

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>2 NOVEMBER 2016</b>
<b>TITLE OF REPORT:</b>	<p><b>162264 - TWO 4 BED AND TWO 3 BED DETACHED HOUSES WITH ALLOCATED GARAGES AND ONE 3 STOREY APARTMENT BLOCK CONSISTING OF FOUR 2 BED APARTMENTS AND A TOP FLOOR PENT HOUSE SUITE. WITH LANDSCAPING AND CIVIL WORKS AT LAND ADJACENT TO BROCKINGTON OFFICES, 35 HAFOD ROAD, BROCKINGTON, HEREFORD, HR1 1SH</b></p> <p><b>For: Mr Evans per Mr Abz Randerera, 5 The Triangle, Wildwood Drive, Worcester, WR5 2QX</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=162264&amp;search=162264">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=162264&amp;search=162264</a>
<b>Reason Application submitted to Committee – Council Land</b>	

**Date Received: 20 July 2016**

**Ward: Eign Hill**

**Grid Ref: 352533,239575**

**Expiry Date: 14 September 2016**

Local Member: Councillor CA North

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

- 1.1 The application site comprises a rectangular 0.42 hectare plot located on the north side of Hafod Road (C1127). It forms part of the former Council office site known as Brockington and lies to the east of Brockington House and the former Council Chamber. There is a small single storey building located towards the rear of the site but otherwise it is characterised by surface car parking with open space and mature landscaping either side of the existing vehicular access on the southern boundary, dense planting dominated by evergreen coniferous trees along the length of the eastern boundary, a pocket of trees on the western boundary and a fenced but more open and treed boundary to the north.
- 1.2 There are a number of individual and group Tree Preservation Orders affecting the site and it is within the Hafod Road Conservation Area.
- 1.3 The southern boundary of the site has a street frontage of approximately 40 metres. There is a mature beech hedge atop an embankment and an existing splayed vehicular access off Hafod Road. Opposite this is a large semi-detached period property (60 and 62 Hafod Road). The eastern boundary is densely landscaped and is shared with a private driveway that serves 37 and 45 Hafod Road. A separate access serving 47 Hafod Road lies beyond this. The northern boundary is shared with the fenced rear gardens or properties on Quarry Road (specifically 83-91 Quarry Road). The western boundary of the site comprises the remaining buildings and grounds of the former Council offices, which are being sold to a separate third party.

- 1.4 Planning permission is sought for 4 detached two storey dwellings (2no. 4 bed and 2no. 3 bed) and a three storey apartment block comprising 5 units (4no. 2 bed apartments and a second floor penthouse).
- 1.5 The apartment block would occupy the most prominent location and would be located some 13 metres back from the roadside boundary. It would be 22.25m wide and 10.5m deep (excluding the 2.5 metre terrace/balcony projection on the front elevation). It would have a maximum ridge height of 12.2 metres and a minimum eaves height of 5.8 metres. The design approach is contemporary and incorporates brick, render and large glazed openings under a slate effect roof.
- 1.6 In relation to the detached dwellings, Plots 1 and 2 (4 bed units) are located at the northern end of the site with a north-south aspect. They would measure 11.6 metres wide (excluding garage) by 8.6 metres (excluding projecting bay) and would have a ridge and eaves height of 9.8 metres and 5.3 metres respectively.
- 1.7 Plots 3 and 4 (3 bed units) are located between Plots 1 and 2 and the apartment block and have a west-east orientation. They would be 10.3 metres wide (excluding garage) and 7.9 metres deep (excluding projecting bay) and would have a ridge and eaves height of 9.7 metres and 5.3 metres respectively.
- 1.8 The dwellings are similarly of contemporary design utilising the same pallet of materials as the apartment block.
- 1.9 A 2 metre high brick wall (and part railing) and set back gated entrance was proposed at the access, which incorporated recessed areas for refuse and recycling storage. This was revised in favour of a lower wall, railings and waste collection facilities within the site and subsequently the applicant has deleted the gated entrance feature from the scheme. The detached dwellings have on-plot parking and the apartment block would have shared parking located on the northern boundary of the site. A total of 10 spaces are proposed for the apartment block.
- 1.10 The application is accompanied by a Design and Access Statement, an Ecological Appraisal, an Arboricultural Impact and Method Statement Assessment and a Ground Investigation Report.

## **2. Policies**

### **2.1 The Herefordshire Local Plan Core Strategy**

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
HD1	-	Hereford
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	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality

## 2.2 National Planning Policy Framework (NPPF)

The NPPF needs to be read as a whole but the following sections are considered to be of particular relevance:

- Achieving sustainable development
- Delivering a wide choice of high quality homes
- Requiring good design
- Promoting healthy communities
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

## 2.3 National Planning Policy Guidance

## 2.4 Hereford Area Plan

A reference group has been established to take forward an options and issues appraisal and as such there is no Plan sufficiently advanced to be afforded any weight as a material consideration

## 2.5 The Core Strategy 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/core-strategy/adopted-core-strategy>

## 3. Planning History

### 3.1 Numerous applications relating to works to trees but none relevant to this application.

## 4. Consultation Summary

Statutory Consultations

### 4.1 Welsh Water – No objection subject to condition:

*No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network*

*Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment*

Internal Council Consultations

### 4.2 Transportation Manager raises no objection commenting as follows:

Whilst the previous level of use of the access as car park egress for the offices is noted, improvements to visibility to the northwest would be beneficial by cutting back/removal of part of the existing holly hedge.

No cycle storage is indicated on the masterplan. The single garages for the detached properties plots 1 & 2 are very large (6470x4660) and will accommodate cycles as well as a car. Garages for plots 3 & 4 are 5470x2975 and therefore should be increased in size to 6000x3000 as recommended in Manual for Streets. Presumably as the garages provide part of the car parking provision, they will need to be controlled by condition for that purpose.

Secure covered cycle storage for the apartment block will need to be provided.

Proposal acceptable, subject to the following conditions and / or informatives:-

CAE CAH CAL CB2 and informatives I05 and I45

In response to the revised layout; a comment is made about the potential difficulty in accessing the waste and refuse collection facility behind the cycle storage area and need to ensure levels are addressed to enable inward opening of the gates.

4.3 Conservation Manager (Ecology) raises no objection commenting as follows:

The ecological report by Countryside Consultants Ltd dated July 2016 reads well and appears to cover all relevant ecological considerations of the site in question. I am equally happy that we can condition appropriate ecological enhancements as per the report's recommendations – though I would suggest the inclusion of pollinator/insect homes and a hedgehog house in appropriate locations. I would want to approve the full detail and location of these prior to any work commencing on site. I would ask that in this mitigation/enhancement plan that details and locations of any external lights on the new dwellings be included. If any external lighting is to be installed it should be low power LED downlighters with time limited illumination and PIR activation and be located so as not to illuminate, beyond existing levels any existing hedgerows or any of the proposed biodiversity enhancement.

4.4 Conservation Manager (Trees) comments as follows:

I have reviewed the Arb Impact Assessment (AIA), Arb Method Statement (AMS) and tree condition report.

4.5 The Tree Protection Plan (TPP) does not indicate where site buildings and storage of materials will be located as set out within paragraph 4.3.2 of AMS. As the site is limited in regards to space, this I consider is an important aspect of the construction phase.

4.6 There are existing hard-surfacing within the RPA of Holm Oak T75, this has not been addressed within paragraph 4.4.1 of the AMS. This tree is considered important in the context of the site.

4.7 Paragraph 4.5.4 – 3 states that tanalised timber edging will be utilised for the 'no dig' construction within RPAs. It also suggests that concrete kerbs will not be 'appropriate or allowed'. We will need confirmation that this is the case, or if concrete kerbs will be used within RPAs, we will require a specification to how these will be installed.

4.8 The retention of Holm Oak T75 is good, but is shown in close proximity to plot 4 and block of flats. Although it is stated within the AIA (paragraph 3.4.2), this tree will become very large in time and will require space to grow, its retention in the site will almost certainly lead to post development pressure fell or reduce the tree which will result in the amenity of the tree being lost.

4.9 The tree condition report shows clear evidence to the internal stem condition to T31, T33, T38 and T47. Evidence is conclusive that there is major decay within T31 and T38 – these trees should therefore be removed on safety grounds.

4.10 T33 was identified to have a Ganoderma infection, which has started to degrade the wood of lower stem. The healthy residual wall within the stem is still of a size to mitigate potential failure, but failure could still occur. This tree could be retained and have its canopy reduced to lower pressure and forces on lower stem. Obviously the amenity of the tree would be lost and as the wood decay fungus (Ganoderma) is progressive, it is unclear to its useful life expectancy. In light of the findings and considering the change of use of the site where the tree is located, I consider that it should also be removed.

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

4.11 T47 was identified to have a poor graft union at approximately 2m. This is an obvious failure point in the stem. The tree is also suppressed with a poor form. I have no objection to this tree being removed.

4.12 Conservation Manager (Historic Buildings)

Comments on Original Scheme

The proposal site is located on Hafod Road, to the east of Hereford city within an area of 19th century, imposing red brick residential development. Hafod Road was designated a Conservation Area in 1992. Brockington House and its gardens have been split into two development plots with the southern part.

4.13 The proposal site is located on Hafod Road, to the east of Hereford city within an area of 19th century, imposing red brick residential development. Hafod Road was designated a Conservation Area in 1992. Brockington House and its gardens have been split into two development plots with the southern portion being the subject of this application. Pre-application advice has been provided.

4.14 Brockington House is an early 20th century two-storey, stucco property of spacious proportions in the Georgian/Regency style. This building is considered to be of local heritage importance. The character of Brockington House is dissimilar to the original Victorian housing along the rest of Hafod Road and which is the dominant character of the conservation area. The Victorian red brick dwellings are either detached or semi-detached and are mostly of generous scale. The mass of the buildings is offset by the use of string courses, heads and cills and quoin details in cream and generally white painted window frames. This detailing relieves the potential heaviness of the large red brick elevations, as do the bay windows and the bold gables.

4.15 The conservation area is also typified by the use of brick walls and gate piers to the boundary with the road. These have become softened in appearance by trees and shrubberies in the front gardens and, though there must have originally been gates, these are on the whole missing. It is likely that the gates were of painted metal and certainly only served one plot rather than several. The very small, recent cul de sac developments do not have gates on Hafod Road, though one has gate piers.

4.16 The other main characteristic of Hafod Road Conservation Area is that the development was originally only one generous plot deep. The dwellings are close together, it is still possible to see between them and thus to realise that the rear garden are long, giving significant space between dwellings on Hafod Road and the roads running parallel to it. The recent cul de sac developments are generally either one or two dwellings relatively close to the road, or are hidden from views along Hafod Road.

4.17 Brockington and the very generous gardens are the anomaly within the conservation area; however the house itself is not prominent, being set much further back from Hafod Road than was the case in the Victorian era development. The hedging and trees within the gardens serves to hide the original built development, giving a natural rather than built-environment landscape.

4.18 The application site is approximately the width of two Victorian Hafod Road plots and the proposed development is for 4no large houses and a block of 5 apartments. The apartment block would be positioned near to the road, in a similar fashion to the Victorian dwellings of the conservation area. The pair of semi-detached dwellings would face onto the cul de sac, therefore showing their side elevations to Hafod Road. One of the detached dwellings to the

rear of the site would also face the cul-de-sac but the other faces onto the side of the eastern semi-detached house and does not address the cul-de-sac.

- 4.19 This last dwelling appears shoe-horned into the site and is an unsuccessful anomaly in the pattern of development within the conservation area.
- 4.20 Since the buildings on the site will be prominent they should be in harmony with the principles of the conservation area character. The other small cul-de-sac developments are largely hidden and therefore do not have such a significant potential impact. Hafod Road conservation area is a linear development but this proposal will be prominent enough to set up a visual departure from that character. It is suggested therefore that the cul-de-sac road proposed needs to be treated as a road and not as a drive to several houses.
- 4.21 The proposed entrance gate, whether open in the daytime or not, is contrary to the character of the conservation area. If each dwelling had its own gates, this would follow the principles of the conservation area. This would allow the cul-de-sac to be legible as a road not as a driveway.
- 4.22 The most visible building within the conservation area would be the apartment block. During pre-application discussions this building was shown as two independent blocks with a central circulation space. This gave a pleasing level of moulding and movement within the massing of the block and tended to reduce the apparent bulk of the form. The scale of the block was generally considered acceptable since the Victorian buildings of the conservation area are of a similar height though not generally combined with the same depth.
- 4.23 The submitted scheme seems to have lost the movement and moulding and appears to be a single building of large scale that has a few small projections to give emphasis. It would appear that this has occurred due to the retention of the evergreen oak to the front of the building. The effect on the design has not been beneficial, though it would be possible to address this extra constraint and still capture the essence of a more fluid massing.
- 4.24 The gable feature that was discussed facing Hafod Road has also lost its power by seemingly having the roof disconnected from the walls and ground. The gable roof has reduced to fit inside the flat roof/balcony arrangement rather than giving shelter to the full width of the projection. The gable on the north-west elevation is more successful.
- 4.25 The use of render is largely acceptable but there is very little to be seen on the elevation fronting Hafod Road (only to the sides of the glazing in the gable). Even if render were to be incorporated to a greater degree, it does not reflect the more delicate use of lighter colours as seen in the Victorian buildings to which this scheme alludes. Even using white powder-coated window frames would lift the very dark elevations, without being as prominent as using large slabs of white render.
- 4.26 The materials are stated as being Slate-effect for the roof. This is a conservation area scheme and therefore natural slate should be used, preferably Welsh. The walls are noted as being “engineered” red brick. This needs clarification as to whether “engineering” brick is meant or something else. Why is it proposed to use “cement board” fascias rather than painted wood?
- 4.27 Though the north boundary is noted as not being in the remit of this scheme, it is considered that the use of a solid 1.8m high fence is not appropriate in this conservation area locality, at least towards the front of the site.
- 4.28 Overall the principle of the scheme is supported, however there are details of design and layout that are of considerable concern. At present it is not considered that the scheme complies with Core Strategy Policy LD4 and Policy SS6. In addition it is considered to be at the lower end of NPPF paragraph 134’s “less than substantial” harm.

## Comments on Revised Scheme

- 4.29 The following summarised comments have been received in relation to the revised proposals:
- I have made comments on the relationship between Plots 1, 2 and 3. I understand the design choices that were made to accommodate Plot 2, but I am of the opinion that this plot is the least successful on the development as it does not address the road. It is not considered, however, that the positioning would warrant a refusal of the scheme.
- 4.30 The cul-de-sac road should be seen as a side road, off Hafod Road, rather than a single driveway to several houses. The principle within the conservation area is that properties face onto the road, therefore setting the cul-de-sac up as a road rather than drive would be compatible with the character of the conservation area. The removal of the entrance gate achieves this removing the visual separation from the rest of the conservation area and making the development more inclusive.
- 4.31 There are certain characteristics that should be reused in a contemporary scheme without the design being labelled as Victorian. In particular the features which have been incorporated, such as the steep pitched roof, red brick and good overhangs. However the “good overhangs” has not been employed on the most prominent elevation, that onto Hafod Road. At this point the main walls are not contained within the footprint of the roof (regardless of the bay window projections), and this does not therefore follow the design rationale stated as being used. The revision to the Hafod Road elevation of the apartment block does improve the character of the building slightly by bringing the roof out towards Hafod Road a little but it does not enable the roof to shelter the walls. The design of this block generally shows either a flat roof being used as a balcony over a bay window or the pitched roof sails over the top of the walls. The Hafod Road elevation has flat roof that is not used as a balcony and extends out further than the pitched roof, thus divorcing the walls from the roof and the traditional relationship used elsewhere.
- 4.32 The comments concerning render and window frames was related to visually lightening the Hafod Road elevation only, though coloured frames could be used on the other elevations for consistency. The red brick Victorian buildings utilise string courses, cills or painted window frames to introduce a small amount of a lighter colour, as relief to the red brick. The Hafod Road elevation appears, to me, to be visually heavy due to the lack of a lighter colour, though there is a small amount within the roof gable area. It is not suggested that the design should necessarily follow the Victorian lead as to the location of light colours and it is certainly appreciated that minimal maintenance is desirable, however a lighter colour on the window frames could be achieved using ppc for low maintenance whilst providing a careful accent to the elevations.
- 4.33 The clarification concerning “engineered brick” is helpful. Even if the materials are conditioned I would be anticipating the use of a natural roofing material, though a smooth finish could be acceptable. It is the manufactured material that is of concern.
- 4.34 The removal of the entrance gate and piers is a fundamental improvement. The relatively minor adjustment to the Hafod Road elevation is a small improvement. It is considered to be the least successful elevation on the building.

## **5. Representations**

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

5.1 In relation to the original proposal, Hereford City Council objected stating:

We have no objection to the overall scheme which is well designed. We do however oppose a gated entrance as this is out of keeping with the character of the site and the surrounding area.

In response to the amended proposal (excluding the gated entrance), Hereford City Council commented as follows:

Generally the City Council thought this was a good scheme and we were particularly impressed by the thorough and professional approach to preserving so many of the trees. Our only source of objection was the gated entrance and if that is now out of the plans we have no objections.

5.2 A total of 4 letters of objection (including 1 from the Hereford Civic Society) have been received. These responses can be summarised as follows:

- Object to a gated development as contrary to paragraphs 61 and 69 of the NPPF and counter to the previous use of the land for street parties
- Overdevelopment of the site
- An estate of identical properties is not in keeping with the area.

The Civic Society were consulted on the amended proposal (excluding the gated entrance) and made the following comments:

No further comments but of course pleased with the outcome.

5.3 One letter of support has been received summarised as follows:

- Fully supportive of gated community and the security that this offers
- Plots appropriate in size
- Example of good quality contemporary design.

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

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=162264&search=162264>

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 key considerations in the determination of the application are considered to be:

- The principle of development, having particular regard to its sustainability;
- The impact of the proposal upon the character and appearance of the Conservation Area (including effect on trees);
- The impact of the proposal on biodiversity;
- The effect of the proposal on residential amenity;
- Highway safety and parking;
- Foul and surface water drainage and
- Section 106 requirements



## The Principle

- 6.2 The legal starting point, as set out in section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, is that applications for planning permission should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan is currently the Herefordshire Local Plan Core Strategy (CS). As this is an application for new housing, as stipulated at paragraph 49 of the National Planning Policy Framework (NPPF), the relevant policies for the supply of housing should be considered to be out of date because the local planning authority cannot currently demonstrate a five year supply of deliverable housing sites (latest published position confirm a figure of 4.49 years). On this basis, the application falls to be considered against the NPPF's presumption in favour of sustainable development, as set out in paragraph 14. This states that where relevant policies of the Development Plan are out of date, as is the case currently, permission should be granted unless:-
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;
  - or specific policies in this Framework indicate development should be restricted (see footnote 9).
- 6.3 Notwithstanding the housing supply consideration, which must be afforded weight, there remains a requirement for the development to accord with other relevant CS policies and NPPF guidance and paragraph 14 makes it clear that the balance between adverse impacts and benefits should be assessed against the policies in the NPPF as a whole.
- 6.4 When assessing if the proposal would represent sustainable development the NPPF states that this comprises three dimensions – economic, social and environmental, all three of which give rise to different roles, but which are mutually dependent. As such they should be sought jointly and simultaneously. Sustainable development seeks to achieve positive improvements in the quality of the environment as well as in people's lives through, amongst other things, improving the conditions in which people live, work, travel and take leisure and widening the choice of high quality homes.
- 6.5 The site is in a suburban location clearly within the existing settlement and is previously developed. It is in relatively close proximity to the wider services and facilities provided in the city centre as well as more locally accessible facilities (neighbourhood shops, nursery, primary and secondary schools, a public park and churches) with access to these being readily practicable by foot, bicycle and bus. In addition the site is well located in relation to the segregated footpath/cycle path to Rotherwas/HEZ. The railway station and county bus station are also within reasonable walking distance of the site, and hence provide the ability to travel further afield for employment, leisure, education without the need to rely on the private vehicle.
- 6.6 It is considered that future occupants of the proposed apartments would have a real choice about how they travel.
- 6.7 In addition to the physical and locational benefits of the site, the applicant also has a track record of delivering thermally efficient buildings. In this case the intention is to achieve an Environment Performance Certificate rating of no less than B but preferably A (very efficient). Whilst there is no current target prescribed in policy, this commitment will exceed current Building Regulations requirements.
- 6.8 Turning to the economic and social roles, it is considered that the proposal would provide economic and social benefits throughout the construction phase, with local contractors and suppliers more likely to be utilised for the scale of the scheme, compared to larger, strategic sites. Upon occupation of the units residents would provide increased spending and support to

local services and most obviously the scheme would provide a modest contribution to the reduction of the identified housing shortfall. Furthermore, the scheme proposes a mix of larger detached properties (3 and 4 bed units) and smaller units of accommodation (2 bedroomed apartments).

- 6.9 As such the site is considered to be well located and representative of sustainable development and is therefore in accordance with the overarching strategic CS policies SS1, SS2, SS4, SS7, HD1 and H3 and the corresponding sections of the NPPF.

#### Character and Appearance of the Conservation Area

- 6.10 In terms of the environmental impact, the site is within the Conservation Area boundary, which as a designated heritage asset is included in footnote 9 to paragraph 14 of the NPPF, in respect of policies that may restrict development. CS policy LD4 require that proposals protect, conserve and where possible enhance the asset in question. Similarly Chapter 12 of the NPPF acknowledges the desirability of sustaining and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness. Policies LD1 and SD1 of the CS require developments to promote or reinforce the distinctive character and appearance of the locality in terms of layout, density, scale, mass, height, design and materials, demonstrating that townscape character has positively influenced the design approach. The NPPF (chapter 7 – Requiring good design) emphasises that good design is a key aspect of sustainable development and it is indivisible from good planning. It states that decisions should not attempt to impose architectural styles or tastes, but that it is proper to seek to promote or reinforce local distinctiveness.
- 6.11 When affording weight to the impact on the Conservation Area, and therefore part of the environmental dimension of sustainable development, it should be noted that it is a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, for the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In practice this means that when undertaking a planning balance the weight afforded to preserving or enhancing the character and appearance of the Conservation Area is greater than that given to the other considerations.
- 6.12 The proposal would undoubtedly permanently change the character of the site, which is currently characterised by its open nature, devoid of any buildings (other than an inconspicuous single story storage building). However it is considered that the site is somewhat anomalous to the prevailing residential character of the area by reason of its previous use as car parking associated with the former Council offices. In this context, it is considered that the efficient use of the site for residential purposes, subject to appropriate design and respecting the key characteristics of the site would potentially preserve the character and appearance of the Conservation Area.
- 6.13 The most evident impact associated with the proposed development is the loss of trees, a number of which benefit from individual and group Tree Preservation Order (TPO) protection. The proposal would involve the felling of 18 individual trees and 2 small groups. Of these, 8 specimens have TPO protection and as a result of the detailed tree survey that has been undertaken to accompany this application, all 8 of these trees have been categorised as unsuitable for retention or of low value. Of particular note are 2 individual trees (T38 a red oak and T47 a copper beech), towards the rear of the site, which by reason of their poor health and extensive decay are recommended for felling irrespective of the development proposal. The emphasis throughout pre-application discussions was to ensure that the most visually prominent and highest amenity value trees were retained. Accordingly, in addition to the well established and maintained hedgerow boundary to Hafod Road, the trees of higher value immediately adjacent to the access are retained, with particular importance attached to the striking cedar tree (T52) and the evergreen oak (T75) which straddle either side of the access

road and are particularly important in terms of the character and setting of the Conservation Area. The evergreen oak will require regular maintenance and will not grow to full maturity in this instance, but its retention as a feature tree is considered to be an important requirement so far as this proposal is concerned.

- 6.14 Aside from this, the main losses have been limited to the the centre of the site, in and around the existing communal parking area and along the southern boundary of the site, which is dominated by dense and poorly maintained coniferous trees.
- 6.15 Whilst the loss of trees is unfortunate in both visual and biodiversity terms, it is considered unavoidable in terms of delivering a viable residential development of the site. The supporting documentation, which has been reviewed and accepted by the Council's arboricultural adviser, demonstrates that losses have been limited to poorer specimens and the landscaping and mitigation proposals provide for 15 replacement trees and approximately 85 metres of native species hedgerow focussed largely on the south-eastern boundary. These planting proposals have been designed to integrate effectively with the proposed development and are capable of being properly maintained by future occupants in the longer term. Conditions are proposed to ensure appropriate protection of trees during construction.
- 6.16 Turning to the design, scale and layout of the proposed development, given the degree of prominence in the streetscene, the proposed apartment building is of particular importance to the overall success of the scheme. The design approach is contemporary and would incorporate brick (including a feature brick detail), render and large glazed sections under a slate effect roof. The final choice of materials would be reserved by condition but the intention would be to use materials (in particular the brick) that complement rather than contrast with the older properties in the locality. The height of the apartment building, whilst clearly tall at 12.2 metres to ridge, has been informed by the the larger period properties on Hafod Road and the architectural detailing is considered to respect the proportions of the taller gabled buildings that front the street. Following comments received by the Conservation Manager (Building Conservation) the design of the apartment block has been amended to provide a greater emphasis upon the prominent road-facing elevation. By reference to the updated comments received, it can be appreciated that the Conservation Manager (Historic Buildings) remains unconvinced by this particular aspect of the proposal. However in my view the revised proposals provide a better sense of balance and proportion that is more characteristic of the period properties that contribute positively to the Hafod Road streetscene. Overall, it is considered that the design approach utilised for the apartment block demonstrates a positive response to the townscape and assists, alongside the retained and enhanced planting, to reduce the scale and visual impact of the apartment building and ensure that the character of the Conservation Area is preserved.
- 6.17 Whilst there has been no specific objection raised to the height of the apartment block, upon request, the applicant has provided additional sections through and across the site illustrating that the apartment block is comparable in height to Brockington House and approximately 1 metre higher, relative to existing ground level than 60 Hafod Road, which is directly opposite. These are considered to demonstrate that the height of the proposed building will respect that of surrounding period properties, preserving the character of the Conservation Area.
- 6.18 Having regard to the concerns relating to the "shoehorned" nature of the layout of the detached dwellings raised by the Conservation Manager (Historic Buildings), it is considered that these will only be partially glimpsed in views from the access road and as such their impact on the character of the street and the wider Conservation Area would be extremely limited. Indeed the corner plot (Plot 2) would not be seen from any public vanatage point by reason of the presence of the apartment block and intervening landscaping. The dwellings would utilise similar materials and have lower ridge heights than the apartment building, which would alongside the retained planting, visually screen this part of the site from wider views. The updated comments from the Conservation Manager (Historic Buildings) confirm that this

aspect of the proposal would not warrant the refusal of planning permission on conservation grounds.

- 6.19 It is considered that the siting of the apartment building is in keeping with the essentially linear pattern of development along Hafod Road. The cul-de-sac form represents the most appropriate approach in the context of the remainder of the relatively narrow but deep plot and is redolent of the manner in which the site to the east has developed with more modern infill located to the rear of the larger period property.
- 6.20 A review of the objections received to the application confirms that the main concern relates to the treatment of the gated entrance to the site. In its original form, 2 metre high brick retaining walls with recessed bin enclosures together with an unspecified secured gated entrance were proposed. A number of objections, whilst commenting in positive terms on the design of the proposal, specifically mention concerns about the creation of gated communities, referring to NPPF guidance that encourages active frontages that assist in bringing together those that work, live and play in the vicinity. The applicant has responded to these concerns through the submission of revised proposals for the entrance to the site. The revised proposals now omit any form of gated/walled structure at the access which addresses the concerns raised by third parties (including Hereford City Council and Hereford Civic Society) and the Conservation Manager (Historic Buildings). It is considered that this represents a positive response to the concerns raised and is representative of inclusive design as promoted by the NPPF.
- 6.21 Having regard to the assessment outlined above, it is considered that the proposal would result in less than substantial harm to the character and setting of the designated heritage asset and as such the NPPF does not direct that permission should be refused. Instead the harm should be weighed against the public benefits (NPPF paragraph 134). The Planning Balance is addressed later in the appraisal.

#### Biodiversity

- 6.22 The Council's Ecologist has reviewed the Ecological Appraisal and raises no objection subject to compliance with the mitigation strategy and the addition of some additional features that would enhance the biodiversity value of the proposal. This can be addressed by the imposition of condition(s) and on this basis I consider that the requirements of policy LD2 of the CS are satisfied.
- 6.23 A mains connection is available, as confirmed by Welsh Water, and in this respect it is accepted that there will be no likely significant effects upon the integrity of the River Wye Special Area of Conservation and this, coupled with a condition requiring the development to achieve Housing- Optional Technical Standards – Water Efficiency standards would satisfactorily address the linked requirements required under CS policy SD3.

#### Residential Amenity

- 6.24 The nearest existing residential property to the apartment building is the side wall of 47 Hafod Road to the east which is approximately 24.7 metres away. It is considered that, although the outlook from the front garden and shared driveway will change quite significantly, the combination of the distance; relative orientation; the fact that windows in the rear elevation of the apartment building largely serve bedrooms and ensuite bathrooms; and the retained planting in between the existing and proposed buildings is such that there would be no adverse impact upon residential amenity through unacceptable loss of privacy, overshadowing or loss of daylight/sunlight. The outlook across Hafod Road would be towards 60 and 62, some 51 metres away and screened by dense planting such that there are no concerns in respect of this relationship.

- 6.25 In relation to the detached properties, the flank wall of Plot 2 would be 11.4 metres from the opposing flank wall of 37 Hafod Road. The side elevation of Plot 2 has no windows and this would be maintained by way of condition. As such it is not considered that there would be any undue loss of privacy. Furthermore, the distance together with relative orientation is such that there would be no overshadowing or loss of daylight. As such whilst the outlook from the rear garden of 37 Hafod Road will change, it is not considered that this would be harmful to the extent that refusal would be warranted. Indeed the removal of the diseased copper beech, which is quite overbearing in its own right will allow more light into the area at the front and side of this property.
- 6.26 The distance between the rear elevations of Plots 1 and 2 and the existing rear elevations of the nearest properties on Quarry Road varies between 27 metres and 33 metres which again is sufficient to overcome any concerns regarding loss of privacy, overshadowing or loss of daylight/sunlight.
- 6.27 Within the site itself, the relationship between Plots 2 and 3 in the corner of the site is such that there will be some overlooking from first floor windows into the rear garden of Plot 3 but this will be filtered somewhat by a retained tree and ultimately the intervisibility between the proposed houses within the site carries less weight than the impacts of the proposal on existing neighbouring residents, which is entirely acceptable in my view.
- 6.28 Accordingly, whilst existing residents will be affected by the development of what has essentially been a private landscaped garden, the proposal has been designed to limit this impact to an acceptable level that is considered to accord with CS policy SD1.

#### Highway Safety and Parking

- 6.29 The access has a long established use in connection with the former Council offices and as such historically has a level of use that would far exceed that of a residential development of this scale. Accordingly, whilst it is recognised that improvements could be made to achieve greater visibility, it is considered that the lower level of use, the lack of any evidence of accidents and the desire to retain the hedgerow embankment weighs in favour of retaining the access in its current form.
- 6.30 The access design and parking provision accord with the Highway Design Guidance and the revised layout now provides for the secure cycle storage (for the apartment building) and waste collection facilities that have been promoted by the Transportation Manager and the Head of Environment and Waste Services respectively.
- 6.31 Having regard to the above, it is considered that the proposal accords with CS policies MT1 and SD1.

#### Drainage

- 6.32 Welsh Water raise no objection to the proposed mains sewage connection. The site is not within a Flood Zone and is below the threshold whereby a Flood Risk Assessment is required. An Outline Drainage Strategy has been proposed underpinned by a Ground Investigation Report. The latter indicates that the soil condition does not favour an infiltration system (soakways) and as such the strategy envisages the use of attenuation tanks to regulate the flow or surface water to the combined sewer. This would be supported by rainwater harvesting provision for each of the detached dwellings.
- 6.33 A condition is recommended to secure the detailed design and performance of the sustainable drainage system and to ensure compliance with CS policy SD3.

## Section 106 Matters

- 6.34 In line with National Planning Practice Guidance and CS policy H1, neither affordable housing or Section 106 contributions are sought from developments of 10 units or less. As such there is no requirement for affordable housing or S106 contributions arising from this proposal for 9 units.

## Planning Balance

- 6.35 Having assessed the various impacts of the proposal, under the three dimensions of sustainable development, it is considered that the proposal is representative of sustainable development and the presumption in favour of development is engaged. Whilst some environmental harm has been identified, primarily through the loss of trees within the conservation area, this is considered to be less than substantial. As such paragraph 134 of the NPPF requires only for the public benefits to outweigh the harm. In this case, I am satisfied that the public benefits do outweigh the harm identified to the heritage asset and furthermore, applying NPPF paragraph 14 it is considered that there are no adverse impacts that would significantly and demonstrably outweigh the well-established economic and social benefits associated with the boosting of housing delivery. It is therefore recommended that permission is granted subject to conditions.

## **RECOMMENDATION**

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B02 Development in accordance with approved plans and materials**
- 3. C01 Samples of external materials**
- 4. F08 No conversion of garage to habitable accommodation**
- 5. F15 No windows in side elevation of extension**
- 6. G04 Protection of trees/hedgerows that are to be retained**
- 7. G11 Landscaping scheme - implementation**
- 8. H06 Vehicular access construction**
- 9. H09 Driveway gradient**
- 10. H13 Access, turning area and parking**
- 11. H27 Parking for site operatives**
- 12. H29 Secure covered cycle parking provision**
- 13. I16 Restriction of hours during construction**
- 14. M17 Water Efficiency - Residential**
- 15. I20 Scheme of surface water drainage**
- 16. L02 No surface water to connect to public system**

- 17. **K4 Nature Conservation - Implementation**
- 18. **K5 Habitat Enhancement Scheme**

**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. **HN10 No drainage to discharge to highway**
- 3. **HN05 Works within the highway**

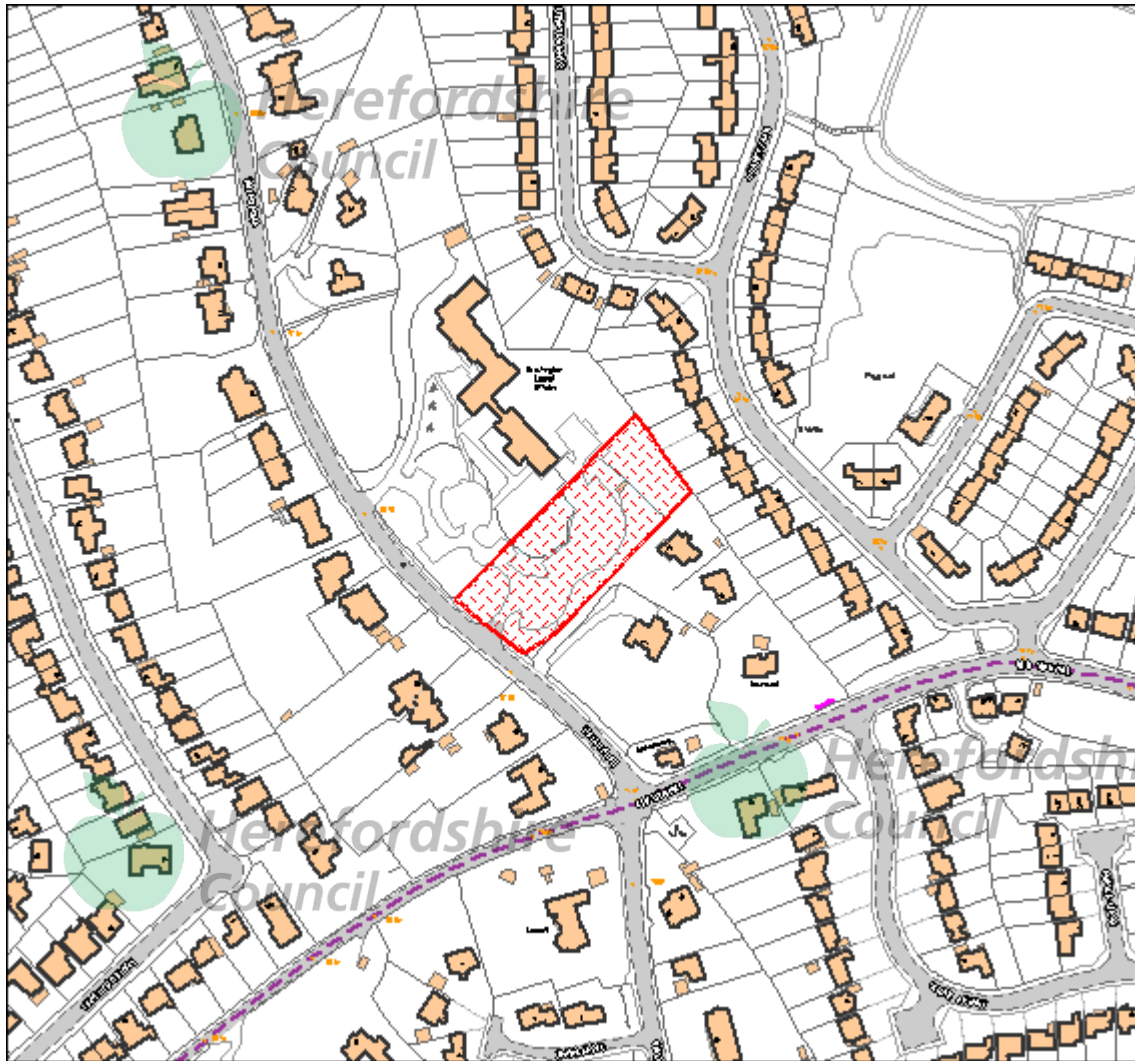
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 162264

**SITE ADDRESS :** LAND ADJACENT TO BROCKINGTON OFFICES, 35 HAFOD ROAD, BROCKINGTON, HEREFORD, HR1 1SH

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