

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>21 JANUARY 2015</b>
<b>TITLE OF REPORT:</b>	<p><b>S123177/F - ERECTION OF THREE STOREY SHELTERED ACCOMMODATION BLOCK WITH ASSOCIATED PARKING AND LANDSCAPING AT LAND EAST OF 20 BELMONT AVENUE, HEREFORD, HEREFORDSHIRE, HR2 7JQ</b></p> <p><b>For: West Mercia Housing Group per Quattro Design Architects Ltd, Imperial Chambers, Longsmith Street, Gloucester, Gloucestershire, GL1 2HT</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=123177&amp;search=123177">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=123177&amp;search=123177</a>
<b>Reason Application submitted to Committee – Land partly in Council Ownership</b>	

**Date Received: 9 November 2012      Ward: St Martins and Hinton      Grid Ref: 350534,239190**

**Expiry Date: 25 February 2013**

Local Members: Councillors ACR Chappell, R Preece and P Rone

**1. Site Description and Proposal**

- 1.1 The application site comprises a broadly rectangular parcel of land, approximately 0.1 hectare in size that lies to the north of Belmont Avenue, approximately 100m to the west of the junction with the A465 Belmont Road. The site is a fairly level, laid to hard surface and currently comprises a car park and row of garages to the east of the site. To the western boundary is the public Rights of Way (PROW) (HER63) leading from Belmont Avenue to Asda and Kindle Centre that lies to the north of the site. The surrounding residential properties are mainly two-storey, with either flat or pitched roofs. There is a mix of flats and dwellings.
- 1.2 The application is a fully detailed submission for the demolition of the garages and the erection of a three storey residential block incorporating 10 no. 1 bedroom flats, described as being sheltered accommodation. The building is sited in a linear form fronting the highway. Three car parking spaces are accommodated to the eastern side of the application site, with extensive landscaping to the front and side of the proposed building and an area suitable for growing vegetables to the north east. The rear (northern) boundary of the site with the Asda car park will be formed by a 1.8m metal security fence. The east boundary with 29 and 30 Belmont Avenue will be a 1.8m close board fence. The western boundary, adjacent to the Public Right of Way being formed by metal railings (1.8m high).
- 1.3 Internally, the ground floor is primarily communal facilities including kitchens, lounges, office/reception and laundry. There is one accessible flat to the west side of the ground floor. To the first floor there are five flats and the second floor accommodates a further four flats.

- 1.4 The proposed building is three storey, but uses the roof space and dormer windows in the front elevation. The building is described as having a contemporary design elevationally, whilst taking design cues from buildings in and around the site. The roofscape is varied and building elevations and footprint staggered to offer variation to the elevations. The building will be predominantly brick, with timber panelling and weatherboarding. The application submission has been amended during the course of the process to remove / omit the car parking provision within the highway verge to the south of Belmont Avenue.
- 1.5 The application is accompanied by a detailed planning statement, Ecological Appraisal and Flood Risk Assessment that has been updated through the application process.

## **2. Policies**

### 2.1 National Planning Policy Framework

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 10 - Meeting the challenge of climate change, flooding and coastal change

### 2.2 Herefordshire Unitary Development Plan

- S1 - Sustainable Development
- S2 - Development Requirements
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR4 - Environment
- DR5 - Planning Obligations
- DR7 - Flood Risk
- H1 – Hereford and the Market Towns: settlement boundaries and established residential areas
- H13 - Sustainable Residential Design
- H14 – Re-using previously developed land and buildings
- T6 - Walking
- LA6 - Landscaping Schemes
- NC1 - Biodiversity and Development

### 2.3 Herefordshire Local Plan (Pre-publication Submission – May 2014)

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land for Residential Development
- SS4 - Movement and Transportation
- SS6 - Environmental Quality and Local Distinctiveness
- H1 - Affordable Housing – Thresholds and Targets
- H3 - Ensuring an Appropriate Range and Mix of Housing
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Local Distinctiveness
- LD2 - Landscape and Townscape
- LD3 - Biodiversity and Geo-diversity
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources

- 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:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

### 3. Planning History

- 3.1 None relevant

### 4. Consultation Summary

#### Statutory Consultees

- 4.1 Environment Agency

Following the submission of an updated Flood Risk Assessment the Environment Agency has submitted the following comments (Sept 2014):

Having reviewed the updated Flood Risk Assessment (Ref:894, dated July 2014 v2.0) we are unable to remove our objection at this time as elements of the proposed development are deemed unsafe in line with both National and Local Policy Guidance.

**Flood Risk:** The existing car park falls within Flood Zone 3 (High Probability) of the River Wye but is in an area benefitting from the Hereford Flood Alleviation Scheme (FAS), which is built to a 1 in 200 year standard. The site is located approximately 115 metres behind the flood defences and relatively near to the edge of Flood Zone 3. The proposed use as sheltered accommodation would be classed as 'More Vulnerable' use in planning policy terms though occupants would be at greater risk within this category compared to standard residential dwellings. Rab Consultants have submitted an updated FRA which includes the Environment Agency's modelled River Wye flood levels and details on the flood defences. The undefended 1 in 100 year flood level is 52.47mAOD and the FRA suggests the lowest ground level on the site is 51.56mAOD. We have previously requested that a breach and overtopping analysis be undertaken so that the risk to the site in these circumstances is known. BWB have undertaken a 2D breach and overtopping analysis based on our 1D 2012 River Wye model to assess the risk to the site should either of these scenarios occur. We are satisfied with the assessment undertaken. BWB have confirmed that flooding on the site would be in the region of 1.63m deep at 53.20mAOD and that this would be classed as extreme flooding and in the 'Danger to All' risk category.

**Flood Risk Assessment (FRA):** In our responses of 29 January and 29 March 2013 (Our Ref: SV/2012/10675/01 and 02) we stated that 52.20mAOD was not a suitable floor level for this location. It is 270mm below the 1 in 100 year flood level, not including climate change impacts, and only just above the 1 in 50 year flood level. Based on BWB's breach and overtopping analysis, with a flood depth of 53.2mAOD, the ground floor would flood to 1 metre. We may accept this on a conversion of an existing building but not with a new build.

Section 5.2 of Rab Consultants' FRA states that it is not feasible to raise the floor levels higher than 52.20mAOD due to the proximity of adjacent buildings and links to the road. Whilst we accept that the site is defended, we naturally have concerns when new buildings could flood internally to 1 metre. Our main concern is the presence of Flat 1 of the sheltered accommodation being on the ground floor. We cannot support self contained ground floor accommodation on the ground floor of a new building which could flood to a metre. If it is not feasible to raise the ground floor levels as we have previously requested (600mm above the 1 in 100 year plus climate change level), the only solution would be to locate 'less vulnerable uses' on the ground floor i.e. storage, offices, meeting rooms, laundry etc. This would still allow 9 units within the development and the flood resilient techniques outlined in Section 5.2

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

of Rab Consultants' updated FRA incorporated to reduce damage to the ground floor in a breach or overtopping scenario.

As Herefordshire Council's Strategic Flood Risk Assessment (SFRA) states (Section 5.4.3), flood defences reduce the risk of flooding but do not eliminate risk completely and residual risk is relatively high behind flood defences. The SFRA confirms that the Sequential and Exception Tests would still apply to new development, assuming the absence of the defence. In this case, the floor level would not be satisfactory in an undefended scenario.

**Flood Management and Evacuation Plan:** We have to take into account the presence of the defences but, as the access route is not dry during a breach or overtopping scenario, a suitable and sound Flood Management and Evacuation Plan is key to ensuring a safe development, particularly given the use. Whilst we offer the flood warning service, we do not comment on or approve the adequacy of flood evacuation plans. We note from Section 5.3 of Rab Consultants updated FRA that discussions have already taken place with Herefordshire Council's Emergency Planning team who have advised on the plan. The information provided in BWB's breach and overtopping analysis (Annex B) is adequate to highlight the risk and allow the Emergency Planners to make an informed decision on potential risk should the management plan fail.

Whilst the site and access route is in a defended area, given the depths of flooding on the site and that it is classed as 'Danger for All' in terms of risk in a breach/overtopping scenario, we would await confirmation that the Emergency Planners have approved the Flood Management and Evacuation Plan. Herefordshire Council's SFRA confirms that permitted development behind defences must still meet safe criteria (listed in section 5.4.2 of the SFRA), taking into account breach and overtopping scenarios.

**Flood storage Compensation:** We agree with comments made in Section 5.1 of the updated FRA that flood storage compensation is not a key issue for the land given its size, location and the fact that it is located behind the Hereford FAS.

**Summary:** Whilst the site is defended from flooding from the River Wye by defences built to a 1 in 200 year standard, the defences do consist of demountable sections. The FRA contains a suitable breach and overtopping analysis which confirms that the site could flood to depths of 1.63m with internal flooding of 1 metre on the ground floor of the building at the proposed finished floor level (52.20m AOD). We would recommend to the LPA that either the floor level of the building is raised to a suitable level as per the SFRA recommendations and policies i.e. to prevent flooding assuming the defence did not exist or that Flat 1 is removed from the ground floor so that it contained less vulnerable uses only. Given the 'Danger to All' category of the site and the access/egress route, we seek confirmation that the Emergency Planners are satisfied that risk can be managed with the Flood Management Plan produced by Rab Consultants

Following meetings between the applicant and the Environment Agency a further response was submitted as follows:

I refer to a recent meeting between ourselves and consultants progressing the above development. Whilst the meeting of the 30 October 2014 was productive we are not in a position to remove our objection to the proposals. However I would offer the following comments for your consideration at this time

The issues remain as highlighted in our response dated 02 September 2014 (Our Ref: SV/2012/106705/03-L01). We recognise that the site is defended by the EA maintained Hereford Flood Alleviation Scheme which is recently constructed and should offer protection to the site. However, the proposals should be designed to ensure a safe development over its

lifetime should the defences breach or overtop i.e. by managing the residual risk. There are demountable sections of defences in Hereford which add to the risk of a breach.

As outline previously, of particular concern is the presence of Flat 1 on the ground floor of a new building which could flood internally to over a metre in depth. We suggested that the floor level be raised to 600mm above the 100 year plus climate change level but it was explained at the meeting that this was not feasible due to the need for a ramped access. The other alternative we proposed was to ensure the ground floor consisted only of Less Vulnerable uses but it was explained that the financial viability of the scheme relied on Flat 1 forming part of the proposals. The applicant is aware that we have no option but to maintain our objection on the low floor level with self contained More Vulnerable ground floor accommodation as we are not willing to set a precedent on allowing what we consider to be unsafe development behind defences.

We understand that discussions have been ongoing with your Emergency Planning team and that a Flood Management Plan has been agreed in principle. This would be required in terms of ensuring safe access/egress prior to the onset of flooding and evacuating occupants/vehicles from the site.

If you are minded to approve this application you may wish to include a condition for consideration by your Council in conjunction with your Emergency Planning Officer / Emergency Services:

Condition: Prior to the first occupation of the development, a Flood Evacuation Management Plan shall be submitted to and approved in writing by the LPA in consultation with the LA Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles), training of staff; and method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revision of the Plan.

Reason: To minimise the flood related danger to people in the flood risk area.

Informative: The Environment Agency recommends that in areas at risk of flooding, consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include removable barriers on building apertures such as doors and air bricks and providing electrical services into the building at a high level so that plugs are located above possible flood levels. Additional guidance, including information on kite marked flood protection products, can be found on the Environment Agency web site [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) under the 'Managing Flood Risk' heading in the 'Flood' section.

4.2 Welsh Water raise no objection subject to conditions.

#### Internal Consultation Responses

4.3 The Transportation Manager makes the following comments:

Parking provision is considered to be acceptable.

As the proposal results in the removal and reinstatement of two existing accesses and creation of a new access to the parking spaces, the crossings should be reinstated and the footway along the full frontage length of the development should be resurfaced at the applicant's expense upon completion of the development. Conditions are recommended.

- 4.4 The Housing Needs and Development Team fully supports the application for the sheltered housing scheme. The team have worked very closely with WM Housing as the application represents the discussions that have taken place.
- 4.5 The Conservation Manager (Historic Buildings) has no objections.
- 4.6 The Conservation Manager (Ecology) has no objection in principle to this application; however, I am concerned about the proposed parking bays. It would appear that some small trees are proposed for removal to allow for the re-alignment of the footpath. A condition for the planting of replacement trees should be imposed.

I also recommend a condition to secure the implementation of the recommendations in the ecological report by Betts Ecology dated February 2012

- 4.7 The Public Rights of Way Manager has no objections.
- 4.8 The Emergency Planning Officer has made the following comments:

Having reviewed the current Flood Evacuation Management Plan I am happy with its content but will ensure that it meets the standards set out in the EA condition before providing final written consent. This can be completed prior to occupation but after approval has been gained. Given the need for the site and the low level of risk presented I am happy for you to recommend approval and have no objections.

However, I believe strong consideration should be given to incorporating flood proofing measures into the building design. This is particularly important for fixtures like electrical services which would prove costly to move in the future.

## **5. Representations**

- 5.1 Hereford City Council has raised no objection to the proposal.
- 5.2 Ten Letters of objection have been received that raise the following issues:
- Loss of parking space - The car park provides parking for those visiting the nearby sheltered housing, dentist, overflow parking for residents and users of Asda and Kindle centre.
  - There is already insufficient parking in the area with people parking on the corners and yellow lines. The omission of the 'additional parking' from the scheme has made the loss of parking worse. Residents of Belmont Square have no parking.
  - Highway safety – Belmont Avenue is a busy highway serving residential properties and Riverside School that has limited / no public parking.
  - (Concerns raised about diagonal parking and loss of amenity space and trees – this has now omitted from scheme)
  - Injustice to asset transfer when community value the car park.
  - New building has insufficient care parking so is not sustainable.
  - Building Height – There will be a loss of privacy and amenity from overlooking.
  - Three storey building is uncharacteristic of the area.
  - Concern about impact of building works on amenity and safety of children
  - Flood Risks – Whilst flood defended it still lies within a flood plain and this has been untested in a 1:200 flood event. The evacuation plan is flawed.
  - There are sequentially preferable sites that can be developed.
- 5.3 One letter of support has been received from Herefordshire Housing (also part owner of site).

- 5.4 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:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

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

- 6.1 The application falls to be considered having regard to the following key issues:

1. Principle of Development
2. Flood Risk
3. Design, Layout and Character of the Area
4. Impact upon Amenity
5. Highway Safety and Parking
6. Other matters

- 6.2 The application site lies within the urban settlement boundary of Hereford City, and as such policy H1 of the Herefordshire Unitary Development Plan would apply. This policy is supportive of residential development where compatible with the housing design and other relevant policies of the plan. The site lies within close proximity of the facilities and services offered by Hereford City and is considered to be in a sustainable location for residential development in accordance with the aims of the National Planning Policy Framework. The site is also previously developed land and as such, its re-use and re-development is encouraged within the National Planning Policy and policy H14 of the Herefordshire Unitary Development Plan.

- 6.3 The National Planning Policy Framework (paragraph 14) states that at the heart of the Framework is a presumption in favour of sustainable development that means, for decision taking, approving development proposals that accord with the development plan without delay. In this it is considered that the Unitary Development Plan policies relevant to this proposal are consistent with the guidance contained within the National Planning Policy Framework and as such significant weight can be attributed to these in the decision making process.

### Flood Risk

- 6.4 The development site lies within Flood Zone 3 of the River Wye, but is defended against flooding during the 1 in 100 year flood event by the Hereford Flood Alleviation Scheme (FAS). There has been ongoing discussion with the Environment Agency and Council's Emergency Planning Officer during the course of the application process to try and address the objections detailed above in Section 4. Paragraph 103 of the NPPF advises that, when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere as a consequence of the development proposed. It also requires that development is appropriately flood resilient and resistant, including safe access and escape routes where required. It also gives priority to the use of sustainable drainage systems. The HUDP is considered to be up to date with the NPPF with respect to flood risk as these objectives are reflected by the requirements of policy H7.
- 6.5 As detailed in section 4 above, the Environment Agency maintains their objection to the proposal on the basis that the site lies within an area that is 'flood defended' by the EA maintained Flood Alleviation Scheme but that there is a risk that these defences could overtop or breach in an extreme event or failure of the defences. If this occurred then there would be no safe dry pedestrian access from the site. As detailed in the Environment Agency response above, revisions to the plans to omit the ground floor flat or raise floor levels were explored by the applicant in order to address the objection. However, the quite significant increase in height of the building would not be acceptable in design terms and the loss of one flat would impact significantly on the viability of the scheme. The applicants, West Mercia Housing

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

Group, have also provided a detailed Flood Management Plan that details flood warning and evacuation procedures ensuring safe access/egress prior to the onset of flooding and evacuating occupants/vehicles from the site. The Council's Emergency Planning Manager has confirmed that these details are considered to be acceptable. With the flood warning data that is readily available from the EA and given the unit will have a facilities manager on site, the evacuation of the proposed building would occur in the event of a flood warning or severe flood warning being received.

- 6.6 Officers acknowledge that the proposal comprises highly vulnerable development within Flood Zone 3 and should not, having regard to the advice in NPPF, be permitted. This guidance, that is consistent with the Council's own policies carries significant weight and exceptions to this policy are very rarely justified. However, this guidance is just one of the material considerations that may form part of a planning judgement. In this case, careful and proper account of the risk and consequences of flooding to the development, including the management of residual risk, has been undertaken to the satisfaction of the Council's Emergency Planning Officer. The application is accompanied by a properly constructed FRA, and the development is adequately defended against flooding by the Hereford Flood Alleviation scheme. In the event of a breach or failure of the defence there would be a suitable and adequate flood management plan in place. The contents and review of this would be controlled by way of a suitably worded condition, as suggested by the Environment Agency. Construction of the building can be undertaken in such a way that can integrate flood mitigation measures and an informative note provides advice from the Environment Agency on these measures.
- 6.7 The important social role of the proposed development in providing this accommodation for the Housing Association can also be attributed significant weight in the determination of this application. It is confirmed by the Council's Housing Needs and Development Team that, they fully support this planning application for the housing scheme proposed and it is understood that this is a Council priority.
- 6.8 Both the NPPF and policy DR7 also require that a sequential test be undertaken. The NPPF is clear that inappropriate development should be avoided by directing development away from areas at high risk and confirms that local plans should apply a sequential, risk based approach to the location of development. The site has been chosen to meet a specific need of the housing association following a significant search for a suitable site for this project to meet its needs. The site is located wholly within the development boundary for Hereford and is in a sustainable location for residential development having good access to services, facilities and public transport. The proposed development therefore provides wider benefits to the community, by securing provision of housing for which there is an identified need on previously developed land in a sustainable location. These are priorities identified within the NPPF and Herefordshire Unitary Development Plan.
- 6.9 Members will also be aware of the Council's deficit in Housing Land supply and substantial weight needs to be given to the unmet need for additional housing in Herefordshire, both immediately and in the next five-years. This development would contribute to this housing need and meeting this need has been given significant weight in the NPPF in its presumption in favour of sustainable development.
- 6.10 On balance therefore, we consider that the social and economic benefits of this development, having been carefully considered in light of the flood risk and the management of this risk, would outweigh any rigid interpretation of the NPPF in this instance.

#### Design, Layout and Character of the Area

- 6.11 The siting and layout of the proposed development has been informed by consideration of its immediate surroundings, following the form and pattern of development in the street scene as



the highway bends. The introduction of a third storey has raised some local objection, but the design approach, utilising the roof space and dormers in the front elevation helps this transition. The site and its surroundings are seen in the context of the much larger Asda store to its rear. The palette of materials to be used would complement the existing range of materials in the area and provide a mix of contemporary and traditional.

- 6.12 Its siting within the site has also been carefully considered, set back so not to appear incongruous or overbearing on the street scene, and allowing for the provision of a meaningful belt of landscaping to the front and west of the site along the public footpath that helps to integrate the development into the area. The landscaping and boundary treatments proposed are fully detailed in the submission and a condition is recommended to ensure works are undertaken in accordance with the requirements of policy LA6 of the Unitary Development Plan.
- 6.13 It is therefore concluded that the proposed development would not appear out of keeping or character with the area and that the design would be appropriate in the context. As such the proposal would comply with the requirements of policies DR1, DR2 and H13 of the Unitary Development Plan and with the guidance contained within the National Planning Policy Framework.

#### Amenity

- 6.14 The proposed siting and design of the proposed building has been considered in its concept to ensure sufficient distances between the adjacent dwellings. The orientation of the building and use of obscure glazing to the windows in the side elevation (serving secondary or bathroom windows) will protect the amenities of the adjacent properties. The building's orientation and siting also ensure that it will not have an overbearing impact on private amenity space that serves adjoining properties. As such, the proposal would comply with the requirements of policies DR2 and H13 of the Herefordshire Unitary Development Plan.

#### Highway Safety and Parking

- 6.15 The existing car park and garages on the site would be lost to the development. This car park is used informally (there are no parking charges in place) by local residents, customers of Asda, local shops, Kindle centre and the nearby dentist. The garages are rented by Herefordshire Housing but notice has been served on current tenants. The development would be on 'previously developed land' in a sustainable location. The car park is informal and there are other public car parks in close proximity that could serve needs of local businesses for short term visits. The proposal initially included new provision of parking bays within the grassed 'verge / amenity' space to the north of Belmont Avenue. This proposal was met by objection from local residents and the Council's Transportation Manager due to concerns about highway safety, pedestrian safety, amenity and loss of trees and landscaping. This was subsequently removed from the scheme.
- 6.16 The proposed development makes provision for three off road car parking spaces to serve the development. Given the site's location with good access to services, facilities and public transport, this relatively low provision is considered to be acceptable in this instance and in accordance with the policies DR3 and H13 of the Herefordshire Unitary Development Plan. The Transportation Manager raises no objection and conditions are recommended as below. The proposal would have no impact on the adjacent Public Right of Way.

#### Other matters

- 6.17 The proposed development, having regard to its sustainable location and provision of sheltered accommodation in the form proposed, would not be liable for Section 106 contributions. Nor would there be any policy requirement for affordable housing provision,

although this development is a proposal by an affordable housing provider, meeting a direct and priority need of the Local Authority. It is not reasonable to control this through a section 106 agreement and there are other mechanisms through the sale of the site, that will control this provision going forward.

- 6.18 Welsh Water have raised no objection to this proposal and recommend conditions in respect of drainage and surface water management on the site as detailed below. The proposal would therefore comply with the requirements of policy DR4 of the Unitary Development Plan.

### Conclusion

- 6.19 The site is located wholly within the development boundary for Hereford and is in a sustainable location for residential development having good access to services, facilities and public transport. The proposed development therefore provides wider benefits to the community, by securing provision of housing for which there is an identified need on previously developed land in a sustainable location in accordance with both the guidance contained within the National Planning Policy Framework and Herefordshire Unitary Development Plan policies S1 and H1. The proposed development has been carefully considered in respect of its design and layout in the context of its surroundings and it is concluded that this would comply with the requirements of policies DR1, DR2, H13 and H14 of the Unitary Development Plan. The key conflict lies with the sites location within Flood Zone 3 and the subsequent objection from the Environment Agency. However, the proposals comply with the Unitary Development Plan and National Planning Policy Framework in all other respects and officers conclude that the social and economic benefits of this development, having been carefully considered in light of the flood risk and the management of this risk, would outweigh any rigid interpretation of the NPPF in this instance. As such, the proposal is recommended for approval with the following conditions.

## **RECOMMENDATION**

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. C01 Samples of external materials**
- 4. G11 Landscaping scheme - implementation**
- 5. G15 Landscape maintenance arrangements**
- 6. H06 Vehicular access construction**
- 7. H08 Access closure**
- 8. H13 Access, turning area and parking**
- 9. I51 Details of slab levels**
- 10. L01 Foul/surface water drainage**
- 11. L03 No drainage run-off to public system**
- 12. Surface water discharges shall only be permitted to discharge to the public ombined sewerage system at an attenuated rate of 3 litres per second using a**

suitable flow control device.

**Reason:** To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment in accordance with the requirements of policy DR4 of the Herefordshire Unitary Development Plan and guidance contained within the National Planning Policy Framework.

13. Prior to the first occupation of the development, a Flood Evacuation Management Plan shall be submitted to and approved in writing by the LPA in consultation with the LA Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles), training of staff; and method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revision of the Plan.

**Reason:** To minimise the flood related danger to people in the flood risk area in accordance with the requirements of policy DR7 of the Herefordshire Unitary Development Plan.

14. I16 Restriction of hours during construction

15. F17 – Obscure windows to side elevations

**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.
2. The proposed development site is crossed by a 225mm public combined sewer with the approximate position detailed on the Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3m either side of the centre line of the public sewer.
3. The Environment Agency recommends that in areas at risk of flooding, consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include removable barriers on building apertures such as doors and air bricks and providing electrical services into the building at a high level so that plugs are located above possible flood levels. Additional guidance, including information on kite marked flood protection products, can be found on the Environment Agency web site [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) under the 'Managing Flood Risk' heading in the 'Flood' section.
4. HN07 Section 278 Agreement

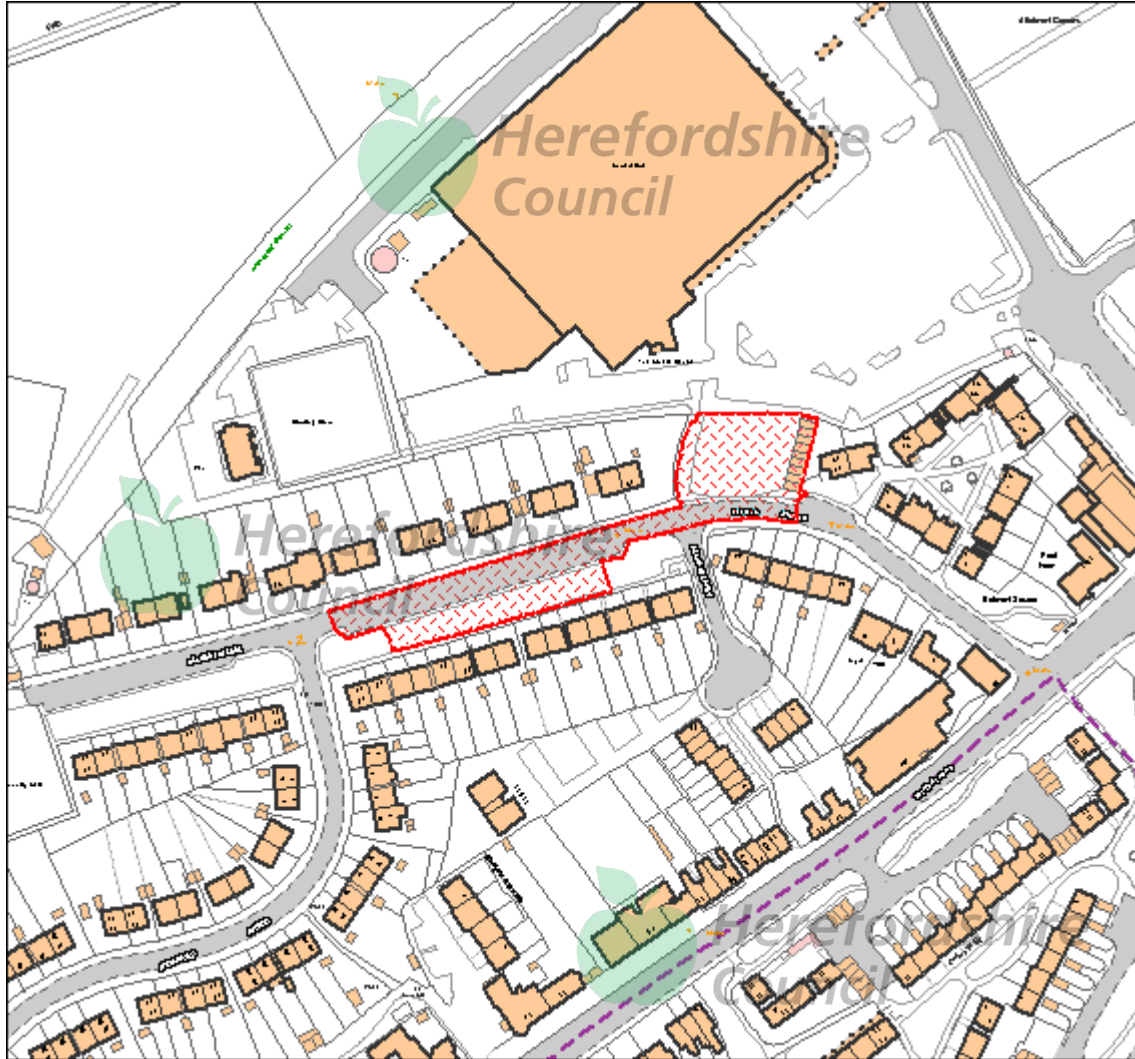
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 123177/F

**SITE ADDRESS :** LAND EAST OF 20 BELMONT AVENUE, HEREFORD, HEREFORDSHIRE, HR2 7JQ

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