

6 DCCE2007/1825/F - ERECTION OF 20 DWELLINGS AND ASSOCIATED PARKING, ROADWORKS, SERVICES AND DRAINAGE AT LAND OFF WITHIES ROAD, WITHINGTON, HEREFORD, HR1 3PX**For: K.W. Bell & Son Ltd, Steam Mills Road, Whimsey Industrial Estate, Cinderford, Glos, GL14 3JA****Date Received: 11th June, 2007** **Ward: Hagley****Grid Ref: 56275, 43130****Expiry Date: 10th September, 2007**

Local Member: Councillor D.W. Greenow

1. Site Description and Proposal

1.1 The site is located immediately north of Withies Road opposite the junction to Withies Close in Withington. To the west is a relatively modern estate of detached properties known as Coppice Close, beyond which is Withington Parish Hall. Immediately east are detached properties fronting Withies Road and to the north is agricultural land. All four boundaries of the site are presently enclosed by a mixture of mature native and Leylandii hedgerows and ground levels fall from east to west with the site being approximately one metre higher than the adjoining road level.

1.2 The site falls within the Settlement Boundary for Withington and is also specifically allocated for residential development under Policy H5 of the Unitary Development Plan 2007. Detailed planning permission is sought for the construction of 20 dwellings on site comprising 3 four bedroom detached houses, 11 three bedroom semi-detached and terraced houses and 6 two bedroom terraced houses and maisonettes. 35% of the total number of units will be affordable housing amounting to 7 affordable units. A new vehicular access is proposed directly off Withies Road to include the construction of a new pavement along the frontage of the site.

2. Policies

2.1 Planning Policy Guidance:

PPS3 - Housing

2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S7	-	Natural and historic heritage
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning obligations
H4	-	Main villages: settlement boundaries

H5	-	Main villages: housing land allocation
H9	-	Affordable Housing
H13	-	Sustainable residential design
H15	-	Density
H16	-	Car parking
H19	-	Open space requirements
T6	-	Walking
T7	-	Cycling
T8	-	Road hierarchy
T11	-	Parking provision
LA3	-	Setting of settlements
LA5	-	Protection of trees, woodlands and hedgerows
NC7	-	Compensation for loss of biodiversity
RST3	-	Standards for outdoor playing and public open space
W11	-	Development – waste implications

3. Planning History

- 3.1 CE2007/0844/F - Erection of 20 dwellings and associated parking, roadworks, services and drainage. Application withdrawn 14th June, 2007.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water:
No objection subject to conditions regarding foul and surface water drainage.
- 4.2 River Lugg Internal Drainage Board:
No objections.

Internal Council Advice

- 4.3 Traffic Manager:
No objection subject to conditions relating to access and pavement construction, the design of internal roads and parking and the provision of cycle parking. A highways contribution of £44,250 should be sought in line with the consultation Supplementary Planning Document to be used for improvements to pedestrian, cycling and sustainable transport facilities.
- 4.4 Conservation Manager: Landscape
The revised layout is much improved in relation to the western boundary and the proposed replacement and supplemental hedge planting is welcomed. The hedge planting will need to be supported by the erection of a traditional post and rail fence.

Contrary to the statement in the Design and Access Statement the area of open space to the centre of the site will not be suitable for wildlife habitat as it is too small and isolated from adjoining habitat and will be constantly disturbed. It is also not clear which areas are to be public open space and which is private ownership therefore a landscaping scheme is required prior to determination of the application and not conditioned. Details of hard surfaces, walls, street furniture and other features also require to be submitted.

4.5 Public Arts Officer:

I don't feel the site requires public art on site but would benefit in design terms from something to increase the sense of place such as artist designed street furniture or high quality door furniture which could be individual to each dwelling.

4.6 Parks, Countryside and Leisure Services Manager:

It is considered acceptable to provide the play and open space element of the proposals off site by way of a contribution towards new play, sport and leisure facilities at the village hall. Based on £500 per bedroom excluding the first, a contribution of £19,500 is required towards off-site play provision. The Sport England facilities calculator also requires a contribution towards increased participation in active sport of £630 per dwelling which equates to £12,600.

4.7 Children and Young Peoples Directorate:

No formal comments received in respect of this application but comments received in respect of the similar scheme subsequently withdrawn were:-

Both schools are currently just under capacity, however additional pupils to the school would prevent the removal of temporary classrooms that we would otherwise be able to do. The Council is also currently undertaking a review of school provision and it is likely that the capacities of schools will be assessed as part of this review.

The Children and Young People's Directorate would therefore be looking for a contribution to be made towards education in this area that would go towards rectifying some of the problems at the schools such as inadequate storage and classroom sizes, poor library facilities and outdoor play equipment that would be exacerbated by the inclusion of additional children. A contribution of £2,000 per dwelling, regardless of its size or type, would be sought.

4.8 Head of Strategic Housing:

Strategic Housing would seek 35% affordable housing from the site and the affordable units to be built to Housing Corporation Scheme Development Standards and Lifetime Homes. The layout of the affordable is supported as is the mix but require the tenure to be all rented. Concerns exist as to the size and number of parking spaces and which spaces are allocated to which property. This therefore requires clarification.

4.9 Conservation Manager - Ecology:

No formal comments received in respect of this application but comments received in respect of the similar scheme subsequently withdrawn were:-

No ecological assessment of the site as been provided in support of the application. I was also very disappointed to discover that the site had been cleared of its semi-natural vegetation and subsequent loss of biodiversity. There is also a known badger sett in the woodland to the north west and the badgers may have been using the site for foraging.

An ecological assessment is required to establish the presence of any protected species and the report should also detail the ecological mitigation and enhancement. I appreciate that space is limited on the site and welcome the retention of the boundary hedgerows. There may be further potential on site I would suggest that there is also scope to create a scheme of compensatory biodiversity off the site such as a local BAP habitat.

5. Representations

5.1 Withington Parish Council: The Parish Council objects to the development for the following reasons:

1. The design incorporates properties backing onto Withies Road. This is a main entry road into the village. All the existing houses on the north side of Withies Road have their front gardens facing the road. We are concerned with the visual impact of domestic paraphernalia such as boundary treatments, sheds, washing lines. It is not accepted that individual private accesses cannot be provided off Withies Road on to the site.
2. The increase in the number of dwellings from 15 to 20 has resulted in a cluttered site that distinguishes it adversely from other development in the village. The estimated capacity within the Unitary Development Plan is 15 and any increase in dwelling numbers is solely to increase the developers margin. This should not be at the expense of achieving an acceptable development for the village.
3. If permission is approved the Section 106 contributions should be line with the recent consultation document on Section 106 Agreements.
4. The Parish Council are not convinced of the need for more affordable housing in the village and there has been no up to date housing needs survey for the parish. Any provision of affordable housing should be for the residents of the local group parishes. A reduction in the number of affordable homes could also assist in securing a more acceptable design solution and additional Section 106 contributions.
5. The distribution of parking places does not appear to be related to the individual dwellings.

Without prejudice to the foregoing objections if permission is approved a close boarded fence is required along the Withies Road frontage between the replacement hedge and the rear of the properties. There should be a condition preventing the replacement of the fence with any alternative material or design and no openings should be allowed in perpetuity.

5.2 Five letters of objection have been received from Withington Village Hall Management Committee and the occupants of 1 Coppice Close, 2 Coppice Close, The Beeches, Withies Road and 29 Vine Tree Close. The main points raised are:

1. The development is over crammed with little consideration displayed towards the rural environment, neighbourhood and future inhabitants.
2. The houses fronting Withies Road turn their back on the road and the development as a whole is inward looking
3. The recent Meridian Grange residential development was not in the UDP and therefore we question the need for additional housing.
4. Twenty dwellings is far too many for the size of the site and a less intense development would be more appropriate for this rural village.
5. The outlook of properties within Coppice Close should be preserved.
6. Inadequate parking is proposed which will lead to any overflow of cars parking at the village hall as is already the case from the adjoining Meridian Grange development.

7. The access serving the development is very close to the junctions of Bankfield Drive, Withies Close and a bus stop leading to a potential increased danger to pedestrian and highway safety.
 8. The development will lead to an increase in car useage and there is only a limited bus timetable in the village leading to additional pollution.
 9. The development will put an increased pressure on the existing water supplies.
 10. Existing surface water drains already cannot cope with run off during heavy rain and the development will exacerbate the situation.
 11. Over 100 houses have been built in the village over the last 5 years yet there is no doctor's surgery, no recycling centre, no road infrastructure development or improvement, no obvious increase in policing and limited amenity for children of all ages.
 12. The development will result in a significant reduction in sunlight received in late evenings and an increase in noise levels.
 13. All trees that were on site have been chopped down and the development takes no account of the surrounding environment.
 14. The claims made in the Design and Access Statement are contradictory.
 15. Speed limits should be reduced down to 30mph and traffic calming measures installed such as choke points on Withies Road along with double yellow lines along the same length.
 16. A 2 metre high close boarded fence should be erected along the boundary with Withies Road between the houses and the new hedge.
 17. Street lighting should be improved along Withies Road.
- 5.3 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

The Principle of Development

- 6.1 Withington is classed as a main village in the Herefordshire Unitary Development Plan 2007 and as such, is deemed to have capacity to accommodate additional residential development. The site is also allocated for development within the Unitary Development Plan under Policy H5 with an estimated capacity of 15 units. The principle of the site being developed for residential purposes is therefore established and acceptable.

Density and Layout

- 6.2 Policy H15 of the Unitary Development Plan requires sites outside of Hereford and the Market Towns to deliver residential development at a density of at least 30 dwellings per hectare. This coincides with advice within Planning Policy Statement 3 which also requires residential developments particularly on allocated sites to make the most efficient use of the land. The construction of 20 dwellings equates to a density of 35.7 units to the hectare. Whilst the Unitary Development Plan indicates a figure of 15 units on site, this is only an estimated capacity and was not informed by detailed layout plans as now proposed. Furthermore, the density is comparable to neighbouring historic and more recent residential developments to the east and south and therefore would not appear out of character with the area.
- 6.3 The layout of the development essentially takes the form of two rows of houses, one adjacent to Withies Road broadly following the notional building line of existing

properties east and west of the site and the second row running along the northern boundary which borders agricultural land.

- 6.4 The layout has largely been dictated by the access restrictions as only a single point of access is deemed acceptable in highway safety terms. The results of which are the front elevations of the properties on Withies Road face inwards with the rear gardens running along the highway boundary. To ensure the development creates an acceptable street scene when viewed from Withies Road, the design of all the properties adjacent to Withies Road effectively have a double frontage to give the appearance that the Withies Road elevation is in fact the front elevation of the properties. Although a little unusual, this approach ensures an acceptable street elevation can be created softened by a native hedgerow. The other benefit of this approach is that there is potentially less pressure to provide other access points through the roadside hedge with the attendant problems of parking on the public highway. The siting of the dwellings is also staggered to create a more interesting street scene and reflect the angled shape of the site. Conventional designs are proposed for the dwellings to the rear (north) of the site.
- 6.5 The scale and siting of the dwellings has also been amended to safeguard the amenity of neighbouring properties to ensure that there are no windows directly overlooking neighbouring properties or their gardens. The scale in terms of the height and mass of the properties proposed adjacent to 'The Rise' in the north western corner of the site have also been stepped down to minimise the impact on this property. In the north eastern corner, the proposed dwelling has been stepped in from the boundary to minimise any loss of light for the occupants of the property known as 'Sangria'. The scheme now ensures that a satisfactory juxtaposition is achieved between the proposed and existing properties.
- 6.6 Each property will have a private garden which is commensurate with the size of the property and adequate off street parking in the form of driveways, garages or a combination of both is proposed. Where garages are to be used as a parking space, a condition can be imposed to prevent the garage from being converted to habitable accommodation in the future. The internal access roads are to be informally surfaced with block paving with no pedestrian segregation following the "home zone" principles aiming to reduce traffic speeds and create a pedestrian friendly residential environment. Strategic planting is also proposed which will soften the impact of the internal spaces to achieve a more informal appearance to the development.

Housing Mix, Designs and Access

- 6.7 The housing mix has been amended with the revised scheme to provide additional two bedroom units in favour of four bedroom units. The mix now proposed achieves a broader range of house types and sizes ensuring there is a range of affordability amongst the general market properties. Seven of the units are also to be affordable housing available for rent but with local restrictions on occupation ensuring that they are available in the first instance for residents with a local connection to Withington. The scale of the properties are all two storey which again is compatible with the general scale of properties within the area and the designs reflect local vernacular which is relatively simple in form with additional detailing achieved through dormer features. Materials are to be predominantly brick or brick and render elevations and pitched tiled roofs. It is considered that the proposed house designs and street scene elevations illustrate that the development will satisfactorily harmonise with the local environment.

- 6.8 A single new vehicular access is proposed to serve the development which in order to achieve satisfactory visibility will require the removal of the existing hedgerow which forms a boundary with Withies Road. A new hedgerow is proposed to be planted along the roadside boundary, which will provide the privacy for the rear gardens of the properties adjacent to Withies Road. However, there may be scope for the existing hedgerow to be translocated which will ensure that the existing native boundary will be retained assisting in softening the appearance of the development. A new pavement is also proposed along the frontage of the site linking with existing pavements running to the west towards the village hall. The Traffic Manager has confirmed that the revised access proposals and visibility requirements are acceptable.

Section 106 Matters

- 6.9 The Heads of Terms for all of the Section 106 matters are appended to this report which the applicants have agreed to in principle. All of the contributions will be used locally to enhance education, sustainable transport, sport and recreational facilities in Withington or one of the associated Group Parishes.
- 6.10 In terms of the off site open space, sport and recreation contribution, this principle has been agreed with the Parks and Countryside Manager as it is considered more worthwhile to provide appropriate facilities for the use of the village as a whole on land adjoining the village hall which is within walking distance of the site rather than a small play area to serve only this development.
- 6.11 In terms of the affordable housing, all the units are to be made available for rent and a mix of units is proposed ranging from two bedroom maisonettes to four bedroom detached family houses. The latest Homepoint data (July 2007) indicates a need for 20 affordable rented units in Withington with no requirement for any shared ownership units. The location of the affordable has also been dispersed around the site so as to create a more socially inclusive development.
- 6.12 The site, until all of the trees and vegetation were removed earlier this year, would also have been a habitat for flora and fauna and this is specifically recognised in the Unitary Development Plan. The clearance of the site is disappointing but ultimately is outside planning control. The existing hedgerows with the exception of the roadside hedge are to be retained and reinforced and this is welcomed but it is considered that the scope for appropriate new habitat creation on site is now limited. Therefore it is considered more worthwhile to provide new planting, funded by the developers, on land forming part of the village playing fields to create a new Biodiversity Action Plan habitat which could also be a community project.
- 6.13 Finally, Section 7 of the Heads of Terms requires the development as a whole and particularly the dwellings themselves to meet Level 4 of the Code for Sustainable Homes. This is a code produced by the Government in December 2006 setting new standards for the design and construction of residential development. It is a single national standard for sustainable homes, used by home designers and builders as a guide to development, and by home buyers to assist in their choice of home in response to the need to reduce carbon dioxide emissions – a major cause of climate change. The system will also tie into the imminent energy performance certificates for all new homes and the selling and leasing of existing homes over a certain size. The design of the code covers nine categories - Energy/C02, Water, Materials, Surface water run-of, Waste, Pollution, Health and Well Being, Management and Ecology.

The code has six levels, 1 being the minimum standards to be met and 6 being a zero carbon home, level 4 will require, for example, that the 2006 Building Regulations relating to energy efficiency requirements are exceeded by 44%. Whilst this code has not been used in Herefordshire to date, it will if accepted represent a bench mark for all future residential development and in time, will also be mandatory.

6.14 The proposals in general will achieve a sustainable residential development in accordance with the adopted Development Plan policies.

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 in accordance with the Heads of Terms appended to this report and any additional matters and terms 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 and any additional conditions considered necessary by officers.**
- 3) **That the officers named in the Scheme of Delegation to Officers be authorised to amend the terms of the conditions as necessary to reflect the terms of the planning obligation.**

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. **E05 (Restriction on delivery and construction hours).**

Reason: In order to protect the amenity of occupiers of nearby properties.

4. **E09 (No conversion of garage to habitable accommodation).**

Reason: To ensure adequate off street parking arrangements remain available at all times.

5. **E17 (No windows in side elevation of certain properties).**

Reason: In order to protect the residential amenity of adjacent properties.

6. **E16 (Removal of permitted development rights).**

Reason: To safeguard the appearance of the development and to enable the local planning authority to give consideration of the acceptability of any future alterations or extensions.

7. W01 (Foul/surface water drainage).

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

8. 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.

9. W03 (No drainage run-off to public system).

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

10. 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.

11. G02 (Landscaping scheme (housing development)).

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

12. G03 (Landscaping scheme (housing development) – implementation).

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

13. G06 (Scope of landscaping scheme).

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

14. G09 (Retention of trees/hedgerows).

Reason: To safeguard the amenity of the area.

15. Notwithstanding the details identified on the approved plans the existing hedge running along the southern boundary of the site with Withies Road shall be translocated to the new position as detailed on the approved plans unless otherwise agreed in writing within the Local Planning Authority. Details of the methodology and timing of the translocation shall be submitted for the approval in writing of the local planning authority including details of future management of the hedgerow to safeguard its survival.

Reason: To safeguard the amenity of the area.

16. G13 (Landscape design proposals).

Reason: In the interests of visual amenity.

17. H09 (Driveway gradient).

Reason: In the interests of highway safety.

18. H11 (Parking - estate development (more than one house)).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

19. H17 (Junction improvement/off site works).

Reason: To ensure the safe and free flow of traffic on the highway.

20. 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.

21. H19 (On site roads – phasing).

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

22. H21 (Wheel washing).

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

23. H27 (Parking for site operatives).

Reason: To prevent indiscriminate parking in the interests of highway safety.

24. H29 (Secure covered cycle parking provision).

Reason: To ensure that there is adequate provision for secure covered cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

25. Prior to the commencement of the development, the Owner shall provide the Council with a Waste Management Strategy relating to construction waste and the recycling of spoil and other materials excavated from the site and generated by the development. The development shall be completed in accordance with the agreed strategy.

Reason: To minimise the impact of any waste generated by the development and ensure any waste that is generated is appropriately managed.

Informatives:

1. HN01 - Mud on highway.

2. HN05 - Works within the highway.

3. **HN08 - Section 38 Agreement details.**
4. **HN10 - No drainage to discharge to highway.**
5. **N02 - Section 106 Obligation.**
6. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
7. **N19 - Avoidance of doubt.**

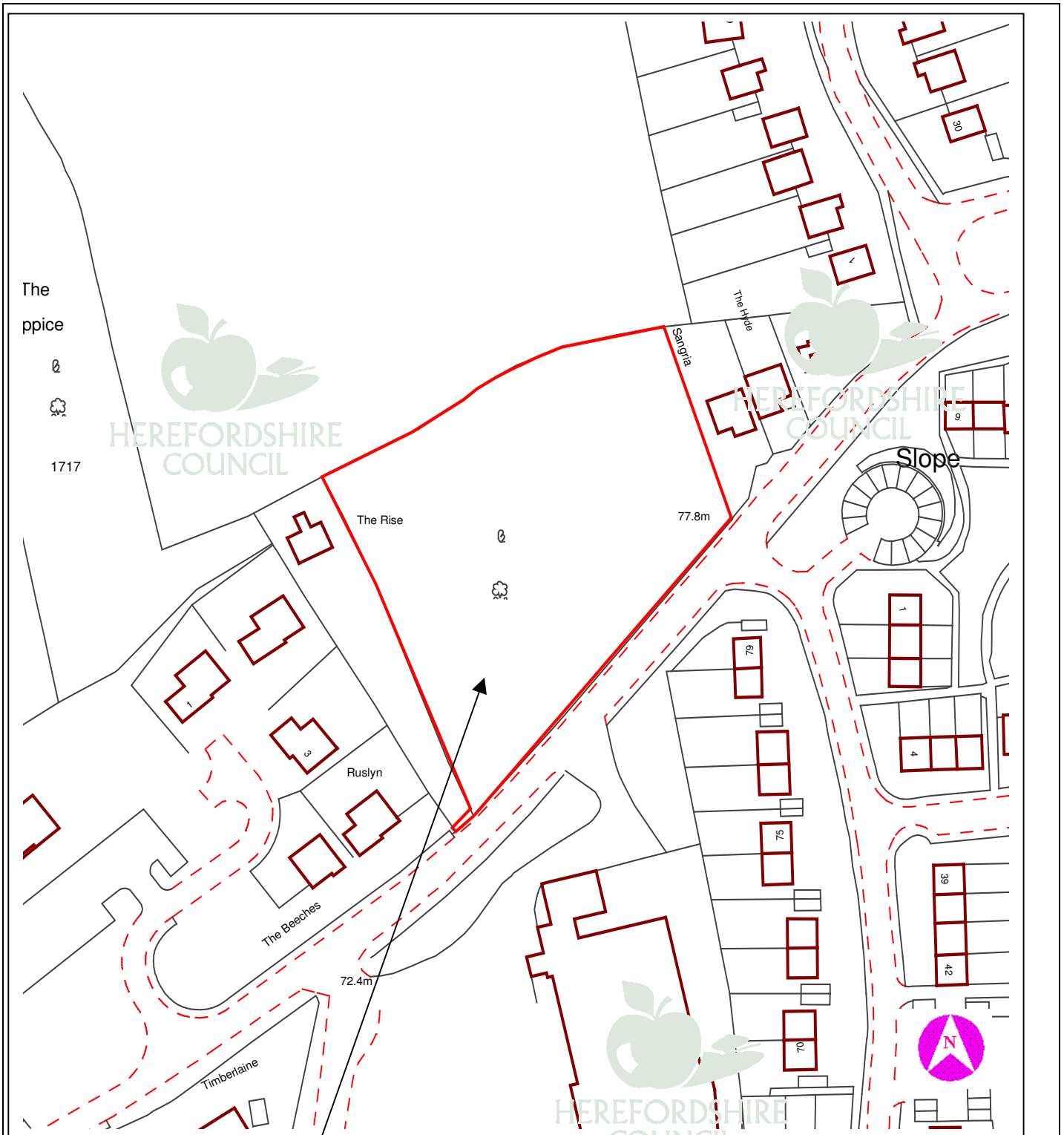
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/1825/F

SCALE : 1 : 1250

SITE ADDRESS : Land off Withies Road, Withington, Hereford, Herefordshire, HR1 3PX

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

Planning Application – DCCE2007/1825/F

Erection of 20 dwellings and associated parking, roadworks, services and drainage

Land north of Withies Road, Withington, HR1 3PX

1. The developer covenants with Herefordshire Council to pay £32,000 towards the cost of new or enhancement of existing open space, play, sport and recreation facilities in lieu of such facilities being provided on site to be used in the parish of Withington.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £40,000 to provide enhanced educational infrastructure at Withington Primary School and/or Aylestone High School.
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £40,000 for off site highway works and improved public and sustainable transport infrastructure to serve the development (which aren't Section 278 works i.e. essential to facilitate the development).
4. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes: (The list is not in any order of priority)
 - a) Reduction in the speed limit within Withington (subject to meeting criteria)
 - b) Improved bus shelters/stops in the locality of the application site
 - c) Safe Routes for Schools
 - d) Improve lighting and signage to existing highway/pedestrian and cycle routes leading to the site
 - e) Improved pedestrian and cyclist crossing facilities in Withington
 - f) New On/Off road pedestrian/cycle links to the site
 - g) Traffic calming measures
 - h) Any other purpose falling within the criteria defined in 3 above.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council £5,000 to provide off site public art in lieu of such provision on site to be used for art within the parish of Withington including artist designed street furniture.
6. The developer covenants with Herefordshire Council to pay the sum of £5,000 to provide ecological planting to compensate for the loss of biodiversity on site. If an appropriate site for the planting cannot be found the money can be used for general landscaping in association with 1 above.
7. The design and construction of the development shall include energy efficiency measures to reduce the carbon footprint of the Development. The Development shall meet level four of the Code for Sustainable Homes: A step change in sustainable home building practice design produced by The Department for Communities and Local Government dated December 2006.

The developer shall provide pre and post construction compliance certificate to Herefordshire Council confirming that development has been designed and constructed to meet level four.

8. Prior to the commencement of the development, the developer shall provide a management schedule for the management of the areas of open space and soft landscaping to remain within private ownership. The management regime shall remain in perpetuity and the details to be submitted shall include the mechanism for enforcing compliance.
9. 35% of the total number of residential units shall be "Affordable Housing" which meets the criteria set out in Section 5.5 of the Herefordshire Unitary Development Plan 2007 and related policy H9 or any statutory replacement of those criteria and that policy. All the affordable units shall be made available for rent. None of the Affordable Housing shall be occupied unless 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 or in accordance with a phasing programme to be agreed with Herefordshire Council.

10. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2, 3 5 and 6 for the purposes specified in the agreement within 10 years of the date of each payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
11. All of the financial contributions shall be Index linked and paid on or before commencement of the residential development unless otherwise agreed with Herefordshire Council
12. 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.

Russell Pryce - Principal Planning Officer

10th July, 2007