

8 DCSW2008/0118/O - PROPOSED RESIDENTIAL DEVELOPMENT, PART OF O.S PLOT NO'S 1179, 1578, 1526 & 2381 ADJOINING COOPERS HALL, CUSOP, HAY ON WYE, HEREFORDSHIRE, HR3 5BE.

For: Penoyre Trust per Mr A Jenkins, 12 Broad Street, Hay-on-Wye, Herefordshire, HR3 5DB.

Date Received: 17th January, 2008

Ward: Golden Valley Grid Ref: 23156, 42857 North

Expiry Date: 17th April, 2008

Local Member: Councillor PD Price

1. Site Description and Proposal

- 1.1 The proposal site is on the eastern side of the B4350, also known as Newport Street, that leads northwards out of Hay-on-Wye through a grouping of residential and commercial buildings, including the former railway buildings and Co-op supermarket before heading towards Clifford.
- 1.2 The 0.87 hectare site constitutes a paddock between a detached cottage on the northern boundary and Coopers Hall Terrace on the southern boundary. The site inclines slightly from the Class II road. There is a gateway close to the northern end of the site. The site is fringed by hedging; there are five fruit trees otherwise the site is featureless.
- 1.3 The application site has been allocated in the Unitary Development Plan for housing, 35 per cent of which will be affordable housing as stipulated in Policy H9 in the Unitary Development Plan. The site allocated originally was one hectare in area, this has reduced to 0.87 hectares, with the area of land immediately to the east of Coopers Hall being removed from the scheme.
- 1.4 The planning application seeks approval for the principle of residential development of the whole site with the means of access as the only reserved matter to be finalised at this stage. The design and access statement specifies 25 new houses and is supported by an illustrative layout.

2. Policies

2.1 Planning Policy Statement

PPS1	-	Delivering Sustainable Development
PPS7	-	Sustainable Development in Rural Areas
PPS25	-	Flood Risk

2.2 Herefordshire Unitary Development Plan 2007

Policy S2	-	Development Requirements
Policy S3	-	Housing

Policy S11	-	Community Facilities and Services
Policy DR4	-	Environment
Policy DR5	-	Planning Obligations
Policy DR7	-	Flood Risk
Policy H4	-	Main Villages: Settlement Boundaries
Policy H5	-	Main Villages: Housing Land Allocations
Policy H9	-	Affordable Housing
Policy H15	-	Density
Policy H19	-	Open Space Requirements
Policy NC1	-	Biodiversity and Development
Policy NC5	-	European and Nationally Protected Species
Policy NC6	-	Biodiversity Action Plan Priority Habitats and Species
Policy NC7	-	Compensation for Loss of Biodiversity
Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy NC9	-	Management of Features of the Landscape Important for Fauna and Flora

3. Planning History

- 3.1 DCSW2007/3088/O Site for residential development - Refused 02.01.08

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency states that on the basis of the information provided, given that the site and access lie a considerable height above the 1 in 100 year flood event, no objections are raised.
- 4.2 Welsh Water raises no objection subject to the imposition of conditions ensuring the separation of foul and surface water discharges. No surface water connection to public sewerage nor land drainage run-off directly or indirectly into the public sewerage system.

Internal Council Advice

- 4.3 The Traffic Manager states that visibility of 2.4m x 90m is required and there is also a need to restrict speeds on the B4350 to 30mph.
- 4.4 Strategic Housing Manager supports application for 2 and 3 bedroom houses, all built to Housing Corporation Scheme Development Standards and Lifetime Homes without grant subsidy. Affordable houses were not identified in indicative layout seen, therefore he cannot comment on house types.

A subsequent communication confirmed that the affordable housing should be broken down into 80 per cent rent and 20 per cent shared ownership. Houses to SDS and Lifetime Homes Standards.

- 4.5 The Director of Education's response is awaited.
- 4.6 The Director of Policy and Community suggests that development of size indicated would require an off-site contribution: of £500 per bedroom after the first; this equates roughly to £18,500 based on 37 bedrooms.

The Director has also asked for a contribution towards sports facilities in response to Sport England's requirements, equates to £630 per dwelling. Contributions would be used towards improvements in village in partnership with the Parish Council based on the Parish Plan.

4.7 The Conservation Manager previously recommended an archaeology watching brief.

5. Representations

5.1 A Design and Access Statement accompanied the application, the following main points were made:

- site zoned for residential development
- intended 25 houses, 13 no. 3 bedroom and 12 no. 2 bedroom houses each with 2 parking spaces (see indicative plans)
- dwellings approximately 950 sq. metres (3 bedroom) and 850 sq. metres (2 bedroom)
- approximately 5 metres to eaves and 8 metres to ridge
- only one possible access point, it can provide suitable visibility splays
- approximately 200mm above level of 'B' road, therefore access requirements for disabled can be readily satisfied
- all services available
- mains foul drainage in 'B' road. Trial holes revealed a bed of sand, shale and stone approximately 2.5 metres below ground level. All surface water can dissipate slowly via site soakaways.

5.2 Cusop Parish Council's comments are as for previous application (DCSW2007/3088/O):

"This outline proposal is generally in line with the Unitary Development Plan and the mix of affordable and open market housing is the favoured option identified in the Cusop Parish Plan. However, the proposal does not address the problem of sewer capacity (UDP 5.4.44) nor the requirement for open space (UDP H19).

A major concern is that the development will split the village into two segregated areas, this must be addressed in some way in order that residents are made to feel a part of Cusop rather than a suburb of Hay. It is also of great importance that the community derives some tangible benefit from this development, hence the attached letter dealing with the issue of planning obligations.

Cusop Parish Council wishes to add the following comments:

1. There should be no more than 25 houses on this site.
2. 8 of these should be affordable homes with a community social landlord.
3. The need for housing suitable for senior citizens should be considered.
4. Size and style of housing should relate to page 18 of Cusop Parish Plan.
5. The development should include a green area for recreation/social use.
6. OS Plot 2381 is outside the village envelope and this extension is unjustified.
7. The whole of OS Plot 1578 is in the envelope but mainly excluded from the proposal. Attempts to develop this with access on to Nant-y-glasdwr Lane should be resisted.
8. A pedestrian crossing will be required for safe crossing to the pavement of Newport Street."

5.3 In a letter that accompanied the Parish Council's observations reference was made to the likelihood of funding not being available for a village hall and the refurbishment of the playing field. Also noted equipped play area required viz. Policy H19. New right of way needed, to connect CU21 (footpath to the development site for reasons of social cohesion. This would avoid splitting the population into two unconnected areas.

5.4 Two letters of representation have been received from:

Mr R & Mrs J Whittall, Taurus, Newport Street, Hay-on-Wye, HR3 5BE
IK Jardin, Burnside, Cusop, Hay-on-Wye, HR3 5RQ

The following main points are raised:

- live adjacent to site
- needs to be high quality layout as stipulated in Unitary Development Plan
- object to layout and density, notwithstanding some frontage development proposed
- nos. 1 and 2 too close to our property
- only two-storey
- prominent when viewed from east, in particular from public footpath
- no more than 7 metres to the ridge
- needs good planting scheme
- restrict car parking to 2 spaces per dwelling, given proximity of site to services
- no open space indicated
- how can affordable housing be provided; what is the mechanism? Ensure it is integrated into layout and not allocated to one area
- sewerage system at least 40 years old, gives great concern
- possible flooding from site, at least 1 metre lower. Often lawned areas are later hard surfaced on developments
- need traffic calming measures, as vehicles exceed 30mph.

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 main issues are considered to be the principle of development, the means of access, drainage, potential for flooding, archaeological interest, open space, provision and requirements of the developer to provide off-site contributions in accordance with Unitary Development Plan policy and the draft SPD.

6.2 This is an allocated site in the Unitary Development Plan. The site area proposed is smaller in area than that allocated, however this is acceptable. The development of the site left between the application site and Nant-y-glasdwr Lane would be problematical given the very poor access from this highway. An indicative plan was submitted which has been the subject of some criticism in representations received, however given the plans are indicative this is a matter that will be the subject of further attention when a detailed application is submitted. This is an important site at the entrance to Cusop and Hay-on-Wye on Newport Street. The Unitary Development Plan states that a high quality scheme is required. Residents adjoining the site are concerned about the proximity of two dwellings, however given the scheme is indicative it is not a matter that is a material consideration at this stage.

Means of Access

- 6.3 The Transport Manager has stated that alterations are needed to the junction width and radius for the access point and that the 90m visibility splays will need to be provided even though the scheme just falls short of providing such visibility towards Hay-on-Wye to the west and Clifford to the east. Traffic calming measures may be required in order to ensure that the speed of traffic passing the site is compatible with the visibility splays that can be provided. The means of access needs to be resolved at this stage and therefore revised plans will be required for the junction.

Foul and Surface Water Drainage

- 6.4 Welsh Water have stated in consultations that there is adequate provision for foul drainage. This issue was flagged up in the Unitary Development Plan, however, given the response of Welsh Water the need for improvements by the developer will probably not be required. Welsh Water recommend conditions to separate foul and surface water to prevent direct or indirect discharge of surface water into the sewerage system.

Flooding

- 6.5 The applicant has resolved the question of flooding with the submission of sectional plans through the site from north to south, and east to west. The Environment Agency has formally responded that this issue has been addressed.

Archaeology

- 6.6 This has been raised by the Council's Conservation Manager given the proximity of the site to a former mill building and the proximity to the railway station yard. The Conservation Manager recommends appropriate conditions.

Open Space Provision

- 6.7 A site for up to 25 dwellings would normally expect to have an equipped infant's play area as required by Policy H19 in the Unitary Development Plan. However, the Council's Countryside Manager would prefer that a commuted sum is provided in order to provide monies towards works being carried out on parish playing fields. The extent of these works is also confirmed by the Cusop Parish Council in their observations set out above. Off-site contributions would be of more beneficial use for such projects in Cusop than for the provision of an equipped play area on site which is relatively remote from the core of population in Cusop.

Contributions in accordance with Policy DR5 (Planning Obligation)

- 6.8 This development has to be determined in accordance with the provisions of Policy DR5. The draft SPD for off-site contributions and the provision of affordable housing is not yet in effect but has been used to guide negotiations.

The Countryside Manager is seeking funds for off-site funding of playing field projects which is considered to be a good community benefit and reasonably related to the development. The Transport Manager has yet to respond. However, the Parish Council are seeking a footpath link between the application site and a public footpath (CU21) which would link the area of the Parish centred around the Co-op and former railway yard with that of the old village hall and Cusop Dingle. This is a matter that has

been the subject of informal discussion between the applicant and the local planning authority. It would provide a community benefit and remove pedestrian traffic from Nant-y-glasdwr Lane.

- 6.9 The Education Manager has also yet to respond, however it is anticipated that contributions would be anticipated for local schools on the basis of the number of dwellings finally erected in accordance with the provisions of the draft SPD.
- 6.10 Herefordshire Housing has recommended that 80 per cent of the affordable housing should be for rental purposes and the remainder for shared equity. The percentage of dwellings built that would be affordable will be 35 per cent as provided for in Policy H9. This element of affordable housing would need to be guaranteed by planning obligation.
- 6.11 The application can be supported subject to the applicant entering into a Planning Obligation set out in the draft Heads of Terms attached to this report. A verbal update will be provided at Sub-Committee for financial contributions not known at this time.

RECOMMENDATION

That: i) the Legal Practice Manager be authorised to complete a planning obligation under Section 106 of The Town and Country Planning Act 1990 with regard to financial contributions towards off-site provision for amenity facilities, highway works, facilities for local schools and affordable housing as set out in the attached Heads of Terms

ii) upon completion of the aforementioned planning obligation and the resolution of details, officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered appropriate:

1. A02 (Time limit for submission of reserved matters (outline permission))

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

2. A03 (Time limit for commencement (outline permission))

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. A04 (Approval of reserved matters)

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

4. A05 (Plans and particulars of reserved matters)

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

5. D01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded.

6. W01 (Foul/surface water drainage)

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

7. 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.

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

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

9. H03 (Visibility splays)

Reason: In the interests of highway safety.

10. H17 (Junction improvement/off site works)

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

11. 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.

12. H27 (Parking for site operatives)

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

13. H08 (Access closure)

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

Informative(s):

1. N19 - Avoidance of doubt

2. 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 The Town and Country Planning Act 1990****Planning Application DCSW2008/0118/O****Proposed residential development, part of OS Plot Nos. 1179, 1578, 1526 and 2381 adjoining Cooper's Hall, Cusop, Hay-on-Wye, HR3 5BE**

1. The developer shall provide 35 per cent affordable housing units which meet the criteria as set out in section 5.5 of the Herefordshire Unitary Development Plan. The affordable housing units will comprise of 80 per cent rental units and 20 per cent shared ownership dwellings. 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 £18,500, 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:
 - in partnership with the Parish Council.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £15,750 (in accordance with the Sport England Sport Facility Calculator) to contribute towards increased participation in active sports, which sum shall be paid on or before the commencement of the residential development.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £xxxxx to provide education improvements. This sum shall be paid on or before the commencement of development.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £xxxxx. The sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council for off-site highway works and improved public and sustainable transport infrastructure to serve the development.

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):

- extending 30mph speed limit towards Clifford
- bus shelter on Hardwick Road
- extension of existing footpath north-east of B4350

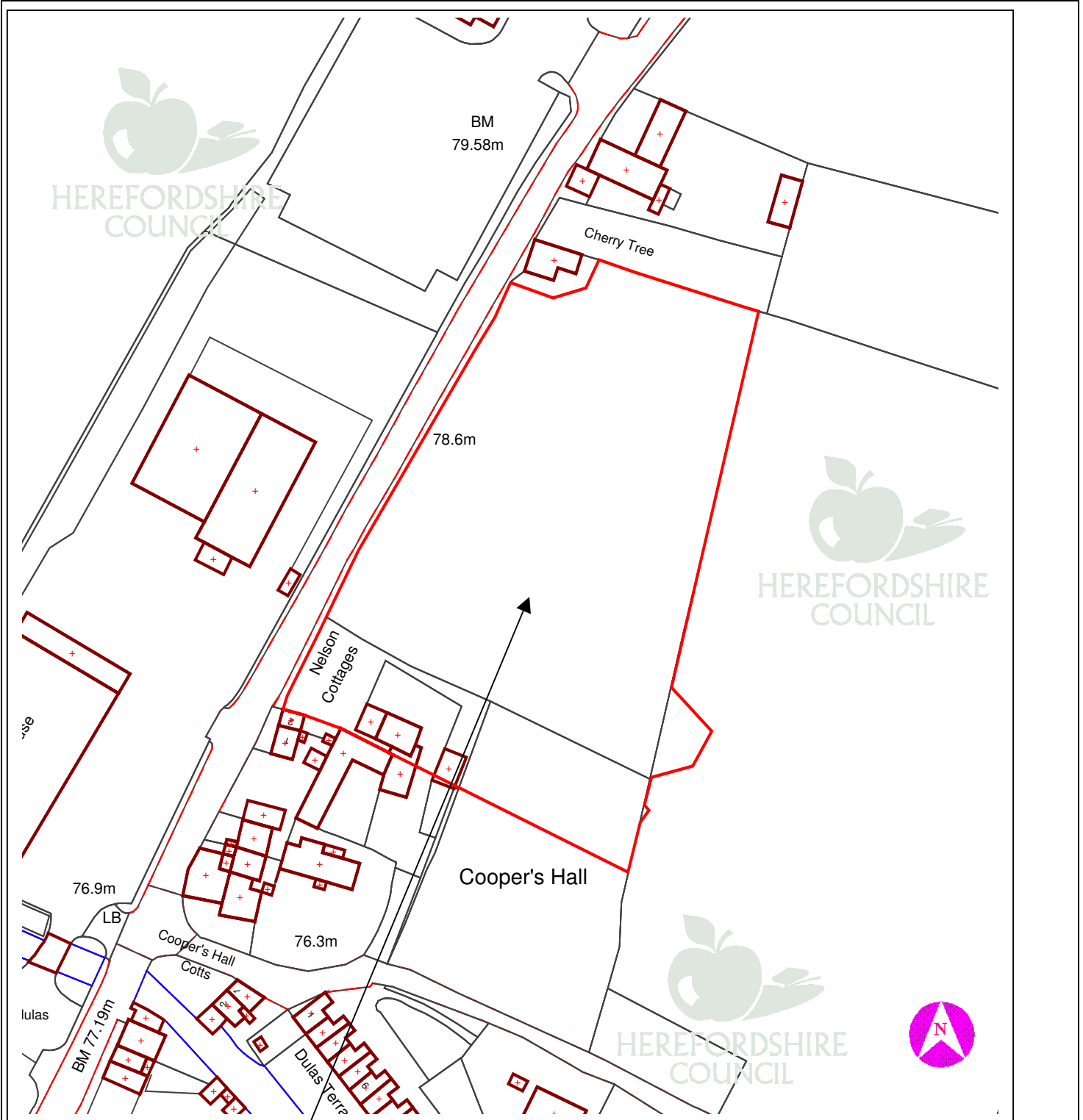
- improvements to existing footpath north-west of the site
 - improvements to sustainable travel initiatives in Cusop
 - improving links in Cusop and to Hay
6. The design and construction of the development shall include energy efficiency measures to reduce the carbon footprint of the development. The development shall meet local level three 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 the development has been designed and complied to meet level three.

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.

- a) 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. The sums shall also be varied in proportion to any variation in the total of 25 dwelling units which may arise following subsequent approvals of reserved matters pursuant to the outline planning permission.
- b) 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.
- c) The developer shall complete the Agreement by 16th April, 2008 otherwise the application will be registered as deemed refused.

Andrew Prior, Principal Planning Officer
Peter Yates, Development Control Manager

February 2008



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APPLICATION NO: DCSW2008/0118/O

SCALE : 1 : 1250

SITE ADDRESS : Part of O.S plot no's 1179, 1578, 1526 & 2381 adjoining Coopers Hall, Cusop, Hay on Wye. Herefordshire, HR3 5BE

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