

7 DCCW2006/3725/RM - ERECTION OF 15 DWELLINGS COMPRISING 10 OPEN MARKET HOUSES AND 5 AFFORDABLE HOUSES AT LAND OPPOSITE SUTTON PRIMARY SCHOOL, SUTTON ST. NICHOLAS, HEREFORD, HR1 3AZ

**For: R. Andrews Esq. per James Spreckley, MRICS
FAAV, Brinsop House, Brinsop, Herefordshire, HR4
7AS**

Date Received: 24th November, 2006 Ward: Sutton Walls Grid Ref: 53448, 45670
BVPI Expiry Date: 23rd February, 2007
Local Member: Councillor J.G.S. Guthrie

1. Site Description and Proposal

- 1.1 The application site is comprised of a parcel of agricultural land which extends to 0.8 hectares, and is located on the northern fringe of the settlement of Sutton St. Nicholas.
- 1.2 Outline planning permission (DCCW2004/1004/O) was granted in October 2004 for the erection of a replacement primary school incorporating a village hall and 15 dwellings.
- 1.3 The grounds of the new school/community centre campus (which received reserved matters approval pursuant to application CW2006/1247/RM in June 2006) form the northern boundary of the application site, whilst to the west it is bordered by a classified road (C1125). On the opposite side of the road are properties forming part of the established residential area of Sutton St. Nicholas, which continue to wrap around the southern and eastern boundaries of the application site.
- 1.4 The application seeks approval of the reserved matters of the appearance, layout scale and landscaping of the 15 dwellings.

2. Policies

2.1 Planning Policy Guidance:

PPS3 - Housing

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1 - Sustainable development
S2 - Development requirements
S3 - Housing
S8 - Recreation, sport and tourism
S10 - Waste
S11 - Community facilities and services
DR1 - Design
DR4 - Environment

DR5	-	Planning obligations
H5	-	Main villages: Housing land allocations
H9	-	Affordable housing
H13	-	Sustainable residential design
H15	-	Density
H19	-	Open space requirements
T1	-	Public transport facilities
T6	-	Walking
T7	-	Cycling
T8	-	Road hierarchy
T11	-	Parking provision
T14	-	School travel
LA3	-	Setting of settlements
LA5	-	Protection of trees, woodlands and hedgerows
LA6	-	Landscaping scheme
CF1	-	Utility services and infrastructure
CF2	-	Foul Drainage

- 2.3 Supplementary Planning Guidance, Development Brief – Land opposite Sutton St. Nicholas Primary School, November 2003.

3. Planning History

- 3.1 DCCW2004/1004/O Construction of a replacement primary school incorporating a village hall and the provision of 15 residential houses. Approved October 2004.
- 3.2 DCCW2006/0015/RM Construction of community facility and replacement primary school. Withdrawn January 2006.
- 3.3 DCCW2006/1247/RM Construction of community facility and replacement primary school. Approved June 2006.
- 3.4 DCCW2006/2116/RM Erection of 15 dwellings, comprising 10 open market houses and 5 affordable houses. Withdrawn September 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objection.
- 4.2 Welsh Water: No objection, subject to standard conditions.
- 4.3 Sports England: No objection.

Internal Council Advice

- 4.4 Traffic Manager: No objection, subject to standard conditions.
- 4.5 Head of Environmental Health & Trading Standards: No objection.

5. Representations

- 5.1 Sutton Parish Council: The Parish Council supports this application and is pleased to see a mix of owner-occupied, shared ownership and rented houses. The Parish Council would like clarification of the following points; 1, The proposed screening of plots 8 and 9 from the adjoining properties in St Ethelbert's Close seems less than the screening of plots 10 and 11. 2, The Parish Council would like further details of the Draft Heads of Terms and would like to contribute to the various measures described
- 5.2 River Lugg Internal Drainage Board: No comments received following initial request for more information.
- 5.3 A total of 3 letters have been received from Mr. Caulfield, 6 Churchway; Mr. Sheath, 7 Churchway and Mr. Lewis, 25 St. Ethelbert Close. Objections summarised as follows:
- Loss of privacy and overlooking.
 - Inadequate landscaping to screen the proposed development.
 - The southeast corner of the site is prone to water logging and flooding.
 - Increased traffic and overall road safety is a cause for concern.

The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The principle of residential development has already been established by the outline planning permission (DCCW2004/1004/O), and therefore the primary issues in determining this reserved matters application are considered to be:
- Design and Layout of the Development
 - Residential Amenity
 - Access and Highways Issues
 - Flood Risk

Design and Layout of the Development

- 6.2 The proposal offers a mixture of 2, 3, 4 and 5 bedroom properties, which accords with Government guidance, which promotes schemes that include a diverse range of housing types.
- 6.3 More specifically the open market housing will comprise 10 two storey 4 and 5 bedroom detached properties, which will be arranged in loose parallel lines either side of the internal access road.
- 6.4 The 5 affordable houses will be provided within a pair of two storey blocks, with a terraced block of 3 units providing 2 bedroom accommodation and a semi-detached pair providing 3 bedrooms. These dwellings would be located at the front of the site adjacent to the highway, thereby reflecting the character and appearance of the street scene in the locality of the site

- 6.5 Having regard to the size and shape of the site, the layout is considered acceptable and as proposed it would not appear out of character with the mixed residential environment in the vicinity.
- 6.6 The landscaping as proposed would help to integrate the proposed dwellings, and further details in relation to this aspect of the proposal are set out below.

Residential Amenity

- 6.7 A number of existing dwellings have gardens that back onto or abut the southern and eastern boundary of the application site, and it is acknowledged that the determination to approve the extant outline planning permission for the erection of the 15 dwellings, coupled with the school campus, inevitably altered their setting and outlook.
- 6.8 However to the present reserved matters application, having regard for the pattern and density of residential development in the wider locality and the siting of the proposed dwellings has taken appropriate account of the position and orientation of the adjoining properties. The separation distances between existing and proposed dwellings is considered to be acceptable with the distance between the closest part of any of the proposed properties and the site boundary varying between 8 and 30 metres.
- 6.9 More specifically, having consideration to the letters of representation received, plot 8 is not considered to give rise to any demonstrable harm to the nearest adjoining existing dwelling in St Ethelbert Close, as it is sited opposite a blank elevation and the first floor gable end of the proposed dwelling omits any windows on its southern elevation. Plot 10 has been orientated in such a way as its eastern elevation does not directly face onto the rear elevation of the nearest adjoining property in Churchway and therefore, although that property is a bungalow, it is not considered that the proposal will result in an unacceptable level of overlooking or overbearing impact.
- 6.10 With regard to the concerns raised in the letters of representation about overlooking and loss of privacy, a proposed landscape buffer along the southern and eastern boundaries helps to reinforce the existing mature hedgerow. This will minimise the visual impact of the proposed development within the wider locality as well as screening views between the existing and proposed dwellings. However, notwithstanding the submitted plans, in order to safeguard and enhance the amenity of the adjoining dwellings it is considered expedient to recommend conditions requiring the submission of a detailed schedule of planting for approval as well as protecting the existing hedgerows and trees from being removed or wilfully damaged.
- 6.11 Furthermore in the interests of protecting the amenity of the wider locality during the construction phase it is considered expedient in this case to condition the hours of operation.

Access and Highways Issues

- 6.12 Both pedestrian and vehicular access into the housing development will be achieved as part of a shared access with the school campus and the details of the intersection of that access onto the public highway have been approved as part of the reserved matters planning permission for the school. Therefore there are no highway safety issues associated with this reserved matters application.

- 6.13 However to ensure that the footpaths and road within the proposed development are completed to a satisfactory standard the Traffic Manager has suggested the imposition of appropriate conditions, which are duly recommended.

Drainage and Flooding

- 6.14 Appropriate conditions requiring the submission of foul and surface water drainage schemes were attached to the outline planning permission. Therefore the comments of Welsh Water have already been satisfactorily addressed and do not require further attention in relation to this particular application.
- 6.15 Similarly, whilst the comments regarding the flooding of part of the site are acknowledged, these cannot form part of the consideration of this reserved matters application. In this respect it is not considered that the water logging of the south-eastern corner of the application site in itself would justify the either refusal or the inclusion of any conditions requiring specific measures to protect the development from future flood events. However it is considered expedient to bring this potential issue of localised flooding to the attention of any future developer by the use of an informative note.

Planning Obligation

- 6.16 The applicant has agreed to a range of Section 106 contributions, which are those envisaged within the Development Brief produced for the site.
- 6.17 These include a contribution of £7500 towards the enhancement of open space within Sutton St. Nicholas has been agreed with the Parks, Countryside and Leisure Development Manager; a sum of £20,500 for off site sustainable transport initiatives and the provision of 5 affordable homes, which equates to 35% of the total number of dwellings proposed.

Conclusion

- 6.18 Overall the appearance, scale and layout of the 15 dwellings, together with the proposed Section 106 contributions is considered to be acceptable in accordance with the relevant development plan policies, and subject to a requirement to enhance the landscaping of the site, approval is recommended.

RECOMMENDATION

- 1. The Head of Legal and Democratic Services be authorised to complete a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 covering the matters detailed in the Heads of Terms appended to this report and any additional matters that he considers necessary and appropriate.**
- 2. Upon completion of the aforementioned planning obligation that the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:**
 - 1. A07 (Development in accordance with approved plans).**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

2. B01 (Samples of external materials).

Reason: To ensure that the materials harmonise with the surroundings.

3. G01 (Details of boundary treatments).

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

4. No development shall commence on site or machinery or materials brought onto the site for the purpose of development until a landscaping design has been submitted to and approved by the local planning authority. The submitted design shall include drawings at a scale of 1:200 or 1:500 and a written specification clearly describing the species, sizes, densities and planting numbers. The plans must include accurate details of all existing trees and hedgerows with their location, species, size and condition.

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

5. The landscaping scheme approved under condition 4 above, 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 five 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 other of similar size 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 five year maintenance period.

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

6. The hedgerows (or any parts thereof including any mature or semi-mature trees) forming the boundaries of the application site shall not be wilfully damaged, destroyed, uprooted, removed, felled, lopped and/or topped without the prior written consent of the local planning authority. Any parts of the hedgerows removed without such consent or dying, being severely damaged or becoming seriously diseased within five years of the date of this permission shall be replaced with hedging of such size and species as is agreed in writing by the local planning authority. Any hedging plants that fail more than once shall continue to be replaced.

Reason: To ensure that the application site is properly landscaped in the interests of the visual amenity of the area.

7. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday - Friday 7.00 am - 6.00 pm, Saturday 8.00 am - 1.00 pm.

Reason: To safeguard residential amenity.

8. H18 (On site roads - submission of details).

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

9. H19 (On site roads – phasing).

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

Informatives:

1. N02 - Section 106 Obligation.

2. N01 - Access for all.

3. N10 - Council contract.

4. All machinery and plant shall be operated and maintained in accordance with BS5228: 1997 'Noise Control of Construction and Open Sites.'

5. HN01 - Mud on highway.

6. HN05 - Works within the highway.

7. HN08 - Section 38 Agreement details.

8. HN09 - Drainage details for Section 38.

9. The applicant/developer is advised that the southeast corner of the application site may be prone to water logging or localized flooding and it is therefore advised the measures for floodproofing properties in this part of the site should be carefully considered.

10. N19 - Avoidance of doubt.

11. N15 - Reason(s) for the Grant of PP/LBC/CAC.

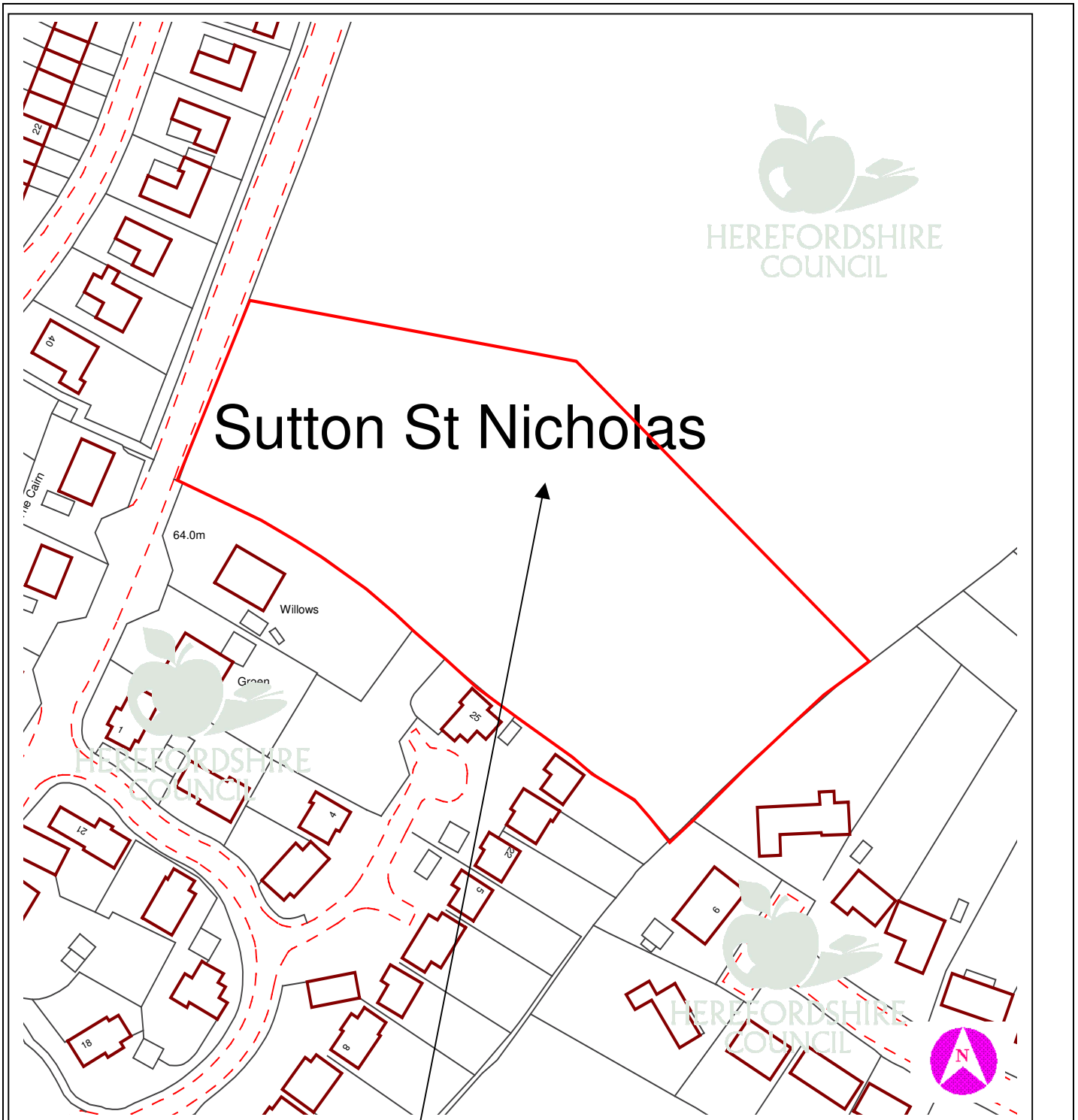
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/3725/RM

SCALE : 1 : 1250

SITE ADDRESS : Land opposite Sutton Primary School, Sutton St. Nicholas, Hereford, Herefordshire, HR1 3AZ

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HEADS OF TERMS

Proposed Planning Obligation Agreement

Section 106 Town and Country Planning Act 1990

Planning Application – DCCW2006/3725/F

Erection of 15 dwellings comprising 10 open market houses and 5 affordable houses

Land opposite Sutton Primary School, Sutton St. Nicholas, Herefordshire, HR1 3AZ

1. The developer in lieu of the provision of open space on the land to serve the development covenants with Herefordshire Council, to pay Herefordshire Council the sum of £7,500 (ratio of £500 per dwelling) which sum shall be paid on or before the commencement of the development.

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

- To provide for an enhancement of public open space in Sutton St. Nicholas
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £22,500 to provide transportation facilities to serve the development, which sum shall be paid on or before the commencement of the development.

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

- Traffic calming in Sutton St. Nicholas
 - Contribution to improved bus services for Sutton St. Nicholas
 - Contribution to Safer Routes for Schools within Sutton St. Nicholas parish
3. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1 and 2 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
 4. The sums referred to in Clauses 1 and 2 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.

5. The developer shall provide 5 affordable housing units, which meets the criteria set out in Section 5.5 of the Unitary Development Plan for Herefordshire (Revised Deposit Draft) and related policy H9 or any statutory replacement of those criteria and that policy. None of the Affordable Housing shall be occupied unless the Herefordshire Council has given its written agreement to the means of securing the status and use of these units as Affordable Housing. All the affordable housing units shall be completed and made available for occupation prior to the occupation of more than 50% of the other residential units on the development.

6. The developer shall complete the Agreement within 12 weeks and 5 days of the date that the application is registered as valid otherwise the application will be registered as deemed refused.

Peter Clasby - Senior Planning Officer
Peter Yates - Development Control Manager

9th January 2007