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| MEETING: | PLANNING AND REGULATORY COMMITTEE |
| DATE: | 14 MARCH 2018 |
| TITLE OF REPORT: | 174466 - PROPOSED RESIDENTIAL DEVELOPMENT TO PROVIDE 4 NO FLATS AT 8 COTTERELL STREET, HEREFORD, HEREFORDSHIRE, HR4 0HQ For: Mr Gough per Mr T J Ford, 30 Grove Road, Hereford, Herefordshire, HR1 2QP |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=174466&search=174466 |
| Reason Application submitted to Committee - Redirection | |

Date Received: 28 November 2017 Ward: Greyfriars Grid Ref: 349969,240262

Expiry Date: 21 March 2018

Local Member: Councillor AJW Powers

1. Site Description and Proposal

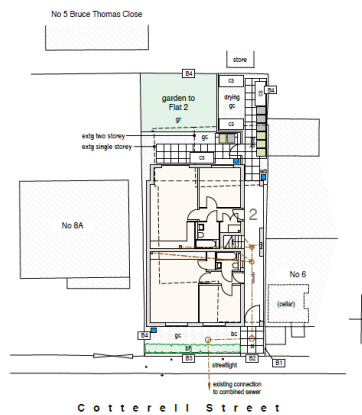
- 1.1 The application site is a small, long established plumbers' yard that fronts the north east side of Cotterell Street. It is approximately 36 metres to the northwest of the junction of Cotterell Street and its junction with White Horse Street and lies within an established, predominantly Victorian residential neighbourhood within the Whitecross area of Hereford.
- 1.2 Presently the essentially rectangular site (approximately 9 metres by 23 metres) is fenced off and has an extensive coverage of single storey structures clustered against a former brick and slate coach house building that lies to the north of the site with a yard area behind. The former coach house building is some 6.7 metres to the roof ridge and 4.6 metres to the eaves. These buildings have been used for storage, showroom and office accommodation to serve the plumbers' business and abut the common boundary with number 6 Cotterell Street, with a narrow walkway to the western side of the site to gain access to the rear yard area. The site is flat, with a two storey, end terraced dwelling to the southeast and a two storey detached property to the northwest. Adjoining the rear boundary is the rear garden of a side on two storey semi-detached dwelling located at the head of Bruce Thomas Close, a relatively modern, small residential cul-de-sac off Whitecross Road.
- 1.3 It is proposed to demolish all the existing structures on the site and erect a two storey building, to provide four one bedroomed flats (two flats at ground floor and two above). The building would be sited alongside number 6 Cotterell Street. It would be 7.4 metres to the roof ridge and 5 metres to the eaves, with the elevation fronting the road being some 9 metres. The principal elevation, facing Cotterell Street, incorporates a gable with a modestly oversailing roof and covered access to the right hand side to serve all four flats and an area for secure and covered cycle storage, waste and recycling bins and a garden to serve the rear ground floor flat (number

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

2). The one bedroomed flats would range between 40.5 and 52.1 square metres in floor area; each providing open plan living, dining and kitchen areas and a bedroom with either an ensuite shower room or separate bathroom facility. A low brick wall with bullnose brick capping and metal railings on top, with box hedging behind is proposed to the south elevation to Cotterell Street.



Street Elevation - South



Site Layout

- 1.4 The application was accompanied by a Design and Access Statement and a Phase 1 Desk Study Report. The former advises that the site is currently in use as a joinery workshop, having previously been a plumber's yard/heating showroom. The design concept is set out, comparison with the extant permission; noting that the permitted development rights were not removed, such that a three metre projecting rear extension would have been possible without further application. It is stated that extant scheme is 1.05 metres taller than that now proposed.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

| | | |
|-----|---|--|
| SS1 | - | Presumption in Favour of Sustainable Development |
| SS2 | - | Delivering New Homes |
| SS3 | - | Releasing Land for Residential Development |
| SS4 | - | Movement and Transportation |
| HD1 | - | Hereford |
| HD3 | - | Hereford Movement |
| H1 | - | Affordable Housing – Thresholds and Targets |
| H3 | - | Ensuring an Appropriate Range and Mix of Housing |
| MT1 | - | Traffic Management, Highway Safety and Promoting Active Travel |
| E2 | - | Redevelopment of Existing Employment Land and Buildings |
| LD1 | - | Landscape and Townscape |
| LD2 | - | Biodiversity and Geodiversity |
| SD1 | - | Sustainable Design and Energy Efficiency |
| SD3 | - | Sustainable Water Management and Water Resources |
| SD4 | - | Waste Water Treatment and River Water Quality |
| ID1 | - | Infrastructure Delivery |

2.2 Highways Design Guide for New Developments

2.3 National Planning Policy Framework:

The following sections are of particular relevance:

| | | |
|--------------|---|--|
| Introduction | - | Achieving Sustainable Development |
| Section 4 | - | Promoting Sustainable Transport |
| Section 6 | - | Delivering a Wide Choice of High Quality Homes |
| Section 7 | - | Requiring Good Design |
| Section 8 | - | Promoting Healthy Communities |

2.4 National Planning Policy Guidance

2.5 The Herefordshire Local Plan 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/info/200185/local_plan/137/adopted_core_strategy

3. Planning History

3.1 151031/O - Site for proposed erection of 2 dwellings – approved 13.7.2015

4. Consultation Summary

Statutory Consultations

4.1 Natural England

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

4.2 Welsh Water

We have reviewed the information submitted as part of this application with particular focus on Drawing Number 807-03 which shows the proposed foul drainage arrangement and we have no adverse comment to make on this proposal. We also refer to the Phase One Desk Study Report dated 2nd November 2016 which indicates that there is a good chance that the ground conditions are favourable for infiltration. We therefore request that percolation tests are undertaken and a suitably sized soakaway installed.

Therefore, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent.

Conditions

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.

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Internal Council Consultations

4.3 Transportation Manager

I am concerned that no car parking is proposed for the development, in an area that already suffers from on street parking stress, and would therefore object to the proposal.

However in view of the small units proposed in this sustainable location close to employment areas, bus routes, cycle routes and the city centre, and with cycle storage provision, I am dubious that a refusal on highways safety grounds based solely on lack of parking provision could be substantiated. The lack of parking may however be considered to cause amenity issues.

4.4 Environmental Health Manager

I refer to the above application and would make the following comments in relation to contaminated land and human health issues.

The application has been submitted with the following report.

"Phase One Desk Study Report. Proposed Residential Development. 8 Cotterell Street, Hereford. HR4 7RB." Prepared by Environmental Management Solutions, ref: EMS6478a, Dated 2nd November 2016.

This report recommends further investigation be carried out and as such the following condition should be appended to any approval with a recognition that the Desk Study element has been satisfied.

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
 - a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
 - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors

- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health.

2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health.

Technical notes about the condition

1. I would also mention that the assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012.
2. And as a final technical point, we require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

4.5 Waste

Approve with conditions. Paved area needed for the collection point of the bins.

4.6 Conservation Manager (Ecology)

With foul water connection proposed to mains sewer (and indicated as likely acceptable by Welsh Water) and with surface water being managed onsite through a SuDS/Soakaway system I can not identify any unmitigated 'Likely Significant Effect' on the River Wye SAC/SSSI.

I have no ecological records for this site but I am aware that bats are numerous across the whole area and could be opportunistically utilising the existing brick 2 story building, likewise nesting birds. I do not believe this LPA has sufficient reason to request an ecological survey but if Consent is granted I would suggest including a relevant advisory note reminding the applicant

of their personal obligations and liabilities to protected species and nesting birds under UK Wildlife Legislation. The new development would also allow the opportunity to provide betterment of the local biodiversity potential by the inclusion of habitat enhancement features such as bat boxes/bricks/tubes and bird nesting features such as Sparrow Terraces and Swift bricks/boxes. I would request that a relevant condition is included to secure the Biodiversity enhancements in line with best practice, NPPF guidance, NERC Act and Core Strategy LD2.

Protected Species and Nesting Birds Informative

The Authority would advise the applicant that all bats and their roosts (whether bats are present or not) are legally protected and so to satisfy their own legal obligations and risk management they may want to commission a basic ecological check from a suitably qualified ecologist/bat worker immediately prior to any work commencing or at a minimum make any contractors working on the buildings/roofs aware that protected wildlife could be present and what to do if wildlife is found – stop work immediately and seek professional advice from a licensed bat worker or ecologist. More information can be found on the Bat Conservation Trust website: www.bats.org.uk All nesting birds (and their nests) are legally protected from disturbance – the bird nesting season is generally accepted as March to August and care should be taken to plan work and at all times of the year undertake the necessary precautionary checks prior to work commencing. Any external lighting shouldn't illuminate any 'natural' boundary feature or increase night time sky illumination (DEFRA/NPPF Dark Skies Guidance 2013).

Nature Conservation – Enhancement

Within 3 months of completion of the building works evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation of at least TWO bat roosting enhancements (habitat boxes, tubes, tiles, bat bricks, raised weatherboarding); TWO bird nesting boxes and ONE pollinating insect habitat home built in to, or attached to the new property or on land or buildings under the applicant's control, should be supplied to and acknowledged by the local authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

Informative:

I would suggest advice should be sought from an appropriately experienced ecologist or bat worker. Habitat boxes should be suitably hard wearing and durable eg Schwegler woodcrete, Greenwood habitat's 'ecostycrete' or similar. No external lighting should illuminate any of the enhancements, surrounding woodland habitat or other boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative (DEFRA/NPPF Guidance 2013).

5. Representations

- 5.1 Hereford City Council Planning Committee objected to Planning Application 174466, on the grounds that the proposed build constitutes overdevelopment. Councillors also took into account the numerous complaints and objections of local residents, citing the issue of parking as a primary reason for objection. With so few parking spaces included in the development, it would be unreasonable to allow the application to proceed without a countermeasure in place to reduce the number of cars parked on the already densely packed road.

5.2 16 letters of objection have been received from 12 individuals. In summary the main points raised are:

- Lack of off road parking to serve four flats is unacceptable – potential for between 4 and 8 additional cars
- Existing problems with congestion on street parking including restrictions to buses and fire engines, and blocking of driveways, due to the narrow nature of the street and overpopulation of existing housing
- On certain evenings there are pub sports' nights at the pub, making parking even worse
- Proposals for further parking restrictions (double yellow lines on the corners, reduced parking on Whitehorse Street, no-waiting zones on almost 50m of Cotterell Street)
- Site is big enough to include off road parking and previous permission did provide it
- Parking is already potentially dangerous and source of frustration
- Too many multi households already – Council allow more and more to be built or have many occupants
- Proximity and overlooking to 8a Cotterell Street
- Proximity to 6 Cotterell Street and potential to undermine the stability of the gable end
- Party Wall Act applies, mentions 3 metre rule for building works too close to adjacent properties – grounds for refusal
- Japanese knotweed is present on site – not mentioned in submission, groundworks would disturb its roots making the situation worse
- Council may follow Government planning guidelines with reference to no parking on site, but this does not guarantee that residents will follow this policy and not own a car
- Victorian Street is picturesque and new build would look out of place
- Not opposed to redevelopment, but it should address these key issues

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=174466&search=174466

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

Principle

- 6.1 It is a legal requirement that applications are determined in accordance with the Development Plan, unless material planning considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990). This requirement is reconfirmed in paragraphs 11 to 13 of the National Planning Policy Framework (hereon referred to as NPPF). These paragraphs state that the NPPF is guidance and does not change the statutory status of the Development Plan, but that it is highly desirable for local planning authorities to have an up-to-date local plan. In this instance the Development Plan consists of the Herefordshire Local Plan – Core Strategy (hereon referred to as the CS), which was adopted on 16th October 2015.
- 6.2 The NPPF and National Planning Policy Guidance (hereon referred to as NPPG) are important material planning considerations.

6.3 At the present time the Council has a shortfall in housing land supply, with the published position being 4.54 years. In such cases where there is a lack of 5 year housing land supply, paragraph 49 of the NPPF states that policies relevant to the supply of housing cannot be considered to be up to date and as a result the 'tilted' planning balance set out in paragraph 14 applies. This requires permission to be granted *'where the development plan is absent, silent or relevant policies are out of date, granting permission 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.'*

CS policy SS1 reiterates paragraph 14 of the NPPF.

6.4 In terms of the planning history, firstly it should be acknowledged that the previously granted outline planning permission (151031) for a pair of two storey, semi-detached dwellings remains extant until 13th July 2018. It is therefore a material planning consideration. Nevertheless, the current submission is a full planning application rather than a reserved matters submission. Secondly, it is important to note the lawful use of the site is a B1 use. It constitutes previously developed land, as per Annex 2: Glossary of the NPPF and 'brownfield land' as per the CS's Glossary of Terms. It is a core planning principle of the NPPF (8th bullet point of paragraph 17), that planning should encourage the effective use of land by reusing land has that been previously developed.

6.5 The principle of residential development has already been accepted, through the extant permission granted in 2015 and despite a change in the Development Plan since that date, through the adoption of the CS, the principle remains acceptable. The loss of an employment site has already been accepted and this remains a material consideration whilst the earlier permission remains extant. Furthermore, the lawful use of the site is considered to be a 'non-conforming' use within a residential area and the proposed use is by its nature compatible.

6.6 The main issues arising from the proposal are the impact on the street scene and neighbouring properties' residential amenity, highway safety, contamination, and ecology including drainage.

Visual amenities

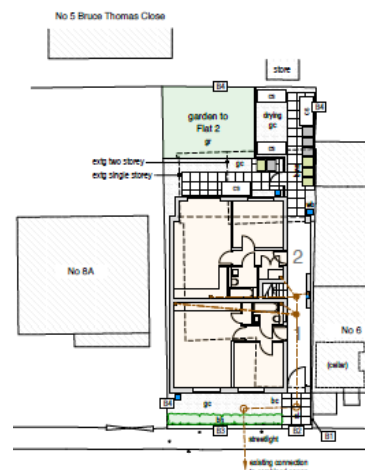
6.7 The site's context is characterised by two storey development, typically terraced with shallow front gardens and low brick boundary walls to Cotterell Street. At the present time, it is considered that the buildings on the site and the boundary fence to Cotterell Street have a negative impact on the street scene. The neighbouring detached dwelling, number 8a, is an anomaly in terms of its set back siting, mass and design. The proposed building would be two storey and sited alongside number 6 Cotterell Street, an end terraced property. It would have a gable with bargeboard detailing to the principal elevation, reflecting the design of Bakery Mews, which lies to the east of the adjacent terrace. It is considered that the proposed building would be of a height, principal elevation and roof design that demonstrates that the townscape has positively influenced its design and scale as per CS policies LD1 and SD1. The form and design of the building and the boundary treatments respond to local character and reflect the identity of the surroundings in accordance with the requirements of the NPPF, which promotes good design. External materials can reasonably be subject to a condition to ensure that they are compatible with the surroundings. In visual terms the proposal would represent an enhancement of the townscape in compliance with CS policies SD1 and LD1 and the requirements of the NPPF.

Impact on neighbours

- 6.8 CS policy SD1 and the NPPF (paragraph 17) require developments to ensure a good standard of living conditions is achieved for existing and proposed occupiers of land and buildings. In appraising the impact of the proposal on the living conditions of existing residents it should be noted that the proposal would replace a non-conforming business use with four flats, in a residential area. It is appreciated that the employment site may currently not be that active, but nevertheless it is a lawful use and operations could intensify or another business falling within the same use class could lawfully operate from the site without the need for further planning permission. There are no planning restrictions on hours of operation. Consequently, the proposal is considered to provide an improvement to the living conditions of existing residents in terms of the use of the site.
- 6.9 With regards the impact of the proposed building operations firstly it should be recalled that there is an extant permission for a pair of two storey, semi-detached dwellings on the application site. As approved, these would be sited alongside the southeastern gable end of number 8a and abutting the boundary with number 6.



As approved and extant



As proposed

- 6.10 Whilst the proposed scheme would result in a forward project in relation to number 8a, this would be to the southeast along side a parking area. The rear elevation of the proposed building would project approximately 1.2 metres beyond that of number 8a. With regards number 6, the side elevation of the proposed building would abut the gable end, as the existing single storey structures do. There are no windows in this gable end and the provision of a two storey building would not adversely affect the existing living conditions. Taking into account the existing relationship between the buildings on site and the neighbours and the extant permission, it is considered that in its context of relatively high density development, the proposal would not have a harmful impact on the existing occupiers' living conditions. The scheme is considered to accord with the provisions of CS policy SD1 and the NPPF. The concerns raised with regards the potential structural implications of building up to the boundary wall would fall within the Building Regulations and/or the Party Wall Act. It is therefore not a consideration in the determination of this planning application.

Highways

- 6.11 With regards the impact on highways CS policy MT1 and the NPPF paragraph 32 are applicable. Amongst other requirements, CS policy MT1 states that proposals should:
- demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development
 - encourage active travel behaviour to reduce numbers of short distance car journeys through the use of travel plans and other promotional and awareness raising activities
 - ensure that developments are designed and laid out to achieve safe entrance and exit
 - have regard to with both the council's Highways Development Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan - having regard to the location of the site and need to promote sustainable travel choices.
- 6.12 The NPPF, paragraph 32, requires decisions to take account of whether there would be safe and suitable access to the site and should only refuse permission on transport grounds where the residual cumulative impact of the development would be severe.
- 6.13 The existing parking congestion is understood; on road parking is ubiquitous and limits the road width. Cotterell Street, similarly to other unclassified streets in this predominantly Victorian area, has very limited off road parking and generally properties have relatively narrow frontages, thus limiting residents parking near to their respective properties. This existing situation is considered by existing residents to adversely impact on highway safety and their expectations to be able to park in the vicinity of their homes. The lawful business use of the site appears to have only very limited off road parking (area for one car sized vehicle) in the forecourt between the existing boundary fence and the buildings, with gated access.
- 6.14 The site is considered to be in a highly sustainable location with good access to local shops, schools, employment and services and with Hereford City Centre being only 800 metres distant, offering a wide range of services and access to public transport to facilitate onward travel. The scheme proposes four one bedroomed flats, with secure and covered cycle storage for two cycles per unit. It is considered that these factors would mean that future residents would have a real choice on how they travel, in accordance with the sustainable travel patterns encouraged by both the CS and the NPPF.
- 6.15 The car parking standards in the Council's Highways Design Guide for New Developments sets a standard of a maximum of 1 car parking space for one bedroomed units. The Guide also states (section 2.20) that the '*Council has deemed that parking standards need to allow for significantly lower levels of off street parking provision, particularly for developments:*
- *In locations, such as town centres, where services are readily accessible by walking, cycling or public transport;*
 - *Which provide housing for elderly people, students and single people where the demand for car parking is likely to be less than for family housing; and*
 - *Involving the conversion of housing or non residential buildings where off street parking is less likely to be successfully designed into the scheme.'*
- 6.16 This is a proposal for one bedroomed units, more likely to be occupied by single people, couples, the elderly (ground floor flats in particular) and students. It also involves redevelopment of previously developed land where the incorporation of off road parking would not accord with the prevailing character of the area, although there are examples of such nearby.

- 6.17 There is potential that the provision of four small residential units will add extra pressure on very limited on street parking in the vicinity. This would exacerbate existing residents' parking problems and associated frustration. The existing parking problems are appreciated and the concern that this would worsen as a result of this proposal devoid of off road parking provision. However, the existing position must be fully accepted, to enable an accurate assessment of the implications of the proposed development. The parking requirements are not to be compared to those of a greenfield site. Lawfully the site can be used for a B1 use and also a B8 (storage and distribution) under permitted development rights. These uses could give rise to more frequent vehicle movements and larger vehicles, although these would be more likely, but not restricted to, day time activities when local residents may have less need for parking. It is considered that there is potential for some extra pressure on parking in the area, which in turn would increase the frustration of residents. The Transportation Manager's response endorses this. However, given the emphasis of planning policy to promote alternative forms of travel to the car, the site's accessibility and the nature of the scheme for small units, it is considered that the scheme could not be refused on this basis.

Contamination

- 6.18 CS policy SD4 states that where contamination is present appropriate remediation is required to ensure that a safe development would be achieved. The responsibility for securing safe development lies with the landowner/developer (NPPF paragraph 120). A Phase 1 Desk Study Report has been provided and the Environmental Health Officer has noted that the report recommends further investigation be carried out. It is considered reasonable and necessary to impose a precautionary condition in respect of contamination to ensure that future residents of the flats have a good standard of living conditions.

Ecology and drainage

- 6.19 The proposal includes the demolition of a former coach house building and various attached structures. An ecology survey report has not been provided, but neither was one provided for the extant planning permission granted almost three years ago. In these specific circumstances it is considered that a precautionary note advising of the legal requirements pertaining to protected species would be appropriate.
- 6.20 CS policy SD4 sets out sequential preferences for foul drainage, with a mains connection being the first option. The scheme proposes a mains connection and Welsh Water do not object to this. Turning to surface water disposal, Welsh Water have recommended a condition preventing a connection. The application has confirmed that presently the surface water connects to the mains and that the redevelopment of the site would reduce the existing impermeable surfaces by 6.7 square metres and three water butts would also be included in the scheme. It is intended, if possible, for surface water to drain to soakaways. No percolation tests have been carried out at the present time, although as confirmed in paragraph 7.3 (page 14) of the Phase One Desk Study Report confirms that it is likely that at least a part of the Glaciofluvial Sheet Deposits are granular in nature and would be suitable to allow soakaway drainage. It is considered likely that the ground will be adequate for soakaways, but the restrictive factor is the lack of space for standard soakaways. The applicant has advised that an engineered system may provide a solution. On this basis, Welsh Water have provided a revised recommended condition to provide flexibility to assess the possibility of soakaways first. They have stressed the importance that all sustainable drainage options are explored before a public sewer connection is considered and advising that a combined sewer connections is seen as the least sustainable option and a last resort.

Other matters

- 6.21 Neighbours have advised that there is Japanese knotweed on the site and express concern that groundwork disturbance to the roots would make it spread. It is advised that this is a civil matter, meaning that it is the owner's responsibility to stop it spreading onto another's land. It is classified as 'controlled waste' and can only be disposed of at licenced landfill sites. An informative note is considered to be proportionate, given that this falls outside of the planning remit, to ensure that this matter is highlighted to the applicant and any future developers.

Conclusion

- 6.22 Presently the Council cannot demonstrate a 5 year housing land supply, so paragraph 49 of the NPPF states that the policies relevant to the supply of housing cannot be considered up to date. The weight to be afforded to these policies is for the decision maker to apportion; the closer their degree of consistency with the NPPF the greater the weight to be afforded. The CS housing policies relevant to this application promote growth and are not restrictive to the principle. Paragraph 14 requires a 'tilted' planning balance to be undertaken, stating that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate development should be restricted. Thus, harm in or by itself is not sufficient; harm must be of sufficient gravity to significantly and demonstrably outweigh the benefits. There are no policies in the NPPF that direct refusal of the proposal and as set out above the principle of residential development is considered to comply with CS policies. The proposal is considered to comprise sustainable development and the 'planning balance' must be undertaken. In practice this is commonly appraised under the three dimensions of sustainable development; the environmental, social and economic roles.
- 6.23 The construction of a new building comprising four residential units would contribute to the housing supply and the local economy through the employment of trades and purchase of materials (potentially local business for this small scale development) and payment of the New Homes Bonus. In social terms, and most importantly the scheme would provide small, low-cost, market housing in the context of an under-supply of housing land and would therefore positively contribute to the range of housing in accordance with CS policy H3. The additional units of accommodation would increase the residents in the area, which may also help to sustain the local facilities. For four units these benefits would be moderate. In environmental terms, a key benefit would be the extinguishing of a non-conforming use in a residential area. Furthermore, locationally the site is sustainable, with future occupiers having a real choice on how to travel for day to day living. The inclusion of secure and covered cycle storage is welcomed and would facilitate occupiers' use of non-motorised transportation methods. The scheme would therefore support a transition to a low carbon future, in compliance with a core planning principle of the NPPF and this leans in favour of the scheme. The removal of the incongruous fencing to Cotterell Street and ad hoc development behind, would enhance the appearance of the street scene. However, as identified earlier there are very real local concerns with regards the further pressure on already limited on street parking. Overall, and accepting that the planning balance is tipped in favour of supporting sustainable development, I consider that the potential, but not unequivocal harm, would be limited and of insufficient gravity to significantly and demonstrably outweigh the benefits in this case. Having regard to the NPPF as a whole, together with adopted CS policies with appropriate weight afforded as stipulated in the NPPF, it is considered that the scheme comprises sustainable development, and that permission should be granted subject to conditions as set out below.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. **A01 Time limit for commencement (full permission)**
2. **C06 (UK Map Centre site location plan – 1:1250, 807-03, 807-04, 807-05)**
3. **C01 Samples of external materials**
4. **No development shall take place, including demolition of the existing buildings, until the following has been carried out and confirmation submitted to and approved in writing by the local planning authority:**

a) as the Phase 1 Desk Study Report (Environmental Management Solutions – dated 2.11.2016) recommends intrusive investigations, a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors. This shall include an appropriate demolition asbestos survey.

b) if the risk assessment in (a) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: The treatment of any potential contamination is a necessary initial requirement before any demolition and/or groundworks are undertaken so as to ensure that contamination of the site is removed or contained and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5. **The Remediation Scheme, as approved pursuant to condition no. (4) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.**

Reason: The treatment of any potential contamination is a necessary initial requirement before any demolition and/or groundworks are undertaken so as to ensure that contamination of the site is removed or contained and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. **If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an**

amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: The treatment of any potential contamination is a necessary initial requirement before any demolition and/or groundworks are undertaken so as to ensure that contamination of the site is removed or contained and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 7. No development, other than demolition of the existing buildings, shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.**

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.

- 8. With the exception of any site clearance and groundwork (excluding any works to retained features), no further development shall commence on site until a landscape design has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include:**

Soft landscaping

- a) A plan(s) at a scale of 1:200 or 1:500 showing the layout of proposed hedge and shrub planting and grass areas**
b) A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 9. The soft landscaping scheme approved under condition 8 shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.**

Reason: In order to maintain the visual amenities of the area and to enhance habitat biodiversity so as to conform with Policies LD1 and 2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 10. Prior to the first occupation of any of the residential units hereby approved a collection point for waste and recycling bins shall be provided within the application site in accordance with details (siting, size and surface materials) which shall have first been submitted to and approved in writing by the Local Planning**

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

Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that there is adequate provision for the collection of waste and recycling within the application site in accordance with the requirements of policies SD1 of Herefordshire Local Plan – Core Strategy.

11. B01 Development in accordance with the approved plans

12. Prior to the first occupation of the flat to which it serves a ‘Protect a Cycle’ storage unit or an alternative secure and covered cycle store, the details of which have first been submitted to and approved in writing by the Local Planning Authority, shall be provided as per the siting indicated on the approved site plan (drawing 807-03). The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and thereafter shall be maintained.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

13. Within 3 months of completion of the building works evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation of at least two bat roosting enhancements (habitat boxes, tubes, tiles, bat bricks, raised weatherboarding); two bird nesting boxes and one pollinating insect habitat home built in to, or attached to the new property or on land or buildings under the applicant’s control, should be supplied to and acknowledged by the local authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

14. I16 Restriction of hours during construction

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. Technical notes about conditions 4-6:

1. The assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012.

2. All investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

3. The applicant's/developer's attention is drawn to the existence of Japanese knotweed on site. It is the applicant's/developer's legal responsibility to ensure this does not adversely affect neighbouring properties and to ensure it is disposed of in an appropriate manner. For more information please refer to:

<https://www.gov.uk/guidance/prevent-japanese-knotweed-from-spreading>

4. The applicant is advised that all bats and their roosts (whether bats are present or not) are legally protected and so to satisfy their own legal obligations and risk management they may want to commission a basic ecological check from a suitably qualified ecologist/bat worker immediately prior to any work commencing or at a minimum make any contractors working on the buildings/roofs aware that protected wildlife could be present and what to do if wildlife is found – stop work immediately and seek professional advice from a licensed bat worker or ecologist. More information can be found on the Bat Conservation Trust website: www.bats.org.uk All nesting birds (and their nests) are legally protected from disturbance – the bird nesting season is generally accepted as March to August and care should be taken to plan work and at all times of the year undertake the necessary precautionary checks prior to work commencing. Any external lighting shouldn't illuminate any 'natural' boundary feature or increase night time sky illumination (DEFRA/NPPF Dark Skies Guidance 2013).
5. It is suggested that advice should be sought from an appropriately experienced ecologist or bat worker. Habitat boxes should be suitably hard wearing and durable e.g. Schwegler woodcrete, Greenwood habitat's 'ecostyrocete' or similar. No external lighting should illuminate any of the enhancements, surrounding woodland habitat or other boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative (DEFRA/NPPF Guidance 2013).
6. **Welsh Water Advisory Notes**

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 174466

SITE ADDRESS : 8 COTTERELL STREET, HERFORD, HEREFORDSHIRE, HR4 0HQ

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