

13 DCNW2007/0603/F - PROPOSED ERECTION OF 12 DWELLING UNITS AND ANCILLARY GARAGES AT LAND ADJACENT TO WEOBLEY METHODIST CHAPEL WEOBLEY.

**For: BORDER OAK DESIGN & CONSTRUCTION LTD,
KINGSLAND SAWMILLS, KINGSLAND, LEOMINSTER,
HEREFORDSHIRE, HR6 9SF**

Date Received:
23rd February 2007

Ward:
Golden Cross with
Weobley

Grid Ref:
40466, 51366

Expiry Date:
25th May 2007

Local Member: Councillor JHR Goodwin

1. Site Description and Proposal

- 1.1 The site for the proposed development is on land allocated in the Herefordshire Unitary Development Plan for housing to the rear of the Methodist Chapel, Hereford Road.
- 1.2 To the south of the application site is the residential area known as 'Chapel Orchard', this housing estate consists of two-storey dwelling's constructed externally of brick under tiled roofs. Access to the proposed development is through this housing area.
- 1.3 The application site is also surrounded by residential areas to its northern and eastern sides, these are of mixed type housing, again mainly of red brick external construction. To the west of the site on opposite side of the adjacent C1095 public highway is the site of Weobley Castle, a Scheduled Ancient Monument, this survives as a massive earthworks.
- 1.4 The application site itself consists of an area of 0.41 hectares, relatively flat under a covering of grassland, the boundaries consist of various natural and evergreen vegetation, being of no particular outstanding merit.
- 1.5 The application proposes the construction of 12 timber-framed dwellings and ancillary garages under natural slate/plain clay tiled roofs. The proposed dwelling units consist of: 7 three-bedroomed units and 5 two-bedroomed units, 5 of which are to be affordable units in accordance with criteria as requested by the Council's Strategic Housing Section.
- 1.6 The application under consideration is as a result of a previous application withdrawn by the applicants on 4th January 2007 at the request of the Case Officer, due to local issues of concern.

2. Policies

- 2.1 National Planning Policy Statement 3: Housing

- 2.2 Herefordshire Unitary Development Plan
 - S1 – Sustainable Development
 - S2 – Development Requirements
 - S7 – Natural and Historic Heritage
 - DR1 – Design
 - DR2 – Land Use and Activity
 - DR3 - Movement
 - DR4 – Environment
 - H4 – Main Villages: Settlement Boundaries
 - H13 – Sustainable Residential Design
 - H15 – Density
 - H16 – Car Parking
 - LA2 – Landscape Character and Areas Least Resilient to Change
 - HBA6 – New Development within Conservation Areas
 - ARCH1 – Archaeological Assessments and Field Evaluations
 - CF2 – Foul Drainage

2.3 Weobley Parish Plan Supplementary Planning Guidance

2.4 Housing Needs Study for Weobley – February 2007

3. Planning History

3.1 NW06/3549/F - Proposed erection of 13 dwelling units and ancillary garages - Withdrawn 4th January 2007.

3.2 NW03/2057/F - Construction of 9 houses with garages - Withdrawn 8th December 2003.

3.3 N98/0827/O - Erection of four dwellings served by a private drive - Refused 17th February 1999. Later dismissed on appeal 16th September 1999.

3.4 N98/0014/O - Site for erection of four dwellings served by private drive - Refused 10th March 1998.

4. Consultation Summary

Statutory Consultations

4.1 English Heritage - No response to the current application. However a response was received to the previous withdrawn application, this stated that the proposed development needed to respect the character of Hereford Road, whose boundary is of historical importance in relationship to part of an old boundary embracing, presumably old town crofts along the road, forming part of the historic urban envelope in respect of Weobley Castle, a Schedule Ancient Monument. They also stated that reference should be made to their response to application ref: NW03/2057/F, this also highlighted the importance of the adjacent Weobley Castle and its Scheduled Ancient Monument and how the street scene alongside Hereford Road must be preserved, Weobley being an historic settlement of the highest quality containing a remarkable collection of timber framed houses in a landscape setting also of very high quality to which the Castle and Scheduled Ancient Monument form an important part of. The response stated in principal they did not object to residential

development of the site on the understanding that the character of Hereford Road was preserved.

- 4.2 Welsh Water raise no objections subject to inclusion of conditions with regards to foul and surface water drainage.

Internal Council Advice

- 4.3 Archaeology Manager raises no objections subject to the inclusion of a condition with regards to archaeological evaluation to any approval notice subsequently issued.
- 4.4 Forward Planning - No objections raised to the current application under consideration.
- 4.5 Landscape Manager - raises no objections subject to the inclusion of a condition in relationship to hard and soft landscaping of the site to any approval notice if subsequently issued.
- 4.6 Transportation Manager raises no objections subject to inclusion of a condition with regards to a ramp at the entrance to the proposed development site.
- 4.7 Parks Development Manager requests the sum of £9,500 towards improvements to the Hopelands Village Hall play area in Weobley and £7,560 towards local sport and leisure provision as a result of recent changes in relationship to Sport England.
- 4.8 Strategic Housing Enabling Manager raises no objections to the proposal.
- 4.9 Children and Young People's Directorate requests a contribution of £6,057 per dwelling in consideration of the Supplementary Planning Document currently in 'draft form'.
- 4.10 Conservation Manager raises no objections to the proposal.

5. Representations

- 5.1 Weobley Parish Council in their latest response note that the proposed 'affordable housing' is as requested. Concerns are raised about access to a proposed garage at the rear of an existing barn adjoining the site on the north western edge in that this access may possibly allow future development at the rear of the barn and adjoining properties. The Council states its main objection to the proposed development is the fact that the access to the site is through the adjacent Chapel Orchard housing estate. Clarification is required with regards to the Herefordshire Unitary Development Plan and access into the site from Hereford Road.
- 5.2 Letters of comment/objection have been received from the following:

C B Havard, Bell Meadow, Weobley
Eileen King, 1 Chapel Orchard, Weobley
Donald Kilgour, 2 Chapel Orchard, Weobley
J A Eady, 5 Chapel Orchard, Weobley
Mr E C Crumplin, 6 Chapel Orchard, Weobley
Pamela McGill, 9 Chapel Orchard, Weobley
Rosemary Tilbury, 12 Chapel Orchard, Weobley
K Metcalfe/T Griffiths, 13 Chapel Orchard, Weobley

Mr & Mrs D Bradley, 14 Chapel Orchard, Weobley
 Claire Pennington, 15 Chapel Orchard, Weobley
 Joyce Godfrey-Merrick, The Old Grammar School, Hereford Road, Weobley
 Mr F T Rawlings, 'Winnal', Bishopstone, Hereford
 Mrs Ellis-Jones on behalf of Campaign to Protect Rural England N W Group, 2 The
 Corn Mills, Weobley

The primary reason for objection from the above-mentioned to this application is the proposed access to the development through the existing Chapel Orchard Estate. Objections/comments are also raised about foul/surface water drainage, layout of garaging on site, further development by 'Border Oak' in Weobley and views enjoyed by existing dwellings adjacent to the site.

- 5.3 One of the letters of objection received was accompanied by a petition list signed by residents of all properties in Chapel Orchard, many of whom have sent in their own letters of objection as stated above, stating 'In principle we are not objecting to the erection of 13 dwellings, however we strongly object to the access to this site by extending Chapel Orchard into it. (This letter refers to 13 dwellings as it is a copy of the letter sent in response to the previous application.)
- 5.4 One letter of support has been received from Weobley Church Leader and Superintendant Minister of the Methodist Church, Leominster Methodist Circuit, on behalf of Weobley Methodist Church. The letter further states its full support for the proposed development on land and agreement with English Heritage advice that the street frontage should be maintained alongside Hereford Road in consideration of the adjacent Schedule Ancient Monument.
- 5.5 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main issue with regards the development subject to this application is the proposed access to the site through the existing Chapel Orchard housing estate.
- 6.2 Other relevant planning issues are:-
- Section 106 Agreement with regards local education
 - Layout of the proposed development
 - Foul and surface water drainage
 - Orchard on site.

6.3 Access to the Site

The application proposes access into the proposed development through Chapel Orchard. This is without doubt the most contentious issue with regards to the proposed development.

- 6.4 The applicants have stated in their Design and Access Statement that the reasoning for access to the site through Chapel Orchard was paragraph 5.4.61 in the Herefordshire Unitary Development Plan – Revised Deposit Draft which stated:

'Access to the site should be taken from one of the existing residential accesses which adjoin the site. Direct access onto Hereford Road will not be permitted'.

(This requirement has been amended, see para 6.8)

- 6.5 This supporting text in the Herefordshire Unitary Development Plan's text in compliance with an Inspectors appeal decision for the site in respect of application ref N/98/0827/O, refused planning permission on 17th February 1999, for erection of four dwellings, which stated in relationship to public highway access to the site:-

'The development proposed includes a new access from Hereford Road, sited immediately to the south of the existing farm gate. Hereford Road is a classified road (C1095) that leads to other small villages to the south of Weobley and is subject to a 30 mph speed limit. The written justification to the local plan states that access onto Hereford Road to serve this site would be undesirable but does not give reasons why this is so. To provide for the necessary visibility splays for the proposed access it would be necessary to remove a substantial proportion of the existing hedge along the frontage. To my mind this would detract from the historic landscape. It would open up views of modern development, particularly from the pedestrian entrance/exit to the castle opposite the appeal site. This would be at odds with the enclosed setting of the castle. It would also introduce a new feature and activity into the area. In my view this would impair the quietude of the castle and so adversely affect its setting.'

- 6.6 A subsequent application reference number NW03/2057/F – Construction of 9 houses with garages was submitted to the Council for planning determination and later withdrawn on 8th December 2003. The primary reasons for withdrawal of this application appear to be in relationship to design issues of the proposed development. Access to the site was from both Chapel Orchard and Burton Gardens, (on the northern side of the application site).
- 6.7 The Weobley Parish Plan (Supplementary Planning Guidance) states how development should be in accordance with the Herefordshire Unitary Development Plan and in keeping with local character and needs whilst protecting the commercial core.
- 6.8 The Herefordshire Unitary Development Plan was formally adopted on 23rd March 2007. The Inspector's report in relationship to the Revised Deposit Draft recommended in relationship to paragraph 5.4.61 that in his opinion direct access to the site from Hereford Road would be the safest option. He therefore recommended that in paragraph 5.4.61 the deletion of :-

'Direct access onto Hereford Road will not be permitted.'

Consequently these words were omitted and the Herefordshire Unitary Development Plan formally adopted on 23rd March 2007, ie after the application was submitted.

- 6.9 Therefore as a result of the deletion of the words 'direct access onto Hereford Road will not be permitted' it leaves three options of access into the site:-
- Through Burton Wood
 - Directly off Hereford Road
 - Through Chapel Orchard

Officer opinion is that the most natural point of access to the site is through Chapel Orchard and that access off Hereford Road would undermine the setting and

character of the adjacent Weobley Castle, a Scheduled Ancient Monument. Access through the Burton Wood residential area is also not considered appropriate.

- 6.10 The Council's Transportation Manager raises no objections to the proposed access through Chapel Orchard. In response to concerns raised with regards access visibility from the public highway and specifications of the existing proposed access route through Chapel Orchard, the Transportation Manager considers the proposed access route is in accordance with the Council's required Highways specifications.

Section 106 Agreement

- 6.11 The applicants have agreed to the Council's requests for planning gain in accordance with the Draft Heads of Terms attached to this report. However there is one issue with respect to this Draft Heads of Terms to which the relevant internal consultees have requested additional funding, this is contributions towards local educational establishments (ie local primary and secondary school).
- 6.12 The applicants in relationship to the previous application, withdrawn for development on the site, (application ref NW06/3549/F) agreed to a financial contribution towards local school funding of £1000 per dwelling.
- 6.13 The Council's Childrens and Young People's Directorate in response to the current application have requested a contribution in line with the Draft Supplementary Planning Guidance on Section 106 contribution for education, a sum of £6,057 per dwelling. This Supplementary Planning Guidance is in draft form only and presently approved for consultation purposes only, therefore carries little weight in the event of an appeal situation. Insufficient justification has been presented by the Directorate in order to secure more than £1000 as already offered

Layout of the Proposed Development

- 6.14 Concerns have been raised with regards to a block of garaging on site by a local resident and the Parish Council in consideration of a proposed access to one of the garage units on site.
- 6.15 The proposed internal layout is accepted by the Council's Transportation and Conservation Manager, garaging is considered necessary in consideration of the development and it is preferred that ancillary garaging be considered as part of the application site as a whole, rather than in a piece meal situation, post housing construction. The site is allocated for 12 units in the Herefordshire Unitary Development Plan and therefore any additional units would be generally resisted as was the case by Officers to the previous withdrawn application in consideration of general layout and density of the site in relationship to surrounding residential development.

Foul and Surface Water Drainage

- 6.16 One of the objectors has raised concerns about surface water run-off and why storm water cannot be disposed of via the main sewer.
- 6.17 Welsh Water in their response to the application has requested that surface and land drainage run-off is not allowed to be connected to the public system for reasoning of hydraulic overloading of the public system. They further state a request for a condition to be attached to any subsequent approval notice issued with regards a

scheme for the comprehensive and integrated drainage of the site between themselves the applicants and the Local Planning Authority.

Orchard on site.

- 6.18 Another issue raised is the fact that the Herefordshire Unitary Development Plan in its paragraph on the allocated housing land subject to this application refers to land on the western side of the application site only being developed as there is an Orchard on site of importance to the character of the Conservation Area.
- 6.19 Clearly there is no longer an orchard on site.
- 6.20 The Council's Landscape Manager has responded to requests from Officers with regards to the Herefordshire Unitary Development Plan statement about development on site being retained only to the western side, in respect of an Orchard on site, that they have no re-collection of an orchard on site. In accordance with records from 2001 there is no evidence of trees having been on site that have recently been removed. Therefore as nothing remains that resembles an Orchard, and given the fact that the Herefordshire Unitary Development Plan recommends 12 dwellings for the site, it is recommended that this statement with regards the western side of the site in the Herefordshire Unitary Development Plan no longer has any justifiable relevance.

RECOMMENDATION

- 1) **The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out heads of agreement) and any additional matters and terms as she considers 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:**

Note to Applicant:

- i) **This permission is granted pursuant to an agreement under Section 106 of the Town and Country Planning Act 1990.**
- 1 - **A01 (Time limit for commencement (full permission))**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
 - 2 - **B01 (Samples of external materials)**
 - 3 - **C04 (Details of window sections, eaves, verges and barge boards)**
Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.
 - 4 - **C05 (Details of external joinery finishes)**

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

5 - D03 (Site observation - archaeology)

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

[Note ND3 should be used in conjunction with this condition].

6 - Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

7 - No surface water shall be allowed to connect (either directly or indirectly) to 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 detriment to the environment.

8 - Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

9 - No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been agreed in writing by the local planning authority in liaison with Dwr Cymru Welsh Water's Natural Development Consultant.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

10 - Prior to any development on site details will be submitted to and approved in writing by the local planning authority of the ramp on the entrance to the development site. The ramp will be in accordance with specifications on page 15 of the Council's Highways Design Guide and page 39 of the Council's 'Highways Specification for New Developments.'

Reason: In the interests of highway safety.

3) That the officers named in the Scheme of Delegation to Officers be authorised to amend the above conditions as necessary to reflect the terms of the planning obligation.

INFORMATIVES:

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

2 - N19 - Avoidance of doubt

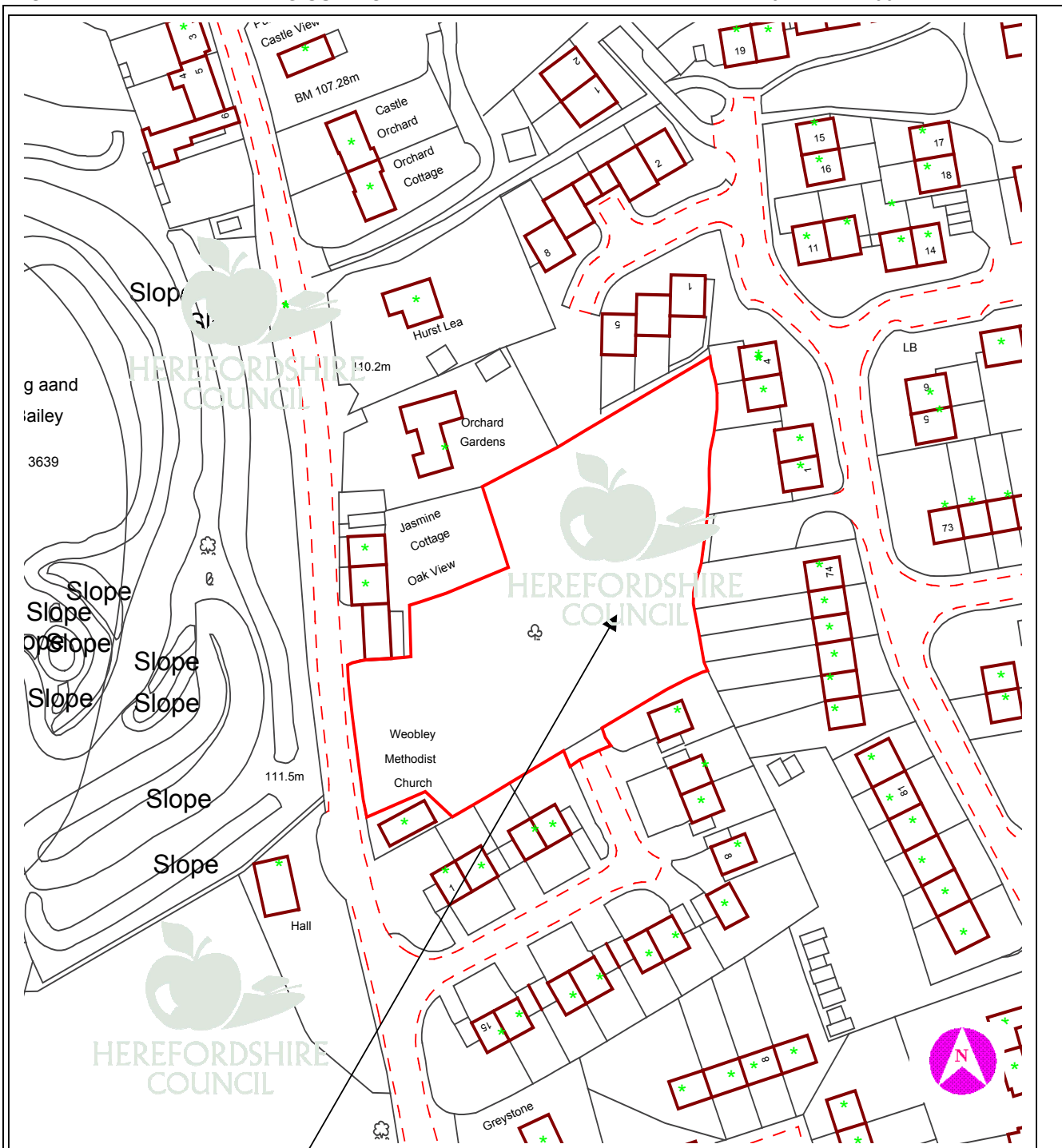
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2007/0603/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent to Weobley Methodist Chaple Weobley.

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DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

Planning Application – NW07/0603/F.

Proposed erection of 12. no. dwelling and ancillary garages, on land adjacent to Weobley Methodist Chapel, Weobley, Herefordshire.

1. The developer shall provide 5 affordable housing units as indicated on plan ref. No. D603.1K submitted as part of the application, which meets the criteria as set out in section 5.5 of the Unitary Development Plan, Herefordshire. The affordable housing units will comprise of 2 shared ownership houses and 3 Social Housing in accordance with the information as stated on the approved plans. The applicants or successors in title shall procure the construction of the affordable housing in accordance with the current Housing Corporation Scheme Development Standards and Lifetime Home Standards with no affordable housing grant input.
2. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development to pay Herefordshire Council the sum of £9,500 which sum shall be paid on or before the commencement of development.
3. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - (i) Infrastructure improvements in relationship to Hopelands Village Hall, Play Area, Weobley.
4. In the event that Herefordshire Council does not for any reason use the said sum, 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.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £12,000 to provide education improvements to Weobley High School, this sum shall be paid on or before the commencement of development.
6. In the event that Herefordshire Council does not for any reason use the said sum of Clause 5 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.
7. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £18,000 to provide sustainable transport measures in Weobley. The sum shall be paid on or before the commencement of development.
8. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Pedestrian access improvements near the development and within Weobley.
 - b) Improvements to bus provision/passenger waiting facilities.
 - c) Improvements to safe routes to local schools etc.
 - d) Contribution to safe routes to schools.
9. The developer covenants with Herefordshire Council, in support of local sports provision for improved local facilities, to pay Herefordshire Council the sum of £7,560.00 which sum shall be paid on or before the commencement of development. In the event that Herefordshire Council does not for any reason use the said sum of Clause 7 and 8 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.

10. The sums referred to in paragraphs 2, 5, 7 & 9 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
11. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
12. The developer shall complete the Agreement by 1st July 2007 otherwise the application will be registered as deemed refused

P. Mullineux, P. J. Yates 26th April 2007