

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

The application was deferred at the meeting on 29th May 2007 in order to carry out a Committee site visit. The visit took place on 14th June 2007. The report below has been updated.

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, Weobley.
- 1.2 To the south of the application site is the residential area known as 'Chapel Orchard'. This housing estate consists of two-storey dwellings constructed of brick under tiled roofs. Access to the proposed development is through this housing area.
- 1.3 There are also residential areas to the northern and eastern boundaries with is a mixture of house types. The external facing materials are predominantly brick. To the west of the site, on the opposite side of the adjacent C1095 Hereford Road, is the site of Weobley Castle, a Scheduled Ancient Monument. This survives as large earthworks.
- 1.4 The application site itself occupies an area of 0.41 hectares and is relatively flat grassland. The boundaries consist of various native and evergreen vegetation.
- 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 the relevant policies and as agreed with the Council's Strategic Housing officers.
- 1.6 An application for a similar proposal was withdrawn by the applicants on 4th January 2007 to enable outstanding issues to be resolved

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 being part of an old boundary embracing old town crofts along the road and forming part of the historic urban envelope 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 Weobley Castle as a Scheduled Ancient Monument and how the street scene alongside Hereford Road must be preserved. They note that Weobley is an historic settlement of the highest quality containing a remarkable collection of timber framed houses in a landscape setting which is also of very high quality. The Castle, as a Scheduled Ancient Monument, is an integral part of this high quality setting. In principle English Heritage do not object to residential development of the site on the understanding that the character of Hereford Road is preserved.
- 4.2 Welsh Water raise no objections subject to inclusion of conditions relating to foul and surface water drainage.

Internal Council Advice

- 4.3 The Archaeology Manager raises no objections subject to the inclusion of a condition requiring an archaeological evaluation of the site.
- 4.4 The Forward Planning Manager has no objections.
- 4.5 The Landscape Manager - aises no objections subject to the inclusion of standard landscaping conditions.
- 4.6 The Transportation Manager raises no objections subject to inclusion of a condition with regards to a ramp for traffic calming at the entrance to the proposed development site.
- 4.7 The 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.
- 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 accordance with the latest draft Supplementary Planning Document on planning obligations.
- 4.10 Conservation Manager raises no objections to the proposal noting that access is not taken directly from Hereford Road.

5. Representations

- 5.1 Weobley Parish Council in their latest response note that the proposed affordable housing is as requested. They have concerns 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 Parish Council's main objection to the proposed development is the fact that the access to the site is taken through the Chapel Orchard. They request clarification of this issue and how it is handled in the Herefordshire Unitary Development Plan.
- 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 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 was accompanied by a petition signed by residents of all properties in Chapel Orchard, many of whom have sent in their own letters of objection as listed 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 Superintendent 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 to preserve the setting of the adjacent Scheduled 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. Officer's Appraisal

6.1 The main issue with this application is the proposed access to the site through the existing Chapel Orchard housing estate.

6.2 Other relevant planning issues are:-

- Planning Obligation requirements
- Layout of the proposed development
- Foul and surface water drainage
- Reference to an 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 for this application.

6.4 The applicants state in their Design and Access Statement that the reason they have proposed access to the site through Chapel Orchard was the requirement in paragraph 5.4.61 in the Revised Deposit Draft version of the Herefordshire Unitary Development Plan 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'.

6.5 This supporting text was drafted in response to an appeal decision in 1999 on the site. The Inspector for that appeal commented:

'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 Since then the Inspector for the Unitary Development Plan took a different view and reported that:
"In my opinion, direct access to the site from Hereford Road would be the safest option. A carefully designed scheme should be able to respect the rural character of the area, the Conservation Area and the Scheduled Ancient Monument opposite. In this regard, I saw nothing particularly precious about the main road frontage. I recommend an appropriate modification to the text."

In response to those comments the text of the UDP was amended by omitting the sentence "*Direct access onto Hereford Road will not be permitted*".

- 6.7 As a result of the above the UDP as adopted no longer requires access to be taken from any one direction – neither does it preclude access from any direction. In this context the site visit will have been of assistance to Members in assessing the relative merits of the different access options.
- 6.8 There are three options for access to the site:
- Through Burton Wood
 - Directly off Hereford Road
 - Through Chapel Orchard
- 6.9 Access through Burton Wood is the least desirable. It would entail creating a new roadway into the site across land which is currently not part of the highway and the nearest connecting point to the public highway has not been designed for such a connection. Access off Hereford Road has the advantage that it is direct, it does not disturb other residential properties, and would probably have to be created on a temporary basis during the construction of the new houses anyway. It does, however, have the specific disadvantage of the greatest adverse impact on the setting of the Ancient Monument, and the greatest adverse impact on the character and appearance of the conservation area. There is no historical precedent for an access at this point. It is also less than ideal from a highway safety point of view. Access through Chapel Orchard would take the form of extending the existing estate road across the site boundary into the site. This is the simplest means of access, and is the most straight forward in highway safety terms. It also avoids damage to the setting of the Scheduled Ancient Monument. It brings the disadvantage to the residents of Chapel Orchard that there will be additional residential traffic on their estate road but, in simple highway design terms, the specification of Chapel Orchard is adequate for this purpose. The estate road was constructed up to the site boundary specifically to allow for a connection to be made to the current application site at some time in the future.
- 6.10 The Council's Transportation Manager raises no objections to the proposed access through Chapel Orchard and considers that the access of Chapel Orchard itself out onto Hereford Road is acceptable even allowing for the increase in traffic from the proposed new development.
- 6.11 In summary, therefore, the Unitary Development Plan no longer gives specific guidance on the preferred access to the site. The developer is fully entitled to choose the one which he believes to be the best. There is no technical highway safety objection to the Chapel Orchard access, and it is the one access with the least adverse impact on the Scheduled Ancient Monument and the conservation area. Effectively, it uses the road serving a small and modern housing estate to gain access to the proposed new small modern housing development. The key disadvantage of this access is the impact on the amenities of existing residents as a result of additional traffic in Chapel Orchard itself. In conclusion, therefore, and notwithstanding the strong feelings expressed by local residents, this access is acceptable in planning terms. It should be noted that a refusal on highway safety grounds would be very difficult to sustain in the event of an appeal.

Section 106 Agreement

- 6.12 The applicants have agreed to address the on-site and off-site impacts of the development through a planning obligation agreement. The draft Heads of Terms have been agreed with the developer and are attached as an appendix to this report. The impacts to be addressed in this way are:
- Affordable housing
 - Open space
 - Education provision
 - Off-site transportation requirements
- 6.13 The affordable housing is to be provided on-site and will comprise of five houses (representing 42% of the total number of houses), two of which will be shared ownership and three rented.

The open space/ recreation contribution has been agreed at £9,500 to be spent on local facilities at Hopelands Village Hall and play area.

As part of negotiations over the previous application an education contribution of £1,000 per dwelling was agreed. This has been carried forward into the new draft heads of terms.

A contribution of £18,000 has been agreed to provide sustainable transport measures in Weobley 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.
- e) Contribution to local sports provision

Layout of the Proposed Development

- 6.14 Objectors have raised concerns about a block of garaging on site and the Parish Council have expressed concerns over a proposed access to one of the garage units on site.
- 6.15 The proposed site layout is accepted by the Council's Transportation Manager and the Conservation Manager who consider that garaging is appropriate for the development. The detail of the layout has been carefully considered and is felt to be appropriate.

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 have requested that surface and land drainage run-off is not allowed to be connected to the public system due to the risk "hydraulic overloading" of the public system. They further request for a condition to be imposed to require a scheme for the comprehensive and integrated drainage of the site. This is a reasonable response and will enable a suitable scheme of drainage to be secured before the new houses are occupied

Orchard on site.

- 6.18 There is a reference in the supporting text of the Herefordshire Unitary Development Plan to an orchard on part of the site. The site is now clear and whilst there may have been an orchard present at some time in the past there is not one there now nor any recent record of one. New and appropriate tree planting can be secured through planning conditions in any event.

RECOMMENDATION

That the Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional or amended matters which he considers to be necessary and appropriate.

Upon completion of the above-mentioned planning obligation agreement Officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:-

- 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.

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 in-directly, 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.

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

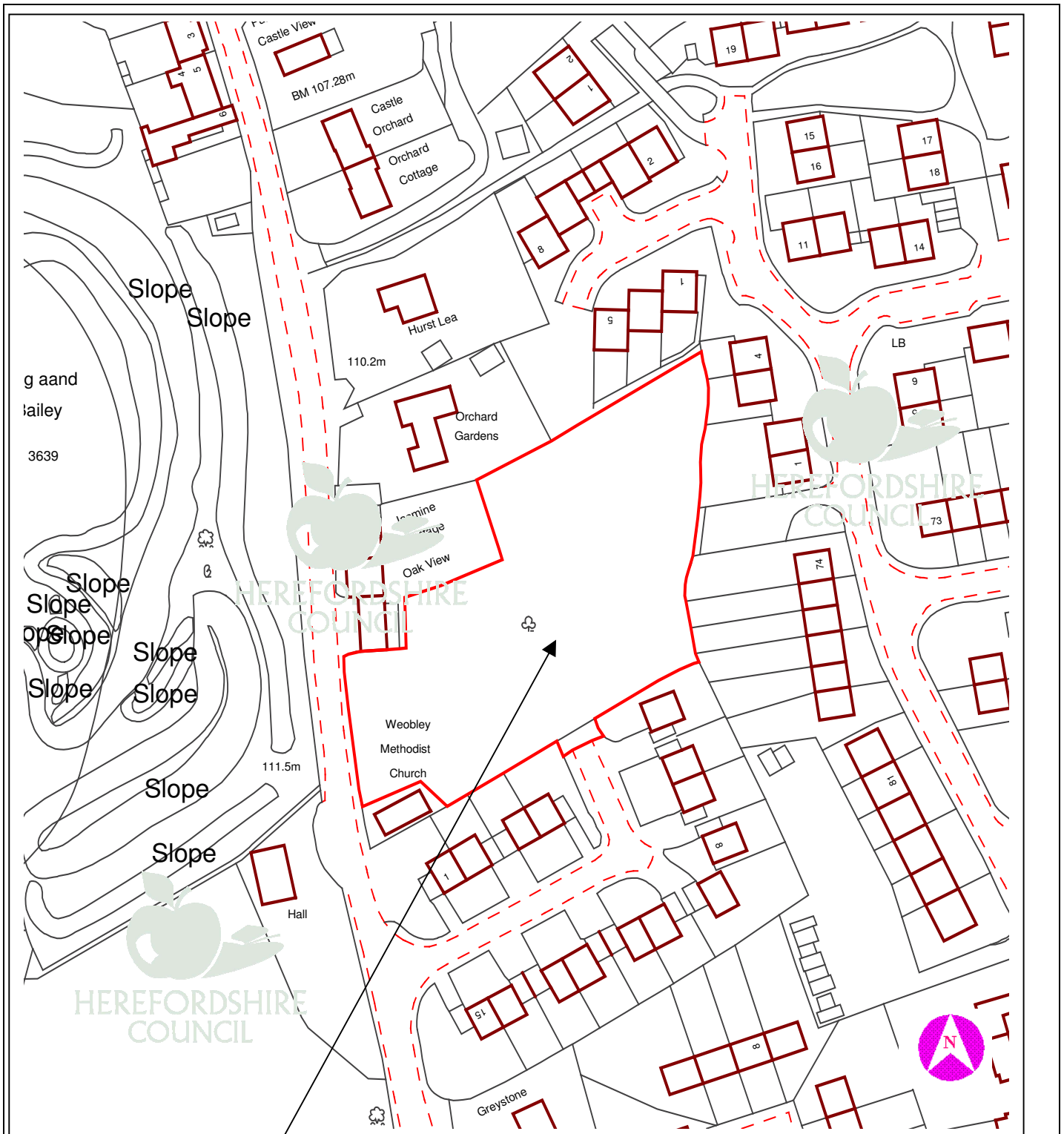
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCNW2007/0603/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent to Weobley Methodist Chapel, Weobley.

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

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 meet the criteria set out in section 5.5 of the Herefordshire Unitary Development Plan 2007. The affordable housing units will comprise of 2 shared ownership houses and 3 rented in accordance with the information in the planning application submissions. 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. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
Infrastructure improvements in relationship to Hopelands Village Hall, Play Area, Weobley.
3. 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.
4. 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. 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.
5. 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.
6. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 2,3,4, and 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 sums referred to in paragraphs 2, 3, 4, and 5 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 27th August 2007 otherwise the application will be registered as deemed refused

P. Mullineux, P. J. Yates 7th June 2007