

# AGENDA

## Planning Committee

Date: **Wednesday 30 October 2013**

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Time: **10.00 am**

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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:

**Tim Brown, Democratic Services Officer**

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If you would like help to understand this document, or would like it in another format or language, please call Tim Brown, Democratic Services Officer on 01432 260239 or e-mail [tbrown@herefordshire.gov.uk](mailto:tbrown@herefordshire.gov.uk) in advance of the meeting.

# **Agenda for the Meeting of the Planning Committee**

## **Membership**

**Chairman**

**Councillor PGH Cutter**

**Vice-Chairman**

**Councillor BA Durkin**

**Councillor PA Andrews**

**Councillor AM Atkinson**

**Councillor AN Bridges**

**Councillor PJ Edwards**

**Councillor DW Greenow**

**Councillor KS Guthrie**

**Councillor J Hardwick**

**Councillor JW Hope MBE**

**Councillor MAF Hubbard**

**Councillor RC Hunt**

**Councillor Brig P Jones CBE**

**Councillor JG Lester**

**Councillor RI Matthews**

**Councillor FM Norman**

**Councillor AJW Powers**

**Councillor GR Swinford**

**Councillor PJ Watts**

## AGENDA

		Pages
1.	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
2.	<p><b>NAMED SUBSTITUTES (IF ANY)</b></p> <p>To any details of Members nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p><b>DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p><b>MINUTES</b></p> <p>To approve and sign the Minutes of the meeting held on 9 October 2013.</p>	7 - 20
5.	<p><b>CHAIRMAN'S ANNOUNCEMENTS</b></p> <p>To receive any announcements from the Chairman.</p>	
6.	<p><b>APPEALS</b></p> <p>To be noted.</p>	21 - 24
7.	<p><b>132226/F - FORMER WHITECROSS HIGH SCHOOL, BAGGALLAY STREET, HEREFORD</b></p> <p>Development for 65 new dwellings with public open space &amp; associated infrastructure and a temporary sales office.</p>	25 - 44
8.	<p><b>132033/F &amp; 132034/C LAND AT CHESTNUTS, THE AVENUE, ROSS ON WYE, HEREFORDSHIRE</b></p> <p>Demolition of post war building and erection of 5 no. dwellings.</p>	45 - 56
9.	<p><b>132098/O LAND ADJACENT TO WHITE HOUSE, BARTESTREE, HEREFORD, HR1 4BY</b></p> <p>Outline application for residential development (up to two dwellings).</p>	57 - 62
10.	<p><b>DATE OF NEXT MEETING</b></p> <p>Date of next site inspection – 19 November 2013</p> <p>Date of next meeting – 20 November 2013</p>	



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## HEREFORDSHIRE COUNCIL

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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 9 October 2013 at 10.00 am**

**Present:** Councillor PGH Cutter (Chairman)  
Councillor BA Durkin (Vice Chairman)

Councillors: PA Andrews, AM Atkinson, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, RC Hunt, Brig P Jones CBE, RI Matthews, FM Norman, AJW Powers, P Rone, GR Swinford and PJ Watts

**In attendance:** Councillors AJM Blackshaw and P Sinclair-Knipe

**60. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor JG Lester.

**61. NAMED SUBSTITUTES**

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor P Rone attended the meeting as a substitute member for Councillor JG Lester.

**62. DECLARATIONS OF INTEREST**

**Agenda item 7130997/F – Land at Ufton Court Farm, Ufton Court, Holme Lacy, Hereford**

Councillor D Greenow, non-pecuniary, knows the applicant.

Councillor J Hardwick, non-pecuniary, knows the applicant.

**Agenda items 10 and 11 S122304/F and S122305/F – Whitehall Farm, Hampton Bishop, Herefordshire**

Councillor D Greenow, non-pecuniary, knows the applicant.

Councillor J Hardwick, non-pecuniary, knows the applicant.

Councillor MAF Hubbard, non-pecuniary, knows the applicant.

**63. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 18 September 2013 be approved as a correct record and signed by the Chairman.

#### **64. CHAIRMAN'S ANNOUNCEMENTS**

There were no announcements.

#### **65. APPEALS**

The Planning Committee noted the report.

#### **66. 130997/F - LAND AT UFTON COURT FARM, UFTON COURT, HOLME LACY, HEREFORD**

The Senior Planning Officer gave a presentation on the application. She referred to additional representations set out in the schedule of committee updates, as appended to these minutes. She noted that an informative needed to be added to the recommendation stating that the Authority had acted positively and proactively in determining the application.

In accordance with the criteria for public speaking, Mrs Goodwin, the applicant, spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution Councillor P Sinclair-Knipe, the local ward member, spoke on the application. He commented on a number of issues including:

- There were 24 letters in support of the application, which also had the Parish Council's support.
- The farm needed to relocate due to encroachment from development in Hereford and the proposed farmhouse was necessary to carry out farming and ensure security. The Council should support agriculture, families and enterprise.
- The design and location of the property was acceptable.

The debate opened and the following principal points were made:

- The proposed relocation of the farming operation was sound and a farmhouse was needed on site to manage it and ensure security. It was suggested that policies S1, DR1 and DR2 provided grounds for supporting the development. A departure from H7 was justified in the circumstances.
- It was inappropriate for a young family to have to live in temporary accommodation until agricultural buildings were on site.
- There were insufficient policy grounds for granting planning permission.
- It was requested that consideration be given to the opportunity for Members to be more involved in the development of planning policy, to ensure that policies enabled Members' objectives, such as support for farmers, to be delivered transparently and equitably and that applications granted contrary to policy would then be extremely rare.
- It was proposed that conditions should be attached to the application relating to the need for a comprehensive site plan, landscaping and ecology.
- The size and orientation of the property was questioned.



- There was no current farming settlement to justify the need.
- One of the objections made in representations at paragraph 5.3 of the report was that there were other properties for sale locally that could be used. The Principal Planning Officer commented that two properties had been discounted by the applicant because of cost and the view that they were not in close enough proximity to the farm.
- The County Land Agent had commented in his revised comments, set out in the report, that it would be against policy to grant an agriculturally tied dwelling on the grounds of security alone.
- The Head of Neighbourhood Planning commented that policies in the draft core strategy did permit housing in the countryside outside settlements and support agricultural businesses where this was justified. He noted that there was an existing permission for farm buildings but nothing had as yet been built. He questioned what guarantee the Committee had, if it granted permission, that the farm buildings would be built. The policy stated that until a business had been established permission should only be granted for temporary accommodation. He also considered the proposed house was much larger than was required to meet the functional need being asserted. He suggested that if the Committee was minded to grant permission this should be conditional on the farm buildings being built first and agricultural occupancy.
- The Development Manager added that policies H8 and H13 supported dwellings in the countryside in appropriate circumstances. The application before the Committee was for an oversized dwelling and was incomplete.

The local ward member was given the opportunity to close the debate. He reiterated support for the application and requested that the application be approved.

A motion that the application should be approved with conditions relating to the site plan, landscaping, agricultural occupancy, agricultural buildings to be built first, ecology and orientation of the dwelling was carried.

**RESOLVED:**

**That planning permission be granted subject to conditions relating to the site plan, landscaping, agricultural occupancy, agricultural buildings to be built first, ecology and orientation of the dwelling and any conditions deemed necessary by officers named in the scheme of delegation to officers.**

(The meeting adjourned between 10.55 and 11.05.)

**67. 131732/F - THE SLIP TAVERN, MUCH MARCLE, LEDBURY, HR8 2NG**

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr Page, a resident, and Mr Crowther, of CAMRA, spoke in objection to the application. Mr Ranford, the applicant's agent, spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor BA Durkin, the local ward member, spoke on the application. He commented on a number of issues including:

- There were 3 similar establishments in competition with the Slip Tavern. The business had been in decline since 2008. There had been a marked decline in the pub's profits following the refurbishment of the Walwyn Arms and its reopening in 2012. It was to be regretted that the business had failed.
- The Parish Council objected to the proposal. There were also 36 letters/e-mails objecting to the application.
- The National Planning Policy Framework promoted the retention of community facilities in rural areas, including public houses.

The debate opened and the following principal points were made:

- The Slip Tavern faced significant competition and it had to be questioned whether there was sufficient population to support the number of similar businesses in the area.
- The applicant's agent had raised the possibility of deferring the application to allow marketing through trade journals. A proposal was made supporting this approach. It was suggested that this would also allow time for an independent valuation of the property to be obtained.
- The Principal Planning Officer confirmed that no pre-application discussion had been sought by the applicant and the application was premature, The onus was on the applicant to provide full information with the application.

The local ward member was given the opportunity to close the debate. He acknowledged deferment was an option but noted that the public house had already been closed since March 2013.

**RESOLVED: That consideration of the application be deferred for a reasonable period pending a further marketing exercise through trade journals and an independent valuation of the property.**

**68. 131885/F - SITE ADJACENT TO 4 VALENTINE COURT, CANON PYON, HEREFORD, HR4 8NZ**

The Principal Planning Officer gave a presentation on the application. He referred to additional representations set out in the schedule of committee updates, as appended to these minutes.

In accordance with the criteria for public speaking, Mr Vaughan, Chairman of Pyons Group Parish Council spoke. He opposed the application. Mrs McLeod, a resident, spoke in objection. Mr Spreckley, the applicant's agent, spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor AJM Blackshaw, the local ward member, spoke on the application. He commented on a number of issues including:

- He referred to the planning history of the site and the grounds on which previous applications had been refused, as described in the report. He supported the Parish Council's comments in opposition to the application, as set out at paragraph 5.1 of the report.
- The Pyons Group Parish Council supported expansion of the village but not in the location proposed. A Neighbourhood Plan was being produced proposing development in the centre of the village. It would be contrary to democracy and the localism agenda to approve the application and detrimental to community engagement.

The debate opened and the following principal points were made:

- The application was basically the same as the one rejected by the Committee in May 2013, with the addition of a hydrology report, and the Committee should reject the application.
- There was support for the opposition to the proposal advanced by the Campaign for the Protection of Rural England, as set out in section 5 of the report.
- Canon Pyon was a linear settlement and the proposed development would not be out of place.
- One Member commented that whilst there was still uncertainty over the hydrology, the proposed condition set out in the recommendation addressed this concern. Some other Members commented that the concerns over flooding were significant enough to continue to be grounds for rejecting the application.
- The Parish Council's plans, whilst in preparation, lacked any material planning status.
- Brownfield sites should be developed first.
- The application should be rejected on the grounds of policies H8, S1, DR1 and DR4.

The Development Manager confirmed that the Council was short of the required five year housing land supply. The Secretary of State for Communities had stated that in the absence of a five year land supply he would grant planning applications for housing development and had done so even in Areas of Outstanding Natural Beauty. The Land Drainage Officer did not object on the principle of flooding or drainage grounds, subject to the approval of surface water drainage scheme.

The Council's Legal Officer, as a general point, reminded the Committee that any decision contrary to officer recommendation would require sufficient and relevant reasons in support.

The local ward member was given the opportunity to close the debate. He reiterated his opposition to the application and his support for the Parish Council's plans to meet housing needs.

A motion that the application be refused was lost. A motion that the application be approved in accordance with the officer's recommendation was carried.

## **RESOLVED:**

**That officers named in the scheme of delegation be authorised to issue planning permission subject to:**

- 1. The completion of 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.**
- 2. The conditions set out in this report and any varied or additional conditions considered necessary by officers:**
  - 1. A01 Time limit for commencement (full permission)**
  - 2. B01 Amended plans**
  - 3. C01 Samples of external materials**
  - 4. F16 No new windows in specified elevation**
  - 5. G04 Protection of trees/hedgerows that are to be retained**
  - 6. G10 Landscaping scheme**
  - 7. G11 Landscaping scheme - implementation**
  - 8. H03 Visibility splays**
  - 9. H09 Driveway gradient**
  - 10. H11 Parking - estate development (more than one house)**
  - 11. H13 Sustainable Residential Design**
  - 12. H18 On site roads - submission of details**
  - 13. H21 Wheel washing**
  - 14. H27 Parking for site operatives**
  - 15. I16 Restriction of hours during construction**
  - 16. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works in accordance with the Surface Water Management Report dated June 2013 has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the first occupation of the development hereby approved.**

**Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy DR4 of Herefordshire Unitary Development Plan.**

## **INFORMATIVES:**

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against**

**planning policy and other material considerations, including representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

2. I05
3. I07
4. I09
5. I11
6. I45

**69. S122304/F - WHITEHALL FARM, HAMPTON BISHOP, HEREFORDSHIRE**

*(Councillor MAF Hubbard declared a non-pecuniary interest and withdrew from the meeting for the duration of this item.)*

The Chairman advised that because they related to the same premises and the same applicant there would be a single presentation on application S122304/F, published as agenda item 10 on the agenda, and application S122305/F, published as agenda item 11 on the agenda. There would be a single public speaking time allowed as only the applicant had registered to speak. A separate vote would then be taken on each application.

The Development Manager - Enforcement gave a presentation on both applications. He referred to additional representations set out in the schedule of committee updates, as appended to these minutes. He added that an informative needed to be added to the recommendation for application S122304/F stating that the Authority had acted positively and proactively in determining the application.

In accordance with the criteria for public speaking, Mr Rogers, the applicant, spoke in support of both applications.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor J Hardwick, the local ward member, spoke on both applications. He commented on a number of issues including:

- Farm diversification was to be encouraged.
- The Parish Council had no comment on either application.
- Two local residents had written in support of both applications.
- The caravans were well concealed.
- There had been little trouble associated with the caravans.
- He was disappointed that the applications were retrospective but in essence he supported them.

The debate opened and the following principal points were made:

- Members had undertaken a site visit and observed that the caravans were well sheltered from view.
- It was proposed that the current occupants of the six caravans (application S122304/F) should be permitted to stay, with the caravans being removed after that point. The Development Manager commented that it was questionable as to whether this condition could be enforced.
- That policy provided that application S122304/F should be refused. It was suggested that support could be offered to the current occupants to find housing and they could remain for some months while this happened.
- The Head of Neighbourhood Development commented on the application of policy H7.
- The Development Manager - Enforcement commented that the Committee would be unlikely to approve the building of a house in the location of the six caravans and expressed concern that granting permission would set a precedent. He noted that there would be a period of 12 months to comply with an enforcement notice.

The local ward member was given the opportunity to close the debate. He reiterated support for the applications.

**RESOLVED:**

**That planning permission be granted subject to conditions to the effect that: no new occupants be permitted to reside at the site; and in the event that any current residents no longer reside at the site, with the effect that a mobile home is left empty (for a period in excess of one month), the said structure be removed and subject to conditions deemed necessary by officers named in the scheme of delegation to officers.**

**70. S122305/F - WHITEHALL FARM, HAMPTON BISHOP, HEREFORDSHIRE**

*(Councillor MAF Hubbard declared a non-pecuniary interest and withdrew from the meeting for the duration of this item.)*

As stated in the previous Minute the Chairman advised that because they related to the same premises and the same applicant there would be a single presentation on application S122304/F, published as agenda item 10 on the agenda, and application S122305/F, published as agenda item 11 on the agenda. There would be a single public speaking time allowed as only the applicant had registered to speak. A separate vote would then be taken on each application.

The debate on the two applications is set out in the previous Minute.

**RESOLVED:**

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

1. **The occupation of the mobile homes hereby approved shall be limited to a person or persons, including resident dependants, working in agriculture at Whitehall farm, Hampton Bishop.**

**Reason: It would be contrary to policy H7 and H8 of the Herefordshire Unitary Development Plan to grant permission for mobile homes in this location, but for the agricultural need of this particular farm.**

2. **The applicant shall, on written request of the Local Planning Authority, provide details of residents of the mobile homes and the work they are engaged in on the farm, within 10 days of any such request.**

**Reason: To ensure compliance with policy H8 of the Herefordshire Unitary Development Plan.**

3. **Within 3 months of the date of this permission foul drainage shall have been provided in accordance with details to be provided to and agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with the Habitat Regulations and policy DR4 of the Herefordshire Unitary Development Plan.**

#### **INFORMATIVES:**

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

#### **71. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

#### **APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES**

The meeting ended at 1.07 pm

**CHAIRMAN**





# **PLANNING COMMITTEE**

**Date: 9 October 2013**

## **Schedule of Committee Updates/Additional Representations**

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

## SCHEDULE OF COMMITTEE UPDATES

**130997/F - ERECTION OF FOUR BED DETACHED DWELLING FOR FARM MANAGER AT LAND AT UFTON COURT FARM, UFTON COURT, HOLME LACY, HEREFORD.**

**For: Mr & Mrs Goodwin per Mrs Julie Joseph, Trecorras Farm, Llangarron, Ross-On-Wye, Herefordshire, HR9 6PG**

### **ADDITIONAL REPRESENTATIONS**

A letter from the applicants (emailed 4.10.13) and further email (received 7.10.13) with attached plans to Councillors and copied to the Case Officer, which sets out their case and response to the Committee Report.

A revised site plan indicating the position of the approved farm buildings that could be built.

### **OFFICER COMMENTS**

The points raised are noted, but they generally reiterate the points already made in earlier correspondence. The applicants have confirmed that they are willing to amend the siting of the bund and landscaping if required.

The revised site plan does not accurately indicate the footprint/size of the approved buildings and can therefore only provide an indication of the approximate siting of the approved buildings.

### **CHANGE TO RECOMMENDATION**

No change to the officer's recommendation.

**131732/F - CHANGE OF USE FROM PUBLIC HOUSE ON GROUND FLOOR AND RESIDENTIAL UNIT ON FIRST FLOOR TO A SINGLE 6 BEDROOM DETACHED DWELLING AT THE SLIP TAVERN, MUCH MARCLE, LEDBURY, HR8 2NG**

**For: Mr Thomas per Mr Russell Ranford, 22 Thatcham Avenue, Kingsway, Gloucester, GL2 2BJ**

### **ADDITIONAL REPRESENTATIONS**

None

### **OFFICER COMMENTS**

There is a minor error in the recommendation

### **CHANGE TO RECOMMENDATION**

The wording of the recommendation is changed by deleting the word "as" and substituting it with the words "due to".

**131885/F - PROPOSED ERECTION OF 30 NO. NEW DWELLINGS INCLUDING 10 AFFORDABLE UNITS AND ASSOCIATED WORKS TO PROVIDE A NEW ACCESS AND ROAD AT SITE ADJACENT TO 4 VALENTINE COURT, CANON PYON, HEREFORD, HR4 8NZ**

**For: G P Thomas & Son per Mr David F Baume, 41 Widemarsh Street, Hereford, Herefordshire, HR4 9EA**

#### **ADDITIONAL REPRESENTATIONS**

One further letter of objection has been received from a local resident which includes a hydrology report that has been commissioned by them to examine the flood solutions offered by the applicant. The report concludes that there are significant inaccuracies in the applicant's calculations and that the scheme has been under-designed, and that the risk of flooding on and off the site may be more frequent than anticipated.

The objector's letter goes on to refer to paragraph 100 of the National Planning Policy Framework which states that:

*"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest risk...."*

It suggests that there are more appropriate and risk free sites in the centre of the village including a brownfield site which the owner is keen to develop.

The objector does not consider that the site can be compared with a recent appeal decision in Kingstone, or that the previous reasons for refusal have been addressed.

#### **OFFICER COMMENTS**

The hydrology report submitted by the objector has been forwarded to the Council's Land Drainage Engineer with a request for further comment. A response is awaited. However, Members attention is drawn to the fact that he was satisfied with the content of the original report and had recommended the imposition of a condition to require the submission of a detailed SuDS scheme. This is reflected by condition 16 of the recommendation.

The objector's correspondence refers to two other sites further to the north of the village that they consider to be sequentially preferable in terms of flood risk. However, both of the sites are, at least in part, within a zone 2 and 3 flood plain as they are adjacent to the Wellington Brook. A flood risk assessment completed in connection with a current householder application at Canon Court (131201/FH) includes photographs of a flood event in 2007. It is your officer's view that the application site is sequentially preferable as it does not lie within a fluvial flood plain.

It remains your officer's view that the site is comparable with the recent appeal decision in Kingstone. The Council cannot demonstrate a five year housing land supply. Both are sites immediately adjacent to a settlement boundary in villages that are considered to be sustainable. It is clear from the report to committee that the comparison is being drawn in this respect.

#### **CHANGE TO RECOMMENDATION**

No change to the officer recommendation

**S122304/F - CHANGE OF USE TO ACCOMMODATE SIX  
MOBILE HOMES (RETROSPECTIVE) AT WHITEHALL FARM,  
HAMPTON BISHOP, HEREFORDSHIRE,**

**For: Mr Rogers per Mr Colin Goldsworthy, 85 St Owen Street,  
Hereford, Herefordshire, HR1 2JW**

**ADDITIONAL REPRESENTATIONS**

Letter received from TRP Sealing Systems LTD advise that a number of their employees reside at Whitehall Farm. The letter refers to the shortage of reasonably priced rental accommodation within Herefordshire and that those of their non-british workforce continue to find it difficult to find suitable properties and the contribution they make to the local economy.

**OFFICER COMMENTS**

Need to add proactive statement as informative.

**NO CHANGE TO RECOMMENDATION**

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>30 OCTOBER 2013</b>
<b>TITLE OF REPORT:</b>	<b>APPEALS</b>

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**CLASSIFICATION:** Open

### **Wards Affected**

Countywide

### **Purpose**

To note the progress in respect of the following appeals.

### **Key Decision**

This is not an executive decision.

### **Recommendation**

**That the report be noted.**

### **APPEALS RECEIVED**

#### **Application 131389/F**

- The appeal was received on 30 September 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr & Mrs R Wall
- The site is located at Replacement dwelling at Old Trap House, Cobhall Common, Allensmore, Hereford, Herefordshire, HR2 9BP
- The development proposed is New four bedroom dwelling
- The appeal is to be heard by Written Representations

**Case Officer: Mr A Prior on 01432 261932**

#### **Application 130305/F**

- The appeal was received on 1 October 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr S G and L A Thomas
- The site is located at Trap House Nurseries, Cobhall Common, Allensmore, Herefordshire, HR2 9BP
- The development proposed is Removal of Condition 4 of permission 028191 (site for the erection of one dwelling house with vehicular access thereto)
- The appeal is to be heard by Hearing

**Case Officer: Mr A Prior on 01432 261932**

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Further information on the subject of this report is available from the relevant case officer

**Application 113607/O**

- The appeal was received on 11 October 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr Henry May
- The site is located at Tidnor Wood Orchards, Tidnor Lane, Lugwardine, Hereford, HR1 4DF
- The development is for Proposed three bedroom detached agricultural dwelling.
- The appeal is to be heard by Written Representations
- Please note this is a change in procedure from Hearing to Written Representations.

**Case Officer: Mr S Withers on 01432 260612**

## **APPEALS DETERMINED**

**Application 123556/F**

- The appeal was received on 9 May 2013
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal was brought by Two Rivers Housing Association
- The site is located at Land Adjoining Rose Cottage, Gorsley, Ross-On-Wye, Herefordshire
- The development proposed was Erection of 10 no. affordable homes with associated parking, access and landscaping.
- The main issue was:
  - The impact of the proposal on character and appearance of the area

**Decision:**

- The appeal was Withdrawn on 1 October 2013

**Case Officer: Mr C Brace on 01432 261947**

**Application 130893/FH**

- The appeal was received on 23 July 2013
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mrs Warner
- The site is located at 4 Hillcrest, Haywood, Callow, Hereford, Herefordshire, HR2 8BZ
- The development proposed was Proposed bay window and side car port with second storey extension above.
- The main issue(s) was(were):
  - The effect of the extension on the character and appearance of the host property and the area; and
  - The effect of the extension on the living conditions of No. 5 Hillcrest, having particular regard to outlook.

**Decision:**

- The application was Refused under Delegated Powers on 10 June 2013
- The appeal was Dismissed on 7 October 2013

**Case Officer: Mrs C Atkins on 01432 260536**

**Application 122202/FH**

- The appeal was received on 26 March 2013
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by The Owner and/or Occupier
- The site is located at Pudleston Court, Pudleston, Herefordshire, HR6 0QY
- The development proposed was Partial demolition of building and replace with single storey with raised atrium roof.

**Decision:**

- The appeal was Withdrawn on 9 October 2013

**Case Officer: Mr Matt Tompkins on 01432 261795**

**Application 122203/L**

- The appeal was received on 26 March 2013
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Listed Building Consent
- The appeal was brought by The Owner and/or Occupier
- The site is located at Puddlestone Court, Puddlestone, Herefordshire, HR6 0QY
- The development proposed was Partial demolition of building and replace with single storey with raised atrium roof.

**Decision:**

- The appeal was Withdrawn on 9 October 2013

**Case Officer: Mr Matt Tompkins on 01432 261795**

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







<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>30 OCTOBER 2013</b>
<b>TITLE OF REPORT:</b>	<p><b>132226/F - DEVELOPMENT FOR 65 NEW DWELLINGS WITH PUBLIC OPEN SPACE &amp; ASSOCIATED INFRASTRUCTURE AND A TEMPORARY SALES OFFICE AT FORMER WHITECROSS HIGH SCHOOL, BAGGALLAY STREET, HEREFORD</b></p> <p><b>For: Miller Homes Ltd West Midlands per 6060 Knights Court, Solihull Parkway, Birmingham Business Park, Solihull, B37 7WY</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132226">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132226</a>

**Date Received: 13 August 2013**

**Ward: Three Elms**

**Grid Ref: 349836,240627**

**Expiry Date: 22 November 2013**

Local Members: Councillors PA Andrews, EMK Chave and C Nicholls

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

- 1.1 The application site lies approximately 1.2m to the west of Hereford City Centre, and to the north of Whitecross Road. The site is a brownfield site that is allocated for residential development in the Unitary Development Plan and is the site of the former Whitecross High School. The school buildings were subsequently demolished several years ago to prevent them falling into further disrepair. The application site does not include the playing fields that were associated with the school. The site covers approximately 1.6ha, with the former school playing fields to the eastern and south east boundaries, the gardens and dwellings that front Gruneison Street to the south, Yazor Brook stream corridor and public open space to the north. The site is accessed via Baggallay Street, that accesses onto Whitecross Road.
- 1.2 The proposed development comprises 65 dwellings (22 of which would be affordable) associated infrastructure and public open space. The development will comprise a range of housing types varying from 1 bed apartments to 2 / 3 bed semi-detached terraces and 3 – 4 bed detached dwellings. The net density of the development is approximately 40 dwellings per hectare. The entrance to the site is at the northern end of Baggallay Street, with a key vista to the north towards the proposed open space. To the west, a single street would serve a variety of dwellings and the apartments, and the east, a street to the south of the site would serve 9 dwellings, that would front the open space to the south. The remainder of the site would be served from a more minor road, with raised paving and small private drives. The dwellings would, in the main, have private parking within each plot, with the remainder having parking within designated parking courts.
- 1.3 The dwellings would be predominantly two-storey in height, with a number of landmark buildings located around the development and will utilise a mix of brick and render. Sustainable

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Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

building construction measures will also be used comprising improved energy efficiency through siting, design and orientation water conservation measure construction site recycling and use of recyclable materials..

- 1.4 The application site has several constraints that have been considered and addressed in the formation of the proposed development. The first is the existence of the flood zone associated with the Yazor Brook to the north of the site. A detailed Flood Risk Assessment (FRA) accompanied the application and formed the basis of the design work. In order to address this issue, works are proposed to re-grade the southern bank of the brook to prevent flooding. These works have been designed with the biodiversity interests and designation (SINC) of the Yazor Brook in mind and in conjunction with detailed ecological and tree reports. Upon completion the area will be laid to open space, with planting and ecological enhancement measures being included in this design work. The remainder of the site would be landscaped accordingly, with existing trees retained wherever possible, in particular along the southern boundaries.
- 1.5 In a central position to the north of the site, a large area of public open space is proposed including a younger children's play area with some informal play opportunities along the brook corridor. The site also reintroduces the pedestrian / cycle crossing across the brook with links into the existing pedestrian / cycle route that runs along the northern side of the brook, with onward connections towards the schools and facilities to the east and north.

## **2. Policies**

### **2.1 National Planning Policy Framework (NPPF)**

The following sections are of particular relevance:

Introduction - Achieving sustainable development  
Section 6 - Delivering a wide choice of high quality homes  
Section 7 - Requiring Good Design  
Section 8 - Promoting healthy communities  
Section 11 - Conserving and enhancing the natural environment

### **2.2 Herefordshire Unitary Development Plan (UDP)**

S1	Sustainable Development
S2	Development Requirements
S3	Housing
S6	Transport
S7	Natural and Historic Heritage
S8	Recreation, sport and Tourism
DR1	Design
DR2	Land Use and activity
DR3	Movement
DR4	Environment
DR5	Planning Obligations
DR9	Air Quality
DR13	Noise
H1	Hereford and the Market Towns
H2	Hereford and market Towns: Housing Land Allocations
H9	Affordable Housing
H13	Sustainable Residential Design
H15	Density
H16	Car Parking

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Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

H19	Open Space Requirements
LA2	Landscape Character
LA5	Protection of Tree, Woodlands and Hedgerows
LA6	Landscaping Schemes
NC1	Biodiversity and Developments
NC8	Habitat Creation, Restoration and Enhancement
T6	Walking
T11	Parking Provision
RST4	Standards for Outdoor Playing and Public Open Space

### 2.3 Emerging Core Strategy Policy

SS1	Presumption in favour of sustainable development
SS2	Delivering new homes
SS4	Movement and transportation
H1	Affordable Housing – Thresholds and Targets
H3	Ensuring an appropriate range and mix of housing
OS1	Requirement for open space, sports and recreation facilities
MT1	Traffic management, highway safety and promoting active travel
LD1	Landscape and townscape
LD2	Biodiversity and geo-diversity
LD3	Green Infrastructure
SD1	Sustainable design and energy efficiency

- 2.4 The Unitary Development Plan policies and Emerging Core Strategy Policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:- <http://www.herefordshire.gov.uk/housing/planning/29815.aspx>

## 3. Planning History

- 3.1 DCCW2008/0182/F - Proposed erection of 71 no. 2, 2.5 and 3 storey, 2-6 bed houses and flats, garages, 97 parking places, access roads and associated works plus temporary Haul Road from Harrow Road, for the duration of construction works – Withdrawn 16/6/2008

## 4. Consultation Summary

### Statutory Consultees

- 4.1 Welsh Water raise no objections and recommend conditions be imposed on any planning permission.
- 4.2 The Environment Agency object to the proposed development and request additional information as detailed below:

**Flood Risk:** This site is partially located in Flood Zone 3, which is the high risk zone and is defined for mapping purposes by the Agency's Flood Zone Map. Flood Zone 3 refers to land where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year). A large portion of the site is located in Flood Zone 1, the low risk Zone, where all built development should be situated.

**Sequential Test:** Paragraph 101 of the National Planning Policy Framework (NPPF) requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'. It states that 'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'.

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Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

Further detail is provided in the Technical Guidance to the NPPF. This states that 'Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required (see Paragraph 102 of the NPPF).

In this instance, subject to a suitably robust FRA, we would expect the built development to be located within Flood Zone 1, the low risk Zone. Therefore if the LPA are satisfied with this site sequentially then we would raise no issues with regard to the sequential test.

**Flood Risk Assessment (FRA):** It is stated in the submitted FRA (WSP Ref: 50400668-FR01-02, 23/04/13) that the Capita Symonds flood model for the Yazor Brook used in assessing the flood risk to this development site, was obtained from us in December 2010. The flood data was taken from the Yazor, Widemarsh, and Eign Brook ISIS-TUFLOW 1D/2D hydraulic model, which was part of the Hereford Critical Ordinary Watercourse (COWs) Strategic Flood Risk Management (SFRM) study, dated August 2007.

Whilst we did commission this initial flood modelling of the Yazor Brook, the modelling has now been superseded and extended by Capita Symonds on behalf of Herefordshire Council as part of the re-development of Hereford City. The current modelling work includes the Yazor Flood Alleviation Scheme (FAS) at Credenhill, which was designed and constructed to reduce the extent of flooding from the Yazor and Widemarsh Brooks within Hereford.

There are detailed Flood Maps, flood levels and an up to date flood model available for this site which Capita Symonds have been working on for a number of years. This work shows both the un-defended and defended flood extents and flood levels for the Yazor Brook.

The FRA for this development site should be based upon the most up to date flood modelling information for the Yazor Brook. This data is available from Herefordshire Council and the applicant is advised to contact the Project Manager Ms Mairead Lane on: [mlane@herefordshire.gov.uk](mailto:mlane@herefordshire.gov.uk) for further information and to request the correct data.

Using the abovementioned flood data; the scope of the FRA must include the following information:

1. Existing and proposed site layout plans including the area of the existing and proposed built footprint and change in impermeable area.
2. Topographic survey of site including levels along the access route to land outside the floodplain. Levels must be related to metres Above Ordnance Datum (mAOD).
3. Flood levels for the "watercourses" for the 1 in 20 year, 1 in 100 year, 1 in 100 year 20% and 1 in 1000 year flood events for both the un-defended and defended scenarios.
4. Blockage analysis on the culvert downstream of the site and an assessment of the increase in flood risk to the proposed development. Flood levels and extents for a number of different blockage scenarios must be provided.
5. Proposed finished floor levels (FFL) for the dwellings, parking areas, access roads and landscaped areas. We normally recommend that the FFL for dwellings be set at least 600mm above the un-defended 1 in 100 year 20% flood level and all other areas such as car parking, access roads be left at existing ground levels to minimise the loss of floodplain storage volume.
6. Demonstrate that a safe access is available from all units during the defended 1 in 100 year plus climate change flood event, in accordance with the Defra Flood Hazard Ratings.
7. A number of cross sections through the site relating it to the Yazor and Widemarsh Brook showing existing and proposed levels.
8. Proposed flood storage compensation and/or channel re-profiling for any loss in floodplain storage as a result of the development should be based on the 100 year defended plus climate change. Calculations and modelled flood extents showing the effects of any re-profiling of the watercourse channel and/or modifications to the floodplain must also be provided.

**Surface Water:** As the Lead Local Flood Authority (LLFA), Herefordshire Council are responsible for checking proposed surface water attenuation schemes for new developments to ensure that surface water is adequately attenuated and does not increase flood risk. You are advised to discuss your proposals with Martin Jackson, the Drainage Engineer for Herefordshire Council who will be able to provide advice regarding allowable discharge rates to the Yazor Brook, along with any other requirements affecting the brook, e.g. maintenance access, bridge crossings etc. His contact details are: [Martin.Jackson@bblivingplaces.com](mailto:Martin.Jackson@bblivingplaces.com)

The drainage strategy will need to provide details on maintenance and adoption of the proposed drainage systems. A maintenance plan will need to be in place to ensure that the systems remain efficient over the lifetime of the proposed development. There must be provision within the site layout so that when the design capacity of the system is exceeded then excess surface water can be safely stored on, or conveyed from, the site without adverse impacts elsewhere.

An updated FRA is being prepared following discussion with the Environment Agency and the result of this will be reported to Committee.

Internal Consultees

#### 4.3 The Transportation Manager makes the following comments:

The development is a brownfield site, previously occupied by Whitecross High School, a secondary school of around 900 pupils.

The junction assessments included in the Transport Assessment indicate that the junction of Baggallay Street/Whitecross Road operates within capacity for the proposed development in both the AM and PM peaks.

The Transport Assessment, using trip generation derived from the industry accepted TRICS database, indicates that the proposed residential development is likely to give rise to a much lower trip generation than the former use in the AM peak, with a reduction of 144 2 way trips and a slight increase in the PM peak of 28 2 way trips on Baggallay Street. It is also noted that other route options exist between the site and Whitecross Road and that all the traffic may not use the main length of Baggallay Street, as was the case with the school traffic.

The site is well served by public transport on Whitecross Road, and by pedestrian links to schools, facilities and employment. The upgrade to a footpath/cycleway of the pedestrian route to the north of Yazor Brook is proposed by way of Section 106 contribution, which will further enhance connectivity by sustainable modes.

Therefore in terms of traffic generation and sustainable transport I consider the development acceptable.

In terms of construction traffic for the development, the main site clearance in terms of the removal of the buildings has already taken place. I would suggest that construction traffic is, where possible, arranged to avoid the peak hours.

The proposed S106 Heads of Terms are acceptable.

The internal layout however does not reflect comments made at pre-application regarding the following:-

1. Removal of the chicane outside plot 64/65 and replacement with a raised junction as an extension to the shared surface by plots 61-62
2. Provision of 20m forward visibility (centreline to centreline) for the bend by plot 55

3. Need to review suitability of existing bridge over Yazor Brook for use as cycleway in terms of structure, visual, and railings/safety. I would add that the cycleway route shown seems unnecessarily curved.

Otherwise the internal layout and parking provision is considered acceptable

An updated plan was received to address points 1 and 2 above and the transportation manager has subsequently confirmed the acceptability of these.

#### 4.4 The Conservation Manager (landscape) has made the following comments:

This is a brownfield site within the urban area of Hereford. Redevelopment for residential use is consistent with the landscape character. The landscape consideration for this scheme will come through good urban design, inclusion of green infrastructure, retention / protection of existing trees and a suitable, high quality landscape and management scheme.

Trees – I disagree with several of the classifications provided in the tree survey by Marlow Consulting Ltd and am surprised at the number of low category trees. A majority of the trees do need to be removed for the flood alleviation works, however, so this is irrelevant. I note the following concerns,

- A group of 5 apple trees (1482 – 1486) to the west boundary are mature and in good condition. They could have been retained as a landscape feature, with some new planting to supplement the longevity, particularly as a good communal garden area for the block of flats.
- Two trees are proposed for retention within the POS (1498 & 1497), however these are only category C and not particularly long lived species (an ornamental cherry and ornamental thorn). The thorn is unlikely to survive the close proximity of construction work for the new road. The new tree planting proposed in this area should be designed to replace these in the long term.

Landscape and townscape design – It is a shame that no hard and soft landscape scheme have been provided, as this would help to create a sense of place and high quality environment. A few new trees are shown, but only as indicative symbols and this will not replace the vegetation cover lost along the Yazor Brook corridor. It is a shame that sections of this important Green Infrastructure corridor will be bound by 1.8m high blank close board fence, although the hedgerow will help to soften this. It is noted that the applicants have provided two plots as frontage (38 & 39), with two plots side on (29 & 30) to this corridor. The provision of lower bow top railings at some locations will help to break up the residential boundary.

Conditions – If the application is to be approved then the following conditions should be added:

- Plan showing location of temporary tree protection fencing during construction and type of fence.
- Hard and soft detailed landscape scheme and specification.
- Landscape and ecological management plan.

#### 4.5 The Conservation Manager (Ecology) makes the following comments

I would accept the survey findings although I would point out that the south bank of the Yazor Brook seems likely to undergo re-profiling for flood prevention works in contradiction of the ecological report understanding in Section 6.3.8 that it will remain unaffected. I would add that the condition of the bank in this area is sub-optimal for nesting kingfisher in any case.

The National Planning Policy Framework 2012 states that *“The planning system should contribute to and enhance the natural and local environment by minimising impacts on*

*biodiversity and providing net gains in biodiversity wherever possible*". It goes on to state that "when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity" and "opportunities to incorporate biodiversity in and around developments should be encouraged".

If this application is to be approved, I recommend the inclusion of the following non-standard conditions (see recommendation)

Commensurate with the scoping opinion issued I agree that the site is unlikely to have a significant likely effect upon the R. Wye SAC. In line with the scoping opinion, to ensure construction impact is contained, protection of the surrounding environment is assured (including upon the R. Wye SAC) and the effects upon the adjacent SINC is minimised I would require the following non-standard condition

#### 4.6 The Conservation Manager (Archaeology) makes the following comments:

The proposed development would clearly involve extensive ground-works. However, it is well understood that much of the site area has already been subject to a considerable amount of prior disturbance. Accordingly, the impact of the development is likely to be comparatively low and there is no need for further specialist reports to be submitted prior to the determination of this application. In principle, the proposal is supported.

On the other hand it is noted that the Yazor Brook, which passes just to the north of the principal area of works, has some potential for buried archaeological remains dating from prehistory onwards. Some of the proposed landscaping / channel works in particular may impact on these. Accordingly, it has been agreed that some limited mitigation recording would be appropriate in parts of the site.

Having regard to relevant policy and best practice (in particular but not limited to Para. 141 of the National Planning Policy Framework 2012 [NPPF]) and 'saved' Policy ARCH6 of the Herefordshire Unitary Development Plan 2007, I would therefore advise the following:

The site is likely to include some at risk heritage assets with archaeological interest; although it is considered that harm to these will be limited and *can be mitigated*.

Accordingly, the developers should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make their evidence (and any archive generated) publicly accessible. This requirement would be by means of an appropriate archaeological recording project, secured by planning condition attached to any permission granted.

In this case I would advise Herefordshire Council's standard archaeological condition E01/ C47. This is likely here to lead to a combination archaeological project comprising both trenching and precautionary watching brief (as indeed is indicated in the submitted planning statement)

#### 4.7 The Parks and Countryside Manager comments:

On Site Play Area:

At pre-application discussions we agreed that the play area location is acceptable, although it will flood, and even with the bund area it allows for a 400sq m area to be developed for formal play, meeting UDP policy requirements and will include a pathway across the site as shown in the layout plans. Sites with slopes potentially allow for an imaginative design making use of the contours. It is noted that the design for the play area is still to be finalised and we would expect to be consulted and agree the final design.

On site POS/Flood Modelling Works and Ancillary Features:

Details for landscaping /POS /flood modelling works and wildlife corridor have been discussed at a pre-application stage and a landscaping/planting scheme will need to be agreed and appropriate management plans drawn up to include details of POS, any boundary treatments, pathways and connectivity etc. throughout this area.

Future Adoption:

The council has agreed to consider the future adoption of the play area and POS on the understanding that the final designs meet with our approval.

It has previously been agreed that the bund will have a fairly low profile with no steep slopes and it is noted that a 1in 4 slope is now proposed on the layout plans. For future use of maintenance machinery it should not be any steeper.

Boundary treatment needs careful consideration in view of landscape/ biodiversity and maintenance issues. These issues have been discussed at a pre-application stage. From a maintenance point of view the proposed hedge boundary on top of a 1in 4 slope is not acceptable unless there is an agreed flat area wide enough to allow machinery onto it. If it remains as proposed it would be unlikely that the council would adopt it. A standard fence boundary would be acceptable as long as there were no gates (to avoid future fly-tipping etc.).

The commuted sums towards 15 years future maintenance of the on-site play area and public open space would be calculated in accordance with our latest tariffs and on the final landscaping design. However it is also understood that the applicant may pursue the option of undertaking the necessary arrangements for taking on a management company for the future maintenance. If this is the case we would still require a play area and usable open space to meet the above standards and policy requirements and assurance that it would be maintained in perpetuity through a maintenance plan.

#### **Draft Heads of Terms:**

It is noted that the indicative s.106 heads of terms identify:

On Site Play Space contribution  
Indoor Sports Facilities contribution

4.8 The EHO recommends a condition in respect of noise during construction phases.

4.9 The Land Drainage Manager makes the following comments:

The proposals are for a development for 65 new dwellings with public open space and associated infrastructure and a temporary sales office. The total area of the site is 2.22ha of brownfield and greenfield composition. The Yazor Brook forms the northern boundary of the site and is an ordinary watercourse under the authority of Herefordshire Council.

#### Fluvial Flood Risk

The site is partially located in Flood Zone 2, Flood Zone 3a and Flood Zone 3b. Flood mitigation proposals are set out within the FRA to reclassify the developable area of the site as Flood Zone 1 by regrading the channel of the Yazor Brook and raising adjacent land.

The flood mitigation proposals have been informed by 1D-2D hydraulic modelling of the Yazor Brook.



Modelling of the post-mitigation scenario demonstrates that the proposed residential development, roads and drives will be located in Flood Zone 1 which satisfies the requirements of the sequential test as outlined in the NPPF. An 8m wildlife corridor will be maintained from top of bank of the Yazor Brook with no development proposed within this zone, with the exception of the proposed surface water outfalls to Yazor Brook.

Implications on flood risk both upstream and downstream have been considered in the FRA which states that "any increases in water level are in the order of 10mm, which is far less than the model's level of accuracy and there is a clear improvement in flood risk downstream of the site on the Yazor Brook." Table 4 in the FRA shows that the levels in Widemarsh Brook increase but the FRA concludes that these increases are "not significant", being "between 2 and 5mm and therefore are unlikely to be realistic". Assuming the EA agrees that the modelling has been undertaken adequately, there seems to be no increase in flood risk elsewhere due to the proposed flood mitigation works.

#### Surface Water Flood Risk

The uFMfSW (updated flood maps for surface water) and FRA indicate that there is no significant risk of surface water flooding to the site up to and including the 1 in 100 yr event.

#### Other Sources of Flood Risk

The FRA considers flood risk from tidal sources, drainage and infrastructure, groundwater, reservoirs, canals and other artificial sources and concludes that the risk to the site is mostly negligible. The risk from groundwater is considered low as the site will be raised locally above the elevation of the surrounding land adjacent to the Yazor Brook.

#### Surface Water Drainage

The proposed drainage strategy for this site is to discharge surface water to the Yazor Brook at equivalent greenfield rates up to the 1 in 100 year event, and allowing for a 30% increase in rainfall intensity due to climate change effects. Surface water will be attenuated in box culverts and crate storage units prior to discharge via hydrobrakes.

The FRA states that the soils are understood to be relatively free draining. However, no consideration has been given to the use of infiltration techniques to dispose of surface water. The SUDS management train, which gives priority to infiltration before attenuated discharge to a watercourse, does not appear to have been followed. The requirement of Policy DR4 of the Strategic Flood Risk Assessment to "utilise sustainable drainage techniques in respect of surface water wherever possible, with alternatives being considered only where sustainable techniques cannot be demonstrably be provided" has therefore not been met fully.

It is recommended that Herefordshire Council request the developer to demonstrate that use of infiltration techniques has been considered prior to agreeing to the discharge of surface water runoff to Yazor Brook.

No indication regarding the proposed maintenance of the surface water drainage system and associated outfalls has been provided. It is recommended that Herefordshire Council request the developer to identify any proposed adoption and maintenance arrangements prior to construction.

#### Overall Comment

Whilst we agree to the development proposals in principle, we advise Herefordshire Council to request the following prior to granting planning approval:

- Evidence that the use of infiltration techniques has been considered.

By reference to the response from the EA we advise Herefordshire Council confirm the following (and where this is not the case for this information to be provided by the developer to allow Herefordshire Council to satisfy itself of the proposals):

- Evidence that the Environment Agency has reviewed and approved of the 1D-2D hydraulic modelling, proposed mitigation measures and residual flood risks.
- Evidence that the Environment Agency has been consulted regarding the proposed surface water drainage strategy and outfalls to the Yazor Brook.
- Detailed drainage design and outfall drawings/construction details.

## 5. Representations

5.1 Hereford City Council support the provision of local housing but we would like to see some provision of bungalows designed to suit needs of elderly within this development. We are also concerned over the single access to this site and what implications the newly generated traffic will have on the already extremely busy Whitecross Road. We suggest that further effort should be made to assess whether additional access could be secured off the other side of estate.

5.2 11 Letters of representation have been received that raise the following issues and concerns:

- Concern about additional traffic movements along Whitecross Road and at the junctions
- Will cause additional traffic queuing on Whitecross Road
- Particular concern about construction traffic impact
- Baggallay Street, Meyrick Street and Ingestre Street are narrow with cars parked along them. This will add to the congestion.
- Other transport / access routes should be explored.
- Potential impact on ability to access Care Home, especially for emergency access
- Significant impact to wildlife, environment and mature trees
- The orchard should be retained
- The site should be all affordable housing
- Concern about sewerage / drainage capacity in the area
- Support cycle path provision

5.3 The consultation responses can be viewed on the Council's website by using the following link:-  
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-  
[www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage](http://www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage)

## 6. Officer's Appraisal

6.1 The key issues for consideration are:

1. Principle of development
2. Highways and Access
3. Design and Layout
4. Affordable Housing Provision
5. Flood Risk and Mitigation
6. Landscaping and Biodiversity
7. Public Open Space
8. Impact on amenities and neighbouring properties
9. Section 106

*Principle of development*

- 6.2 The application site is allocated in the Herefordshire Unitary Development Plan (policy H2) as suitable for a development of approximately 60 dwellings. A development brief (Supplementary Planning Document) was subsequently prepared in June 2006 that outlined the requirements and constraints of the site. The development brief and allocation identified an estimated capacity of 60 dwellings. The proposed layout is for 65 units, which includes some 1bedapartments, and is considered to accord with this guidance. The site is located in a sustainable location with good cycle and pedestrian links to services and employment and to a range of transport modes. The development of brownfield land is also supported in policy. As such, the proposal is considered to be acceptable in principle.

#### *Highways and Access*

- 6.3 One of the key issues arising through the public consultations relating to this proposed development is the impact that the development may have on the local road network, in particular during the construction phase. The application was accompanied by a detailed transport assessment and this acknowledges the capacity issues at the junctions with Whitecross Road. However, in the assessment of this application, consideration must be given to the former use of the site as a High School and the Council's Transportation Manager has carefully considered the data submitted and concludes that the traffic generation from this site would be acceptable. There is sufficient parking provision for the dwellings within their curtilage or parking courts to ensure that parking does not 'spill out' onto the neighbouring roads.
- 6.4 This must also be considered having regard to the location of the site and the excellent opportunities for walking and cycling to key services and transport links. The proposal includes upgrades and links through the site onwards towards the west (Trinity Primary School, Whitecross High School). This site also offers opportunities to improve the links for residents of the city who wish to travel from Whitecross Road to the West or North of the city and improve sustainability for a wider area. As such, the proposed development would comply with the sustainable development policies of the Unitary Development Plan and with the wider emphasis of sustainable development
- 6.5 The key concern of local residents relates to the construction traffic. A meeting was recently held with the ward members and applicants to discuss, in more detail, the issues and concerns in relation to the construction phase of development. It was confirmed that alternative accesses to the site were not possible due to ownership and financial viability constraints and that as such, the construction phases would be carefully managed by the applicant to ensure minimal disruption and to avoid, wherever possible peak hours in terms of deliveries. The demolition of the school has already been undertaken using Baggallay Street. The applicants have undertaken to meet with the local residents, provide contact details and meeting with the site manager prior to the commencement. The developers operate a scheme called 'Miller Respect' that improves interface and communication with the public (including customers, neighbours and other bodies affected by activities) and supports Miller Homes policy on Corporate Responsibility. A construction management condition is also recommended that will ensure that the construction phase is undertaken in a considerate way and minimise disruption. Ensuring space within the site is provided for parking, turning and deliveries is also a key aspect of this condition.

#### *Design and Layout*

- 6.6 The application site is constrained by its shape, by the provision of the highway to the south to access the playing field, flood zone to the north and ecological protection and mitigation measure required. The proposed layout is considered to reflect the local character, creating new features within the development to give the site its own sense of place and identity. The units that front the open space areas provide natural surveillance. The different street types also help to improve legibility, connections and permeability.

- 6.7 The proposed buildings are predominantly 2 storey, and are of a size and scale that reflects the scale of the local area. Landmark buildings have been located around the development and provide a focus, especially on the approach to the site. The appearance of the site has been designed having regard to the local vernacular and incorporate a co-ordinated range of materials and detailing. The built form has been developed having regard to amenity space, proximity to neighbouring property and relationships to the highways. The proposal includes a range of buildings that are considered to offer a variety of dwellings, but at the same time complement each other when viewed as a composite.
- 6.8 The design and layout of the proposed development is considered to be acceptable and in accordance with the requirements of policies DR1 and H13 of the Unitary Development Plan and with the guidance contained within the National Planning Policy Framework.

#### *Affordable Housing Provision*

- 6.9 The affordable housing provision is offered following significant discussion with the Council's Housing Needs and Development Team who support the provision of 22 dwellings. Discussions related to tenures and positioning reflect these discussions. The dwellings will also be developed to Lifetime Homes, DQS and a minimum of Code level 3 for Sustainable Homes. All of the affordable dwellings are to be allocated to applicants in housing need from the Home Point register. The proposal would comply with the requirements of policy H9 of the Unitary Development Plan and the Councils Supplementary Planning Guidance – Affordable Housing.

#### *Flood Risk and Mitigation*

- 6.10 This site is partially located in Flood Zone 3, which is the high risk zone and is defined for mapping purposes by the Agency's Flood Zone Map. Flood Zone 3 refers to land where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year). A large portion of the site is located in Flood Zone 1; the low risk Zone, where all built development should be situated. Prior to the submission of the application, it was established that in order to develop the site in any meaningful way and in order to protect future residents and dwellings, a flood mitigation proposal was required.
- 6.11 The Environment Agency has objected and requested further information be submitted. This is being undertaken following discussion with the relevant parties and should be submitted shortly. The updated Flood Risk Assessment is expected to address the concerns raised and this objection. Members will be updated on this position, but this appears to be a technical issue in respect of the information included in the FRA and considered to be resolvable. The recommendation to approve this application, subject to overcoming the Environment Agency objection reflects this.

#### *Landscaping and Biodiversity*

- 6.12 In order to develop the site and address the issues of flooding, the proposal requires a significant amount of works along the stream corridor. This has an impact upon the biodiversity and landscape qualities of this area and these issues have been subject of a significant amount of pre-application discussion and work. As reflected in the comments from the Landscape Officer and Ecologist, the proposed planting and mitigation do offer sufficient compensation for this loss and disturbance with planting and enhancement measures proposed. Detailed method statements would be required by way of a condition, along with on going maintenance and management of the areas. Subject to the relevant conditions, the proposal would comply with the requirements of policies LA5, NC1, NC7, NC8 and the guidance contained within the NPPF that seeks to protect biodiversity.

- 6.13 Following the comments from the Landscape Officer, a detailed hard and soft landscaping plan, including details of boundary treatments is also required to ensure that the proposed works are compliant with policy LA6. Likewise, conditions are recommended to ensure protection of trees to be retained during the construction phase and a long term maintenance, management plan is also required to ensure compliance with policies LA5 and LA6 of the Unitary Development Plan and with the guidance contained within the NPPF that seeks to ensure attractive places to live.

#### *Public Open Space*

- 6.14 The proposed play area is considered to be acceptable and would allow for a 400sq m area to be developed for formal play, meeting UDP policy requirements and will include a pathway across the site as shown in the layout plans. Sites with slopes potentially allow for an imaginative design making use of the contours. It is noted that the design for the play area is still to be finalised and as such a condition is recommended.
- 6.15 The Council has agreed to consider the future adoption of the Public Open Space, but there is also a possibility that future maintenance may be undertaken by a management company. Securing onward maintenance either through adoption or Management Company will be secure through a section 106 agreement in perpetuity.

#### *Impact on amenities and neighbouring properties*

- 6.16 The proposed layout has taken into account the proximity of the properties to the south of the application site. There is considered to be sufficient back to back distance between the properties, and existing landscaping and trees are to be retained where possible offering further separation. As such, the proposal is considered to comply with the requirements of policy DR2 and H13 of the UDP.

#### *Section 106 agreement*

- 6.17 In line with the requirements of policy DR5 and the Councils SPD – Planning Obligations a detailed heads of terms was submitted with the planning application and is attached to the report. The applicant has considered the requirements and is in agreement with these requirements and a Section 106 agreement is being prepared.

#### *Conclusion*

- 6.18 The proposed development is considered to be an acceptable form of development that would secure the development of a sustainable and allocated site that would support the NPPF agenda (paragraph 47) to promote significantly the supply of housing. The concerns in respect for traffic generation and management have been carefully considered, and whilst the restricted nature of the surrounding residential highway network is acknowledged, the former use of the site is a material consideration in the assessment of this application and no objection is raised by the Council's Transportation Manager. A detailed construction management plan is proposed to address concerns raised in accordance with the policies DR2 and DR3 of the Unitary Development Plan. The detailed layout and design of the proposed development, including play space provision, is considered to be an acceptable form, that would address the requirements of the on and off site play provision and relationship with neighbouring dwellings. It would therefore comply with the requirements of policies DR1 and H13 of the Unitary Development Plan and would establish a sense of place and visually attractive area to live in accordance with the NPPF guidance. The conflicts with the biodiversity and landscape interests of the site, have been carefully weighed against the need to protect the development from flooding and the need to boost the County's supply of housing and a solution that includes significant mitigation measures has been tabled and is supported by the Conservation Manager. Subject to the resolution of the outstanding issues with the Environment Agency the application is recommended for approval with the following conditions:

## RECOMMENDATION

That following the resolution of the outstanding issues raised by the Environment Agency planning permission be granted subject to the following conditions, and any other conditions deemed necessary following consultation with the Environment Agency:

1. A01 Time limit for commencement (full permission)
2. B01 Development in accordance with the approved plans
3. C01 Samples of external materials
4. E01 Site investigation - archaeology
5. G10 Landscaping scheme
6. G11 Landscaping scheme - implementation
7. G04 Protection of trees/hedgerows that are to be retained
8. G17 Provision of open space and play areas (outline permissions)
9. H11 Parking - estate development (more than one house)
10. H18 On site roads - submission of details
11. H20 Road completion in 2 years
12. K4 Nature Conservation - Implementation
13. K5 Habitat Enhancement Scheme
14. L01 Foul/surface water drainage
15. L02 No surface water to connect to public system
16. L03 No drainage run-off to public system
17. L04 Comprehensive & Integrated draining of site
18. *"The recommendations set out in Section 6.3.10 and 6.3.11 of the ecologist's preliminary report dated January 2013 should be followed unless otherwise agreed in writing by the local planning authority. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to carry out further survey work to establish the presence or otherwise of reptiles and protected species of mammal, and to oversee the ecological mitigation work."*

### Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 & NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the

**NERC Act 2006.**

19. ***Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.***

**Reasons:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

20. ***"Prior to commencement of development, a Construction Environmental Management Plan shall be submitted for approval in writing by the local planning authority and shall include timing of the works, details of storage of materials and measures to minimise the extent of dust, odour, noise, vibration and potential siltation/run-off arising from and construction process. The Plan shall be implemented as approved."***

**Reasons:** To ensure that all species and sites are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire's Unitary Development Plan.

To comply with policies NC8 and NC9 within Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

21. **I 16 Construction Management Plan**
22. **I51 – Details of Slab Levels**
22. **B07 - Section 106 agreement (attached Heads of Terms)**

**INFORMATIVES:**

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **N11A - Wildlife and Countryside Act 1981 (as amended) - Birds**
3. **N11C – General**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



# HEADS OF TERMS

## PROPOSED PLANNING OBLIGATION AGREEMENT

### Section 106 Town and Country Planning Act 1990

#### Application Number: 132226/F

Proposal: Development for 65 new dwellings with public open space and associated infrastructure and a temporary sales office on the former Whitecross School Site, Baggally Street, Hereford

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1<sup>st</sup> April 2008. All contributions in respect of the residential development are assessed against on general market units only.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of (per open market unit):
  - £3566.00 (index linked) for a 2 bedroom apartment open market unit
  - £5504.00 (index linked) for a 2/3 bedroom open market unit
  - £9315.00 (index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at North Hereford City Early Years, Lord Scudamore Primary School, St Francis Xavier R.C Primary School and Hereford City Youth with 1% allocated for Special Education Needs. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of (per open market unit):
  - £1720.00 (index linked) for a 2 bedroom open market unit
  - £2580.00 (index linked) for a 3 bedroom open market unit
  - £3440.00 (index linked) for a 4+ bedroom open market unit

to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

- 2.1. Widening of the existing footpath from Plough Lane to Yazor Road to provide a shared cycleway/footpath
- 2.2. The provision of a cycleway from Plough Lane to Great Western Way along the south side of Whitecross Road
- 2.3. Pedestrian improvements at the Grimmer Road/Whitecross Road signalised junction
3. The developer covenants with Herefordshire Council to provide an on-site play area, to cater for toddlers and older children, to the value of approximately £57,000. The developer covenants with Herefordshire Council to pay Herefordshire Council an Open Space Commuted Sum towards 15 years future maintenance of the on-site play area calculated in accordance with the Council's tariff for calculation of commuted sums 2013 (or any successor tariff) unless an alternative method of on-going maintenance is agreed in detail and in perpetuity.
4. The developer covenants with Herefordshire Council to pay the sum of:
  - £408.00 (index linked) for a 1 bedroom open market unit

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Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

£496.00	(index linked) for a 2 bedroom open market unit
£672.00	(index linked) for a 3 bedroom open market unit
£818.00	(index linked) for a 4+ bedroom open market unit

for sports (contribution based around the requirements of policy H19 and RST4 of the UDP and Sport England Sports Facilities Calculator). The money shall be used by Herefordshire Council to provide enhanced indoor sports facilities in Hereford City.

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:
 

£120.00	(index linked) for a 1 bedroom open market unit
£146.00	(index linked) for a 2 bedroom open market unit
£198.00	(index linked) for a 3 bedroom open market unit
£241.00	(index linked) for a 4+ bedroom open market unit

The contributions will provide for enhanced Library facilities in Hereford. The sum shall be paid on or before the occupation of the 1<sup>st</sup> open market dwelling, and may be pooled with other contributions if appropriate.

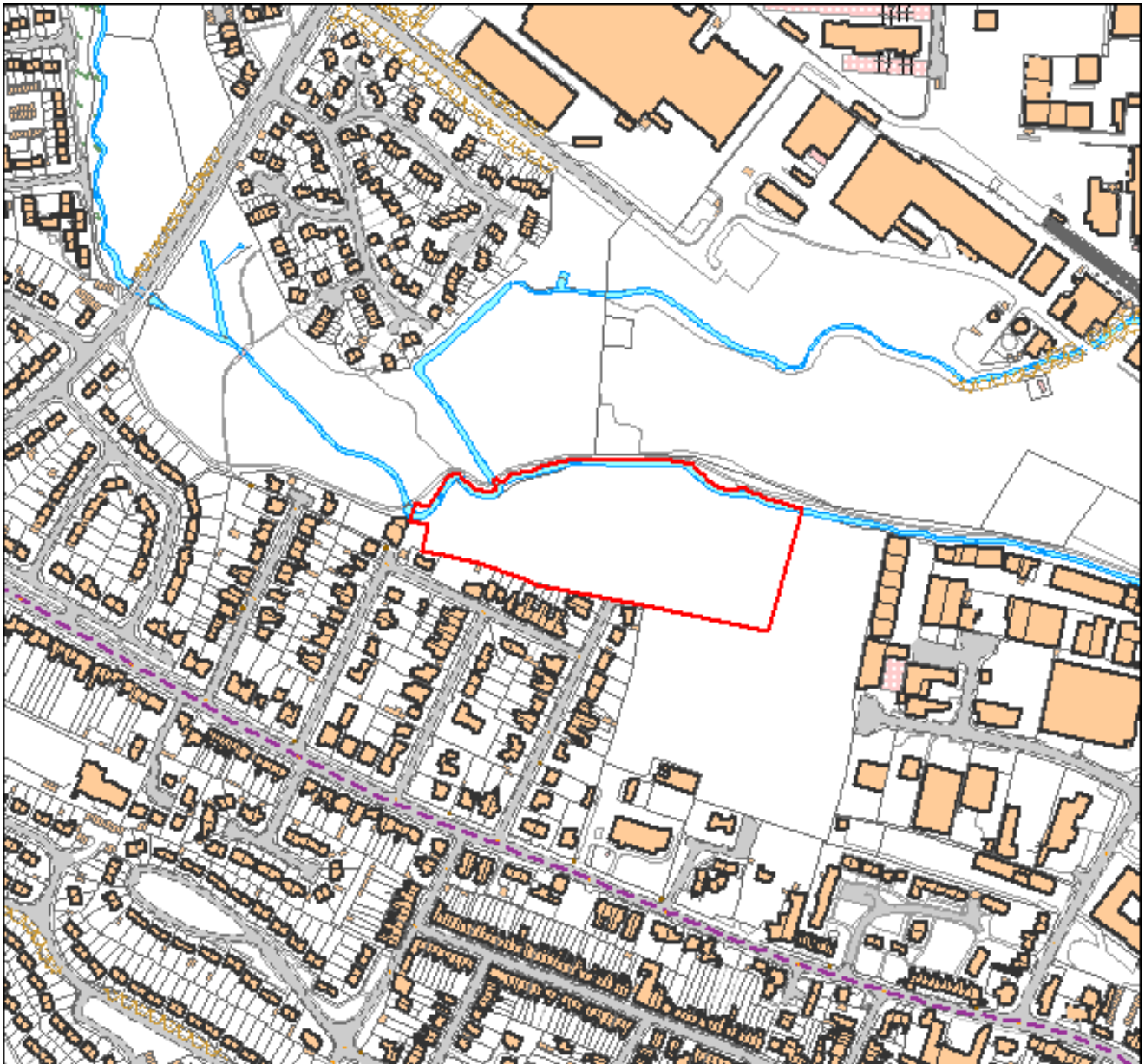
6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £120.00 (index linked) per open market dwelling. The contribution will provide for waste reduction and recycling in Hereford. The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwelling, and may be pooled with other contributions if appropriate.
7. The developer covenants with Herefordshire Council to pay Herefordshire Council 1% of the build costs of the development to provide public art. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
8. The developer covenants with Herefordshire Council that 35% (22 units) of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
9. Of those Affordable Housing units, at least 80% shall be made available for social rent with the remainder being available for intermediate tenure occupation.
10. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
11. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-
  - 11.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
  - 11.2. satisfy the requirements of paragraphs 11 & 12 of this schedule
12. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
  - 12.1. a local connection with the parish of Hereford City

- 12.2. in the event of there being no person with a local connection to Hereford City any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 12.1 above.
13. For the purposes of sub-paragraph 13.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
- 13.1. is or in the past was normally resident there; or
- 13.2. is employed there; or
- 13.3. has a family association there; or
- 13.4. a proven need to give support to or receive support from family members; or
- 13.5. because of special circumstances;
14. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to such subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
15. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 3 of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
16. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4, 5 and 6 above, 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.
17. The sums referred to in paragraphs 1, 2, 3, 4, 5 and 6 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
18. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
19. 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.

**October 2013**

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Further information on the subject of this report is available from Ms K Gibbons on 01432 261781



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**APPLICATION NO:** 132226/F

**SITE ADDRESS :** FORMER WHITECROSS HIGH SCHOOL, BAGGALLAY STREET, HEREFORD

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<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>30 OCTOBER 2013</b>
<b>TITLE OF REPORT:</b>	<b>132033/F &amp; 132034/C - DEMOLITION OF POST WAR BUILDING AND ERECTION OF 5 NO. DWELLINGS AT LAND AT CHESTNUTS, THE AVENUE, ROSS ON WYE, HEREFORDSHIRE</b>  <b>For: Balimark Ltd per RRA Architects Ltd, Watershed, Wye Street, Hereford, Herefordshire, HR2 7RB</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132033">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132033</a>

**Date Received: 24 July 2013**

**Ward: Ross-on-Wye East**

**Grid Ref: 359877,223638**

**Expiry Date: 18 September 2013**

Local Members: Councillors AM Atkinson and PGH Cutter

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

- 1.1 The application site is located on the northern side of 'The Avenue', a residential street to the east of the B4234 Walford Road, some 700 metres south of the Ross-on-Wye town centre. The site comprises 'The Chestnuts', which is one of a number of large mansion style Victorian building, which has a large post-war extension and a relatively large curtilage. The site has until recently been used as a care home. It is within the settlement boundary of Ross-on-Wye, in the Wye Valley Area of Outstanding Natural Beauty and Ross on Wye Conservation Area.
- 1.2 The application site consists of the rear of the former care home The Chestnuts and includes the large post war extension. The extension is rectangular in shape with a frontage onto The Avenue. There is limited parking or hard standing currently within the site; however there is street parking on The Avenue. There is a stone wall covered in ivy on the southern boundary facing onto The Avenue. Stone walls are a common feature along the street, with a number of mature trees also present. Within the application site of note is a large sweet chestnut tree in the western corner of the application site. The surrounding context of the site is predominantly residential, although St Joseph's primary school is accessed via The Avenue.
- 1.3 This application seeks Planning Permission and Conservation Area Consent to demolish the post-war extension and develop the site with the construction of five detached dwellings. The application does not include the original building, which is identified as being within the same ownership. The application has been amended during the application process with regards to the design of plot 1 and vehicular access into the site.
- 1.4 All five dwellings proposed will front onto The Avenue and have an attached flat roofed garage and rear garden. Plot 1 is located adjacent to the original building and is set further back into the plot than the other 4 dwellings to avoid contact with the large Chestnut tree. All five

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Further information on the subject of this report is available from Ms R Jenman on 01432 261961

dwellings are the same size and comprise four bedrooms, two of which are provided within the roof. The position of the garage varies with each dwelling.

- 1.5 The dwellings are to be constructed with stone walls on the ground floor, with a mixture of render and vertical timber boarding above. The roof is to be constructed from slate. To the rear of the dwellings timber louvers are used on part of the building. Plot 1 rear elevation and internal layout is different to the remaining four dwellings, with there being limited glazing on the rear wall, with one of the bedrooms on the first floor being served by a high level window and roof lights. On all five dwellings there are windows provided on side elevations to give light to the stairs, however all are obscured glazing. The ridge height of each dwelling is 9.7m, with a width of 11.2m (including the garage) and length of 15.9m.
- 1.6 There is a natural fall in level across the site from west to east. The street plan submitted with the application shows the dwelling reflect this fall in level, with the proposed dwellings stepping down across the site.
- 1.7 The application is accompanied by a Design and Access Statement, an Ecological Report, Tree Survey and an Arboriculture Assessment.

## 2. Policies

### 2.1 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
S7	-	Natural and Historic Heritage
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H13	-	Sustainable Residential Design
H14	-	Re-using Previously Developed Land and Buildings
DR1	-	Design
DR3	-	Movement
HBA6	-	New development within conservation areas
HBA7	-	Demolition of unlisted buildings within conservation area
LA1	-	Areas of Outstanding Natural Beauty
LA2	-	Landscape Character and Areas Least Resilient to Change
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
T11	-	Parking Provision
NC1	-	Biodiversity and Development
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features of the Landscape Important for Flora and Fauna

### 2.2 National Planning Policy Framework:

The following paragraphs are considered to be relevance:

**53** – Local Planning Authorities should...resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

**56** – Good design is a key for sustainable development, is indivisible from good planning, and should contribute positively for making places better for people.

**58** – Planning policies and decisions aim to ensure that developments:

- Function well and add to the overall quality of the area;

- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live;
- Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments; and
- Are visually attractive as a result of good architecture and appropriate landscaping.

**60** – Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

**64** – Permission should be refused for development of poor design that fails to take the opportunity available for improving the character and quality of an area and the way it functions.

**65** – Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incapability with an existing townscape, if those concerns have been mitigated by good design

### 2.3 Herefordshire Local Plan – Core Strategy 2011 – 2031 (draft)

- SS1 - Presumption in favour of sustainable development
- SS6 - Environmental quality and local distinctiveness
- MT1 - Traffic management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geo-diversity
- LD3 - Green infrastructure
- SD1 - Sustainable design and energy efficiency

2.4 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

## 3. Planning History

- 3.1 S130207/F Demolition of post-war building and erection of 5 no. dwellings. Withdrawn 9 April 2013.
- 3.2 DCH953084/F Lift enclosure. Approved.

## 4. Consultation Summary

- 4.1 Welsh Water: No objection raised subject to conditions controlling the discharge of foul and surface water.

### Internal Council Advice

- 4.2 Conservation Manager (Landscapes):

The site has been visited previously and pre-application advice provided over a number of months.

**Trees** – The tree survey is suitable and follows recommended standards. It is particularly useful to have included off-site boundary trees to the north. I agree that the Sweet Chestnut (T2) is one of the most important trees on site and that it should be retained. The proposed site layout does include adequate root protection, through retaining the raised bank around the base and setting the house back. I agree that removal of T1 would improve the setting and future health of the Sweet Chestnut. It is a shame that T4, yew, has to be removed for the development. With suitable protection during construction, T2 should not be damaged by the proposed development, however as it is on the southern site boundary I am still concerned about long term amenity for residents and future pressure for removal of the tree in the long term through conflicts such as shading to windows and gardens, proximity of branches and seasonal leaf / fruit drop.

**Landscape / townscape and green infrastructure** – The site is within the Wye Valley Area of Outstanding Natural Beauty and the Ross-on-Wye Conservation Area. The site is suitable for residential development, as per the urban landscape character.

I support replacement of the existing, modern extension, with high quality houses, however the density of development is too high. It will fill the whole site, more than doubling the building footprint compared with the extension. The rear gardens of the proposed buildings are very small and the fronts will be predominantly parking. This density of development does not leave any space for replacement planting in compensation for the two trees that are to be removed and loss of the open, grass area.

I agree with the Senior Building Conservation Officer that the boundary wall is a positive feature of The Avenue and should be retained; the proposal to create four vehicle access gaps does not respect this. From a conservation view the need to take cars off the public highway does not outweigh loss of this feature.

Together, the loss of trees and open space, lack of compensatory planting and damage to the historic boundary wall, will all have a negative impact on the townscape character of The Avenue, contrary to UDP Policy LA2.

4.3 The Traffic Manager: No response at the time of writing report.

4.4 Conservation Manager (Ecology):

I have read the additional information on the bat survey provided by Tyler Grange as requested by Bridgit Symons and dated 25th July 2013. I take it the 'dawn' survey of 8th July is an evening survey as it is timed at 21.30 onwards. I am happy with the findings in that they bear out the lack of evidence of bat roost within the building.

The National Planning Policy Framework 2012 states that "The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible". It goes on to state that "when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity" and "opportunities to incorporate biodiversity in and around developments should be encouraged".

If this application is to be approved, I recommend the inclusion of conditions.

4.5 Conservation Manager (Historic Buildings and Conservation):

Although I did not object to the original scheme, I am inclined to think the design of the individual units is actually more successful now in architectural terms and as a whole it has lost much of the unrelenting uniformity (bordering on monotony) of its predecessor. However I am concerned at the further erosion of the southern (roadside) boundary wall, which I regard as a key feature of the site. The arguments advanced for this seem to be wholly utilitarian and

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Further information on the subject of this report is available from Ms R Jenman on 01432 261961



since there is no public benefit in this loss, and a perfectly feasible layout was achieved previously without it, I would not support this aspect of the revised scheme.

Shared access concentrated on two locations is preferable to the four breaches proposed here, which fatally undermine the logic of the wall as a linear structure.

## **5. Representations**

5.1 Ross-On-Wye Town Council: No objection.

5.2 Seven letters of objection has been received. The content is summarised as follows:

- Proposed dwellings are inappropriate in terms of scale and density, with the regimental design not in keeping with the prevailing character of the street and surrounding area.
- The dwellings will have an overbearing impact on adjoining dwellings and impact on their amenity with regards to privacy.
- Additional vehicle access through stone wall will cause additional traffic crossing the pavement and will impact on the safety of pedestrians, especially at peak times when school children are being dropped off and picked up.
- The additional vehicle access through wall detrimental to the character of the area through the loss of the stone wall.
- Not enough parking provided within the site, with vehicles not having enough room to turn within the site resulting in them reversing on to highway.
- No plans or information provided on the intended use of the original Georgian building on site, considered site should be considered as one.
- No consultation with neighbours has taken place.
- Development will impact upon a number of existing trees both within the site and within adjoin properties.

5.3 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

[www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage](http://www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage)

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

6.1 The key considerations in the determination of the application are as follows:

- 1) The Principle of Development
- 2) Impact of the development on the residential character and surrounding site context
- 3) Impact of the development on the neighbouring residential amenity
- 4) Impact of the development on the local highway
- 5) Other matters
- 6) Conclusion

### The Principle of Development

6.2 The application site lies within the defined settlement boundary of Ross-On-Wye within which Saved Policy H1 of the Herefordshire Unitary Development Plan (UDP) recognises that there is scope for appropriate residential development providing that the character and appearance of the wider locality is not adversely affected by the proposed development. Therefore, the proposal is acceptable in principle, subject to other material considerations being satisfactorily resolved.

## Impact of the development on the residential character and surrounding site context

- 6.3 The importance of achieving a high quality of design in all proposals is clearly set out within the NPPF and policies DR1 and H13 of the UDP. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 17 of the NPPF outlines the 12 core planning principles that the planning system should underpin both in plan-making and decision-taking. One of these principles is that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants'.
- 6.4 The Government attaches great importance to the design of the built environment, recognizing good design is a key aspect of sustainable development and is indivisible from good planning. New development should contribute positively to making places better for people. Paragraph 58 of the NPPF sets out the design requirements of developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
  - optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
  - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
  - are visually attractive as a result of good architecture and appropriate.
- 6.5 The application site is within the curtilage of the former Chestnuts care home and includes the demolition of a large two storey extension constructed in the 1960s. The scheme seeks permission for 5 dwellings all of similar design and scale. Although policies support the development and re-use of previously developed land, the NPPF advises that Local Planning Authorities should resist development which is inappropriate in its context, or which fails to take the opportunities available for improving character and quality of an area and the way it functions.
- 6.6 The five dwellings proposed, are all of similar design, appearance and scale. The Chestnuts is one of a number of large mansion style buildings grouped in the area close to the junctions of Walford Road and The Avenue. The buildings are typically set in large gardens with mature vegetation and bounded by stone walls. Dwellings have been built in some of the curtilages of some of the large dwellings, and in the case of the application site a large ancillary extension to the former care home. The extension is not considered to be of any architectural or historic merit, and does not contribute to the quality or character of the area. Therefore in principle its removal, having regard to improving the character and quality of the area is welcomed.
- 6.7 The Avenue itself promotes a mixture of different designed two storey dwellings, constructed from a mixture of brick, render and stone. The dwellings also vary in scale, however they are all detached within their own curtilages, set back from the highway with mature vegetation to the front. There are also a number of trees within the street on grass verges separating the pavement from the highway. Stone boundary walls are also a distinctive feature throughout the street scene. There is on street parking however, the majority of the dwellings do have sufficient parking within their curtilages.
- 6.8 The proposed scheme has been amended during the planning process to address concerns in relation of the impact on the landscape and character of the conservation area in respect of a

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Further information on the subject of this report is available from Ms R Jenman on 01432 261961

reduction in new vehicle access off the highway/puncturing of the existing stone boundary wall. The layout has also been amended since the previous application in respect of the impact of the development on the large Sweet Chestnut tree in the western corner of the site.

- 6.9 The proposal is predominantly for 4 bed detached family homes, fronting on to the highway, with their own parking and rear amenity space. The dwellings are to be constructed from a mixture of materials including render, vertical timber boarding and stone on the ground floor. They also have a large amount of glazing down the centre of the dwellings serving bedrooms and living areas. The height of each dwelling is 9.6m, although the layout follows the natural fall in site level from west to east across the site, allowing the houses to appear stepped within the street scene. The amended layout does retain a large proportion of the stone boundary wall and also the sweet chestnut tree.
- 6.10 Unitary Development Plan policies DR1 and H13 along with section 7 of the NPPF emphasise the importance of good design both in terms of the architecture of the buildings, the function of public and private spaces and integration with the wider environment. Paragraph 60 of the NPPF highlights that planning authorities should not stifle innovation, originality or initiative in design and having regard to the requirements of these policies, the general house design, in relation to materials are considered to be acceptable. It is acknowledged that they are of a contemporary design and appearance when compared to others in the street, however with no one distinct character prevailing, the proposed appearances of the dwellings, within the street scene are considered to be acceptable.
- 6.11 Paragraph 61 of the NPPF identifies that visual appearance and the architecture of individual buildings are very important factors, and securing high quality and inclusive design goes beyond aesthetic considerations. Therefore when assessing proposals for new development, consideration should be given to the connections between people and places and integration of new development into the natural, built and historic environment, with consideration to the overall scale, density, massing, height, landscape and layout of new development in relation to neighbouring buildings and the local area more generally.
- 6.12 The principle of developing the site for residential development is accepted, however the issues with regards to density have always been a concern of the officer, when having regard to the surrounding context of the site and the existing residential character. The scale and massing of the 5 dwellings proposed, whilst considered acceptable on an individual basis, leave limited spacing between the proposed dwellings and private amenity space. It is the officer's opinion that the scheme would benefit and be more appropriate in its surroundings if the density of the scheme was reduced to 4 dwellings.
- 6.13 In conclusion when having regard for the character and appearance of the established residential area, the proposed scheme for 5 dwellings, by virtue of the layout, scale and massing would represent over-development of the site that does not integrate appropriately into the established residential area.

#### Impact of the development on the neighbouring residential amenity

- 6.14 Policy H13 of the UDP requires all proposals to provide for acceptable levels of residential amenity including privacy both within the scheme and in respect of nearby properties. As already established the area surrounding the application site is primarily residential in character. Chapter 7 of the NPPF identifies that schemes should establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live. The advice is that Local Authorities should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

- 6.15 The proposed scheme has been amended during the planning process to address concerns in relation to the impact on the private amenity space of the dwelling to the rear and plot 1. Plot 1 is set back further into the site than the other 4 proposed dwellings to prevent disturbance to the Sweet Chestnut Tree. However this takes the dwelling within 3 metres of the rear boundary shared with the existing residential property Chasewood Lodge. The amended plans have removed the large areas of glazing on the rear elevation to prevent overlooking onto the private amenity space of the neighbouring dwelling. These amendments are welcomed and have protected the privacy and private amenity space of Chasewood Lodge.
- 6.16 However consideration also needs to be given to the amenity of other surrounding residential properties, as well as that of the proposed new dwellings. Of particular concern is that of the future occupants of The Chestnuts. The building and immediate surrounding grounds are not included within the application site. Its lawful use is that of a care home. Realistically it is likely that the building will either be developed into a single resident home, or be developed and subdivided into residential apartments. Either way it is considered important to ensure that the development of the rear curtilage does not prejudice or harm the future occupants of the building. The application does not include any information or consider the future of the building.
- 6.17 The amendments to the elevations of Plot 1 have significantly reduced the potential for overlooking on the residential property The Chasewood located to the rear of the site. However the proposed layout allows for limited private amenity space for plot 1, and that of the existing Chestnut building. In conclusion, due to lack of information submitted with the application, the proposed layout and scale of the 5 dwellings is considered to prejudice and harm the amenity of the future occupants of The Chestnuts in relation to parking, private amenity space and outlook. Due to the number of dwellings proposed, the officer is also not convinced that the development will create an attractive and comfortable place to live not only for the future occupants of The Chestnuts but for the occupants within the proposed scheme. The application is therefore contrary to Policy H13 of the Herefordshire Unitary Development Plan and paragraph 58 of the National Planning Policy Framework.

#### Access and Highways Issues

- 6.18 The amended block plans have identified that there are to be three access points into the site. Plot 1 is to be accessed through the existing garage which to be demolished, whilst plots 1, 2 and 3 are to be accessed via the existing access, and plot 4 will be accessed via the new access. Each dwelling will have parking for 2 cars, as well as room within the garage. The scheme also allows for the vehicles to turn and leave the site on forward gear. The Transportation Manager has not made any comments on the application at the time of writing the report. However I am satisfied that highway aspects of the scheme are acceptable.
- 6.19 Residents have raised a number of concerns in relation to the increase in vehicle movements as well as the reduction of on street parking which will occur due to the increase in access points. The residents have also highlighted that the road can be busy around school drop-off and pick up times by parents parking. This has been considered, however given that the site is "previously developed" with lawful uses that generated similar traffic movements and that the provision of parking and turning is allowed for within the site, it is not considered that this would be sufficient to represent a highway safety objection. As such the proposed access to the site would comply with the requirements of policy DR3 of the Unitary Development Plan.
- 6.20 Policy DR3 of the UDP is the principal policy which deals with movement in new development schemes, in particular that of vehicles and pedestrians. The policy seeks to ensure that all schemes provide for suitable provision for access to and from the site. The provision of attractive, safe and convenient movement into and out of the site is highlighted as an important factor with regards to highways safety.

- 6.21 Although the residents' concerns have been given full consideration, the proposed additional vehicle access and traffic movements generated by the proposal are not considered to prejudice highway safety and the off-site parking provision accords with adopted standards. Accordingly it is considered that the proposal would comply with the requirements of policies DR3 and T8 of the UDP.

#### Other matters

##### Impact on Protected species

- 6.22 In determining all development proposals, the effect upon biodiversity and protected species has to be given full consideration. Proposals are required to demonstrate that the proposal will have no adverse effects on, or damage, protected or priority habitats or species. In regards to these proposals the main consideration with regards to biodiversity relates to the demolition of the previous extension. In the previous application the applicant had not carried out sufficient bat activity surveys for the Council to be satisfied that the requirements of policies NC8 and NC9 within the UDP and the guidance within chapter 11 of the NPPF.
- 6.23 Submitted with this application is an updated ecological report with surveys having been carried out in the summer months. In summary, the surveys confirmed that no bat roosts are present within the building to be demolished as part of the proposed development. The application is therefore considered to be in compliance with relevant Policies within the UDP and NPPF.

##### Drainage

- 6.24 It is proposed to connect the foul drainage from the development to the public foul sewer located within The Avenue via a new gravity connection. Welsh Water has confirmed that there is sufficient capacity within the public foul sewer network to serve the foul flows from the development. They have also raised no objection in relation to surface water providing that it is not allowed to connect to the public sewerage system.

##### Housing Supply

- 6.25 Herefordshire currently has a shortfall with regards to providing a five year housing land supply. Recent appeal decisions across the country make the Government's position clear on this matter that greater weight will be given to Paragraph 49 of the NPPF which stipulates that relevant policies concerning the supply of housing land should not be regarded as up to date if a five year land supply cannot be demonstrated. In view of this, there is a requirement to release further land for housing that is deliverable within the next five years and which is sustainable, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole: or specific policies in the NPPF indicate development should be restricted.
- 6.26 Whilst officers are conscious that the proposal would contribute to meeting additional housing requirements, for the reasons outlined above the development is not considered to accord with other relevant UDP policies and NPPF guidance in relation to the general design, amenity and local distinctiveness of the area. The location of the development, being within the settlement boundary and an established residential area makes the principle of the development acceptable. However as outlined above the concerns with regards to the scale, density, layout and massing of the 5 dwellings proposed, make the development an inappropriate development for the site.

##### Conclusion

- 6.27 In conclusion, the proposal is not considered to be acceptable. The application site is within the Ross-on-Wye settlement boundary and within an established residential area, where the

principle of development is acceptable. However the issues with regards to the scale, design, layout, density and massing are considered to be finely balanced. Officers have concluded that the development, by virtue of the scale, density and proposed layout is unacceptable. Whilst noting the considerable efforts that have been made by the applicants to amend the scheme in relation to the neighbours amenity and concerns relating to the surrounding landscape, officers maintain the view that the current proposal would be an inappropriate form of development and would represent over-development of the site that would be harmful to the character and appearance of the established residential area and which would not integrate appropriately into the existing built environment. The scheme is not considered to accord with policies S1, DR1, H13 and HBA6 of the UDP and the guiding principles of the NPPF in this regard.

- 6.28 Furthermore, on balance given the limited information submitted with the application in relation to the future use of the existing and original Chestnut building, officers are not convinced that the proposal will not prejudice and harm the amenity of the future occupants of The Chestnuts in relation to parking, private amenity space and outlook.

## **RECOMMENDATION**

**In respect of 132033/F:**

**That planning permission be refused for the following reasons:**

- 1. The proposal would be an inappropriate form of development by virtue of its density, layout, scale and massing and would represent over- development of the site that would be harmful to the character and appearance of the established residential area and which would not integrate appropriately into the existing built environment. The proposal is therefore contrary to Policies DR1 and H13 of the Herefordshire Unitary Development Plan and guidance within chapters 6 and 7 of the National Planning Policy Framework.**
- 2. The proposed layout and scale of the five dwellings proposed is considered to prejudice and harm the amenity of the future occupants of The Chestnuts in relation to parking, private amenity space and outlook. The application has not had regard to the future use of the existing building, The Chestnuts, and due to insufficient information submitted with the application the Local Planning Authority are not convinced that the development will create an attractive and comfortable place to live not only for the future occupants of The Chestnuts but for the occupants within the proposed scheme. The application is therefore contrary to Policy H13 of the Herefordshire Unitary Development Plan and paragraph 58 of the National Planning Policy Framework.**

**Informative:**

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.**

In respect of 132034/C:

That Conservation Area Consent be refused for the following reason:

1. **Although in principle there would not be an objection to the proposed demolition of the post war extension, due to insufficient information having been submitted in relation to the subsequent elevations of the existing building and there not being an acceptable redevelopment proposal in accordance with policy HBA6, the application is considered to be contrary to guidance contained in the National Planning Policy Framework and saved policies HBA6 and HBA7 of the Herefordshire Unitary Development Plan and guidance within the National Planning Policy Framework.**

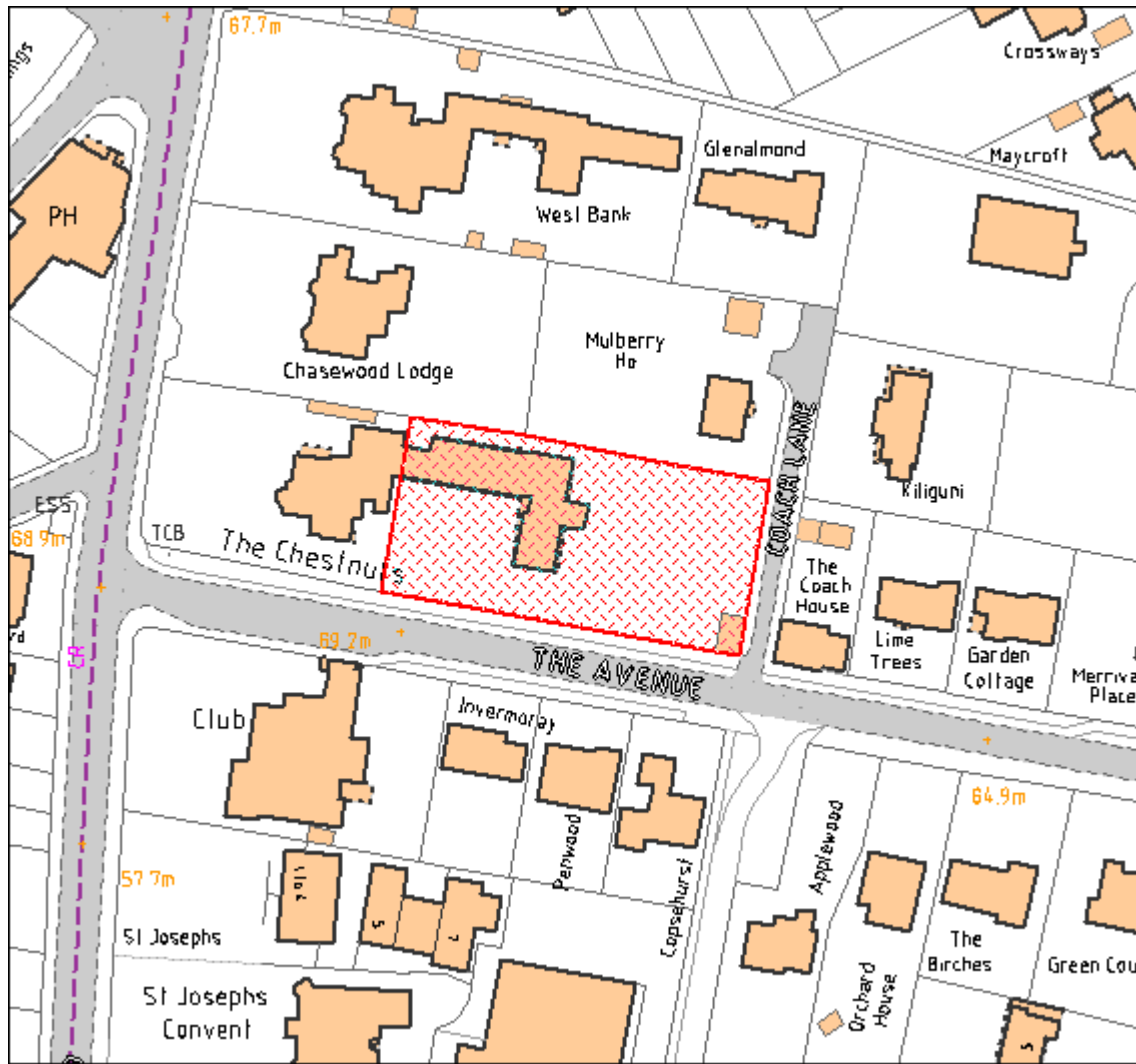
Decision: .....

Notes: .....

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### **Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 132033/F & 132034/C

**SITE ADDRESS :** LAND AT CHESTNUTS, THE AVENUE, ROSS ON WYE, HEREFORDSHIRE

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Further information on the subject of this report is available from Ms R Jenman on 01432 261961





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>30 OCTOBER 2013</b>
<b>TITLE OF REPORT:</b>	<b>132098/O - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (UP TO TWO DWELLINGS) AT LAND ADJACENT TO WHITE HOUSE, BARTESTREE, HEREFORD, HR1 4BY</b>  <b>For: Dr Karayiannis, White House, Bartestree, Hereford, Herefordshire, HR1 4BY</b>
<b>WEBSITE LINK:</b>	<a href="http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=132098&amp;NoSearch=True">http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=132098&amp;NoSearch=True</a>

**Date Received: 4 September 2013**      **Ward: Hagley**      **Grid Ref: 355819,241048**  
**Expiry Date: 30 October 2013**  
Local Member: Councillor DW Greenow

## 1. Site Description and Proposal

- 1.1 The site lies on the south eastern side of the A438, Ledbury to Hereford road at Bartestree, to the southwest of its junction with the vehicular access that serves the village hall, playing fields and Stalls Farm, farmhouse and cottage.
- 1.2 Currently the 0.3 hectare site comprises part of the residential curtilage of The White House, a large detached property, with access off the A road. The site is 48 metres in width with a depth ranging between 35 and 55 metres. A mature hedge runs parallel and adjacent to the roadside boundary and a fence and hedgerow, including a mature tree, demark the boundary to the village hall and playing fields access. The site is level, laid to lawn and partly used for the keeping of chickens.
- 1.3 Outline planning permission is sought for residential development, with all matters reserved for future consideration. As such the application seeks to establish solely the acceptability of the principle of development. The applicant has confirmed that the proposal is for up to two dwellings and has submitted a plan for illustrative purposes, which indicates that a single vehicular access would be provided onto the A438.

## 2. Policies

### 2.1 National Planning Policy Framework:

#### Achieving Sustainable Development

- Chapter 1 - Building a Strong Competitive Economy
- Chapter 6 - Delivering a Wide Choice of High Quality Homes
- Chapter 7 - Requiring Good Design
- Chapter 11 - Conserving and Enhancing the Natural Environment Decision-taking

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Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536

## 2.2 Herefordshire Unitary Development Plan (UDP):

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
DR1	-	Design
DR2	-	Land Use and Activity
DR5	-	Planning Obligations
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H7	-	Housing in the Countryside Outside Settlements
H9	-	Affordable Housing
H13	-	Sustainable Residential Design
H14	-	Re-Using Previously Developed Land and Buildings
LA2	-	Landscaped Character and Areas Least Resilient to Change

## 2.3 Supplementary Planning Document – Planning Obligations

## 2.4 Herefordshire Local Plan Draft Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS6	-	Environmental Quality and Local Distinctiveness
SD1	-	Sustainable Design and Energy Efficiency
RA2	-	Herefordshire's Villages
RA3	-	Herefordshire's Countryside
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
ID1	-	Infrastructure Delivery
H1	-	Affordable Housing – Thresholds and Targets

## 2.4 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

## 3. Planning History

### 3.1 SH88/0196/PO – Two bedroomed bungalow – refused 6.4.1988.

## 4. Consultation Summary

### 4.1 Transportation Manager: Further information is required regarding proposed means and location of access to the residential development to enable an assessment to be made as to the suitability of the access.

Amended plan: The proposed splayed entrance would be acceptable and any gates conditioned for setback. Visibility splays will require removal of the front hedge and the applicant has confirmed this in writing. The provision of a footway along the south side of A438 to link to the village hall access and existing signalised crossing should be considered. My recommendation is therefore approval subject to conditions.

### 4.2 Environmental Health Manager: No objection.

## **5. Representations**

- 5.1 Parish Council: Application supported.
- 5.2 Mr G Watts, Hagley Hall: Only reservation relates to the boundary hedgerows, which should be retained as they are an important wildlife habitat. The loss of hedgerows in the country means that the importance of retaining those left is paramount.
- 5.3 The consultation responses can be viewed on the Council's website by using the following link:-  
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-  
[www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage](http://www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage)

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

- 6.1 In planning policy terms, the site falls outside of the settlement boundary for Bartestree, as defined in the adopted Herefordshire Unitary Development Plan (UDP). Therefore, as stipulated in policy H7 open market residential development would not be acceptable in principle. However, the Council's published position is that currently it does not have a readily deliverable 5 year housing land supply. As specified in paragraph 49 of the National Planning Policy Framework, this renders the housing delivery policies of the UDP out of date. As such, in accordance with the paragraph 14 of the NPPF, there is a presumption in favour of the approval of sustainable development and planning permission should be granted unless negative impacts significantly and demonstrably outweigh the benefits.
- 6.2 Sustainability is considered by the NPPF to be three dimensional, providing social, economic and environmental roles. The site lies in relatively close proximity to services and facilities, such as a primary and secondary school, a children's nursery, village hall and playing fields, village shop and public house, and a regular daily bus service between Ledbury and Hereford. On this basis the site is considered to be suitably located for residential development. There is a need for additional dwellings and the site could readily accommodate development and help to satisfy this. A well planned scheme would ensure that the natural and built environment is protected. It is considered that the site is sustainable.
- 6.3 With regards to the planning history of the site an outline planning application for a bungalow was refused in 1988. The reasons for refusal were based on the fact that the site was outside the settlement boundary; contrary to the established pattern of development and that there was no demonstrated need for additional housing. This planning history, whilst being a material planning consideration, does not set a precedent preventing development of the site at this time. By virtue of the lack of a deliverable housing land supply and the requirements of the NPPF there has been a significant change in planning policy, such that it is necessary to consider whether the proposal is acceptable when considered against the Council's interim protocol.
- 6.4 Under the protocol consideration may be given to sites where they fall at locations that currently have settlement status within the UDP, are located adjacent to the existing settlement boundary and in terms of sites of 5 or more units, they should be sites that have been assessed through the Strategic Housing Land Availability Assessment as having low or minor constraints. The site lies on the opposite side of the road to the settlement boundary and would not be capable of accommodating 5 or more units. On this basis it is considered to accord with the requirements of the protocol.

- 6.5 In terms of the Draft Core Strategy, Bartestree is identified as a village for proportionate housing development where further growth is directed. However policy RA1 has been contested and in light of this it is considered that it cannot be afforded significant weight at this time.
- 6.6 All matters have been reserved for future consideration, however the Transportation Manager advised that details of the vehicular access were required to ensure that it would be achievable. An illustrative plan has been submitted indicating a single new vehicular access sited towards the centre of the roadside boundary onto the A438. On the basis of this plan the Transportation Manager has no objections, subject to conditions controlling the visibility splay, siting of any gates, provision of off road parking and turning areas and a pedestrian link to the controlled crossing point adjacent to the Village Hall access. As this application is in outline form, with all matters reserved for future consideration, the details of the access would be appraised and conditioned under the future reserved matters application. With regards to the provision of a footway to link to the crossing point adjacent to the village hall access, it is considered that this is achievable as it would cross land in the applicant's ownership and highway owned land. A pedestrian link would increase the accessibility of the site and improve its sustainability credentials. A condition is recommended to ensure that this is provided.
- 6.7 Under Policy H9 of the UDP proposals for housing development on windfall sites of 6 or more dwellings or more than 0.2 hectares in extent require affordable housing provision at an indicative target of 35%. The application site exceeds 0.2 hectares in area. The established pattern of development on the south eastern side of the A438 is relatively low density and any application for the reserved matters of siting and layout would need to respect this context. Taking these issues into account the applicant has confirmed that the proposal would be for not more than two dwellings with no affordable housing provision. Given the context of the site at this outline stage this is considered to be appropriate.
- 6.8 The local resident's comments are noted. It is likely that the provision of a new vehicular access would result in the loss of a significant length of the hedgerow. However, it could be a requirement of the reserved matters that a native hedgerow is planted to the rear of the visibility splay and habitat enhancement provided within the site. It should be noted that hedgerows that define the curtilage of residential properties are not afforded protection under the Hedgerows Regulations, as would be the case on more rural areas.
- 6.9 In accordance with the Council's temporary suspension for financial contributions for developments of 5 or less dwellings, the applicant has requested that if permission is granted the time limit for the commencement of development is reduced and no financial contributions are made. As the application is in outline form commencement must be within 2 years of the date of the permission. Prior to commencement the reserved matters must be submitted and approved.
- 6.10 In conclusion, the principle of development is acceptable, because the proposal accords with the NPPF, which outweighs the UDP in terms of housing land supply policies.

## **RECOMMENDATION**

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

- 1. A02 Time limit for submission of reserved matters (outline permission) reduced to 2 years – no contributions**
- 2. A03 Time limit for commencement (outline permission) reduced to 2 years – no contributions**

- 3. **A04 Approval of reserved matters**
- 4. **A05 Plans and particulars of reserved matters**
- 5. **Prior to the first occupation of either of the dwellings hereby approved a full specification of the construction of a footpath, parallel and adjacent to the A438 from the vehicular access into the site to the junction of the vehicular access to the Village Hall with the A438, shall be submitted to, approved in writing, and carried out fully on site in accordance with the approved details.**

**Reason: In the interests of highway safety, to improve pedestrian access to and from the site and to conform with the requirements of Policies S1 and DR3 of Herefordshire Unitary Development Plan and the principles of the National Planning Policy Framework.**

**Informative:**

- 1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 132098/O

**SITE ADDRESS :** LAND ADJACENT TO WHITE HOUSE, BARTESTREE, HERFORD

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