

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	3 FEBRUARY 2021
TITLE OF REPORT:	202687 - PROPOSED TWO BED DWELLING AT LAND AT AMYAND DRIVE, GARDEN OF 187 WHITECROSS ROAD, HEREFORD, HR4 0LU For: Ms Little per Mr Lee Greening, 2nd Floor Offices, 46 Bridge Street, Hereford, HR4 9DG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202687&search-term=202687
Reason Application submitted to Committee – Member of staff	

Date Received: 17 August 2020

Ward: Whitecross

Grid Ref: 349615,240434

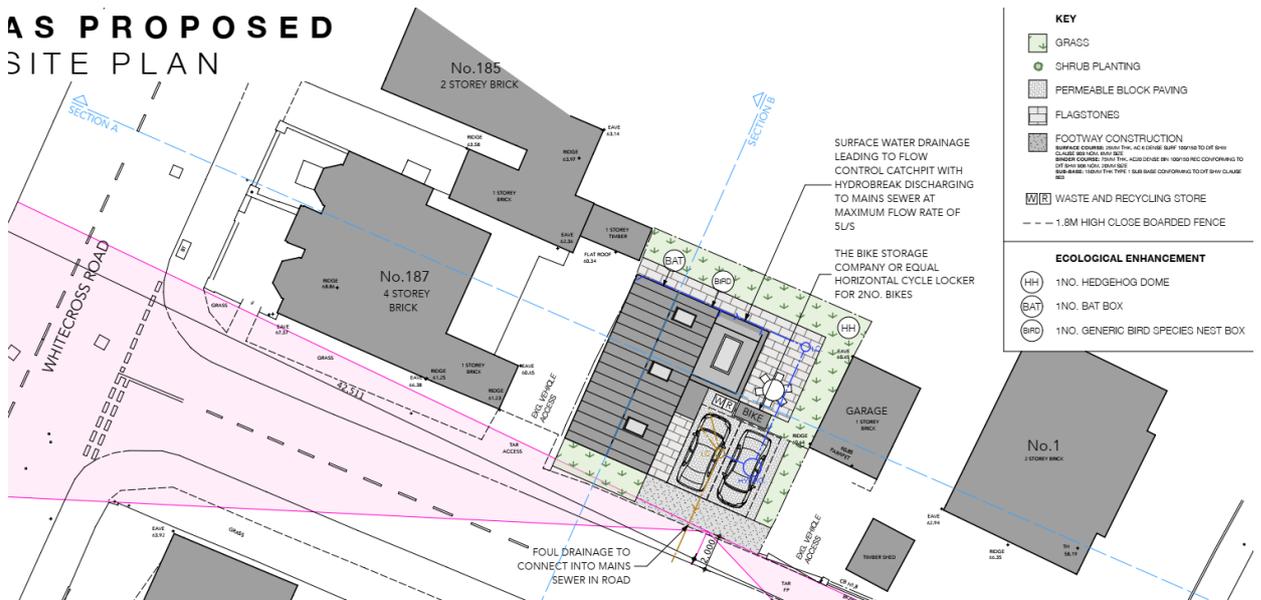
Expiry Date: 17 November 2020

Local Member: Councillor Dave Boulter

1. Site Description and Proposal

- 1.1 The application site is an area of untidy overgrown land located to the rear of 187 Whitecross Road and although unused as garden it forms part of the curtilage of this property which has been converted to flats. The site is open and accessible from Amyand Drive which skirts along the western boundary of the site. To the south is the fenced boundary with 1 Amyand Drive which has a detached garage close to the boundary. Amyand Drive is a cul-de-sac of some 22 properties. To the east is the fenced boundary with 185 Whitecross Road which has a characteristic long, narrow garden plot.
- 1.2 Planning permission is sought for a 2 bedroom dwelling which would be sited on the edge of the existing hardstanding area serving 187 Whitecross Road. It has a floor area 10 metres by 5 metres with an additional small flat roofed element forming an L-shape on the plot. It would be 5.9 metres to the ridge and 3.3 metres to eaves. The bedrooms would be accommodated within the roof and would be served by 3 rooflights and windows in the front and rear gables. The window in the rear elevation facing the garden of 185 Whitecross Road would be obscure glazed. The cills of the rooflights have been set at 1.7 metres above the internal first floor level.
- 1.3 The building would be positioned some 2.8 metres from the fenced boundary with 185 Whitecross Road and 4.8 metres from the boundary with 1 Amyand Drive. Parking for 2 cars is available and an outdoor seating area is identified.
- 1.4 The Site Plan and streetscene/front elevation are provided for reference below.
- 1.5 The application as supported by a Design and Access Statement and an Ecological Statement and a Climate Change compliance checklist has also been submitted.

AS PROPOSED SITE PLAN



AS PROPOSED ELEVATIONS



2. Policies

2.1 The Herefordshire Local Plan Core Strategy (CS) 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

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	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
SD1	-	Sustainable Design and Energy Efficiency

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

- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality

2.2 The Hereford Area Plan (HAP) is at the drafting stage and as such cannot be afforded weight in decision-making

2.3 National Planning Policy Framework (NPPF)

The following chapters of the NPPF are considered to be pertinent to this application:

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well designed places
14. Meeting the challenge of climate change, flooding and coastal change

2.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9 November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application and a review of the relevant policies has identified that they remain consistent with the NPPF and as such can continue to be given significant weight.

3. Planning History

3.1 The following history is relevant to the application site

HC960274PF Proposed development for 2 residential dwellings. Refused 30/9/96

HC950454PF Proposed development for 2 residential dwellings. Refused 22/2/96

4. Consultation Summary

4.1 Statutory Consultees

Welsh Water

We note that the application specifies the proposed method of surface water disposal will be via a main sewer. However, there is no justification within the application submitted investigating sustainable methods of surface water drainage. In the absence of this information and to ensure there is no detriment to the public sewerage system we request that should you be minded to grant planning permission the following **Condition and Advisory Notes** are included.
SEWERAGE

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.

4.2 Internal Council Consultations

Area Engineer Team Leader

The local highway authority (LHA) has no objection to the proposals set out on plans P100 rev B and P101 rev B

(Note: comments made in relation to the extent of the highway across the frontage of the site have now been addressed through revisions to the proposed site layout)

5. Representations

5.1 Hereford City Council

Hereford City Council Planning Committee objected to Planning Application 202687. Councillors agree with Welsh Water's comments, as well as Highways England, in that there is a prevalent parking issue that has not been addressed. The proposed dwelling is cramped and does not offer future residents much access to outside space.

5.2 Third Party Representations

A total of 5 individual objections and a petition of 18 signatories have been submitted. The concerns can be summarised as follows:

- Loss of privacy
- Loss of daylight
- Additional noise
- Existing parking issue in Amyand Drive
- Significant disruption to access and existing on street parking in Amyand Drive during construction
- Proposal does not enhance look or function of Amyand Drive

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=202687&search-term=202687

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

Policy context and Principle of Development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 6.3 CS Policy SS1 sets out the presumption in favour of sustainable development, which is reflective of the positive presumption enshrined by the current NPPF as a golden thread running through plan-making and decision-taking. Policy SS1 also confirms that proposals which accord with the policies of the Core Strategy (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. Again, this is broadly reflective of Paragraph 11 of the current NPPF.
- 6.4 Policy SS2 of the CS confirms that Hereford is the main focus for new housing development in the county, followed by the five market towns in the tier below. In rural areas new housing will be acceptable where ‘it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community’. Similarly, at paragraph 78 the current NPPF advises that to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural settlements.
- 6.5 The application at this time must be considered in the context of the Council being unable to identify a five year supply of deliverable housing sites or demonstrate it can meet the housing deliverability test. At paragraph 11, the framework confirms that when making decisions the ‘presumption in favour of sustainable development’ should be applied. It goes on to set out at 11 (d) that where the policies most important for determining the application are ‘out-of-date’ planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or the application of the policies in the framework provides a clear reason for refusing the proposal. At footnote 7, it is confirmed that a failure to demonstrate a five year supply of housing and requisite buffer in accordance with paragraph 73 will render relevant policies to delivering housing out-of-date.
- 6.6 It is acknowledged that, at this point in the time, the Council is unable to demonstrate a five year supply of deliverable housing sites. A supply statement has recently been published which outlines that at 1st April 2020, the supply position in Herefordshire stands at 3.69 years. As a result, the presumption in favour of sustainable development set out under paragraph 11 of the Framework is fully engaged. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the current framework as a whole, or if specific policies in the current framework indicate development should be restricted.
- 6.7 CS Policy HD1 identifies that Hereford will accommodate a minimum of 6500 homes with 3200 dwellings to be provided partly through windfall development and non-strategic sites.
- 6.8 The site is patently within the settlement of Hereford and is well located in terms of offering access to a range of services and facilities on foot and by other active means of travel. In this regard, it is considered to accord with the development plan in spatial terms.

Residential Amenity

- 6.9 It is recognised that the proposal has the potential to affect the living conditions of existing occupiers of neighbouring properties and a number of objections have raised concerns in relation to the loss of privacy and daylight. CS policy SD1 in part seeks to safeguard residential amenity for existing and proposed residents.
- 6.10 Visits have been conducted within the gardens and properties of both 185 Whitecross Road and 1 Amyand Drive which are considered to be the most affected properties. In relation to 185 Whitecross Road, there will be some loss of outlook from the ground floor kitchen window and the private seating area immediately to the rear of the property. The presence of the proposed

dwelling will also be felt within the garden more generally. However, taking into account the modest height of the dwelling (5.8 metres) and the 2.8 metres set back from the boundary it is not considered that there will be a significant overbearing impact. I have also had regard to the relative orientation of the application site with 185 Whitecross Road and consider that it will continue to receive sunlight through the majority of the day with some overshadowing arising in the late afternoon. This impact would be limited in my view and whilst acknowledging the concerns raised by the neighbour, it is not considered that the impact would be at a level where the refusal of permission was warranted.

- 6.11 In addition, the application has been amended such that the gable window serving the first floor bedroom would be obscure glazed and as such it would not result in a loss of privacy beyond that which is currently enjoyed bearing in mind it is overlooked to some extent by existing houses in the locality.
- 6.12 The impact on 1 and 3 Amyand Drive is of less concern in my view by reason of the relative distance of the side elevation of the dwelling to these properties. The flat roofed element of the dwelling would be some 12.5 metres from the nearest windows in 1 Amyand Drive with an existing detached garage providing a buffer. The first floor windows would be approximately 17.3 metres distant and the application has been amended such that the lower eaves of these rooflights would be 1.7 metres above the internal finished floor level so as to avoid direct overlooking.
- 6.13 The increased distance and orientation is such that there would be no direct impact on the living conditions of 1 and 3 Amyand Drive in your officers view.
- 6.14 It is acknowledged that there would be some disturbance during the construction phase and in this regard, a condition controlling when work can take place is considered reasonable and necessary

Access and Highway Safety

- 6.15 The NPPF sets out (at paragraph 108) that applications for development should ensure opportunities to promote sustainable transport have been taken, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network or highway safety can be mitigated. CS Policy MT1 is reflective of this approach, as it seeks to promote active travel and development that does not adversely affect the safe and effective flow of traffic on the highway network. Further at paragraph 109 the framework sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe. A number of local concerns arise from existing on-street parking pressure and the potential impact of construction traffic.
- 6.16 It does appear to me that cars are regularly parked on the roadside opposite the site and this certainly limits the width of the carriageway. In this regard, I have no doubt that there will likely be disruption when deliveries are made to the site and when for example utility companies are making connections. This disruption would not in my view result in any serious highway safety concerns and whilst inconvenient would be a temporary disruption that would not result in any overriding impact on amenity that would justify withholding planning permission. I do consider that it would be reasonable to secure details of how deliveries and on site storage of materials would be organised in order to minimise disruption.
- 6.17 The Area Engineer has considered the suitability of the proposed access and parking arrangement and considers this to be acceptable and recommends conditions to secure provision of this as well as details of the proposed cycle storage identified on the layout plan.
- 6.18 In the context of this, whilst the concerns of the local residents and the City Council are noted, many of the issues raised are existing problems that will not be made significantly worse with the

introduction of one small dwelling. The proposal confirms sufficient parking can be provided within the curtilage of the new dwelling to prevent indiscriminate parking in the area and as such CS policy MT1 is satisfied

Design and Visual Impact

- 6.19 The site itself does not contribute in a particularly positive way to the character of the locality and whilst its undeveloped nature does reinforce the space between the older more substantial dwellings that front Whitecross Road and the later two storey development in Amyand Drive, it is not considered that the introduction of the proposed dwelling would be detrimental. In some senses the dwelling would read like an outbuilding due to its simple design and modest height and it is considered that it would represent a beneficial use of the former garden of 187 Whitecross Road, which is no longer functionally required by reason of the subdivision of the property into flats served by a smaller communal area of hardstanding.
- 6.20 The design of this 2 bed dwelling is considered appropriate, exhibiting an understated contemporary aesthetic, and its “end on” orientation and limited height make it materially very different from the two storey dwelling proposals that were refused in 1995 and 1996. This approach is considered to respond positively to the site and surroundings in a manner that accords with CS policies LD1 and SD1

Biodiversity and Drainage

- 6.21 The site has no inherent biodiversity value and no harm to protected species has been identified. In accordance with CS policy LD2 there would be an opportunity to secure some biodiversity gain and this is recommended by way of condition.
- 6.22 The application site lies within the catchment for the River Wye, which comprises part of the River Wye Special Area of Conservation (SAC), a European site covered under the Habitats Directive & the Conservation of Habitats and Species Regulations 2017). The River Wye SAC is an internationally important conservation site which has been designated for its special features of ecological and biodiversity value.
- 6.23 The application proposes to connect to the mains sewer discharging to the Eign treatment works and then to the River Wye and there is not considered to be the possibility of a likely significant effect on the Special Area of Conservation at the point of consideration, thus the development is considered to be acceptable from a HRA perspective and accords with the provisions of CS policies LD2 and SD4. Further the provisions of paragraph 177 of the NPPF are not considered to be triggered in this regard, as the application is screened out.
- 6.24 The comments from Welsh Water are noted in relation to the potential for additional surface water to discharge to the combined sewer and a condition to prevent this without the prior agreement with the statutory undertaker is considered reasonably and appropriate in order to secure compliance with CS policy SD3.

Climate Change

- 6.25 CS policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.

- 6.26 Proposals for residential development are considered by the council to need to help redress the climate emergency, and so notwithstanding the sustainable location of the development thus reducing the need to travel for services, the proposal is considered to need to include measures to support low-carbon ways of living & sustainable transport modes (as defined by the framework). The NPPF sets out at paragraph 108 that LPAs in assessing sites for specific applications for development should ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up. Further to this paragraph 110 sets out that developments should be designed to enable the charging of plug-in and other ultra-low emission vehicles, with such vehicles contributing to the objectives of reducing reliance on fossil fuels and so climate change.
- 6.27 The application has been accompanied by a checklist and this identifies that the orientation whilst somewhat constrained does maximise passive solar gain through the use of thermally efficient glazing on the south and west facing elevations. Space is identified for secure cycle storage and refuse and recycling provision is also noted on the submitted plans. In other respects, the application makes no specific commitments although identifies that the building is capable of accommodating a MVHR system or other low carbon system, an air source heat pump, solar panels and car charging points should future occupiers wish. In line with the provision of car charging points, the government has reaffirmed by way of a Written Ministerial Statement on 18 November 2020 (Statement UIN HCWS586), the commitment to electric vehicles by seeking to “accelerate the transition to electric vehicles, and transforming our national infrastructure to better support electric vehicles” as it has announced the ban on the sale of new fossil fuel reliant vehicles by 2030, thus the need for the provision of electric vehicle charging points is amplified; it follows that to make the decision acceptable given the above material planning considerations, a condition for electric vehicle charging points is recommended to require such provisions are available for future residents.

Conclusion and Planning Balance

- 6.28 The NPPF has at its heart a presumption in favour of sustainable development which is echoed in CS policy SS1. Sustainable development is considered to consist of three key elements, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a) An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
 - c) An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting.
- 6.29 The three objectives of sustainable development are not criteria against which every decision can or should be judged as decisions should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 6.30 Development proposals that are considered to represent sustainable development and meet the first test benefit from a presumption in favour of the development. The second half of Paragraph

11 of the NPPF applies to the presumption in-favour of sustainable development for decision-making; 11 c) outlines that development proposals in accordance with an up-to-date development plan should be approved without delay; 11 d) outlines that where the development plan is silent or the policies most relevant for the determination of the application are out-of-date (those being the housing policies), permission should be granted unless either of the following criteria are met.

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. 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.

6.31 The restrictive policies set out at Paragraph 11 are set out at Footnote 6 of the framework, they include protected areas or assets such as Special Areas of Conservation, Sites of Special Scientific Interest, Local Green Space, Areas of Outstanding Natural Beauty, designated heritage assets or areas at risk of flooding. None are considered to apply in this instance.

6.32 The application is considered to constitute a sustainable form of development. The proposed development is considered to accord with the policies and provisions of the development plan, which carries a statutory presumption and the proposal would bring some economic benefits to the area from capital investment in the development as well as contributing to the housing supply for the area in a modest manner; further there are no adverse impact of granting planning permission that would significantly and demonstrably outweigh the benefits when assessed against the provisions of the framework as a whole. Therefore the application is accordingly recommended for approval as per the recommendation set out below

RECOMMENDATION

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

- 1. C01 Time limit for commencement (full permission)**
- 2. C06 (drawing nos. P003 D, 100 B, 101 B, 200 E, 201 A)**
- 3. C13 Samples of external materials**
- 4. CE6 Efficient use of water**
- 5. With the exception of any site clearance and groundworks; written and illustrative details of the number, type/specification and location of at least one electric vehicle charging point, shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.**

Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 and 110 of the National Planning Policy Framework.

- 6. CB2 Secure covered cycle parking provision**
- 7. C65 Removal of permitted development rights**

- 8. **C68 Obscure glazing to windows (top hung obscure glazed window and rooflights at 1.7 metres above the internal finished floor level)**
- 9. **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 in accordance with
- 10. **CAQ On site roads - submission of details**
- 11. **CAI Parking - single/shared private drives**
- 12. **CAT Construction Management Plan**
- 13. **CBK Restriction of hours during construction**

INFORMATIVES:

- 1. **IP2 Application Approved Following Revisions**
- 2. 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

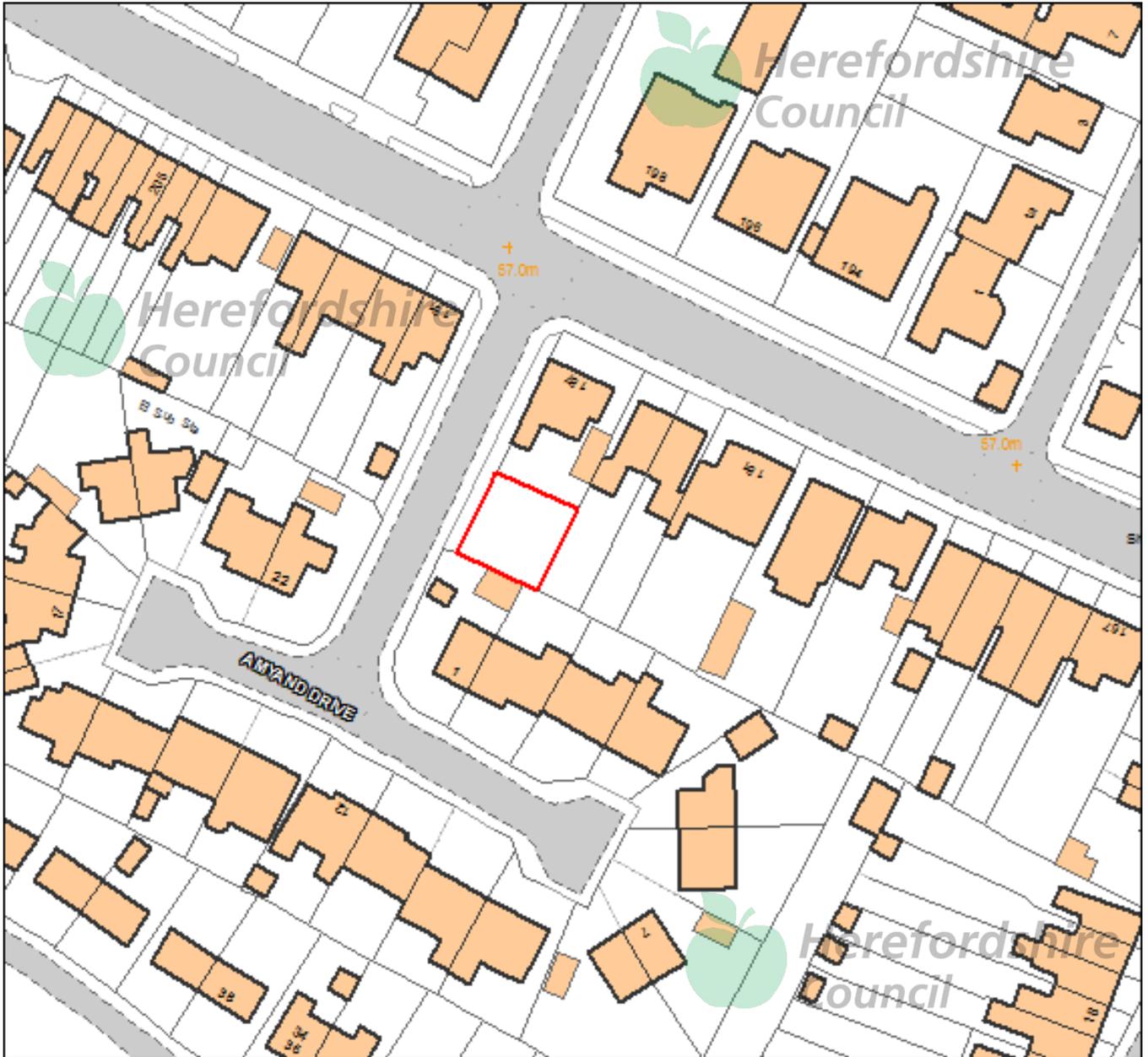
The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water and sewerage connections.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 202687

SITE ADDRESS : LAND AT AMYAND DRIVE, GARDEN OF 187 WHITECROSS ROAD, HEREFORD, HR4 0LU

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