

**11 DCSE2007/1247/F - ERECTION OF 12 NEW DWELLINGS, BROOKSIDE, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6DJ.****For: Marchfield Estates per N. & J.C. Design Partnership, 9 Lancaster Close, Desford, Leicestershire, LE9 9HW.**

**Date Received: 25th April, 2007    Ward: Kerne Bridge    Grid Ref: 54836, 17590**  
**Expiry Date: 25th July, 2007**

Local Member:    Councillor J.G. Jarvis

**1. Site Description and Proposal**

- 1.1 Brookside is a detached Georgian house (listed Grade II) in the village of Whitchurch. The rear garden extends about 200m to the rear (west) of the house, which is positioned close to the village street. The garden varies in width (25m at the western end, 60m in the wider central section) and, except to the west which borders farmland, is adjoined by other residential properties. The proposal is to retain the first 60m or so as garden for Brookside and to develop the remaining larger area (about 0.6ha) for housing. Access would be via a new entrance and drive along the south-western boundary of Brookside and would require demolition of a small conservatory attached to the house.
- 1.2 Twelve houses are proposed arranged in two main groups: a larger group sited on either side of the access drive as it snakes across the site and a smaller group of 4 houses looking onto a private close at the western end of the site. The first four of the houses located along the north side of the drive would be affordable, comprising a pair of 2-bed semi-detached houses, a detached 3-bed house and a 2-bedroomed bungalow. The remaining 8 houses would all be detached, 2 with 3 bedrooms, 4 with 4 bedrooms and 2 with 5 bedrooms. In plan the houses would be rectangular with narrower gables projecting to the rear. The style would be a modern take on Victorian housing and cottages using brick and some render, with concrete tiles.
- 1.3 The new access would be accompanied by works within the highway to provide a footway on either side of Brookside, parking spaces alongside the carriageway and a carriageway width of 5.5m. The access drive would be 4.5m wide leading to a shared surface road. New walls and fences would define the drive. Parking would be within detached garages except for the 3-bed houses (attached single garage) and the affordable houses (open parking).

**2. Policies****2.1 Planning Policy Statement**

PPS.3	-	Housing
PPS.7	-	Sustainable Development in Rural Areas
PPG.15	-	Planning and the Historic Environment

## 2.2 Herefordshire Unitary Development Plan 2007

Policy S.3	-	Housing
Policy H.4	-	Main Villages: Settlement Boundaries
Policy H.9	-	Affordable Housing
Policy H.3	-	Managing the Release of Housing Land
Policy H.15	-	Density
Policy H.16	-	Car Parking
Policy H.19	-	Open Space Requirements
Policy RST.3	-	Standards for Outdoor Playing and Public Open Space
Policy HBA.1	-	Alterations and Extensions to Listed Buildings
Policy HBA.2	-	Demolition of Listed Buildings
Policy HBA.4	-	Setting of Listed Buildings
Policy DR.4	-	Environment
Policy DR.7	-	Flood Risk

## 3. Planning History

3.1	SE2001/0961/O	Site for residential development.	-	Refused 8.11.02
	SE2003/3288/O	Site for residential development of 9 houses	-	Withdrawn
	SE2003/3482/L	Removal of conservatory and laying out of access road.	-	Withdrawn

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Environment Agency points out that part of the site, including the proposed main access road, lies within Flood Zone 3. Plots 12 and 13 are located on the lowest part of the site where ground levels are approximately 3m above the 1% (flood zone 3) and 6.5m above the 1947 flood on the River Wye, one of the largest floods recorded. We consider that the proposed dwellings lie on land within the Flood Zone 1 where PPS.25 advises that development is appropriate and therefore raise no objection to the proposed dwellings.

Notwithstanding the main access road would not be flood free during the 1% flood event, with potential floodwater 1 to 2m deep, PPS.25 requires that the development has a 'safe' dry pedestrian access. The local planning authority is advised to consult with the Emergency Services/Planners.

We recommend that surface water is attenuated to the relevant greenfield run-off rate and is designed to cater for the 1% plus climate change flood event. Conditions regarding drainage and pollution are recommended.

- 4.2 Welsh Water points out that additional flows would overload the existing public sewerage system, improvements to which are not planned for completion until 1st April, 2010. Welsh Water would object therefore to the development if connection to the sewerage system was required prior to improvement works having been completed. Conditions are recommended to protect the sewerage system.

Internal Council Advice

4.3 The Traffic Manager has raised a number of concerns with regard to the access and access road which need to be addressed before the proposals can be considered to be acceptable. These include

- inconsistency between site layout drawings
- visibility splay should be 2.4m x 40m according to Manual for Streets
- access road should have 4.1m carriageway, 0.5 strip on southern side and all residual width given to a footway on the northern side
- 5.5m passing point is required as close to junction as width will permit, with a minimum of 23m forward visibility along the centreline of the internal road
- strongly recommend that a footway/cycle link to Llangrove Road should be formed along strip of land shown on the layout plan to provide a safe and quiet route to school
- developer has been requested to continue proposed footway to connect to footway at Grange Park junction.

4.4 Conservation Manager considers that the design and layout are no better than the average standard of volume housing. The scheme's chief virtue is its location; the site is relatively secluded and given the extent of surrounding twentieth century development, it is unlikely to have any greater harmful impact on the setting of the listed building.

Further clarification of which trees are proposed for removal and which would be retained is requested. It is disappointing to see such a low number of trees apparently being retained (2 out of 11 trees or tree group identified as of medium value). Developer should consider retaining more of the trees, in particular common hazels, which as the tree agent notes, could be incorporated into garden hedges.

4.5 Strategic Housing would seek to gain 35% affordable housing on this site, and this application for 12 homes includes 4 affordable, which equates to 35%.

Strategic Housing in principle supports the application layout of where the affordable units will be positioned. Strategic Housing has been in negotiations with the Agent and in principle supports the mix and tenure of:

2 Rented - 2 x 2 bed house

2 Shared Ownership - 2 bed bungalow, 3 bed house

With regards to the Shared Ownership, this will be subject to the entry price for the shared ownership homes being within the guidelines set out in the SPG Provision of Affordable Housing March 2001 (updated November 2004).

4.6 Drainage Engineer points out that surface water will be disposed to soakaways, however attention must be paid to the drainage of Plots 8 - 11 [which the submitted report on drainage points out would be on part of the site that is less permeable]. Preference would be given to highway water also discharging to soakaways but confirmation of acceptance of commuted sum [for adoption by the local highway authority] will be required.

## 5. Representations

5.1 The applicants have submitted a Planning Access and Design Statement, a Drainage and Highway Study and a Tree Report. The conclusion of the former is:

1. Approval is sought to erect 12 new dwellings on the site once the outbuildings have been demolished. The site is in a wholly sustainable location, close to public services, travel links and employment opportunities in the village centre and wider area. The site is to be regarded as a brownfield and windfall development site, appropriate for development in local planning policy terms.
2. Furthermore, that the existing outbuildings to the rear of the site make a very limited contribution to the architectural character and quality and are of little merit to the conservation status of the land.
3. The proposed scheme takes full account of the site, its context and the amenity values of the adjacent properties and will not restrict further surrounding development.
4. The proposed residential development seeks to offer choice and afford opportunity for local improvement to housing stock and availability, providing potential for new homeowners to buy a property close to the village centre.
5. The scheme will enhance the Conservation Area and should be regarded as wholly positive and sustainable, meeting the thrust of Government guidance for the use of previously developed land close to local centres, reducing the impact on and protecting the long term maintenance of surrounding green belt areas.
6. The scheme accords with local policy in terms of meeting need and provides for local enhancement both physically and actively.
7. It should therefore be supported by members and officers of the Council as a positive benefit to the local built environment in the Conservation Area, in full accord with Government and adopted Local Plan Policy.

In addition, a contribution for the enhancement of local parks and playing fields or for the improvement of the local environment is offered. We hope to discuss precise details during the application process and if necessary a Section 106 Agreement to secure the funds would be completed.

The Drainage and Highway Study concludes that:

The site may be drained utilising a combination of soakaways for private areas and positive discharge to the adjacent water course for highway drainage.

An alternative exists to drain the highways to soakaways if required.

A temporary foul water treatment plant is required until capital works on the main sewer is completed by Welsh Water, at which time a permanent positive foul water discharge can be obtained.

Modifications to the existing highway adjacent the site will be required to facilitate requirements of Herefordshire County Council highway department.

Based upon the study the site should be suitable for residential development.

5.2 16 letters have been received from local residents, all of which express objections to the proposal. In summary, their grounds of objection are:

1. Density

More akin to urban development and compared to surroundings it would be cramped and over-populated, an unacceptable increase in density to recent and long established rural housing volumes in Whitchurch.

2. Character of area

As a consequence the scheme would be totally out of character with, and affect the setting of this part of the village. It should be left as a garden providing a break between two blocks of housing. If developed it should be bungalows not 2-storey houses.

3. Highway issues

There should be less traffic in and around the village not more. Development would have a major effect on traffic flows through the village and create an unnecessary danger spot.

4. Access

Would be at a point where the road starts to narrow and the carriageway would be narrowed further to form a footway. It would be opposite a children's play area and next to a residential home. This section of road is very narrow and has cars parked the full length 24 hours a day and is fairly busy at times. There is a better access point on the other (north-east) side of Brookside.

5. Access road

Would be extremely difficult, because of width, for delivery, refuse collection and emergency vehicles.

6. Car parking

33 spaces are proposed but it is doubted if they can be accommodated in practice, so that parking will occur all along the access road. On-street parking spaces will be lost to facilitate the new access.

7. Flooding

The area is known to flood and proposal will significantly increase the risk of flooding.

8. Sewerage

It is questioned whether a temporary system would be adequate to cope with high levels of effluent and who would maintain the system? There would be disruption to future occupants and neighbours when switching to mains drainage. An earlier

application (SE2001/0961/O) was refused as would overload the drainage system and nothing has changed.

#### 9. Surface water

Report identifies some areas as having inadequate permeability. Culvert does not work now and with extra run-off (plus treated sewage) would exacerbate this problem. There is a tendency to flood the garage of adjacent house - what safeguards to prevent this are proposed?

#### 10. Highway surface water

Further concerns regarding the practicability of the scheme are raised. Hard surfaced roads will greatly reduce absorption of rainwater and thus exacerbate flood risk. Discharging to watercourse could involve disruption of other services the Report points out.

#### 11. Neighbours' amenities

Would be seriously harmed, through loss of privacy, light, increased stress and consequent reduction in quality of life. Noise, fumes and light pollution from cars, barbecues. Loss of wonderful view.

#### 12. Privacy

Total destruction of privacy as gardens and houses would be overlooked. Plots 4 and 8-11 are mentioned in particular as having this adverse consequence. The access road would be along full width of adjoining house's garden and users would have full view of home.

#### 13. Other concerns

- hedgerow a haven for wildlife
- reduce value of properties and make more difficult to sell
- access to north queried: does not exist and not feasible
- errors and inconsistencies reduce scheme's credibility
- relies on earlier proposal for 9 dwellings and may not be applicable to 12.

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

## 6. Officer's Appraisal

- 6.1 The application site is within the village of Whitchurch, which is defined as a main village (Policy H4 of Unitary Development Plan) and accordingly residential development within the defined settlement is acceptable in principle. As more than 6 houses are proposed a proportion of affordable housing is required where this is known to be necessary (Policy H9). The proportion proposed, the tenure (2 rented, 2 shared equity, location and house types/sizes are considered to be acceptable and this provision could be secured by a Section 106 Agreement. There are three key issues however, the effect on the character of the settlement, the effect on neighbours' amenities and whether the development would exacerbate flooding and drainage problems.

- 6.2 The density of the scheme is modest, nearer 20 dwellings per ha than the 30 recommended by PPS3 as a minimum. However this is a small site of less than 1ha and within a small village rather than an urban area. There are existing housing estate type developments adjoining Brookside (Grange Park and at Yew Tree Farm) and as such the current scheme would not be out of character with the village. Grange Park includes both two-storey houses and bungalows, Yew Tree Farm more substantial houses. The Brookside proposal would have smaller plot sizes, especially the affordable units (nos. 8-11), but other plots would not be radically different from Yew Tree Farm and with generally smaller houses. Furthermore, apart from glimpses of the new estate from Grange Park, which would not be of densely packed housing, there would be few public viewpoints from which the estate could be seen at all. In general, spaces between the new dwellings themselves and between them and existing houses respect generally accepted minimum standards. The Conservation Manager is satisfied that the setting of Brookside and other nearby listed buildings would not be harmed. For these reasons the proposal can be considered as an acceptable addition to housing in Whitchurch.
- 6.3 On the second issue the main considerations are whether there would be sufficient space between proposed and existing dwellings and whether routeing of the access road along garden boundaries would cause noise, disturbance and pollution. With one or two exceptions gardens would be 10m deep and there would be 21m or more between facing rear windows. Plots 4 and 8 are the main exceptions but in the latter case privacy could be readily improved and further consideration is being given to the design and siting of Plot 4. Plots 5 and 7 have gables facing adjacent properties and these physical relationships could be improved. The access road extends along the side of Apsley House, 24 Grange Road and 3 of the houses at Yew Tree Farm. Adjacent to the first two houses is an existing stone wall which would be retained, although it is only about 1.3m high at its western end. Retaining a good width of the existing planting along the boundary with the Yew Tree Farm properties plus an acoustic fence would provide adequate mitigation. These could be required by planning condition. Whilst not ideal therefore, provided minor adjustment to layout and/or housing types are made, I consider the adverse effect on amenities would not be sufficient grounds to refuse permission.
- 6.4 The existing flooding and drainage problems arise from stormwater infiltrating the public sewerage system causing discharge during periods of heavy rainfall and adding to the flooding from the nearby brook. The former problem would be resolved by April 2010 as the necessary works are programmed to be undertaken by the water authority. In order to allow development prior to 2010 the applicant proposes a temporary sewage treatment works to be sited within the remaining garden of Brookside. This is acceptable in principle and later connection to the mains system could be ensured by a Section 106 Agreement. However, in view of reduced permeability of adjoining land (paragraph 4.2.2 of Drainage Report) it should be demonstrated that this would work effectively before planning permission is granted. Drainage from roofs and hard surfaced areas would be directed to soakaways within each plot, but due to reduced permeability this would not be adequate for Plots 8 – 11 and additional measures, cross-linking presumably to other plots, is proposed. The practicability of this solution has not been clearly set out and further clarification is required before it can be shown that surface water run-off would not add to current flooding problems. Two possible solutions are suggested for run-off from the new roads: either drained to soakaways or discharged to the nearby watercourse. In the latter case over-sized pipework and a hydro-brake would be required to ensure that no greater flows reached to brook than at present. The Council's Drainage Engineer prefers the former in view of the flooding problems and the soakaways could be

adopted by the Council to ensure future effectiveness. However, it is not clear whether soakaways could serve the lower part of the site and a combination of the two systems may be necessary. Nevertheless subject to further clarification noted above I consider that the flooding/drainage problems could be overcome. The route northwards to Llangrove Road referred to in paragraph 4.3 above is about 5m wide at the narrowest and on higher ground and could therefore serve acceptably as a dry pedestrian/cycle route and for emergency vehicles in the event of a serious flood which blocked the access adjoining Brookside.

- 6.5 Other considerations are the highway issues and children's play area. There is sufficient space to achieve the standard for access and access road set out by the Traffic Manager and revised plans are awaited. The applicant accepts that the highway adjacent to the proposed access would need to be modified to meet to Traffic Manager's requirements. No children's play area is proposed but Policy H19 provides for a commuted sum and as the Parish Council has a small play area nearby, which it is understood would benefit from further investment, this seems preferable to duplicating facilities.

## **RECOMMENDATION**

**Subject to highway, design/layout, planting and drainage concerns being met:**

**That: 1 The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 as set out in the draft heads of terms and any additional matters and terms as he 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:**

**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)**

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

**3 G04 (Landscaping scheme (general))**

**Reason: In order to protect the visual amenities of the area.**

**4 G05 (Implementation of landscaping scheme (general))**

**Reason: In order to protect the visual amenities of the area.**

**5 G01 (Details of boundary treatments)**

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



**6 F48 (Details of slab levels)**

**Reason:** In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

**7 F32 (Details of floodlighting/external lighting)**

**Reason:** To safeguard local amenities.

**8 E16 (Removal of permitted development rights)**

**Reason:** To protect the amenities of neighbours.

**9 W01 (Foul/surface water drainage)**

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

**10 W02 (No surface water to connect to public 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.

**11 W03 (No drainage run-off to public system)**

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

**Informative(s):**

**1 Listed building consent is required before demolition of the conservatory at Brookside.**

**2 N19 - Avoidance of doubt**

**3 N15 - Reason(s) for the Grant of Planning Permission**

Decision: .....

Notes: .....

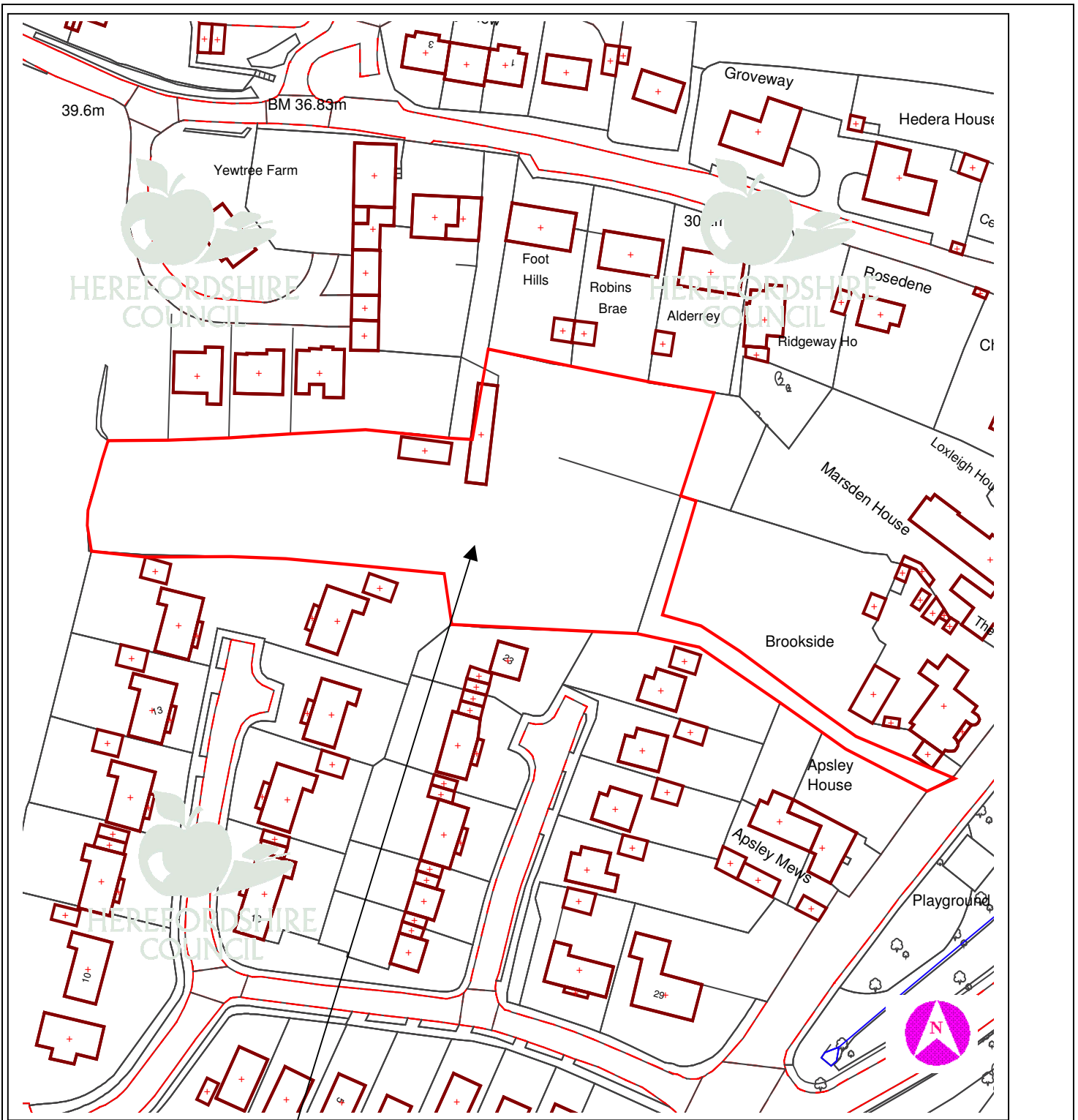
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**Background Papers**

Internal departmental consultation replies.

**DRAFT HEADS OF TERMS**Proposed Planning Obligation Agreement  
Section 106 Town and Country Planning Act 1990Planning Application – DCSE2007/1247/F  
Erection of 12 New Dwellings at Brookside, Whitchurch, Ross-on-Wye, HR9 6DJ

1. 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 £14,500 which sum shall be paid on or before the commencement of development.
2. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
  - (i) Provision of play area and improved community facilities at Whitchurch
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purposes specified in the agreement in Clause 2 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 approved houses on Plots 8 – 11 shall all be 'Affordable Housing' units which meet the criteria set out in Section 5.5 of the Unitary Development Plan for Herefordshire and related Policy H9 or any statutory replacement of those criteria and that policy. None of them shall be occupied unless and until the Herefordshire Council has given its written agreement to the means of securing the status and use of these units as Affordable Housing.
5. The developer undertakes to connect at his own expense all the approved houses to the public sewerage system and to remove the temporary sewage treatment plant within 6 months of the completion of the improvements to the system programmed by Welsh Water for completion by 1<sup>st</sup> April, 2010.
6. 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.
7. The developer shall complete the Agreement by 18<sup>th</sup> October, 2007, otherwise the application will be registered as deemed refused.



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**APPLICATION NO:** DCSE2007/1247/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Brookside, Whitchurch, Ross-on-Wye, Herefordshire, HR9 6DJ

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