
- Planning permission was granted for the parking area to be used for residents and staff at the Left Bank.
- Use of the access by construction traffic could cause damage and weaken the structural integrity of nearby properties.
- Planning applications for development of the site have been refused in the past.
- The site is a wildlife haven.

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

## 6. Officer's Appraisal

### The Principle

6.1 The site falls within an Established Residential Area as designated in the adopted Unitary Development Plan 2007. As such, in housing planning policy terms the principle of the development of the site for residential is acceptable.

### The Layout

6.2 The proposal comprises a single detached building sited in the northern section of the site. The proposed building is orientated east west with the principle elevation being across Bishops Meadows playing fields. The site is large enough to accommodate the development without appearing overly dominant within its context and will allow sufficient space for additional landscaping along with private gardens for the flats at ground floor.

6.3 The siting of the development has also been amended in that it is now a further two-and-a-half metres away from the western boundary of the site adjoining the gardens of the properties along St Martins Street. Land to the south is to be a parking area to serve the flats and will ensure that the vehicular activity is segregated from the pedestrian areas and the residential accommodation. Overall, the layout is considered acceptable.

### Design and Impact on Conservation Area and Listed Buildings

6.4 Many local residents have objected to the development on the grounds of the contemporary design proposed commenting that it does not accord with the character and appearance of the Conservation Area. The local vernacular is predominantly architecture from the Victorian and Georgian era comprising strong brick elevations with pitched slated roofs and symmetrical fenestration. Whilst the proposed design and materials are clearly very different, this does not mean that they are unacceptable. The architectural and historical interest of any urban environment including conservation areas primarily emanates from the evolution of different designs, materials and architectural fashions. The site is a stand alone plot visually isolated from any other built development and is heavily screened either by existing mature

trees or existing buildings. As a matter of principle, the site is therefore considered suitable for a contemporarily designed building.

- 6.5 The design comprises of two symmetrical three storey rendered modules sub-divided by a central part glazed and part rendered section providing a lift and stair access. The central section provides a focal point to the building whilst also creating privacy between flats due to its oversized design. The symmetry of the form is repeated with the fenestration which achieves a design that is architecturally balanced with a crisp contemporary finish.
- 6.6 The contemporary style also enables the building to be lower in height and have a reduced mass in comparison as a conventionally designed development. In particular, the penthouse apartments being set back by around 5 metres from the rear elevation will give the development the appearance of being two storey from certain vantage points. The central glazed/render section also breaks up the building horizontally creating the illusion of two separate blocks which all assist in achieving a domestic scale. A section plan has also been provided which illustrates that the development is over 2.5 metres lower than the existing properties which front on to St Martins Street. Furthermore, a distance of 33 metres now exists between the principle rear elevations of existing dwellings in St Martins Street and the rear elevation of the proposed development.
- 6.7 The alternative to a contemporary approach would be a traditional design, namely a terrace of two/three storey properties with pitched roofs. However, it is considered that it would be difficult to successfully create a pastiche of existing local development and such an approach is likely to add nothing to the architectural interest of the Conservation Area.
- 6.8 Therefore the design, whilst being very modern is of a high quality in its own right and the scale and amended siting of the development will ensure that it does not appear overly dominant within the site and consequently the Conservation Area. Neither will it have a harmful impact upon, or dominate the setting of the nearby listed buildings. This view is supported by the Conservation Officer who concludes that the development ‘...is appropriate for the location, is of a high standard of design and would not have a detrimental affect on the setting of adjacent listed buildings’.

#### Residential Amenity

- 6.9 Concerns have also been expressed by objectors regarding the impact of the development on their amenity. The development is designed to have all of the principal living space on the eastern elevation overlooking Bishops Meadow with only bedrooms proposed at ground and first floor on the elevation facing existing properties within St Martins Street. The amended proposals also achieve a distance of 6.5 metres between the proposed development and the western boundary along with an average of a further 26 metres from the rear garden boundaries to St Martins Street properties. Overall, the average property to property distance is around 33 metres which by modern developments standards is more than acceptable. Furthermore, semi mature trees and vegetation exist along the western boundary, which can be enhanced with further landscaping to provide additional privacy.
- 6.10 There is however a concern regarding the use of the outside terraced area associated with the penthouse apartments on the rear elevation. To address this, the privacy screen along the western edge of the penthouse apartments is to be increased through

the use of contemporary obscure material such as acid edged glass. This will ensure there is no unacceptable loss of privacy within neighbouring properties or their gardens.

- 6.11 With the development also being stepped away from the boundary further, the overall height being comparable with a conventional modern two storey pitched roof dwelling and the second floor penthouse apartments being stepped back, the impact on daylight and sunlight will also be acceptable. The proposal will therefore will not have any harmful impact on the amenity of neighbouring properties.

#### Access and Parking

- 6.12 Access to the site is gained via St Martins Avenue in between numbers 6 and 8 St Martins Avenue. The access is relatively narrow being only single width with limited visibility due to the position of the existing buildings either side of the entrance. The access serves an existing parking area with capacity for 12 cars. The Traffic Manager, although having concerns, considers the proposal will not lead to an intensification in the use of the access to a material degree and therefore although being substandard, considers the access acceptable. The access is not suitable for emergency vehicles but the proposal still accords with Building Regulations from the accessibility to emergency services perspective.
- 6.13 The existing parking area is to be slightly increased to accommodate a further two spaces. This parking area was granted planning permission in 1999 for use by local residents and for staff associated with the Left Bank Village. Two existing residents have a dedicated parking space each and these will be retained with the development thereby creating 12 spaces for 10 flats i.e. one space per flat with two visitor spaces. This parking provision, particularly given the sustainable location of the site is also deemed acceptable by the Traffic Manager, as is the impact of the development on pedestrian safety.

#### Flood Risk

- 6.14 The site falls within Flood Zone 3, which is the highest flood risk category and it has historically flooded. The flood defences are currently under construction which follow the eastern boundary of the site and will safeguard the site from flooding to at least a 1 in 100 year flood risk. No Flood Risk Assessment was provided with the application which generated an objection from the Environment Agency as a matter of principle. The Flood Risk Assessment has now been provided.
- 6.15 Policy DR7 of the UDP and PPS 25 require a sequential approach to be applied to developments in Flood Zone 3. In this regard, although no such assessment has been undertaken, the site is considered to be sustainable in terms of its location and proximity to public transport, amenities and services within the city centre, it is in a location where the primary land use is residential and with the continuing construction of flood defences, the site is considered sequentially acceptable for residential development. The Flood Risk Assessment as submitted concludes that the development is not at risk from flooding and will not create an unacceptable flood risk but formal comments from the Environment Agency are awaited. These will be reported verbally.
- 6.16 The proposed development will also include sustainable drainage systems to accommodate a 1 in 100 year rainfall event and minimise runoff through surface and rainwater attenuation and harvesting.

Other Matters

- 6.17 The development will not have any impact on the trees protected by a Tree Preservation Order which run along the eastern boundary of the site and there is sufficient space within the site to achieve further landscaping including appropriate tree species along the western boundary to further minimise any potential overlooking.
- 6.18 An Ecological Survey has also been provided which is currently being assessed by the Council's Ecologist. The survey does not identify the presence of any protected species on site and concludes that the development will have little ecological impact. The only recommendation being that the development should incorporate bat and bird boxes and appropriate planting and landscaping to provide foraging sources for birds. These measures can be dealt with by condition.
- 6.19 The site falls within an Area of Archaeological Importance and an Archaeological Evaluation of the site has now been undertaken which has revealed archaeological interest in the site dating back to the medieval period and a high degree of archaeological preservation across the site. Comments are awaited from the County Archaeologist on the contents of the report but it is likely that these matters can be satisfactorily dealt with by a condition requiring further field evaluation including an archaeological watching brief prior to and during the course of the development.
- 6.20 The Heads of Terms for the proposed Section 106 are appended to this report which are broadly in line with the Draft Supplementary Planning Document on Planning Obligations. The one notable exception is Part 6 of the Heads of Terms, which requires a contribution towards the cost of operating a flood warning system and the future maintenance of the flood defences.
- 6.21 The development falls below the threshold for affordable housing which in the city is set at 15 or more units. The environmental impact of the development is dealt with by condition requiring the development to meet Level 3 of the Code for Sustainable Homes which requires measures to reduce the carbon footprint of the development.

Conclusion

- 6.22 The proposal will result in the beneficial re-use of a brown field site in a sustainable location. The development will contrast with but enhance the character and appearance of the Conservation Area. Subject to the Environment Agency, Councils Archaeologist and Ecologist raising no objection following consideration of additional information the development is considered acceptable.

**RECOMMENDATION**

- 1. Subject to there being no objection from the Environment Agency, Conservation Manager – Archaeology, and Conservation Manager – Ecology by the end of the consultation period.**
- 2. The Head of Legal and Democratic Services be authorised to complete a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional matters and terms as he considers appropriate.**
- 3. Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning**

permission subject to the following conditions and any additional 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. **B01 (Samples of external materials and finishes including glazing and balustrading).**

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

3. **D01 (Site investigation - archaeology).**

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

4. **D04 (Submission of foundation design).**

**Reason:** The development affects a site on which archaeologically significant remains survive. A design solution is sought to minimise archaeological disturbance through a sympathetic foundation design.

5. **E05 (Restriction on hours of work).**

**Reason:** In order to protect the amenity of occupiers of nearby properties.

6. **Notwithstanding the submitted details, the proposed balustrading enclosing the western edge of the second floor roof terraces shall be at a obscure material and a height of 1.6 metres in perpetuity.**

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

7. **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.

8. **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.

9. **G01 (Details of boundary treatments).**

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

10. **G04 (Landscaping scheme (general)).**

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

11. **G05 (Implementation of landscaping scheme (general)).**

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

**12. G40 (Bat and bird boxes).**

**Reason:** In order not to disturb or deter the nesting or roosting of barn owls which are a species protected by the Wildlife and Countryside Act 1981.

**13. H13 (Turning area and parking).**

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

**14. H29 (Secure covered cycle parking provision).**

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

**15. Prior to commencement of development a methodology for the delivering, loading and unloading of materials tools, and equipment during the construction phase shall be submitted for the approval in writing of the local planning authority. The development shall be constructed in accordance with approved details.**

**Reason:** In the interests of highway and pedestrian safety.

**16. The development shall be designed and constructed to meet level three of the Code for Sustainable Homes: A Step Change in Sustainable Home Building Practice Design dated December 2006 or equivalent standard as may be agreed in writing with the local planning authority. No development shall commence until authorised certification has been provided confirming compliance with the agreed standard and prior to the occupation of the last unit, further authorised certification shall be provided confirming that the development has been constructed in accordance with the agreed standard.**

**Reason:** To ensure measures are introduced to minimise the carbon footprint of the development.

**Informatives:**

- 1. N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 2. N19 - Avoidance of doubt**



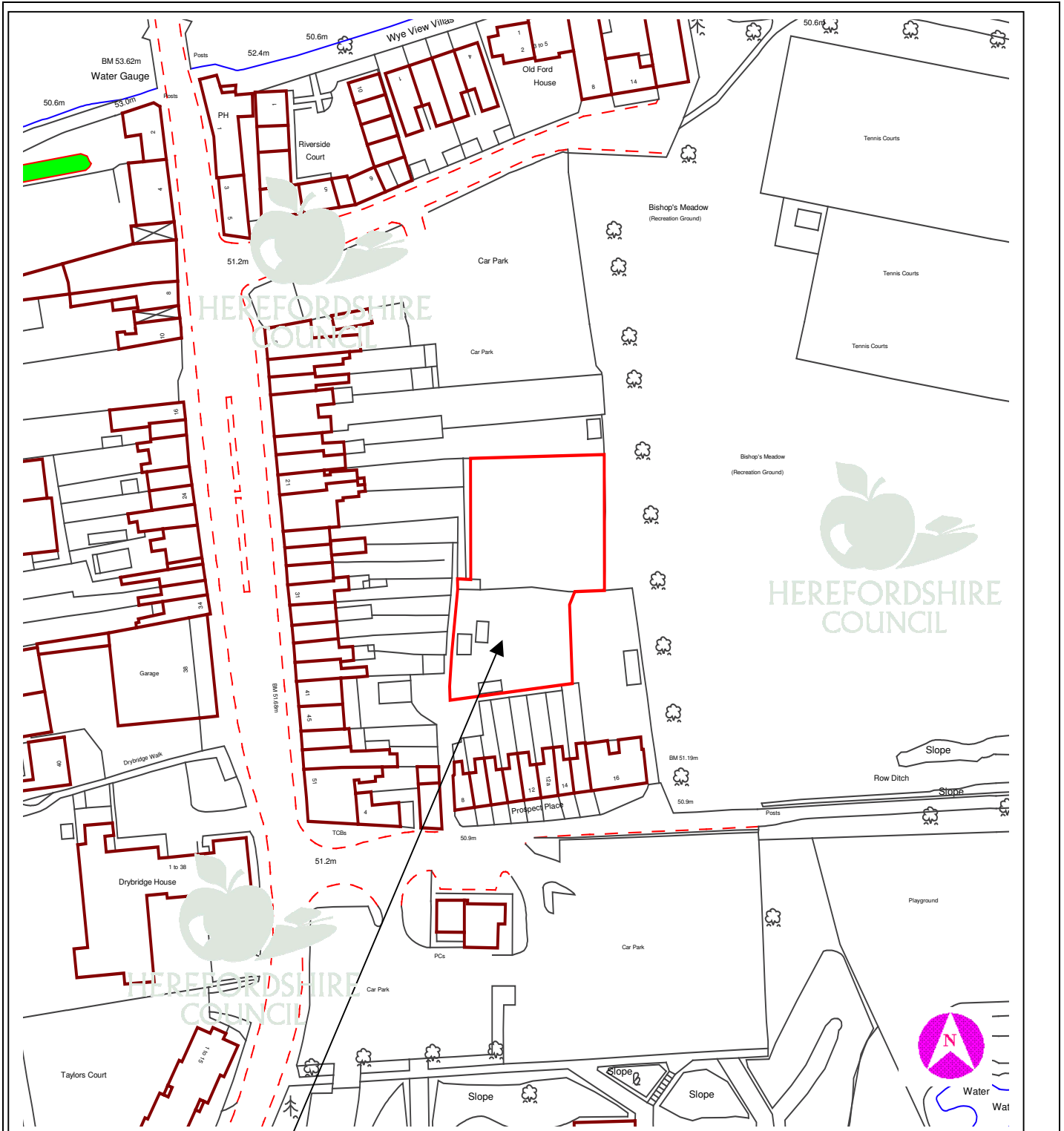
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Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2007/2594/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land to rear of Prospect Place, St. Martins Avenue, Hereford, Herefordshire, HR2 7RQ

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**DRAFT HEADS OF TERMS**  
**Proposed Planning Obligation Agreement**  
**Section 106 Town and Country Planning Act 1990**

Planning Application – DCCE2007/2594/F

- Residential development of six two bedroom maisonettes and four two bedroom flats

Land to the rear (north) of Prospect place, St Martins Avenue, Hereford, HR2 7RQ

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £20,000 to provide enhanced educational infrastructure/facilities for the primary and secondary schools within the locality of the development and Canon Pyon Primary School which sum shall be paid following occupation of the third residential unit.
2. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £14,650 for off site highway works and improved public and sustainable transport infrastructure to serve the development which sum shall be paid on or before the commencement of development.
3. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
  - a) Traffic calming and improved safety signing
  - b) Contribution to improved bus service
  - c) Improved bus shelters/stops
  - d) Safe Routes to school
  - e) Improve lighting to highway routes leading to the site
  - f) Improved pedestrian and cyclist connectivity with the site
  - g) Improved cycle parking facilities
  - h) Improved pedestrian crossing facilities
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £10,000 for public art and/or other enhancements of the Conservation Area in the locality of the development which sum shall be paid following occupation of the third residential unit.
5. The developer covenants with Herefordshire Council to pay £9,474 towards the cost of new or enhancement of existing open space, play, sport and recreation facilities in lieu of such facilities being provided on site, which sum shall be paid on or before the commencement of the residential development.
6. The developer covenants with Herefordshire Council and the Environment Agency to pay £10,000 towards the cost operating the flood warning system and future maintenance of the flood defences, which sum shall be paid prior to first occupation of the development.
7. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2, 4, 5 and 6 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

8. All financial contributions shall be Index linked and paid on or before commencement of the development unless otherwise agreed with Herefordshire Council
9. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
10. The developer shall complete the Agreement by 5th November, 2007 otherwise the application may be registered as deemed refused.

Russell Pryce - Principal Planning Officer

27th September, 2007

**7 DCCE2007/2817/F - PROPOSED ERECTION OF NINE DWELLINGS. 62 OLD EIGN HILL, HEREFORD, HEREFORDSHIRE, HR1 1UA**

**For: Mr. P.J. Cartwright, David Edwards & Associates,  
Station Approach, Hereford, HR1 1BB**

**Date Received: 4th September, 2007    Ward: Tupsley    Grid Ref: 52762, 39488**

**Expiry Date: 30th October, 2007**

Local Members: Councillors MD Lloyd-Hayes, AP Taylor and WJ Walling

**1. Site Description and Proposal**

- 1.1 The site comprises No.62 Old Eign Hill and its extensive garden, amounting to just over a third of a hectare in total (0.3008ha). The site is found to the south of the highway in close proximity to the junction with Quarry Road in an established residential area of mixed house types and design. At roughly the mid-point of the street frontage is the existing dwelling, tight against the pavement edge. It is a red brick Victorian property intended for retention.
- 1.2 It is proposed to erect 9 dwellings within the curtilage. They would comprise 4 no. 4-bed dwellings, 3no. 3-bed dwellings and a pair of semi-detached 2-bed dwellings. Parking would be provided at a ratio of 2 spaces per dwelling, including provision for the retained dwelling. The dwellings would be accessed via shared surface drives and each dwelling would have a private garden.
- 1.3 This is the third application on the site, the previous two having been withdrawn owing to inadequacies in the design and location of the vehicular access points and a lack of housing mix in terms of design and size. Previously 9, detached 4-bed dwellings were proposed.
- 1.4 The other principal differences between the current and former applications are as follows:
- Fewer access points onto Old Eign Hill and greater separation from the junction with Quarry Road - now 42m as opposed to 18m previously;
  - Greater housing mix as described above;
  - Parking at the rear of the site away from the public realm;
  - Realignment of the dwellings to better integrate with the existing street frontage;
  - Increased pavement width to the site frontage - to allow ease of pedestrian movement and improve visibility splays.
- 1.5 The development is laid out principally to address the street, although the two, two-bed dwellings are found to the rear of the site. Moving from the west (nearest the Quarry Road junction), development across the frontage would be laid out as follows:
- Detached four-bed dwelling (Plot 1);
  - A staggered terrace of 3 no. 3-bed terraced dwellings (Plots 2, 3 & 4);

- Vehicular access point 1 - to serve plots 1-5 inclusive;
- Detached four-bed dwelling (Plot 5).
- The existing dwelling, No.62 Old Eign Hill;
- Vehicular access point 2 - to serve plots 6-9 inclusive;
- Two detached four-bed dwellings, with vehicular access direct onto Old Eign Hill (Plots 6 & 7).

1.6 The dwellings across the frontage can be described as traditional in appearance, reminiscent of the late Victorian period. Materials proposed are brick under slate roofs. Where practical it is intended to construct a low-level brick wall topped with wrought iron railings across the frontage. The pair of 2-bed semi-detached dwellings at the rear are designed differently and intended to mimic the appearance of a coach house.

## 2. Policies

2.1 Planning Policy Statement 3 – Housing (PPS3)

2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
H13	-	Sustainable residential design
H15	-	Density
H16	-	Car parking
T11	-	Parking provision

## 3. Planning History

3.1 DCCE2006/2610/O - Proposed erection of nine dwellings: Application withdrawn 4th September, 2006.

3.2 DCCE2007/1555/O - Proposed erection of nine dwellings: Application withdrawn 9th July, 2007.

## 4. Consultation Summary

### Statutory Consultations

4.1 Welsh Water: No objection subject to conditions be imposed in relation to foul and surface water drainage.

### Internal Council Advice

4.2 Traffic Manager: No objection subject to conditions relating to visibility splays, access and parking area construction, relocation of the bus stop (at the developer's cost) and site operative parking. It is clarified that the pavement width will be widened across the site frontage and the land dedicated as highway.

- 4.3 Conservation Manager (Ecology): No objection subject to the imposition of a non-standard condition requiring adherence to the habitat enhancement scheme outlined in the consultant ecologist's report.

## 5. Representations

- 5.1 Hereford City Council: "No objection to this application for planning permission and it [the proposal] represents an improvement on previous plans."
- 5.2 Three letters of objection have been received from local residents at Nos. 52 & 65 Old Eign Hill and No.21 Angela Close. The contents can be summarised as follows:

The relocation of the bus stop would be to the detriment of highway safety and is only necessary to facilitate the proposed vehicular access

- No provision is made for visitor parking;
  - Not clear what is intended for No.62 Old Eign Hill;
  - The development would result in a significant increase in traffic near a bend in the road on an existing bus route;
  - Lead to loss of privacy and overlooking;
  - Generate permanent noise pollution from residents and vehicles;
  - Put extra demand on services;
  - Threaten to undermine No.52 Old Eign Hill;
  - Result in loss of amenity during the construction phase and possibly permanently.
- 5.3 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officer's Appraisal

- 6.1 The key issues in the determination of this application can be summarised as follows:
- The principle of development;
  - The scale and pattern of development relative to the wider area;
  - The impact upon highway safety;
  - The impact of development upon the amenity of adjoining residents.

### Principle of development

- 6.2 The site falls within the Hereford City settlement boundary and is also within an established residential area. Policy H1 states that within the established residential area, residential development will be permitted where compatible with other policies of the plan. The principle of residential development at this location is established.
- 6.3 The site does not trigger a requirement for affordable housing, although officers have been keen to press for a housing mix in accordance with PPS3. This has resulted in the provision of 3 no. 3-bed and 2 no. 2-bed dwellings within the scheme as well as the four-bed housing previously applied for. The mix is considered more satisfactory in terms of policy guidance.

### Scale and pattern of development

- 6.4 The site is within an established residential area; although it is true to say that the pattern of development within the locality is not particularly dense. The majority of

dwellings are either detached or semi-detached, with limited examples of terraces or flats – Angela Close to the rear is an exception, although properties here are designed to have the appearance of semi-detached dwellings, split horizontally into flats. The mix of a terrace, four detached properties and a pair of semis is thus appropriate in the wider context. The density per hectare with the inclusion of the retained dwelling equates to 33 dwellings which is considered suitable to the local context.

- 6.5 The wider area is a mix of traditional, period and twentieth century dwellings. As such, there is no typical response to design on this site. The adopted traditional approach is considered appropriate in this location.

#### The impact upon highway safety

- 6.6 The issue of vehicular access has been discussed at length. In previous applications the number and position of vehicular accesses to serve the dwellings at the western end of the application site was considered unsatisfactory having regard to the proximity to the bend and the junction with Quarry Road opposite. The solution put forward in this application is to limit the access points to two. The accesses would be formed with a splay in the pavement with associated dropped kerbs to allow for pedestrian crossing. In the revised positions the Traffic Manager considers that the required visibility splay would be met and no objection is raised.
- 6.7 The application also proposes an increase in the width of the pavement where possible to between 1.8m and 2.0m. This land would be dedicated as public highway – subject to a condition and separate agreement under the Highways Act.
- 6.8 As per the request of the Traffic Manager the developers have accepted responsibility to relocate the existing bus stop at their own cost. As per paragraph 4.2 above, a number of conditions are proposed, including the provision of site operative parking during the construction phase, in order to allow the free flow of traffic on the adjoining highway.

#### The impact of development upon residential amenity

- 6.9 The layout of development is such that adequate window-to window distances are maintained. The distance from the rear of the frontage development to the rear of the flats in Angela Close is approximately 30 metres. The distance from the rear of plots 6 and 7 to the front of the two-bed units is 18m. This is under the 21 metres normally sought, but considered acceptable because the relationship arises from development within the scheme itself and does not involve a reduction in privacy standards involving existing property.
- 6.10 Concern is raised locally that the scheme will engender noise pollution throughout the construction phase and possibly permanently, as the prospective inhabitants use their gardens etc. Disturbance of this nature is not considered to warrant refusal of the development of this 'brownfield site'. However, it is recommended that an hours of construction condition be imposed to restrict the building operations to reasonable hours.

#### Conclusion

- 6.11 It is considered that this revised application responds well to the concerns raised in respect of previous submissions and that it represents an appropriate scale and form



of development in this suburban location that will maintain an acceptable level of amenity for neighbouring occupiers whilst providing safe means of access.

## **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. 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.**

- 4. E16 (Removal of permitted development rights).**

**Reason: [Special Reason].**

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

**Reason: To protect the amenity of local residents.**

- 6. W01 (Foul/surface water drainage).**

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

- 7. W02 (No surface water to connect to public 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. W03 (No drainage run-off to public system).**

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

- 9. 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.**

- 10. H03 (Visibility splays).**

**Reason: In the interests of highway safety.**

11. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

12. 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.

13. H17 (Junction improvement/off site works).

Reason: To ensure the safe and free flow of traffic on the highway.

14. H27 (Parking for site operatives).

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

15. G01 (Details of boundary treatments).

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

16. G04 (Landscaping scheme (general)).

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

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

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

18. A habitat enhancement scheme based upon the recommendations of the ecologist's report should be specified in a method statement for submission to Herefordshire Council and followed in order to enhance the habitat on site for bird and other wildlife.

Reason: To comply with the Unitary Development Plan Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9: Biodiversity and Geological Conservation.

**Informatives:**

1. N15 - Reason(s) for the Grant of PP/LBC/CAC

2. N19 - Avoidance of doubt.

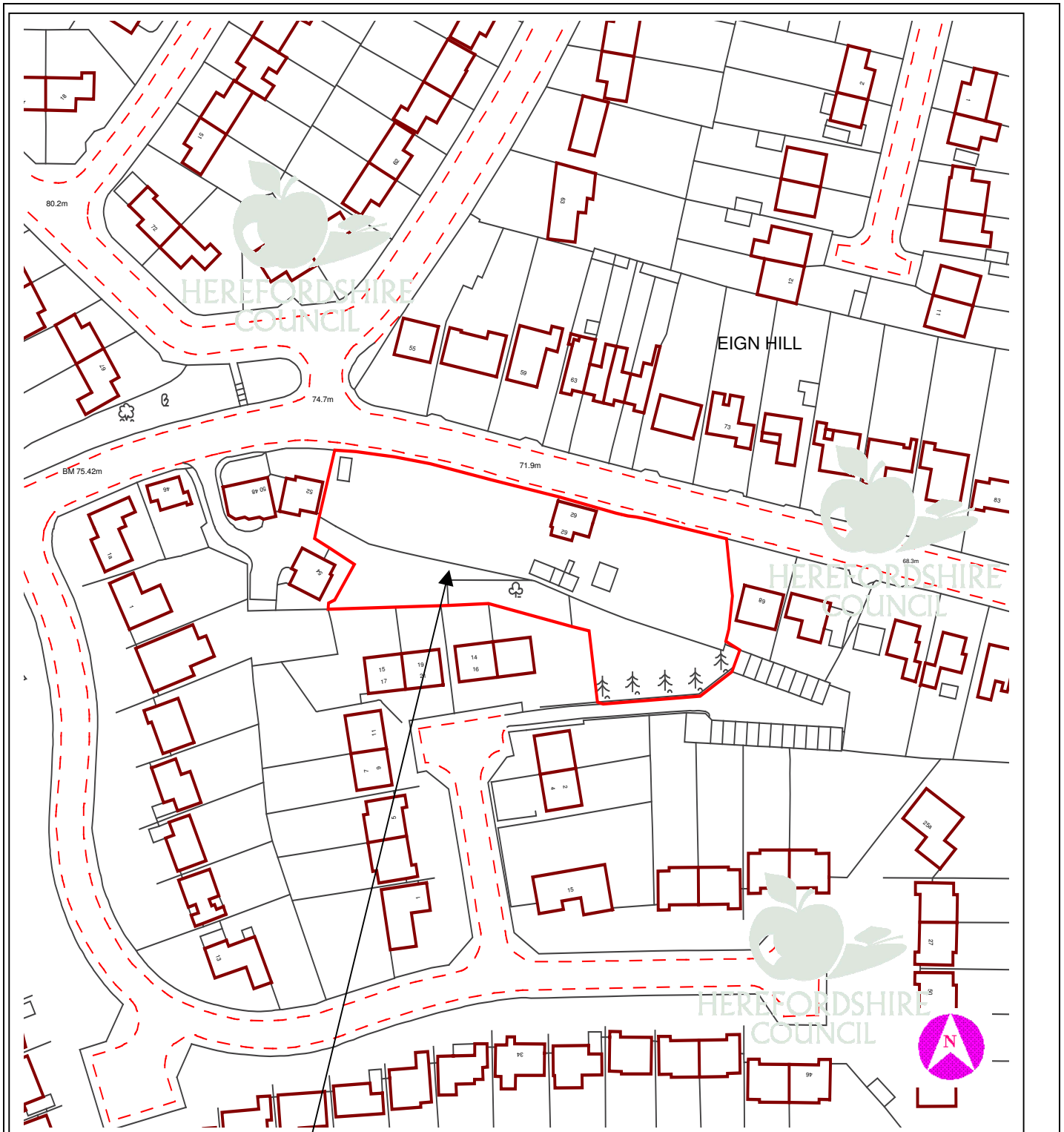
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2007/2817/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 62 Old Eign Hill, Hereford, Herefordshire, HR1 1UA

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**8 DCCE2007/2554/F - REPLACEMENT DWELLING. 5  
HAMPTON PARK ROAD, HEREFORD,  
HEREFORDSHIRE, HR1 1TQ**

**For: Mr. W. Beaumont, per Mr. T. Margrett, Green  
Cottage, Hope Mansel, Ross-on-Wye, Herefordshire,  
HR9 5TJ**

**Date Received: 10th August, 2007    Ward: Tupsley    Grid Ref: 52338, 39261**

**Expiry Date: 5th October, 2007**

Local Members: Councillors MD Lloyd-Hayes, AP Taylor and WJ Walling

**1. Site Description and Proposal**

- 1.1 The planning application seeks permission for the demolition of the existing bungalow and garage and replacement with a large detached dwelling and double detached garage at No. 5 Hampton Park Road, Hereford.
- 1.2 The site is found on the northern edge of Hampton Park Road at the western edge of the Hampton Park Conservation Area, adjacent to The Salmon Public House. A low-key vehicular access is found at the western edge of the site frontage, providing a break in the brick boundary wall and hedgerow that is the characteristic roadside boundary treatment in this part of the Conservation Area.
- 1.3 The existing bungalow is an unprepossessing building that appears to date from the middle part of the 20th Century. Set behind mature roadside hedge, only the tips of the gables are visible from the road. An attached double garage is found to the rear, beyond which the ground level rises steeply to meet the rear gardens of dwellings in Llanwye Close. This land is densely wooded and the dwellings in Llanwye Close occupy elevated positions relative to the existing bungalow. The eastern and western boundaries are characterised by large mature trees, which provide a sense of enclosure.
- 1.4 It is proposed to demolish the existing bungalow in its entirety and erect a replacement two storey dwelling with rooms within the roof space. It was originally intended to construct the dwelling 3 metres from the pavement's edge. The plans have subsequently been amended to push the building further back into the site, which has necessitated the detaching of the double garage and relocation of this building to the north west of the dwelling. The dwelling would be 12.5 metres from the roadside boundary as a result.
- 1.5 Accommodation would comprise six large bedrooms and three bathrooms, with additional room in the attic.
- 1.6 It is intended to widen the vehicular access, which would require the removal of eight low-grade self-sown trees. The large mature Cherry Trees along the western boundary would be retained.

- 1.7 The application has been held in abeyance to enable the conduct of a full species ecological survey. Latterly a badger sett has been found on site. A further survey is required to ascertain the precise nature of the sett and inform an appropriate mitigation strategy. It is likely that a artificial sett will have to be constructed elsewhere upon the site.

## 2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

S2	-	Development requirements
DR1	-	Design
H13	-	Sustainable residential design
H16	-	Car parking
HBA6	-	New development within conservation areas
HBA7	-	Demolition of unlisted buildings within conservation areas
NC4	-	Sites of local importance
NC5	-	European and nationally protected species

## 3. Planning History

- 3.1 DCCE2006/2475/O - Proposed single dwelling. Application withdrawn 6th September, 2006.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Welsh Water: No response

### Internal Council Advice

- 4.2 Traffic Manager: Recommends conditions.
- 4.3 Conservation Manager: Has no objection to the removal of existing bungalow, which is of no merit and out of keeping with the character of the area. The neo-gothic architectural style and scale of the replacement is considered appropriate to the conservation area, particularly given the relocation further into the site. The location within the plot is now reminiscent of the nearest comparable villas at 4 St Margaret's Road and Llanwye.
- 4.4 Conservation Manager - Ecology: No objection subject to the carrying out of a full badger survey to inform a mitigation and habitat enhancement strategy.

## 5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 Conservation Advisory Panel: The proposal represents a lack of design quality and is a missed opportunity for a contemporary approach.
- 5.3 Letters of objection have been received from the residents of numbers 5, 6 and 7 Llanwye Close. The letters of objection can be summarised as follows:

- The size and scale of the dwelling would not be appropriate to the area;
- The height of the dwelling would disrupt the views currently enjoyed by these properties;
- Although it is proposed to widen the drive, the point of access remains a danger.

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

## 6. Officers Appraisal

6.1 The key issues in the determination of this application are:

- An assessment of the merit of the existing dwelling and the contribution it makes to the character and appearance of the conservation area;
- The appropriateness of the proposed replacement dwelling having regard to the character and appearance of the conservation area;
- The impact that the proposed dwelling would have upon the residential amenity of adjoining properties;
- The impact of development upon the ecology of the site.

6.2 The existing building is inconspicuous within the street-scene. The Conservation Manager identifies the building as being of no intrinsic value and out of keeping with the predominantly large villas that characterise the conservation area. The demolition of the structure is therefore considered acceptable in accordance with policy HBA7 (Demolition of unlisted buildings within conservation areas).

6.3 Hampton Park is characterised by a number of fine villas set within a designed landscape. The area is important because it contains examples of the range of styles that came in and out of favour, including the Neo-gothic style that is replicated by the proposed dwelling. The application site is set between the Salmon Inn – a late Georgian House and Llanwye, St. Margeret's Road – a substantial Elizabethan style dwelling. In this context the architectural style of the proposed dwelling would reflect the character of the area and the quality of adjacent buildings.

6.4 Neighbours have raised concern that the erection of an 11 metre tall dwelling would disrupt the view across the river to the southwest that is currently enjoyed. The loss of a private view is not material to the determination of a planning application. Furthermore the relative position of the proposed replacement in respect of existing dwellings is such that there would be no loss of privacy or overbearing impact.

6.5 The existing vehicular access is extremely narrow and without a splayed entrance. Exiting the site necessitates inching across the pavement and into the highway to obtain a view in each direction. This situation would be significantly improved by the proposal to increase the drive width to 4m. The concern of the neighbour regarding the safety of the access arrangements is noted, but not considered sufficient to withhold permission given the extent of the proposed improvement.

6.6 In recognition of the discovery of a live badger sett on site, it is recommended that approval of the application be subject to the commissioning of a further ecological survey to determine the extent of the sett and the appropriate mitigation strategy. The developer will also need to apply for a license from Natural England, independent of the planning process.

- 6.7 In summary, the Conservation Manager considers the architectural style and scale of the proposed dwelling appropriate to the character of the Conservation Area. The vehicular access arrangements would be improved greatly and appropriate measures will be taken to ensure that features of ecological interest are effectively managed and maintained. Whilst the concern of neighbours are noted, the infringement upon the views they currently enjoy does not constitute a sustainable reason for objection.

## **RECOMMENDATION**

**That subject to the commissioning of an appropriate ecological survey demonstrating an appropriate mitigation strategy regarding the presence of badgers, officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further 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. **A09 (Amended plans).**

**Reason: To ensure the development is carried out in accordance with the amended plans.**

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

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

4. **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.**

5. **C05 (Details of external joinery finishes).**

**Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.**

6. **C11 (Specification of guttering and downpipes).**

**Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.**

7. **E16 (Removal of permitted development rights).**

**Reason: [Special Reason].**

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

**Reason: To protect the amenity of local residents.**

9. **F18 (Scheme of foul drainage disposal).**



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

**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. G01 (Details of boundary treatments).**

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

**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. H05 (Access gates).**

**Reason:** In the interests of highway safety.

**15. H06 (Vehicular access construction).**

**Reason:** In the interests of highway safety.

**16. H09 (Driveway gradient).**

**Reason:** In the interests of highway safety.

**17. 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.

**18. H27 (Parking for site operatives).**

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

**Informatives:**

- 1. HN01 - Mud on highway.**
- 2. HN05 - Works within the highway.**
- 3. HN10 - No drainage to discharge to highway.**
- 4. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 5. N19 - Avoidance of doubt.**

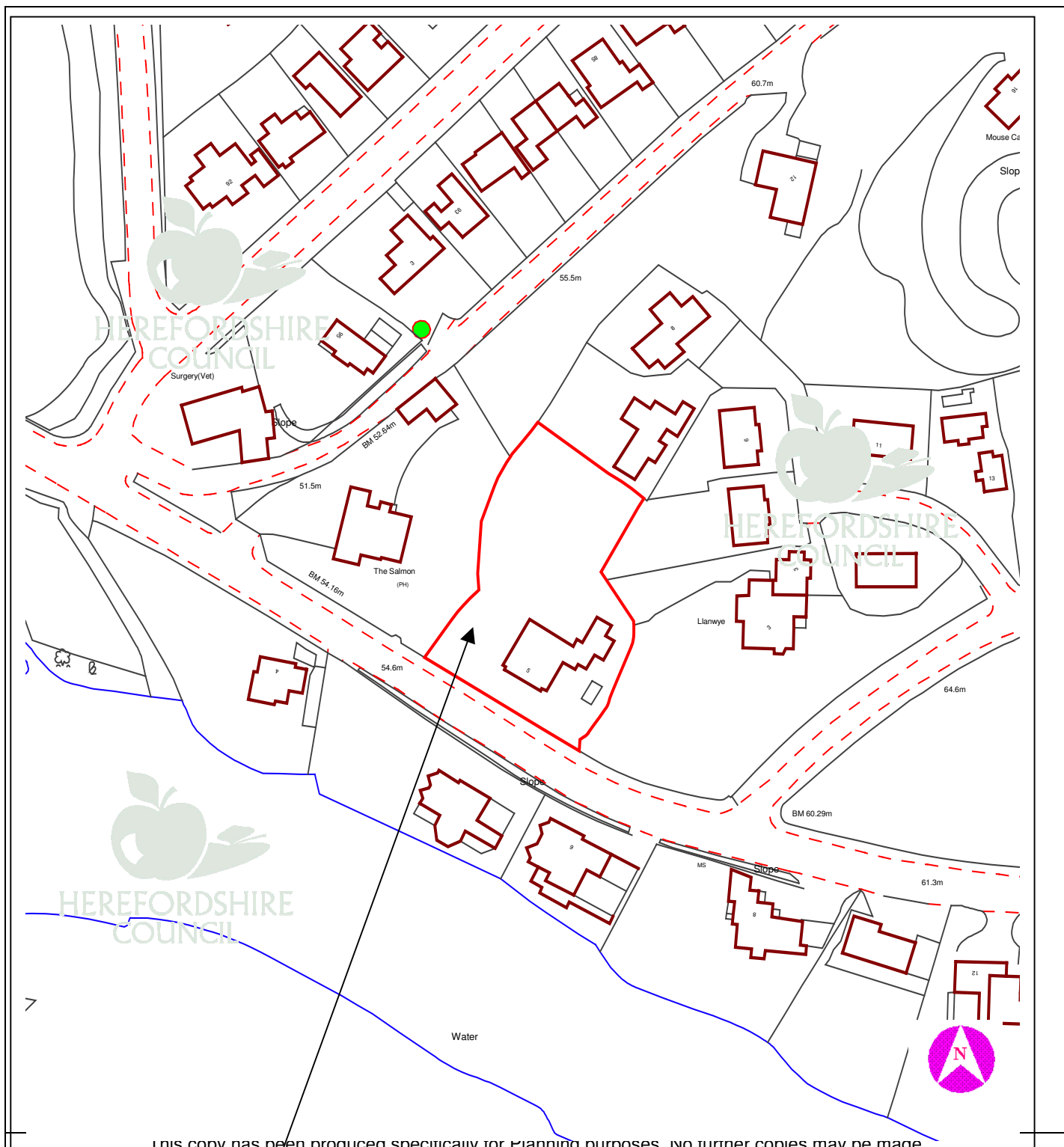
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2007/2554/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 5 Hampton Park Road, Hereford, Herefordshire, HR1 1TQ

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## **9 DCCW2007/2684/F - CHANGE OF USE TO HOUSE OF MULTIPLE OCCUPANCY AT 131 WHITECROSS ROAD, HEREFORD, HR4 0LS**

**For: Ms. L. Watkins, 131 Whitecross Road, Hereford, HR4 0LS**

**Date Received: 22nd August, 2007      Ward: St. Nicholas      Grid Ref: 49840, 40356**

**Expiry Date: 17th October, 2007**

Local Members: Councillors DJ Benjamin and JD Woodward

### **1. Site Description and Proposal**

1.1 The application site is a three storey dwelling within a group of four attractive and distinctive Victorian properties fronting the southern side of Whitecross Road opposite Holy Trinity Church, a Grade II listed building.

1.2 The other properties in the group are in multiple occupation. Nearby, to the west, is the Buckingham Public House and to the east, a bed and breakfast establishment. The area is characterised by a variety of mixed uses ranging from residential through to a wide range of commercial uses.

1.3 The proposal is for a change of use from a dwelling house to a house of multiple occupancy.

1.4 The property currently has:

5 bedrooms:	2 on the 2nd floor ( en suite), 3 on the 1st floor
2 kitchen areas:	ground floor
2 bathrooms:	1 on the end floor, 1 on the 1st floor
1 toilet:	1st floor
2 reception rooms:	ground floor
1 basement room:	basement

1.5 It is proposed to use the property as follows:

8 separate bedrooms:	2 on the 2nd floor, 3 on the 1st floor, 2 on the ground floor and 1 in the basement
2 kitchens:	ground floor, one to contain a dining area
1 utility room:	ground floor
1 en-suite bathroom:	2nd floor
3 communal bathrooms:	1 on the 2nd floor, 2 on the 1st floor
1 separate toilet:	1st floor

### **2. Policies**

2.1 Herefordshire Unitary Development Plan 2007:

H16      -      Car Parking

H17 - Subdivision of Existing Houses

### 3. Planning History

- 3.1 DCCW2000/1605/F Change of use from care home to 3 residential units (No. 131 Whitecross Road). Approved 7th August, 2000.
- 3.2 DCCW2003/3760/F Insertion of drop kerb and creation of hard standing to provide parking to front of house. Refused 28th January, 2004.
- 3.3 DCCW2004/3403/F Proposed drop kerb and creation of hard standing. Refused 15th December, 2004.
- 3.4 DCCW2005/2933F Change of use to house of multiple occupancy (No. 135 Whitecross Road). Approved 11th October, 2005.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 None.

#### Internal Council Advice

- 4.2 Traffic Manager: "Although the proposal does not include any off street car parking provision, the location is served by a regular bus service and is close to employment areas and the city centre. Cycle parking is also proposed to be provided. As our parking standards are maxima, and in view of the above, I do not consider this to be unacceptable. Condition H29 (secure cycle parking provision) should apply."
- 4.3 Head of Strategic Housing Services: "I am able to confirm that I have met the applicant on site and outlined the requirements we require for such a property which have been included in the scheme."

### 5. Representations

- 5.1 Hereford City Council: "Requests that this planning application be determined strictly in accordance with the approved development plan applicable to the area of the parish of the City of Hereford. The City Council also makes the following additional representations: that the application be refused as this is an over intensive use for this single building and recommends a reduction in the number of units."

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

### 6. Officer's Appraisal

- 6.1 Having regard to the nature of the proposal, relevant development plan policies and representations received, it is considered that the key issues for consideration are as follows:
1. Car Parking
  2. Standard of Accommodation

3. Impact on the character of the property and its curtilage, the amenity and privacy of neighbouring dwellings, and the amenity and general character of the area

#### Car Parking

- 6.2 There is no off street car parking provision within the curtilage of the site. However the Herefordshire Unitary Development Plan 2007 states that there are no minimum standards of provision. The car parking requirement can, on an individual site basis, be subject to reductions to reflect such factors as the availability of public transport, proximity to town centres and the type of housing to be provided.
- 6.3 As commented by the Traffic Manager, the application site is in close proximity to the town centre, served by a regular bus service and close to employment areas. Taking account of the nature of the proposed housing accommodation, it is considered that the lack of off street parking in this instance is acceptable subject to the provision of cycle parking as recommended.

#### Standard of Accommodation

- 6.4 Having regard to the proposed layout, including the recommendations of the Head of Strategic Housing for this type of housing provision, it is considered that the standard of accommodation proposed is good and is of a type which would make a useful contribution to the supply of low cost affordable housing, particularly for single person households.

#### Impact Issues

- 6.5 The conversion works would not involve external alterations to the property. Internally many of the existing facilities would be retained and new works would be carried out without radically altering the internal layout.
- 6.6 The neighbouring properties are in multiple occupation. No. 135 Whitecross Road in the same group of four was granted planning permission for a similar use on 11th October 2005 and is currently occupied as such. Accordingly it is not considered that the conversion and use will have undue impact on the character of the property and its curtilage or the amenity and general mixed use character of the area. Moreover, having regard to the locational characteristics of the site, it is not considered that the amenity and privacy of neighbouring dwellings would be compromised.
- 6.7 The recommendation of Hereford City Council has been considered but the views that the proposals are on over intensive use of the building is not supported by any planning justification. There are no planning reasons for a reduction in the number of rooms. In the circumstances it is considered that the proposal is appropriate for the building and its location and complies with the relevant development plan policies.

### **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. A11 (Change of use only details required of any alterations).**

**Reason: To define the terms under which permission for change of use is granted.**

**3. F39 (Scheme of refuse storage).**

**Reason: Reason: In the interests of amenity.**

**4. H29 (Secure covered cycle parking provision).**

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

**Informatives:**

**1. N01 - Access for all.**

**2. N08 – Advertisements.**

**3. N19 - Avoidance of doubt.**

**4. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

Decision: .....

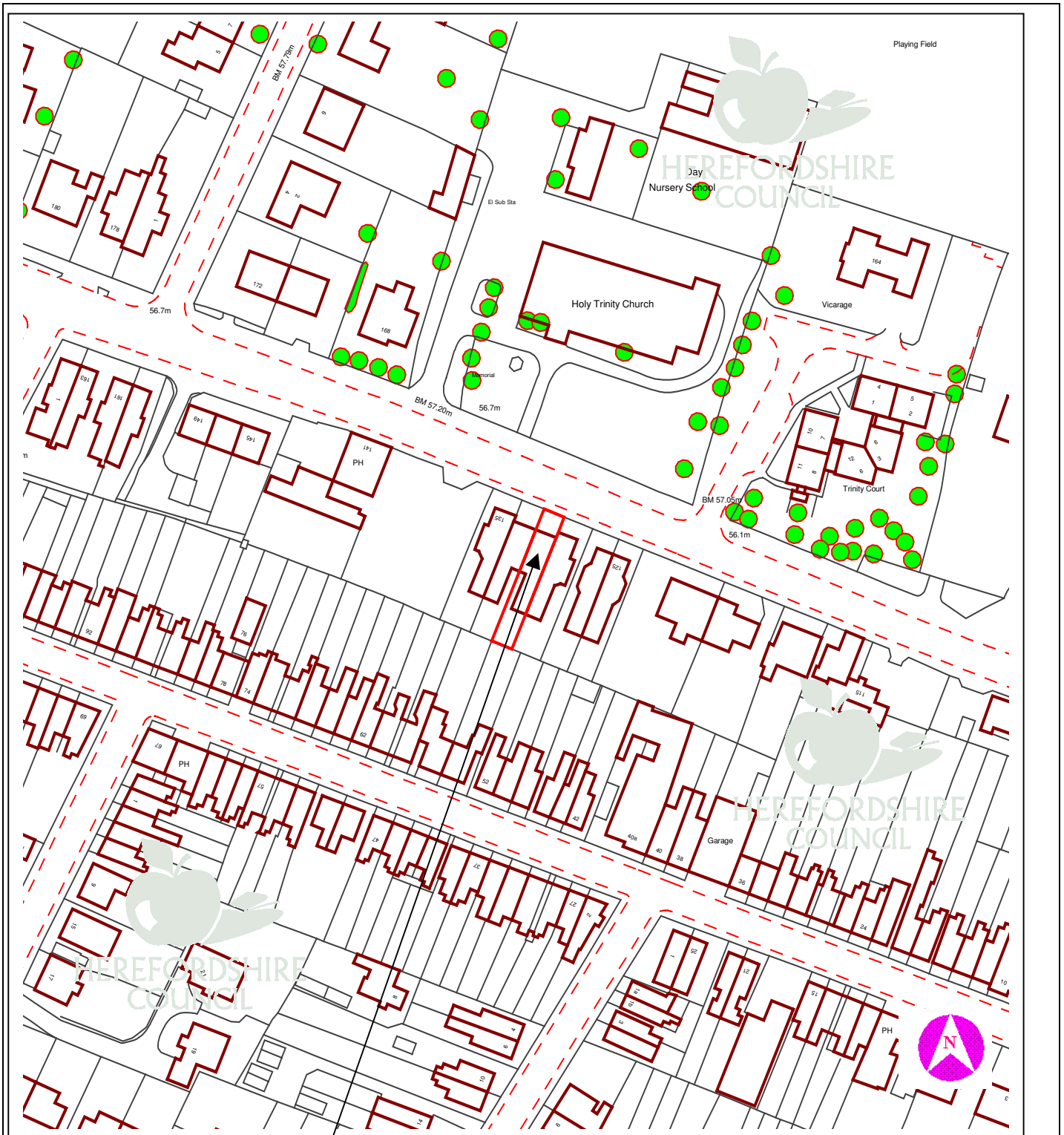
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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCCW2007/2684/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 131 Whitecross Road, Hereford, HR4 0LS

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**10 DCCW2007/2664/F - PROPOSED RESIDENTIAL DEVELOPMENT OF TWELVE HOUSES AT LAND ADJACENT PARSONAGE FARM, AUBERROW ROAD, WELLINGTON, HEREFORD, HR4 8AU**

**For: Mr. & Mrs. R. & L. Langford per Burton & Co.  
Lydiatt Place, Brimfield, Ludlow, Shropshire, SY8 4NP**

**Date Received: 21st August, 2007    Ward: Wormsley Ridge    Grid Ref: 49338, 48021  
Expiry Date: 20th November, 2007**

Local Member: Councillor AJM Blackshaw

**1. Site Description and Proposal**

- 1.1 Parsonage Farm is located on the western side of the Auberrow Road and on the southern outskirts of Wellington.
- 1.2 St. Margaret's Close and Dernside Close adjoin the north boundary with open fields to the west and south. Two dwellings adjoin the eastern boundary onto Auberrow Road from which access is proposed. Opposite the proposed access are further dwellings, Erin House and Orchard Gables. The site presently contains a number of agricultural buildings, all in use on this working farm.
- 1.3 The proposal is to remove all of the buildings and replace with twelve dwellings, four of which would be affordable. All of the dwellings have their own dedicated parking and are proposed to be constructed of brick/render under a slate or clay tile roof. Access to the development will be derived by enhancing the existing access track. The public footpath that runs along the entire northern boundary will be widened to 2 metres and finished with compacted rolled stone scalplings.
- 1.4 Extensive tree and hedge planting is included along the boundaries of the site.
- 1.5 This is an allocated residential development site within the Herefordshire Unitary Development Plan 2007, and is located within the Conservation Area.

**2. Policies**

2.1 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S3	-	Housing
DR1	-	Design
H4	-	Main Villages: Settlement Boundaries
H5	-	Main Villages: Housing Land Allocations
H9	-	Affordable Housing
H13	-	Sustainable residential Design
H15	-	Density
H16	-	Car Parking
H19	-	Open Space Requirements

- LA3 - Setting of Settlements
- LA6 - Landscaping Schemes
- HBA6 - New Development Within Conservation Area

## 2.2 Supplementary Planning Document:

Wellington Parish Plan 2003

## 3. Planning History

- 3.1 CW2000/0071/S Portal framed hay/straw and machinery store. Prior Approval - 19th July, 2000.
- 3.2 CW2001/1867/S Proposed bulk feed bin for storage of dairy cow feed. Prior Approval Not Required - 16th August, 2001.
- 3.3 CW2002/3536/F House extension - Approved 13th January, 2003.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Welsh Water: Raise no objections subject to conditions.

### Internal Council Advice

- 4.2 Traffic Manager: Has reviewed the information submitted which included a Traffic Speed Survey and recommends appropriate conditions together with contributions towards highway improvements under Section 106.
- 4.3 Conservation Manager (Landscape Officer): Observations awaited on the amended proposal.
- 4.4 Conservation Manager (Historic Buildings Officer): Given the landscaping scheme included in the proposal, the presence in the landscape of the current farm buildings and the existing housing development adjacent to the site the proposed development should not adversely affect the existing character of the Conservation Area, which has already been affected by previous housing development.
- 4.5 Public Rights of Way Manager: No objection to amended scheme.
- 4.6 Housing Development Officer: "Strategic Housing supports this planning application in principle, but would comment as follows:-

The four affordable units are accepted as rented, and their position within the site is agreed in principle, but with concerns over the exact layout and design.

At the Inquiry stage, the proposed affordable units were in a staggered formation. The position of unit 4 has now been changed, to the detriment of the overall appearance of the row.

It is also suggested that the frontage of the proposed houses should better reflect that of the open market provision, e.g. apex roofs, in order that they should merge better into the general street scene.

It should be noted that the SPG, supported by the UDP states that the objective is to 'provide a balanced and mixed scheme with no noticeable difference in the quality of the residential environment between the private market housing and the affordable element', and in their revised positions, and current design, the proposed units do not reflect this.

It is also required that the Section 106 Agreement includes the following conditions:-

- Units should be built to Housing Corporation Scheme Development Standards without grant subsidy.
- Units should be built to Lifetime Homes Standards without grant subsidy.
- Applicants will be required to have a local connection to Wellington, and then to the cascading parishes if no tenant from Wellington can be found."

## 5. Representations

- 5.1 Wellington Parish Council: "The Council overall give qualified support to this application although there are minor issues which were highlighted at an open meeting and which are commented upon herewith. Concern was expressed over traffic flow and the narrowness of the access road and the positioning of the exit would, in hours of darkness, shine car headlights directly into and on adjacent property. This could be rectified by dropping the level of drive at the junction with the road.

It was suggested that the parking spaces could be better positioned at the rear of the properties, preferably being garages instead.

Although a play area is not included in the plans it is hoped that this may be an addition.

Councillors were most concerned that street lighting was not introduced throughout the development and that a S106 Agreement be imposed on the affordable housing portion of the development."

- 5.2 River Lugg Drainage Board: Raise issues regarding land drainage to ensure that surface water run-off is limited to green field rates.
- 5.3 Eleven letters of objection have been received, the main points raised are:
1. The entrance should be moved further to the south.
  2. The affordable housing should not be for rent.
  3. The development will increase the risk of flooding.
  4. The development will detract from the setting of the village.

5. Cars exiting the site with full beams will cause light pollution into the houses opposite.
6. The access road will be close to existing houses in Derside and St. Margaret's Close.
7. Extra traffic will cause congestion on Auberrow Road and the main village road.
8. As the new development is adopted we object to street lighting.
9. There is insufficient width for two way traffic on the access road.
10. Existing trees screen the site.
11. The access will be close to the exit to St. Margaret's Close which has poor visibility in both directions.
12. Concerns over domestic waste drainage overloading the system.
13. The development does not preserve or enhance the Conservation Area.
14. There is no play space for children to play.

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

## **6. Officer's Appraisal**

- 6.1 This site is identified within the Herefordshire Unitary Development Plan 2007 under Policy H5 as a residential development site for twelve houses. It further confirms that access should be by means of the existing farm track and that landscaping will form an important element of the scheme. Therefore it is from this baseline that the planning application has been considered.
- 6.2 The site presently contains a working dairy unit with several large agricultural buildings together with an access onto Auberrow Road. The proposal is to upgrade the access road and move the access point marginally to the south for highway safety reasons. This will mean that the access will be opposite, but between the houses opposite (Erin House and Orchard Gables). Whilst lights from vehicles will be opposite the gap between the houses vehicles will be travelling down hill towards the road and lights will be focussed down and not up. It should also be noted that an extensive roadside hedge exists opposite the access to help shield any stray light. Both these factors should help mitigate any light pollution. The twelve houses, four of which will be affordable, will then be located around the road. All dwellings will have their own dedicated parking.
- 6.3 The housing layout provides for a mix of terraced, link detached and detached dwellings units. As required by the Housing Development Officer, the affordable units are all for rent and comprise 2 no. 2 bed and 2 no. 3 bed units. The Housing Development Officer's concern over the design of the units is noted, however the introduction of false dormers is not considered necessary or appropriate. The terrace has also been broken by stepping one of the units. The design and layout is therefore considered acceptable.

- 6.4 The scheme has been assessed by the Conservation Manager who is satisfied that the proposal will not adversely affect the existing character of the Conservation Area.
- 6.5 The amended plans now provide for the landscaping detail as required by Policy H5 and now incorporates extensive hedgerows and tree planting in and around the development in accordance with the Landscape Officer's requirements.
- 6.6 The access road now also provides for a minimum carriageway width of 4.5 metres together with 2 metre service strips which would have a dual use for pedestrians and vehicles. The visibility splays have been assessed by the Traffic Manager who is satisfied that they meet the requirements for a safe access. This will mean reclaiming part of a cultivated highway verge adjacent to St. Margaret's Close which will also improve visibility to St. Margaret's Close. Auberrow Road has only a limited pavement near its junction with the main village road and accordingly the planning application included a traffic survey in order to assess traffic speeds and the potential to use the highway to provide pedestrian access to the existing footway. This has been assessed by the Traffic Manager who is satisfied that pedestrians can walk safely from the site into the village, subject to improved signage.
- 6.7 In lieu of a small on-site play area the applicants have agreed a contribution towards enhancing play facilities within the village.
- 6.8 The size of the development has also attracted a raft of planning gain contributions to be incorporated into a Section 106 Agreement. The agreed contributions are as follows:
1. £6,000 towards enhancing play area/equipment in the village.
  2. £24,000 towards enhanced educational infrastructure at Wellington Primary School and/or Aylestone School.
  3. £18,000 for off-site highway safety works (including signage).
  4. £12,000 Public Art contribution.
  5. £1,440 waste recycling facilities.
- 6.9 The Draft Heads of Terms are attached as an appendix. The Section 106 Agreement also seeks construction of the dwellings to level 3 of the Code for Sustainable Homes. The applicant's agents have confirmed acceptance of the Draft Heads of Terms.
- 6.10 In conclusion the re-development of this dairy unit for residential development complies with the Herefordshire Unitary Development Plan 2007, it will preserve the character of the Conservation Area and provides a safe access for vehicles and pedestrians. Accordingly the proposal is considered to accord with the aspirations of Wellington Parish Plan and in compliance with the Herefordshire Unitary Development Plan 2007.

## RECOMMENDATION

- 1) **The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and incorporating any additional matters he considers appropriate.**
- 2) **Upon completion of the aforementioned planning obligation that Officers named in the Scheme of Delegation to Officers be authorised to issue planning**

permission subject to the following conditions and any further 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. **A09 (Amended plans).**

**Reason: To ensure the development is carried out in accordance with the amended plans.**

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

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

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

**Reason: To protect the amenity of local residents.**

5. **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.**

6. **F22 (No surface water to public sewer).**

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

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. **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.**

9. **G05 (Implementation of landscaping scheme (general)).**

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

10. **H03 (Visibility splays).**

**Reason: In the interests of highway safety.**

11. **H06 (Vehicular access construction).**

**Reason: In the interests of highway safety.**



**12. 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.**

**13. H17 (Junction improvement/off site works).**

**Reason: To ensure the safe and free flow of traffic on the highway.**

**14. H18 (On site roads - submission of details).**

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

**15. H19 (On site roads – phasing).**

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

**16. H20 (Road completion in 2 years or 75% of development).**

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

**17. H21 (Wheel washing).**

**Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.**

**18. H27 (Parking for site operatives).**

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

**19. H29 (Secure covered cycle parking provision).**

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

**Informatives:**

- 1. HN01 - Mud on highway.**
- 2. HN04 - Private apparatus within highway.**
- 3. HN05 - Works within the highway.**
- 4. HN08 - Section 38 Agreement details.**
- 5. HN22 - Works adjoining highway.**
- 6. N19 - Avoidance of doubt.**

**7. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

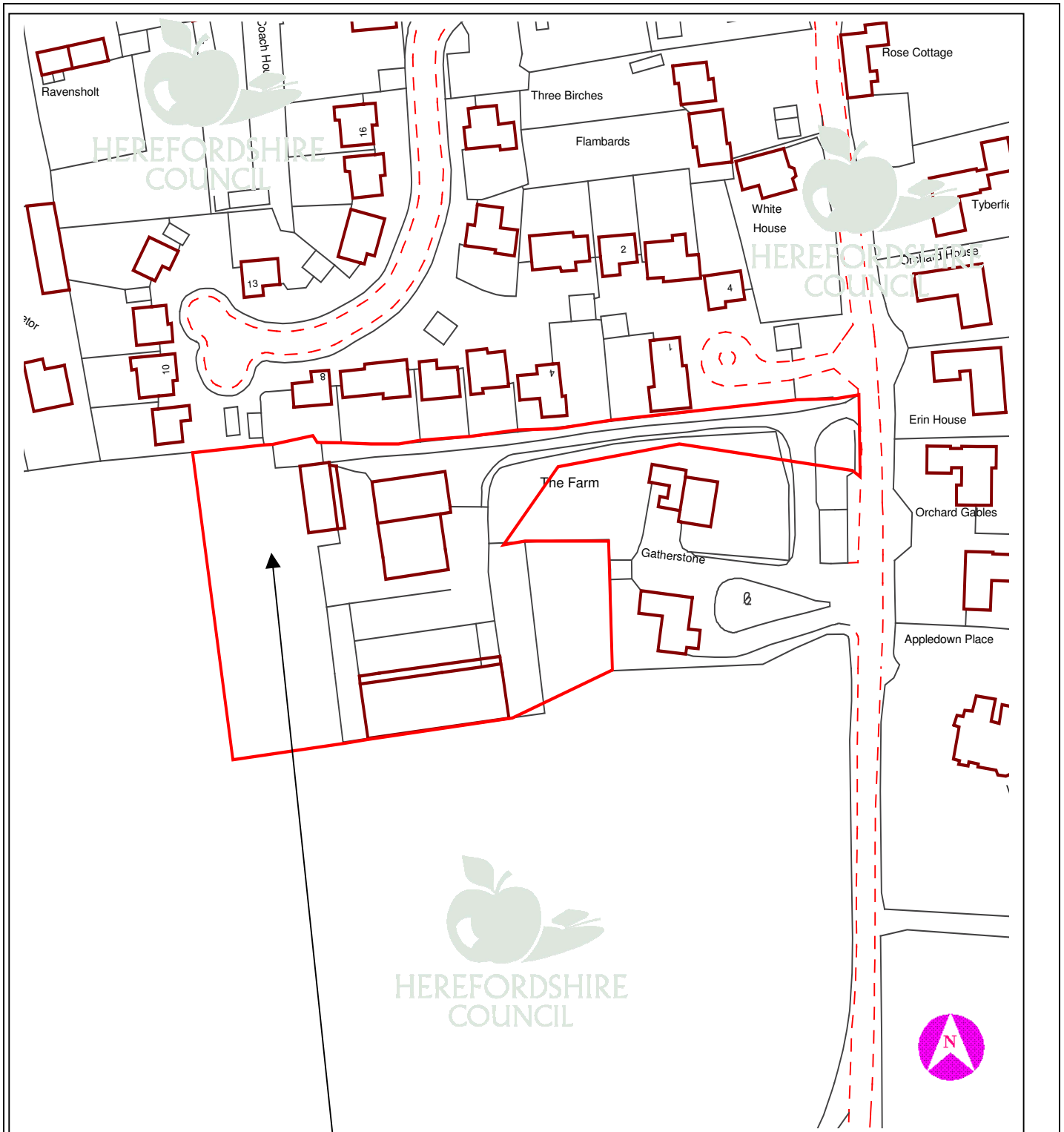
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2007/2664/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land adjacent Parsonage Farm, Auberrow Road, Wellington, Hereford HR4 8AU

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**HEADS OF TERMS**  
**Proposed Planning Obligation Agreement**  
**Section 106 Town and Country Planning Act 1990**

Planning Application – DCCW2007/2664/F

- Residential development of 12 dwellings

Land adjacent to Parsonage Farm, Wellington. HR4 8AU

1. The developer covenants with Herefordshire Council to pay £6,000 towards the cost of new or enhancement of existing open space, play, sport and recreation facilities in lieu of such facilities being provided on site to be used in the parish of Wellington or other location as may be agreed in writing with Herefordshire Council.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £24,000 to provide enhanced educational infrastructure at Wellington Primary School and/or Aylestone High School.
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £18,000 for off site highway works and improved public and sustainable transport infrastructure to serve the development (which aren't Section 278 works i.e. essential to facilitate the development).
4. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes: (The list is not in any order of priority)
  - a) Improved bus shelters/stops in the locality of the application site
  - b) Safe Routes for Schools
  - c) Improve lighting and signage to existing highway/pedestrian and cycle routes leading to the site
  - d) Improved pedestrian and cyclist crossing facilities in Wellington
  - e) New On/Off road pedestrian/cycle links to the site
  - f) Traffic calming measures
  - g) Any other purpose falling within the criteria defined in 3 above.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council £12,000 to provide off site public art in lieu of such provision on site to be used for art within the parish of Wellington including artist designed street furniture.
6. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £1440 (12 x £120) for waste recycling facilities which cannot be provided on site to serve the development which sum shall be paid on or before the commencement of development
7. The design and construction of the development shall include energy efficiency measures to reduce the carbon footprint of the Development. The Development shall meet level three of the Code for Sustainable Homes: A step change in sustainable home building practice design produced by The Department for Communities and Local Government dated December 2006.

The developer shall provide a time bound programme of implementation along with measures to enable future monitoring at intervals throughout the construction period until all the Dwellings shall have been completed and occupied. The results of such monitoring shall be provided to the Council in writing at annual intervals during the

course of the Development with a report upon completion of the development detailing the effectiveness of the implemented measures.

8. 35% of the total number of residential units shall be “Affordable Housing” which meets the criteria set out in Section 5.5 of the Herefordshire Unitary Development Plan 2007 and related policy H9 or any statutory replacement of those criteria and that policy. The four affordable units shall be made available for rent. None of the Affordable Housing shall be occupied unless Herefordshire Council has given its written agreement to the means of securing the status and use of these units as Affordable Housing. All the affordable housing units shall be completed and made available for occupation prior to the occupation of more than 50% of the other residential units on the development or in accordance with a phasing programme to be agreed with Herefordshire Council.
9. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2, 3, 5 and 6 for the purposes specified in the agreement within 10 years of the date of each payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
10. All of the financial contributions shall be Index linked and paid on or before commencement of the residential development unless otherwise agreed with Herefordshire Council
11. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Kevin Bishop - Principal Planning Officer

17th September, 2007



**11 DCCW2007/2834/F - PROPOSED ERECTION OF 69 DWELLINGS AND DELIVERY OF HAYWOOD COUNTRY PARK AT LAND TO THE REAR OF MULBERRY CLOSE, BELMONT, HEREFORD**

**For: Persimmon Homes South Midlands per Hunter Page Planning Ltd, Thornbury House, 18 High Street, Cheltenham, GL50 1DZ**

**Date Received: 7th September, 2007    Ward: Belmont    Grid Ref: 48950, 37927**

**Expiry Date: 7th December, 2007**

Local Members: Councillors H Davies, PJ Edwards and GA Powell

**1. Site Description and Proposal**

- 1.1 This planning application comprises two elements. The first is a two hectare housing site and the second element is the inclusion of 7.8 hectares of land to bring forward the delivery of Haywood Country Park.
- 1.2 The housing site is proposed between Mulberry Close and Kingfisher Road, Belmont, Hereford. The 7.8 hectares for the Country Park wraps around the western and southern boundaries of the housing site and joins Newton Coppice across Haywood Lane to the west and existing open space to the east.
- 1.3 The housing proposal comprises 69 units of accommodation ranging from 2 to 4 beds and includes 6 flats and 63 dwellings, twenty four of which will be affordable dwellings. (35%).
- 1.4 Access to the housing development is proposed through Mulberry Close with the extension of the road into the site over the culverted ditch. The road then goes to the centre of the site where it branches out east and west to service the site. At this point the surface of the road changes to a raised tegular paved area to reduce traffic speed. An equipped local area play site is also sited at this point.
- 1.5 There is a complete range of house types from two storey through to three storey dwellings and a three storey apartment block that also contains secure cycle and bin storage.
- 1.6 The housing site will deliver 7.9 hectares of land to be laid out as a Country Park. This provides the linkage between Newton Coppice to the west and Council owned open space to the east. The layout of the Park provides for informal pathways, linkages into the local cycle network and public footpaths. Viewing points, public art and a village green will also be contained within the Park together with the planting of many specimen trees. Belmont Pools that adjoin the site to the north do not form part of this proposal. A local equipped area of play (LEAP) is also contained within the Park.

1.7 The planning application contains the following reports:

- Planning Statement.
- Design & Access Statement.
- Arboricultural Implications.
- Ecological Planning Statement.
- Landscape and Visual Impact Statement.
- Transport Assessment.
- Flood Risk.

## 2. Policies

2.1 National Policy Guidance:

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PG13	-	Transport

2.2 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S3	-	Housing
Policy S8	-	Recreation, Sport and Tourism
Policy S11	-	Community Facilities and Services
Policy DR1	-	Design
Policy DR5	-	Planning Obligation
Policy DR7	-	Flood Risk
Policy DR8	-	Culverting
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H2	-	Hereford and the Market Towns: Housing Land Allocations
Policy H9	-	Affordable Housing
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H16	-	Car Parking
Policy H19	-	Open Space Requirements
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T16	-	Access for All
Policy NC1	-	Biodiversity and Development
Policy NC4	-	Sites of Local Importance
Policy RST1	-	Criteria for Recreation, Sport and Tourism Development
Policy RST3	-	Standards for Outdoor Playing and Public Open Space
Policy RST5	-	New Open Space In/adjacent to Settlements
Policy RST6	-	Countryside Access
Policy RST7	-	Promoted Recreational Routes
Policy W11	-	New Waste Management Facilities

2.3 Supplementary Planning Document

Haywood Country Park Plan



### 3. Planning History

3.1 No recent planning applications.

### 4. Consultation Summary

#### Statutory Consultations

4.1 Welsh Water: Raise no objections subject to conditions.

4.2 Environment Agency: Observations awaited.

4.3 Hereford Nature Trust: Observations awaited.

#### Internal Council Advice

4.4 Traffic Manager: Observations awaited.

4.5 Public Rights of Way Manager: Observations awaited.

4.6 Head of Strategic Housing Services: Observations awaited.

4.7 Conservation Manager (Ecology): Observations awaited.

4.8 Conservation Manager (Landscaping): Observations awaited.

4.9 Parks & Countryside Section: Please find my comments on the above application on behalf of the Parks & Countryside Service.

#### 1. General Layout

Following ongoing dialogue throughout the pre-application process, I can confirm that the general layout to include the play area and pathway configuration are acceptable. The play equipment will need to comply with the schedule advised by Mrs. White of the Parks Department.

#### 2. Development of Site for Interpretation Centre and Car Park

In order to deliver the BHCP then consideration needs to be given to the provision of the underpinning infrastructure of the park. Planning guidance points to an access point and car parking to be located off Waterfield Road / Treago Grove (opposite Argyle Rise open space). Whereas it would be unreasonable (given the level of commitment already made to the provision of land) for the developer to provide a built interpretation centre, it could be considered reasonable for them to provide the road access and parking facility to support the future development of such a centre. A bus bay and space for approx 20 vehicles including dedicated disabled spaces.

#### 3. Linkage to Newton Coppice

Whereas this issue is a non negotiable element of the delivery of the park, it has in practice proved extremely difficult to achieve on the ground. Due to topography and the insurmountable physical constraints around increasing the width of the carriageway to create a new footway to the existing entrance to the coppice, the only

alternative is to break into the coppice at the lowest point of Haywood Lane. Whereas it is possible to create the junction of a road crossing at this point, at the time of the application, it is not possible to confirm the access arrangement at the coppice end as the land involved is not currently in Council ownership. To date two potential linkage schemes have been identified as feasible but they will need to be worked up in detail. To deliver these schemes negotiations with the landowner over permissive access or land acquisition will need to take place. There is no other practical option for achieving access to the coppice by other routes. Given these constraints, it would be unrealistic for access to be created during the developers duration on the construction site. Any delivery of this element would have to remain a medium or long term aspiration. It is therefore proposed that the developer contributes a sum to the value of likely land acquisition and the detailed feasibility work to assist in the future delivery of this element of the park. This sum should be delegated to officers to determine.

I trust that this is sufficient for you to proceed to the stage of a committee submission, but is not, please do not hesitate to contact me for further detail.

- 4.10 Land Drainage Officer: Observations awaited.
- 4.11 Head of Commissioning & Improvement: The provided schools for this site are Marlbrook Primary School and Wyebridge High School.

At Marlbrook Primary School the classrooms throughout the school have an issue with the lighting provision. The automatic system turns the lights out after a set time. Two classrooms are small. The IT room is small and warm. The library is open to the corridor and potential distractions. It is a main thoroughfare to classrooms and the hall. The nursery classroom has an issue with the lighting provision. The general office is small. The reception office doubles as a photocopying area and has inadequate temperature regulation. The staff room is small and located on the first floor; it has inappropriate seating fixtures. The pupil toilets are small and include showers within. They also double as storage spaces. Several corridors double as either storage or cloakroom spaces.

At Wyebridge Sports College Classrooms suffer from inadequate temperature regulation and several get excessively warm in summer. There is also insufficient storage in the majority of classrooms. There is insufficient storage in most science classrooms. Two classrooms are small and have inadequate temperature regulation. Most IT classrooms are both small and get very warm. One classroom is remote from other IT facilities. Tables in the music classroom have to be grouped which restricts optimum use of the classroom space. The gym has insufficient storage meaning that PE equipment is housed around the edge of the room. The storage area is open to gym which is a health and safety issue. The gym requires refurbishment. Two pupil toilets are currently used for storage and only utilised if the main facilities are out of action. Shower areas are also used for storage space. Changing rooms have windows blanked for privacy as they are located at playground height. Two pupil facilities are used by staff. There are no cloakroom facilities.

Both Marlbrook Primary School and Wyebridge Sports College are currently over subscribed. Additional children may also prevent us from being able to remove temporary classrooms that we would otherwise be able to do.

In light of falling roles across the County, the Authority is undertaking a review of school provision and it is likely that capacities of schools will be assessed as part of this review. There is therefore the likelihood that capacities of both these schools could be reduced resulting in little if any surplus capacity at the schools. Any additional children would then result in organisational difficulties for the schools.

The Children & Young Peoples Directorate would therefore be looking for a contribution to be made towards education in this area that would go towards rectifying some of the issues identified above that would only be exacerbated by the inclusion of additional children. A contribution of 2000 per dwelling would be sought. It should be noted that the Draft Supplementary Planning Guidance document that is currently out for consultation has a requirement for a contribution in the region of 6000 to be made per dwelling. Once this document has been ratified, the revised figure will be requested.

- 4.12 West Mercia Constabulary: I have gone over the plans for Mulberry Close and have the following observations to make:-

The overall development will come under the requirements of the Herefordshire Design Plan and PPS1. I would wish to see the developers make full use of these and to ensure that measures are taken to create a safe and sustainable quality of life environment for the residents.

I note that there is a mixture of perimeter fencing, hit & miss and close board, but it is not clear whether the perimeter is enclosed all the way round. I am particularly interested with the adjacent ground to the proposed park area.

The LEAP is situated away from the residential area and will not benefit from the natural surveillance that would be afforded were the play area to be more centrally positioned.

There would appear to be areas of permeability in the perimeter. I would want to see these considered carefully drawing a balance between a safe public realm, inclusive routes whilst not encouraging anonymity.

I would encourage the deployment of the nation Secured By Design scheme particularly for the twenty four affordable houses.

I welcome the opportunity for comment at this stage and if planning is granted would also welcome early liaison with the developers to work together to iron out some of these concerns.

## **5. Representations**

- 5.1 Belmont Rural Parish Council: Observations awaited.

- 5.2 Callow & Haywood Parish Council:

The Parish Council cannot support this application due to the factors outlined below.

1. Is there a need to cram yet more housing against an already over densely populated housing estate.

2. The speed limit element is of considerable concern to the Parish Council as we have serious concerns over the speeding through the Parish. As a result Cllr. B. Wilcox - Highways & Transportation has agreed to introduce a trial experimental speed restriction on Haywood Lane. The Parish Council request that the speed limit along Haywood Lane be reduced to 30mph along areas outlined in Cllr. Wilcox's letter, and especially in the area of the proposed development.
  3. Flooding concerns around the area of highway along Belmont Pool. This area has in the past and continues to flood during times of high rainfall and concerns are raised over the long term flooding effect with regard to climate change. It is requested that the issues of flooding in this area be attended to.
  4. Affordable housing. It is requested that although some of the housing development is given to affordable housing, there is no consideration to housing under Section 105 which the Parish Council ask be incorporated into this proposed development.
  5. What parking facilities have been made available for people who visit the park?
  6. Who will maintain the Park when the development is finished?
  7. At the time of submission of the application the terms and contents of the Section 106 Agreement were still under discussion the Parish Council request that they are consulted in relation to this as the Parish Council have an interest in improving facilities within the Group Parish of Callow and Haywood.
  8. Anti-Social Behaviour concerns have been raised over how this will be policed?
- 5.3 Hereford City Council requests that this planning application be determined strictly in accordance with the approved development plan applicable to the area of the Parish of the City of Hereford. The City Council also makes the following additional representations: The City Council has no objections in principle to development of this site and welcome provision for affordable houses and the Country Park. However, there are concerns about the proposed access road as the current road system was not designed for through traffic and this should be reconsidered. In addition the City Council agrees with the UDP that this site is suitable 60 dwellings and that 69 represents an over development.
- 5.4 Westholme & Mulberry Action Group have submitted the following statement and a petition signed by 183 people.

#### Traffic Impact

- We believe that the width of the road at Mulberry Close is NOT suitable for the increase traffic (approximately 120 cars).
- Westholme Road already serves 278 dwellings, so it is full to capacity.
- Pedestrians would have trouble crossing safely.
- The previous developer, Westbury homes made no provisions for children to play therefore they have no option but make do with the roads for playing space. This is going to be dangerous due to the increased traffic.

- Mulberry Close is in fact a PLAY AREA given that there is no through traffic!
- There is not enough parking for visitors on Mulberry Close, so they park on the road. With the volume increase, it will be difficult to pass.
- Westholme Road and Mulberry Close would certainly have trouble with emergency vehicles, as Westholme Road has vehicles parked both sides of the road, in particular at night.
- Belmont Road cannot take 120 more cars on Mondays @ 9 o'clock.

#### Environment

Our group is also concerned about the local environment.

- To cross the Newton Brook at your proposed entrance you would have to cross a 'Y' shape junction, which accommodates the floodwater from the Callow Pools, interfering with this could cause flooding to the adjacent houses. It would only mean crossing a single ditch if the entrance to the site were off Kingfisher Road.
- Taking out trees and shrubs would remove our link to the countryside.

5.5 In addition 25 letters of objection have been received, the main points raised are:

1. The A465 is already extremely congested and this is the only access for the development.
2. No facility for parking when visiting the Park.
3. Access from Haywood Lane onto the A465 is sometimes extremely hard.
4. Westholme Road and Mulberry Close are not suitable to take the increase in traffic associated with this development.
5. Mulberry Close is a narrow cul-de-sac and should not be used to access the development.
6. The primary access point should be off Haywood Lane.
7. Traffic speeds along Haywood Lane and xxxxxx
8. The development has increased from 30 to 60 and now 69 dwellings and is too much.
9. Objections due to lack of transport options.
10. Concern of the potential use of the Park as the conservation field has deteriorated since coming under the control of the Parks Section.
11. The crossing between the pools is foolhardy and a serious danger.

12. Belmont Pool is a locally designated Special Wildlife site and every effort should be made to preserve its special character. Housing nearby will impact on the ecology of the area.
13. The Flood Risk Assessment is inadequate. Further work upstream and downstream on Newton Brook should be considered.
14. The pools are man made and not natural.
15. Flooding has occurred of the Newton Brook downstream by the Three Counties Hotel and Mulberry Close.
16. Concerns that a private road adjacent to the Park off Haywood Lane will be used for parking to access the Park.
17. Trees will have to be removed to facilitate the access and cause environmental damage.
18. The Country Park will be neglected and be full of left over building materials.
19. The development sprouts towards the Belmont Road and appears to conflict with the Herefordshire Unitary Development Plan 2007.
20. The LEAP is outside of the housing development site.

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

## **6. Officer's Appraisal**

- 6.1 This proposal seeks to deliver the policies contained in the Herefordshire Unitary Development Plan 2007 to bring forward the establishment of Haywood Country Park. The proposal has been considered under the following issues:
1. Principle of Development
  2. Highway Issues
  3. Residential Layout
  4. The Country Park
  5. Flooding
  6. Ecology
  7. Planning Gain Contributions

### Principle of Development

- 6.2 The Herefordshire Unitary Development Plan 2007 identifies this 2 hectare green field site to provide for an allocation of 60 dwellings. The provision of this site is to deliver the Country Park (7.8 hectares), makes provision for its layout and use as an informal recreational facility. This proposal seeks to deliver all of these issues in accordance with the Herefordshire Unitary Development Plan 2007.
- 6.3 The residential area has been calculated and is confirmed as a 2 hectare site. Its boundaries do vary with the Herefordshire Unitary Development Plan 2007. However its size (2 hectares) is in compliance with policy. The allocation for the site is

estimated, not a maximum, of 60 dwellings. This equates to a density of 30 to the hectare. PPG3 seeks the efficient use of land at a density of at least 30 to the hectare. Therefore the proposal to develop 69 dwellings is considered to be in conformity with the efficient use of land and sits at the lower end of the density criteria of PPS3. The proposal also delivers the Country Park and its layout.

#### Highway Issues

- 6.4 Access to the residential development is proposed by means of Westholme Road and Mulberry Close. Concerns have been raised by local residents over the adequacies of the local road network to take the increase. This aspect has been thoroughly assessed by the Council's Transportation Manager who is satisfied that the network and in particular Mulberry Close can cater for the increase in capacity. The draft Herefordshire Unitary Development Plan did seek to identify a preferred vehicular access off Kingfisher Road, however the Inspector stated "On my site visit, I did not gain the impression that access via Mulberry Close would be any more damaging. In my opinion, there is no need to specify the point of access in the Plan." Therefore, following formal confirmation that Mulberry Close and Westholme Road can cater for the increase in capacity associated with this development then there is no justifiable reason to refuse the application on this basis.
- 6.5 In addition to the Mulberry Close access an emergency access is also proposed off Kingfisher Road. There are also pedestrian and cycleway linkages into the proposed Country Park and adjoining network. Access to the Country Park is achieved by means of the new development but will also be accessible from a new car parking area to be provided off Treago Grove where the Countryside Centre is to be constructed. Obviously this car park and the infrastructure for the centre will need to be installed in conjunction with the development of the Park.
- 6.6 The final access point to consider is the linkage across Haywood Lane to Newton Coppice. Traffic calming and road marking is proposed from the junction of Belmont Road to the end of the Country Park on Haywood Lane. This will involve skid resistant surfaces, reduce speed warnings on the road and traffic calming chicanes near Belmont Pools. There is no access point into Newton Coppice off Haywood Lane and walkers would have to make their way onto Belmont Road and then west to an access point into Newton Coppice. Additional highway works including pavements are proposed in this area and will provide the linkage. The only pinch points come at the crossing between the two pools. Traffic speeds should be drastically reduced as a result of the traffic calming, therefore in the short term, whilst not completely satisfactory, the access details are considered acceptable.
- 6.7 Finally, with the exception of the six flats where there is a small car park, all of the dwellings have their own dedicated parking spaces.

#### Residential Layout

- 6.8 The layout and design of the residential development is a result of extensive pre-application meetings. Access to the site from Mulberry Close provides for a tree-lined avenue into the heart of the site onto a paved "table top" junction where a tree lined avenue to the west provides a view to the mature tree and the Country Park. Where possible dwellings oversee the Country Park therefore providing passive surveillance. All the dwellings have their own dedicated off road parking with the only parking court adjacent to the six flats. A local Area of Play (LAP) is located at the

junction and is considered unsuitable in terms of its location and size. Accordingly a commuted sum will be sought for its replacement for use in the local area.

- 6.9 A range of house types from 2 to 4 beds is proposed which includes 35% for affordable housing. Heights range from two storey through to three storeys which form a focal point within the development. It is considered that the layout, design, scale and density complement the adjoining residential area.

#### The Country Park

- 6.10 The UDP Inspector confirmed that the Country Park was a long-standing and well-founded proposal and that its linkage to a residential scheme was appropriate to deliver the scheme. Therefore Herefordshire Unitary Development Plan 2007 Policy RST5 seeks to deliver the Country Park in association with the housing development.
- 6.11 The layout of the Park including its linkages into the surrounding network of public paths and cycleways has been formed following extensive discussions with the Council's Parks and Countryside Officers. The Park will provide a high quality public park that will benefit the wider community of Belmont and the surrounding area. The Park will have three main areas. The open parkland, orchard area and village green with play area. The village green and play area is sited adjacent to the new residential development that will provide an overview of the area. The siting of the play equipment in this area further integrates the parkland into the village green and the urban fringe and provides an attractive linkage into the Park. It will also allow passive surveillance from the adjoining housing. All of the spaces are linked by a network of shared cycle and pedestrian all weather paths and secondary informal paths.
- 6.12 Within the Park various viewing points are proposed together with pieces of "Public Art" that will be provided by the developers at strategic points.
- 6.13 Linkages from the Park provide access to Newton Coppice and the conservation land to the east.
- 6.14 The proposal delivers the Park as required by the Herefordshire Unitary Development Plan 2007.

#### Flooding

- 6.15 A Flood Risk Assessment has been submitted with the application and is being assessed by the Environment Agency and the Council's Drainage Officer. There are three sources of flood risk – Newton Brook, surface water run-off and overland flow and all three have been assessed on the basis of a 1 in 100 year flood plus climate change.
- 6.16 Modelled data indicate that during the 1 in 100 year plus climate change flood event the proposed site for development has a low risk of flooding and therefore safe access and egress from this area will be possible. The level of the proposed access bridge will also be above this level, therefore dry access and egress from the site will be possible.



- 6.17 The development will increase the drainage impermeable area at the site and hence surface water run-off will increase. The storm water balance volume must be attenuated on site using below ground storage to contain at least the 1 in 30 year return period run-off. A control structure should be incorporated into the design of the storm water system to ensure that the flow from the site storage system does not exceed the allowable peak discharge.
- 6.18 Provided the recommended mitigation measures be implemented, the flood risk to the proposed residential development is considered to be low, and no additional flood risk would be imposed on the neighbouring residential development off Mulberry Close.

#### Ecology

- 6.19 The ecological implications and associated planning issues have been assessed in the ecological report submitted with the application. This report is being assessed by the Council's Ecologist and a verbal update will be given at the meeting. However the report confirms that there was no evidence of badgers, reptiles, otters, water voles or white clawed crayfish on the site. There were several different bat species mainly concentrated around Belmont Pool and appropriate mitigation measures including a wildlife meadow on the southern side of the Country Park are proposed.

#### Planning Gain Contributions

- 6.20 One of the major features of this proposal is the delivery of the Country Park together with its associated linkages. In this respect the land assembly has been problematic but is now achieved. However, the UDP Inspector, considered that the full raft of planning contributions should be afforded to the development. In this respect the 'Draft' Heads of Terms are annexed to the report. The headline figures are:

1. £138,000 - Education.
2. £103,500 - Transportation improvements in the area.
3. £43,470 - Enhancement of sports facilities in the area.
4. £20,000 - CCTV on Great Western Way.
5. £17,974 - Improvements to Belmont Library.
6. £8,280 - Waste recycling facilities
7. £34,500 - In lieu of LAP play area.
8. £100,000 - Country Park car parking provision and centre.

- 6.21 To achieve the above together with the Country Park the 35% affordable housing is divided into 60% for rent and 40% for shared ownership.
- 6.22 It should however be noted that these figures are draft and are subject to on-going discussions with the applicants.

#### Conclusions

- 6.23 This report sets out the proposal for delivery of the Country Park with associated housing development. It is confined to the allocated 2 hectares and although the play area site is outside of the housing site, it is well located for passive surveillance and provides a transition into the Park.

- 6.24 The highways aspects have been full investigated and whilst the concerns of local residents are noted, the professional advice is that Mulberry Close and Westholme Road can take the anticipated increase in capacity.
- 6.25 Finally, the raft of planning contributions are considered to represent an appropriate balance for the provision of the Country Park.

## **RECOMMENDATION**

**That on receipt of satisfactory comments from outstanding consultees and subject to satisfactory conclusion of negotiations on the Planning Contribution, officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers:**

- 1) **The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and incorporating any additional matters he considers appropriate.**
- 2) **Upon completion of the aforementioned planning obligation that Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further 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. **B01 (Samples of external materials).**  
**Reason: To ensure that the materials harmonise with the surroundings.**
  3. **F22 (No surface water to public sewer).**  
**Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.**
  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 approved in writing by the local planning authority.**  
**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 sewage system.**
  5. **The development hereby approved shall be carried out in full accordance with the Ecological Planning Statement for the site at Belmont, Hereford received on 3rd September 2007. The mitigation and enhancement recommendation shall be fully implemented prior to the occupation of the dwelling and shall thereafter be retained in situ.**

**Reason: In recognition of the acknowledged nature conservation interest of the site.**

- 6. **Prior to the occupation of 20 dwellings the Country Park shall be laid out in its entirety and conveyed to the Council.**

**Reason: To ensure delivery of the Country Park in accordance with Policies H5 and RST5 of the Herefordshire Unitary Development Plan 2007.**

- 7. **The development hereby approved shall be carried out in full compliance with the Flood Risk Assessment received on 3rd September 2007 unless otherwise agreed in writing with the local planning authority.**

**Reason: In order to protect the development and surrounding residential area from flooding in accordance with Policy DR7 of the Herefordshire Unitary Development Plan 2007.**

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

**Reason: To protect the amenity of local residents.**

- 9. **G01 (Details of boundary treatments).**

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

**Informatives:**

- 1. **N19 - Avoidance of doubt.**
- 2. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

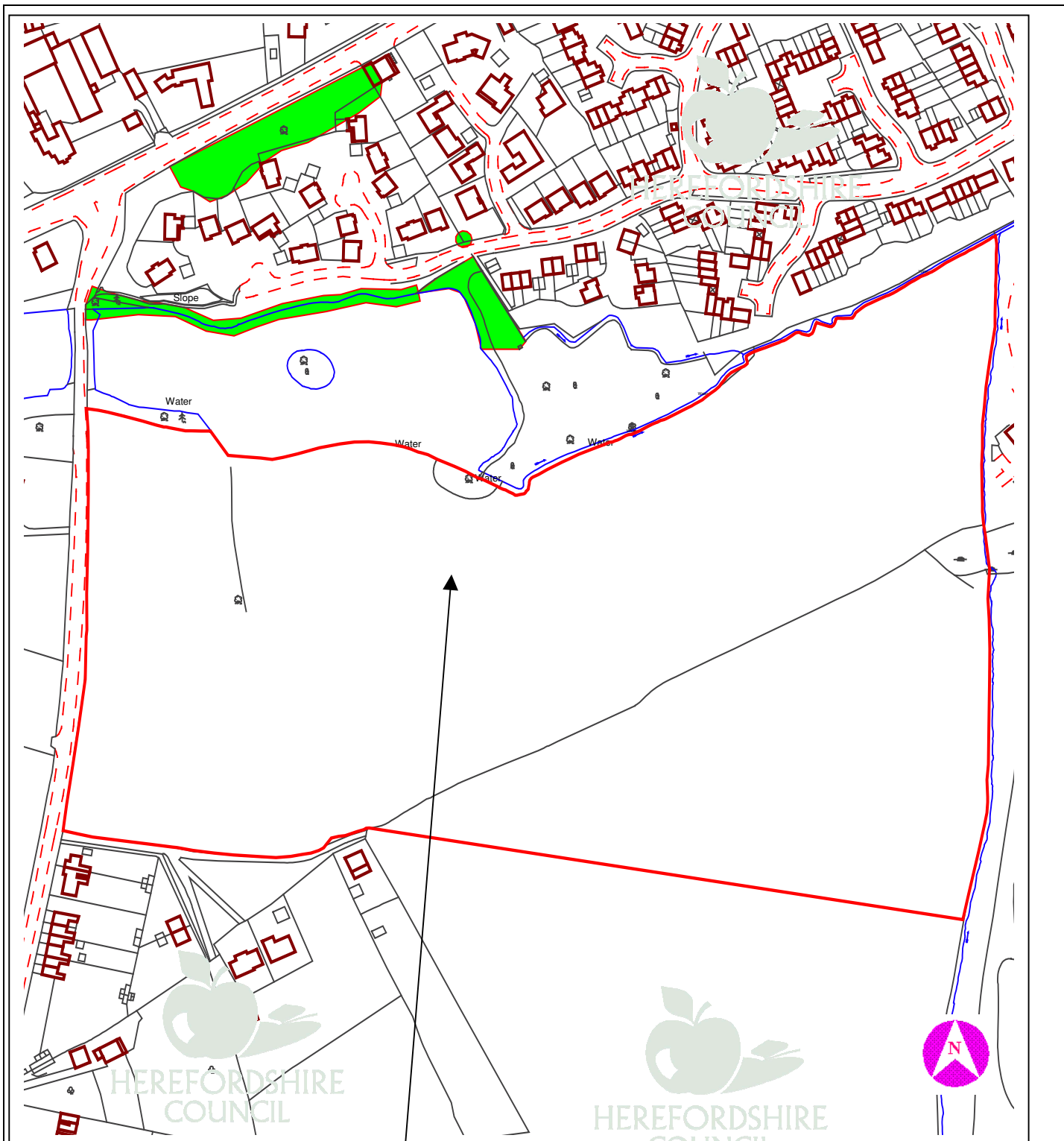
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2007/2834/F

**SCALE :** 1 : 2699

**SITE ADDRESS :** Land to the rear of Mulberry Close, Belmont, Hereford

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**DRAFT HEADS OF TERMS**  
**Proposed Planning Obligation Agreement**  
**Section 106 Town and Country Planning Act 1990**

Planning Application – DCCW2007/2834/F

- Residential development of: 69 dwellings, Belmont, Hereford
1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £138,000 (ratio of £2000 per two bed unit and above) to provide enhanced educational infrastructure/facilities for the nursery, primary and secondary schools within the catchment area of the application site which sum shall be paid on or before the commencement of the development.
  2. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £1500 per residential unit being a total contribution of £103,500 for improved transportation infrastructure in the locality of the application site and the promotion of sustainable means of transport which sum shall be paid on or before the commencement of development.
  3. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
    - a) Traffic calming and improved safety signing
    - b) Improved bus shelters/stops
    - c) Improve lighting to highway routes leading to the site
    - d) Improved pedestrian and cyclist connectivity with the site
    - e) Improved cycle parking facilities
    - f) Improved pedestrian crossing facilities
  4. The developer covenants with Herefordshire Council, in lieu of a deficit in the provision of open space and equipped play area on site to serve the development along with an appropriate maintenance contribution to pay Herefordshire Council the sum of £34,500, which sum shall be paid on or before the commencement of the residential development.
  5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of around £43,470 (in accordance with the Sport England Sport Facility Calculator) for enhancement of existing sports facilities in the locality of the application site, which sum shall be paid on or before the commencement of the residential development.
  6. The developer covenants with Herefordshire Council to deliver the country park, convey to the Council at no cost and makes provision for its layout together with a commuted sum for its future maintenance of £xxxx
  7. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £20,000 for a CCTV for Great Western Way the sum shall be paid on or before the commencement of development.
  8. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £17,974 (£86 x number 209 (number of bed spaces) of persons) for improvements to the library building at Belmont Library the sum shall be paid on or before the commencement of development.

9. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £8280 (69 x£120) for waste recycling facilities which cannot be provided on site to serve the development which sum shall be paid on or before the commencement of development
10. A minimum of 35% of the total number of residential units shall be "Affordable Housing" which meets the criteria set out in Section 5.5 of the Unitary Development Plan for Herefordshire (Revised Deposit Draft) and related policy H9 or any statutory replacement of those criteria and that policy. No less than 60% of the affordable units shall be made available for rent. None of the Affordable Housing shall be occupied unless the Herefordshire Council has given its written agreement to the means of securing the status and use of these units as Affordable Housing. All the affordable housing units shall be completed and made available for occupation prior to the occupation of more than 50% of the other residential units on the development.
11. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2,4,5,6,7,8,9, and 10 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
12. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
13. The developer shall complete the Agreement within 12 weeks and 5 days of the date the application on site 1 is registered as valid otherwise the application will be registered as deemed refused.

Kevin Bishop - Principal Planning Officer

15th October, 2007