

**1 CE2003/1309/F - DEMOLITION OF FORMER SUPERMARKET AND ERECTION OF 35 DETACHED, SEMI-DETACHED AND TERRACED HOUSES AND FLATS, TO INCLUDE ASSOCIATED ACCESS ROADS, LANDSCAPING AND OPEN SPACE AND ONE VILLAGE CONVENIENCE SHOP UNIT. FORMER GP STORES SUPERMARKET, WITHIES ROAD, WITHINGTON, HEREFORD**

**For: Mason Richards Partnership, Salisbury House, 2A Tettenhall Road, Wolverhampton, West Midlands, WV1 4SG**

**Date Received: 1st May 2003**

**Ward: Hagley**

**Grid Ref: 56270, 43029**

**Expiry Date: 26th June 2003**

Local Member: Councillor R.M. Wilson

## **1. Site Description and Proposal**

- 1.1 The 1.1ha application site is located within the Withington Settlement as defined in the South Herefordshire District Local Plan. It comprises the site of a former supermarket fronting Withies Road and a short section of Springfield Road. It is surrounded on three sides by established residential development.
- 1.2 The proposal is to demolish the existing buildings and areas of hardstanding and erect 35 residential units, a local shop with flat and an area of public open space including an equipped toddlers play area. The residential units would comprise detached and semi-detached houses and two storey flats, giving a mix of 1, 2, 3 and 4 bedrooms. Thirty-six percent of the units would be affordable, to be provided through a Registered Social Landlord. The public open space would cover approximately 0.2ha fronting Withies Road. The shop unit would also front Withies Road with sales area of 100 sq m and small car park. Two vehicular accesses would be formed from Withies Close (approximately in the positions of the existing supermarket accesses), and a right of way to Springfield Road would be retained.

## **2. Policies**

### **2.1 Hereford and Worcester County Structure Plan:**

H2B	-	Housing Requirements
H2C	-	Housing Requirements
H16A	-	Housing in Rural Areas
H18	-	Housing in Rural Areas Outside the Green Belt

### **2.2 South Herefordshire District Local Plan:**

GD1	-	General Development Criteria
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C2	-	Settlement Boundaries
SH6	-	Housing Development in Larger Villages
SH8	-	New Housing Development Criteria in Larger Villages
SH9	-	Balance of Housing Types
SH13	-	Affordable Housing in/adjacent to Settlements
SH14	-	Siting and Design of Buildings
SH22	-	Public Open Space in Residential Areas
CF2	-	Provision of Facilities for Health and Social Services
CF5	-	Provision of Community Buildings
TIA	-	Environmental Sustainability and Transport
RT4	-	Provision of New Village Shops
RT5	-	Retention of Village Shops

### 2.3 Herefordshire UDP (Deposit Draft):

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S5	-	Town Centres and Retail
S6	-	Transport
S8	-	Recreation, Sport and Tourism
DR1	-	Design
DR2	-	Land Use and Activity
DR5	-	Planning Obligations
H4	-	Main Villages : Settlement Boundaries
H9	-	Affordable Housing
H19	-	Open Space Requirements
TCR14	-	Village Commercial Facilities
RST3	-	Standards for Outdoor Playing and Public Open Space
RST5	-	New Open Space in/adjacent to Settlements

## 3. Planning History

- 3.1 SC980465PF - Erection of 1.2m satellite dish. Approved 16th September, 1998.
- 3.2 SH980031PO - Residential development of 24 dwellings and village shop with living accommodation. Refused 4th March, 1998.

## 4. Consultation Summary

- 4.1 Dwr Cymru Welsh Water: The proposed development would overload the existing public sewerage system. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme. Therefore consider any development prior to improvements being undertaken to be premature, and so object to the development. It may be possible for the developer to fund the accelerated provision of replacement infrastructure or to requisite a new sewer under Sections 98-101 of the Water Industry Act 1991.
- 4.2 Responses by internal consultees that raise material planning issues are summarised and considered in the Officers Appraisal.

## 5. Representations

5.1 Withington Parish Council: Objects to plans but notes that some issues, particularly in respect of parking provision and operations, have been addressed. The reasons for objection are:

1. The loss of the larger willow tree at Plot 1. There is no evidence of decay and no serious damage at the base. The tree is in full leaf and provides a pleasant view from along Withies Road approaching from the west. No arboricultural evidence has been provided to the Parish Council to support the claim that the tree 'may' die in the future.
2. Parking spaces for Plots 14/15 are unclear as to position and number.
3. House type G is three storey and Plots 6, 7 and 8 directly overlook houses/gardens in Withies Close. Cross sections of the development with the existing houses should be provided to illustrate that there is no serious impact in terms of privacy and overlooking.
4. The size of the proposed shop is now acceptable. However the parking spaces are unsuitable and any off road parking should be designed to allow for vehicles to enter and leave in a forward direction, as provided in the residential parking courts. The location of the unit close to the junction with Withies Road and the first junction on the development is potentially a traffic hazard as car borne shoppers will have to reverse into the junction or directly onto the new estate road. In order to reduce the level amount of manoeuvring the WPC considers that the existing access through to Springfield Road should be formally developed as a through route with a one way system being introduced for the short section currently shown as 'casual' parking spaces.
5. There is no information in respect of any negotiated community facilities or contributions to open space provision, education etc as requested in the observations on the first submission. The WPC has requested that the provision of a doctors surgery be sought and has no feed back from any negotiations. It is understood that a facility would be supported by an existing 'Hereford' surgery but funding is not available.
6. The WPC understands that the existing Post Office/shop could relocate to the new store. This must be a prerequisite of any planning permission as it is considered that the village cannot support two units and without a retail element the Post Office is unlikely to survive.

5.2 Eleven letters of representation have been received from Inglenook Cottage, Duke Street; Holly Tree Cottage, Duke Street; Romani, Duke Street; Springfield PO & Stores; 66 Withies Close; The Green, Withington (x 2); Timberlaine, Withies Road, 12 Willowfields; 72 Withies Close; and Withington Primary School, summarised as follows:

- right of way to Springfield should be restricted to pathway;
- additional car parking should be provided for shop;
- toddlers play space is badly located;
- financial contribution should be made to shop;

- access needs to be maintained to boundaries for maintenance and appropriate fences erected;
- hedge on boundary with Withies Road should be retained;
- willow tree on frontage should be retained;
- more development should not 'fund' playing fields;
- insufficient number of accesses into site;
- Post Office must be maintained in Withington;
- no need for large houses;
- too many cul-de-sac;
- too many 'social houses';
- should incorporate doctor's surgery;
- support for application;
- works should not undermine retaining walls on boundary.

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

## **6. Officers Appraisal**

6.1 The main issues in this case are the principle of residential development, and if this is established, the impact of the specific proposal on amenity, highway safety and general infrastructure (including the foul water systems, open space and local education facilities).

### **6.2 The Principle of Residential Development**

The application site lies within the defined Withington Larger Village where Policy SH6 of the Local Plan allows new residential development as a matter of principle, subject to criteria. The site is presently unoccupied although the established use is a retail facility. Policy RT5 resists change of use from a retail use in rural settlements where this would result in the loss of the last remaining retail facility.

6.3 In view of Policy RT5, the applicant has provided a retail capacity study and a brief summary of the recent history of the site. The history indicates that one of the last occupiers ceased trading in view of increased competition from other stores and an insufficient population base in the immediate area to support such a large retail facility. Notwithstanding considerable direct marketing, no interest has been shown by any other retailer to take on the unit(s). Having regard to these circumstances loss of the existing large retail unit(s) is considered acceptable in this instance. The existing small Post Office and convenience store in Springfield Road (adjacent to the site) would continue as the last remaining retail facility in the village in accordance with Policy RT5.

6.4 To retain the community benefit provided by the existing retail unit(s) the applicant proposes to erect a new convenience store on the site of some 100 sq m, to include a two bedroom manager's flat. This is supported being in accordance with Policy RT4 of the Local Plan which encourages new village shops in appropriate locations such as this. Competition between shops would not amount to a sustainable reason for refusing planning permission although as a gesture of good will the applicant would give first refusal for the store to the owner/occupier of the existing post officer/convenience store.

6.5 Having regard to the recent history of the site (and, in particular, the period it has now been vacant), the limited population base in Withington to support large scale retail facilities, and the proposal to erect a convenience store as part of the overall scheme, it is considered that an objection based on the loss of the existing retail facilities could not be sustained. In the event of permission being given, conditions would be required to ensure erection of the new convenience store.

6.6 Redevelopment for mainly residential purposes is considered appropriate in this instance having regard to the residential character of the surroundings and the site's location within the village boundary. The proposal is considered to comply with Policy SH6 as a matter of principle.

#### 6.7 Layout and Mix

Policy SH8 sets out detailed criteria for residential development in the larger villages requiring it to be, in particular, of a scale to complement the size, scale and character of the location, and located where additional traffic can be accommodated and adequate services exist. Policy SH9 requires a reasonable mix and balance of house types and sizes, and affordable housing to be provided where appropriate.

6.8 The proposal is for a mixed development of one, two, three and four bedroom houses and flats. The mix is considered to be appropriate and in accordance with Policy SH9. At the front of the site the houses would be arranged around a 'village green' with the shop unit to one side. This is considered to be an appropriate and attractive layout which is in-keeping with the general character of this part of Withington. There are no highway safety issues.

6.9 Some existing trees would be removed from the site including the willow referred to in the Parish Council's representation. Although an attractive tree, its removal is considered necessary to facilitate the layout, and replacement trees would be provided as part of a comprehensive landscaping scheme. For these reasons loss of the tree is not considered to amount to a reason for resisting development.

6.10 Regarding relationships with established development, adequate margins are proposed between houses to ensure no adverse impacts or loss of privacy. Units 6-10 have been reduced from three stories to two stories to minimise their impact on Withies Close and achieve a satisfactory street scene. Adequate and convenient parking is available for each unit, in accordance with sustainable development principles. The shop unit would be provided with six exclusive parking spaces with a further four spaces opposite. The arrangement of these parking areas is considered safe and workable, in accordance with highway standards.

6.11 The on site arrangement of the houses is also considered acceptable with adequate privacy margins for the occupiers. The density is considered satisfactory for the location and in accordance with PPG3 guidance.

#### 6.12 Affordable Housing

Twelve of the houses would comprise affordable units, this being 36% of the total in accordance with Policy SH9 and the Affordable Housing Supplementary Planning Guidance. Notwithstanding third party concerns that there are too many affordable units in Withington, the proposal accords with policy and Central Government Circular advice which expects all suitable sites to make a contribution to affordable housing

supply. A planning obligation would be necessary to control the phasing of the provision.

#### 6.13 Public Open Space

Policy R3A of the Local Plan requires adequate amenity open space and an equipped and fenced children's play area to be provided with developments over 30 dwellings. The proposal includes these facilities, together with a commitment for commuted payments for their future maintenance. Additionally, the applicant has agreed to contribute £30,000 towards off-site recreational facilities, and specifically towards the cost of playing fields at the nearby village hall. Play equipment would be provided on site to the value of £8,250.

#### 6.14 Infrastructure Issues

An objection has been raised to the development by Dwr Cymru Welsh Water in view of capacity problems with the public sewerage system. Welsh Water considers that the objection may be surmountable if the applicant can fund the accelerated provision of replacement infrastructure or requisition of new sewer under Sections 98 – 101 of the Water Industry Act 1991. These options are being pursued by the applicant, and in the meantime the recommendation is to approve although subject to the sewerage system capacity problems being satisfactorily resolved.

#### 6.15 Other Issues

In accordance with future Policy DR5 of the UDP, the applicant has agreed to a planning obligation covering matters relating to the provision of affordable housing through a Registered Social Landlord, on-site provision of children's play equipment and open space together with their future maintenance, a financial contribution towards local education provision, and a financial contribution towards off-site recreation provision. A number of objectors consider that the applicant should also provide a doctor's surgery. This is, however, considered to be unreasonable having regard to the relatively small size of the development, the commitments already made and Circular advice in respect of Planning Obligations.

#### 6.16 Conclusion

This proposal represents a well designed housing scheme which would make an important contribution to Withington's character through its mixed form and community benefits (namely public open space, a new village shop and contributions towards education and off-site recreation provision). For these reasons approval is recommended subject to the drainage issue being resolved and the applicant entering into a Section 106 Agreement.

### **RECOMMENDATION**

- 1. That subject to the satisfactory resolution of the objection from Dwr Cymru Welsh Water the County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act requiring the applicant to:**
  - (i) Provide twelve on-site affordable housing units through a Registered Social Landlord;**

- (ii) Contribute £23,000 towards education provision in the local area;
- (iii) Provide public open space and toddlers play equipment or finance for the same to the value of £23,565;
- (iv) Contribute £30,000 towards off-site recreation provision;

And deal with any other appropriate and incidental terms, matters or issues.

2. Upon completion of the aforementioned obligation Officers named in the Scheme of Delegation to Officers be authorised to grant planning permission subject to the following conditions and any other conditions considered necessary by Officers:

- 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 A07 (Development in accordance with approved plans)

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

- 3 B01 (Samples of external materials)

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

- 4 F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

- 5 No more than 50% of the open market dwellings shall be occupied prior to the completion and sale to a Registered Social Landlord of the affordable housing.

Reason: To ensure satisfactory phasing and completion of the development in accordance with the approved scheme.

- 6 No more than 50% of the open market dwellings shall be occupied prior to the completion of the convenience store/two bedroom flat.

Reason: To ensure satisfactory phasing and completion of the development in accordance with the approved scheme.

- 7 The convenience store element of the convenience store/two bedroom flat shall be used for purposes falling within Class A1 of the Town and Country Planning Use Classes Order only and for no other purpose.

Reason: To ensure a satisfactory form of development in accordance with the agreed scheme.

**8 F20 (Scheme of surface water drainage)**

**Reason:** To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

**9 D03 (Site observation - archaeology)**

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

**10 F41 (No burning of materials/substances during construction phase)**

**Reason:** To safeguard residential amenity and prevent pollution.

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

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

**12 G02 (Landscaping scheme (housing development))**

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

**13 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.

**14 G06 (Scope of landscaping scheme)**

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

**15 (a) No development shall commence on site until full details of the layout, equipment and landscaping of the 'public open space' and 'equipped toddler play area' have been submitted to and approved in writing by the local planning authority.**

**(b) The 'public open space' and 'equipped toddler area' shall be provided and equipped for use prior to the occupation of the 18th dwelling in accordance with the approved scheme.**

**Reason:** To ensure a satisfactory and well planned development in accordance with an agreed scheme.

**16 Before any other operations are commenced, the proposed vehicular accesses from the site to Withies Road shall be constructed and thereafter maintained as shown on the application drawings. The vehicular accesses shall be constructed so that there is clear visibility from a point 0.6m above the level of the adjoining carriageway at the centre of the accesses and 4.5m back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 33m in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the**



triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

**17 H08 (Access closure)**

Reason: To ensure the safe and free flow of traffic using the adjoining County highway.

**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 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.

**20 H20 (Road completion in 2 years or 75% of development)**

Reason: In the interests of highway safety and convenience and a well co-ordinated development.

**21 H29 (Secure cycle parking provision)**

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

**Notes to Applicant:**

- 1 HN01 - Mud on highway**
- 2 HN04 - Private apparatus within highway**
- 3 HN05 - Works within the highway**
- 4 HN08 - Section 38 Agreement details**
- 5 HN19 - Disabled needs**
- 6 HN21 - Extraordinary maintenance**
- 7 N01 - Access for all**
- 8 N02 - Section 106 Obligation**
- 9 N03 - Adjoining property rights**
- 10 N04 - Rights of way**
- 11 N13 - Control of demolition - Building Act 1984**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.