

**9 DCCE2008/1758/F - CONSTRUCTION OF THREE DETACHED DWELLINGS AT 129 AYLESTONE HILL, HEREFORD, HR1 1JJ****For: Mr M. Gwilliam per JBD Architects, Mortimer House, Holmer Road, Hereford, Herefordshire HR4 9TA****Date Received: 4 July 2008****Ward: Aylestone****Grid Ref: 52225, 41413****Expiry Date: 29 August 2008**

Local Members: Councillors NL Vaughan and DB Wilcox

**1. Site Description and Proposal**

- 1.1 The site is an undeveloped rectangular shaped parcel of land located to the rear (west) of three detached bungalows, Nos 125 - 129 Aylestone Hill. The site is accessed via an unmade track leading directly onto the A465 (Aylestone Hill). Ground levels fall relatively steeply within and around the site from west to east and to a lesser extent, south to north. The northern western and southern boundaries of the site adjoin Aylestone Park and to the west on Aylestone ridge is a viewing platform. The site boundaries are presently enclosed by a mixture of iron railings, close boarded fencing and post and wire fencing.
- 1.2 The site falls within Hereford City Settlement Boundary and Aylestone Conservation Area and is shown as White Land within the Herefordshire Unitary Development Plan 2007 (UDP). The surrounding land forming part of Aylestone Park is protected open space within the UDP.
- 1.3 Planning permission is sought for the construction of three detached single storey dwellings with integral garages and associated gardens, parking and vehicle manoeuvring areas along with a nature conservation area. The scheme has been amended during the course of the application reducing the number of proposed dwellings from four to three.

**2. Policies****2.1 Planning Policy Guidance Notes:**

PPS 1	-	Delivering Sustainable Development
PPS3	-	Housing
PPG15	-	Planning and the Historic Environment
PPS1	-	Planning and Climate Change
PPS9	-	Biodiversity

**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
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H13	-	Sustainable residential design
H15	-	Density
H16	-	Car parking
T6	-	Walking
T7	-	Cycling
T8	-	Road hierarchy
LA6	-	Landscaping schemes
NC1	-	Biodiversity and development
NC7	-	Compensation for loss of biodiversity
NC8	-	Habitat creation, restoration and land enhancement
HBA6	-	New development within conservation areas
HBA9	-	Protection of open areas and green spaces
CF2	-	Foul drainage

### 3. Planning History

3.1 No history.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Welsh Water:  
The applicant intends utilising private drainage facilities and Welsh Water therefore have no comment to make on the planning application.
- 4.2 Sport England:  
We are satisfied that the application does not affect any playing field and Sport England therefore has no comments to make.

#### Internal Council Advice

- 4.3 Traffic Manager:  
Due to the length of the private drive and the number of properties to be served, intervisible passing bays should be provided. The initial length of the drive up to the boundary between 125 and 127 should be widened to give 4.5 metres minimum width. A full size turning head should be provided to the size requirements given in our Highway Design Guide to enable delivery and other vehicles to turn round. The amended plans address this requirement.

The access would not be to our full adoptable standards and therefore would not be adopted.

In accordance with the SPD a contribution should be sought to be used for improvements to sustainable and public transport facilities including park and ride.

#### 4.4 Conservation Manager - Building Conservation

The proposal will have minimal impact on the setting of the nearby important building and the general conservation area. Although the designs are not in keeping with the character of the area they are of interest and would add to the architectural canon of the area being a good example of early 21st Century design. We believe that high quality architecture would benefit the conservation area and hopefully ensure that the high standard of building in the Aylestone Hill area is continued. Therefore we believe that these proposals are acceptable subject to details of materials and landscaping to be submitted for approval.

#### 4.5 Conservation Manager - Ecology:

I have reviewed the Ecological Report by Wildway dated 6th October, 2008. I note the habitat is mostly coarse grassland with scrub and that there is no evidence of badgers or reptiles found during the surveys in September 2008.

I am concerned that there is insufficient space on site to accommodate four dwellings as well as an area for nature conservation that is to include a wildlife pond. This does not seem to have been adequately addressed in the current layout of the site. I would recommend a maximum of three dwellings in order to accommodate a sufficient area for nature conservation.

There will be an impact upon wildlife as a result of these developments but this can be mitigated and compensated for through the inclusion of a Section 106 Agreement in order to secure post development habitat protection and enhancement of the site. Part of the site will need to be designed for nature conservation.

#### 4.6 Conservation Manager - Landscape:

The site in its current state – unmanaged, semi-improved grassland containing a few small native and ornamental trees – makes no major contribution to the character or setting of either the local environment or the city at large. In the form of ‘open space’ the site provides some relief in the general settlement pattern, but due to the dispersed nature of settlement in the area, does not stand out as significant. The site appears more as an encroachment of open countryside into the edge of the city rather than a distinct space in an otherwise developed area. However, the elevated nature of the site on one of the main approaches into the city makes the site sensitive to change and visually prominent development.

As such I consider the proposed development to be a well considered response to the existing characteristics of the site and a valid alternative to traditional dwellings. Visually prominent development in the form of traditional dwellings would have resulted in an unacceptable change in the edge of the main settlement, although it is arguable that the site could have accommodated an ‘eye-catcher’ development in the form of a unique and high quality architect designed dwelling. However, the constraints presented by overlooking of neighbouring dwellings would have made this alternative near impossible to realise.

The proposed development utilises the topography of the site to provide semi-subterranean dwellings. The common problem of acquiring natural light is overcome through the orientation of internal courtyards to the south and optimising available morning light from the east. The simple, low profile of the resultant ‘green’ roofs will not result in a significant change in the character of the site when viewed from the surrounding public domain.

My only areas of concern are the future management of the 'communal' open spaces surrounding the dwelling; the remnants of the grassland site. Domestication of these areas through the introduction of garden fences, sheds, washing-lines and other paraphernalia as well as ornamental landscaping would introduce incongruous elements into the landscape. I am satisfied that this can be controlled through legal agreement, requiring a long-term management strategy that would provide for both private amenity and an increase in biodiversity. My other area of concern is with the density of development, the site appearing to be somewhat cramped in layout with four dwellings and I would question whether a high-class design of this nature would not benefit from a 25% reduction in numbers.

I am satisfied that the proposed development meets the test of the UDP in respect of policies related to design and landscape – principally policies DR1, LA2 and LA3; however, detailed landscaping proposals will need to be provided to meet the criteria contained in policy LA4.

4.7 Parks and Leisure Services Manager:

Using the SPD on planning obligations, the threshold of 1-10 dwellings requires appropriate levels of open space on a pro rata basis. A Sport England contribution is also required on all dwellings as per the SPD based on Sport England's facilities calculator model. These contributions are required as a result of increased demand for community sports facilities created by new developments and increased population.

The contribution would be used towards the development of Aylestone Park for both informal areas of open space and towards the development of sports facilities.

4.8 Conservation Advisory Panel:

The proposal is a good approach to design in this area. Concerns exist regarding access to the development.

4.9 Children & Young People Directorate:

The educational facilities provided for this development site are North Hereford City Early Years, Broadlands Primary School, St Francis Xavier RC Primary School, Aylestone Business and Enterprise College and Hereford City Youth Service.

The Children & Young People's Directorate would be looking for a contribution to be made towards Children and Young People in the above schools (except Broadlands primary and Aylestone College where capacity exists) that would go towards enhancing deficiencies in educational infrastructure that would only be exacerbated by the inclusion of additional children.

## 5. Representations

5.1 Hereford City Council:

The City Council has no objections to the application and commends the innovative design.

5.2 Twenty-six letters of objection have been received in response to both the original and further consultation, the main points raised are:

1. The existing access is unsafe to accommodate additional traffic due to its width, visibility and speed of traffic.

2. The site and surrounding are cannot accommodate surface water soakaway systems.
3. Inadequate foul drainage exists to serve the development and therefore the development should be required to connect to the public sewer.
4. The development will be a scar on the landscape when viewed from Aylestone Viewing Point and Aylestone Park.
5. The development is inappropriate in the conservation area.
6. The development will run contrary to the Compulsory Purchase of Aylestone Park which had the intention to preserve the green skyline of the Hill as an approach to the city and provide recreational resource for the use of the whole community.
7. Extra traffic on the access road will be dangerous for existing residents.
8. The development will lead to increased dust, noise and pollution.
9. The proposed dwellings will be incongruous in their setting.
10. The development will lead to a loss of local wildlife.
11. The proposed dwellings will directly overlook neighbouring properties.
12. Connection to Burcott House drainage system would cause considerable disruption to residents of Burcott House.
13. A tarmac turning area would be more appropriate than gravel.
14. Boundary treatments need to be carefully considered to ensure they are low and natural looking.

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. Officer's Appraisal**

- 6.1 The site falls within Hereford City settlement boundary as defined in the Herefordshire Unitary Development Plan 2007 (UDP) where the principle of residential development is acceptable under the terms of Policy H1 of the UDP. The UDP identifies the site as being white land, which effectively means the site has no specific land use or designation. This also therefore means the principle of residential development on the site can be supported subject to compliance with other policies within the Development Plan.
- 6.2 The site falls within a sensitive location in landscape terms due to its elevated position near Aylestone Ridge and therefore the need for a more innovative format of development is recognised. The proposal seeks to achieve the construction of three four bedroom detached single storey dwellings. Although this represents a very low density of development by modern development standards, it is considered that this number of units will harmonise with the existing character and pattern of development in the area, in density terms.
- 6.3 The design of the proposal and the dwellings particularly have been based around the principles of achieving a low impact development that is sustainable and energy efficient. Around 50% of each of the dwellings will be subterraneous being excavated into the rising ground level, each incorporating a full natural (grass) roof. Excavated material will be used to raise levels on the lower side by around 1.5 metres which will be seeded with wild flower and meadow grass seed mix. Subject to the re-grading of the site being undertaken in a sympathetic and natural manner, these measures will greatly assist in assimilating the dwellings into the site and landscape. The deletion of one of the dwellings from the proposal also enables greater landscaping and green space to be achieved between and around each of the dwellings.

- 6.4 The majority of objectors have expressed concerns regarding the impact of the development on the adjoining Aylestone Park and particularly views from Aylestone viewing point. Whilst the development will undoubtedly be visible from the viewing point, with the design and format of development proposed including the grass roofs and proposed landscaping, it is not considered the proposal will detract from the outlook from this viewing point and moreover, will largely be seen from views to the west in the context of existing built development adjoining the site. Views of the site are available from further afield to the east but again, with the design of the development proposed and the existing mature trees in the area it is not considered that the development will detract unacceptably from the character and appearance of the landscape.
- 6.5 The site also falls within Aylestone Conservation Area. Firstly, the fact the site falls within a Conservation Area does not preclude it from being developed. Secondly, the Conservation Manager comments that the design of the development benefiting the Conservation Area and successfully maintaining the high quality character of the area. It is therefore not considered the proposal will detract from the character and appearance of the Conservation Area and has a potential to enhance the Conservation Area.
- 6.6 All the dwellings are orientated south which will assist in maximising solar gain. Each dwelling also has an enclosed courtyard, utility and garden area commensurate with the size of the property. The siting and orientation of the properties also means that no windows are required in the eastern elevations overlooking neighbouring properties and due to the difference in levels any outlook that will be available from the dwellings will be naturally above rather than directly over existing properties. Furthermore, the nearest dwelling is some 22 metres from existing properties, this being above the nationally recognised minimum property-to-property distance of 10 metres.
- 6.7 The proposed dwellings have been designed and constructed to minimise their carbon footprint with regard to future energy use in particular. The walls are to be constructed to achieve a greater thermal mass incorporating significant insulation to enable heat retention in the winter and cooling in the summer. The walls are to be clad with untreated locally sourced oak cladding board, which will achieve a soft end appearance for all the exposed elevations. The grass roof will assist in water retention and enhance the biodiversity and rainwater harvesting is to be incorporated into the design, which along with permeable surfaces throughout will reduce surface water runoff.
- 6.8 Overflow surface water drainage through a balancing pond, which will again be enhanced as a feature for biodiversity. Solar panels are proposed which will provide around 60% of the yearly supply of hot water with a heat recovery system will retain and recycle warm air. A secure store will be available for cycle storage and separate waste storage for different recyclables and compost bins will also be provided. All of these provisions will assist in reducing the environmental impact of the development, the ambitious aim being of achieving Code Level 4 of the Code for Sustainable Homes.
- 6.9 The Traffic Manager confirms that the access is sufficiently safe in terms of visibility and geometry to accommodate further traffic associated with the development and amended plans have been provided identifying the widening of the access and the access track beyond to enable two cars to pass simultaneously which will be a highway improvement. The scale of the turning head has been reduced with no tarmac proposed to reduce the visual impact of the parking areas for each dwelling.

- 6.10 The reduction in the number of dwellings will also assist in addressing the Ecologist's concerns. An Ecological Survey has been undertaken which does not identify any protected species or other significant biodiversity interest on the site that would prevent the development from taking place. Nevertheless, the proposed development will inevitably impact on the nature conservation interest of the site and therefore to compensate for this, the remainder of the site will be managed for nature conservation and controlled with a Section 106 Agreement to prevent it from being used as private garden by any of the dwellings. Part of the area will also be set aside for communal vegetable patches for use by each of the three properties. These measures will at the very least ensure there is no loss of biodiversity and are likely to result in the potential enhancement of on-site biodiversity in accordance with Policy NC7 of the Unitary Development Plan.
- 6.11 A number of objectors have commented on the means of foul drainage to serve the development. The applicants have legal rights to connect to the existing foul drainage system associated with Burcott House (formerly Quarry House) north east of the site. However, it has not been confirmed that this system has sufficient capacity to accommodate the development. It may, alternatively, be possible to provide a connection to the newly installed mains foul drain although this will require a wayleave across Aylestone Park, which the applicants are currently investigating. Whilst the details of the drainage have not been finalised, a condition is recommended which can satisfactorily control drainage with the requirement being to demonstrate that the existing private system has capacity and if this is not acceptable the development will be required to connect to the mains drain, all of which to be submitted and approved prior to any work commencing on site. Surface water drainage will be controlled through rainwater harvesting with overflow to a balancing pond with the likely run-off rate reduced below existing green field run-off rates from the site.
- 6.12 The applicants have also agreed to a Section 106 Heads of Terms as appended to this report, all of which is in accordance with the Adopted Supplementary Planning Document on Planning Obligations. The Section 106 will also include restrictions on the nature conservation area in terms of its future management and usage.
- 6.13 Whilst the format of the development and the design of the dwellings is a little unusual, the proposal will result in a sustainable development which will successfully integrate into the local environment without harming the landscape character of the site and its surroundings including the Conservation Area, the residential amenity of neighbouring properties or interest of highway safety. Other matter such as drainage and ecology can be controlled by condition or through a Section 106 Agreement. The proposal is therefore considered acceptable.

**RECOMMENDATION:**

- 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 Heads of Terms appended to this report 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 and any additional 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. **C01 (Samples of external materials).**

**Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.**

3. **D02 (Approval of details).**

**Reason: To ensure that the work is carried out in accordance with details that are appropriate to the safeguarding of the architectural or historic interest of the site as one which is in a conservation area, or of local interest and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan**

4. **F05 (Restriction on hours of construction).**

**Reason: In order to protect the amenity of occupiers of nearby properties and to comply with Policy DR1 of Herefordshire Unitary Development Plan.**

5. **F14 (Removal of permitted development rights).**

**Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.**

6. **F15 (No windows in side elevation of extension).**

**Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.**

7. **G01 (Earthworks).**

**Reason: (Special Reason but to include - in order to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan).**

8. **G09 (Details of Boundary treatments).**

**Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.**

9. **G10 (Landscaping scheme).**

**Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.**

10. **G14 (Landscape management plan).**

**Reason:** In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

11. The alterations to the vehicular access and access road as identified in drawing no. 5706-02 Revision B shall be completed in accordance with the specification to be submitted and approved in writing by the local planning authority prior to any other work commencing on the construction of the dwellings hereby permitted.

**Reason:** In the interest of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of the Herefordshire Unitary Development Plan 2007.

12. H13 (Access, turning area and parking).

**Reason:** In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

13. H27 (Parking for site operatives).

**Reason:** To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

14. I18 (Scheme of foul and surface water drainage disposal prior to commencement).

**Reason:** In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

15. I32 (Details of external lighting).

**Reason:** To safeguard local amenities and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

16. I42 (Scheme of refuse storage (residential)).

**Reason:** In the interests of amenity and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

**Informatives:**

1. N02 - Section 106 Obligation.
2. N15 - Reason(s) for the Grant of PP/LBC/CAC.
3. N19 - Avoidance of doubt - Approved Plans.

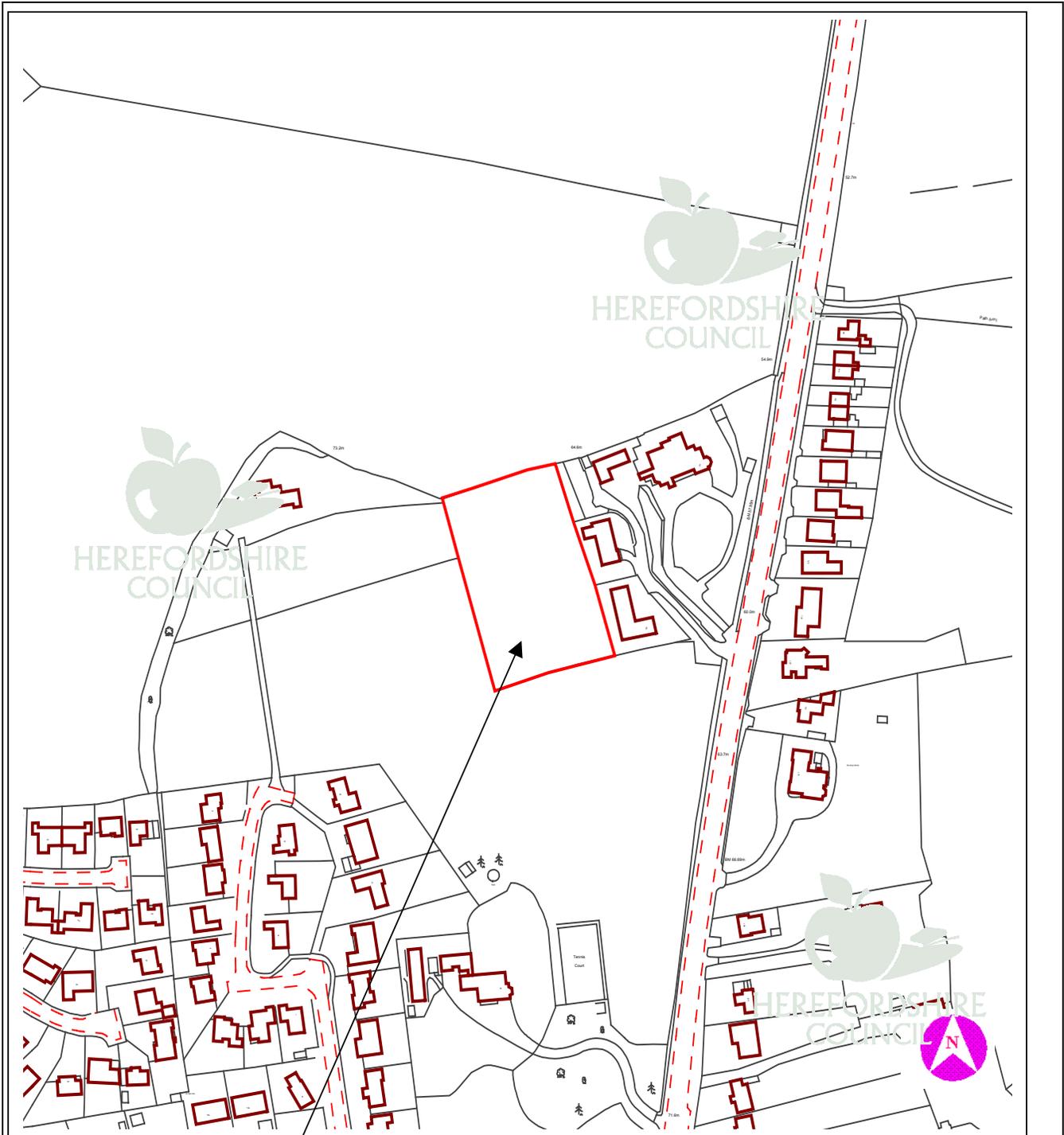
Decision: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2008/1758/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** 129 Aylestone Hill, Hereford, Herefordshire, HR1 1JJ

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

Planning Application – DCCE2008/1758/F

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1 April 2008

Construction of 3 four bedroom detached dwellings

Land west of 129 Aylestone Hill, Hereford

1. The developer covenants with Herefordshire Council, in lieu of a deficit in the provision of play, sport and recreation facilities on site to serve the development to pay Herefordshire Council the sum of £3,612 (contribution based around the requirements of policy H19 of the UDP and Sport England Sports Facilities Calculator). The money shall be used by Herefordshire Council for the provision of new play, sport and recreational facilities at Aylestone Park. The contribution includes 15 years maintenance costs.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £15,007 to provide enhanced educational infrastructure at North Hereford City Early Years, St Francis Xavier Primary Schools, Hereford City Youth Service with 1% allocated for Special Education Needs (excludes Aylestone School where capacity exists).
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £10,320 for off site highway works and improved sustainable transport infrastructure (excluding that required to facilitate the development i.e. new access arrangements).
4. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
  - a) Traffic calming and improved signage
  - b) North Hereford Park and Ride
  - c) Contribution to improved bus service
  - d) Contribution to Safe Routes for Schools
  - e) Improved bus shelters/stops in the locality of the application site
  - f) Improved pedestrian and cyclist connectivity with the site
  - g) Improved pedestrian and cyclist crossing facilities
  - h) Initiatives to promote sustainable transport
5. The developer covenants with Herefordshire Council to maintain and enhance the biodiversity interest of the site through the management of the undeveloped land around the dwellings in the interests of nature conservation. The nature conservation plan shall also ensure the land is jointly managed and owned by all three dwellings and shall not be used as garden or informal recreation space with the exception of an area for the growing of vegetables.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £723 towards the enhancement of existing community services in Hereford City.

7. The developer covenants with Herefordshire Council to pay Herefordshire Council an additional administration charge of 2% of the total contributions detailed in this Heads of Terms to be used toward the cost of monitoring and enforcing the Section 106 Agreement.
8. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2, 3 and 6 for the purposes specified in the agreement within 10 years of the date of this agreement, and unless otherwise agreed in writing with the Council, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
9. All of the financial contributions shall be Index linked and paid on or before commencement of the development or in accordance with the phasing of the development as agreed in writing with Herefordshire Council.
10. 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.
11. The development shall be design and constructed to meet a minimum of Code Level 4 of the Code for Sustainable Homes - A Step Change in Sustainable Home Building Practice. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.

Russell Pryce - Principal Planning Officer  
18 November 2008