

4 DCCW2008/2946/F - RESIDENTIAL DEVELOPMENT OF 20 HOUSES COMPRISING 13 OPEN MARKET HOUSES AND 7 AFFORDABLE HOUSES (AMENDED ACCESS) AT CHURCH HOUSE FARM, WELLINGTON, HEREFORD, HEREFORDSHIRE, HR4 8AZ

For: Executors of the late D.T. Williams Esq per Mr. J. Spreckley, Brinsop House, Brinsop, Hereford, HR4 7AS

Date Received: 3 December 2008

Ward: Wormsley Ridge

Grid Ref: 49823, 48115

Expiry Date: 4 March 2009

Local Member: Councillor AJM Blackshaw

Introduction

This application was deferred at the Central Area Planning Sub-Committee on 22 July 2009 for a site visit which took place on Tuesday 4 August 2009. Amended plans have been received which provide for an enhanced access to the Community Recreation Parking Area.

1. Site Description and Proposal

- 1.1 Church House Farm is located on both sides of the C1108 road that runs east from the A49 Hereford to Leominster road through the village of Wellington.
- 1.2 This proposal seeks to redevelop land and buildings on the southern side of the road with the complete clearance of the site and construction of twenty dwellings. The site is positioned at the entrance to the village immediately east of Wellington Primary School. The site is located within the Conservation Area and opposite listed buildings.
- 1.3 The proposal provides for a new access located towards the east of the frontage opposite Causeway House and Mandolin, both recently constructed dwellings.
- 1.4 The layout provides for dwellings fronting the village road. The house types provide for 2 x 3 bed and 11 x 4 bed open market housing with 3 x 2 bed and 4 x 3 bed social housing.
- 1.5 In addition to the new housing eight additional car parking spaces are provided for the school adjacent to its existing car park and access road to the village sports facilities. Foul drainage is proposed by means of private treatment works due to no capacity in the local sewage system. All properties have a minimum of two car parking spaces.
- 1.6 Finally, the site is allocated for residential development in the Herefordshire Unitary Development Plan.

2. Policies

2.1 National:

PPS1 - Delivering Sustainable Development

PPS3	-	Housing
PPS7	-	Sustainable Development in Rural Areas
PPG15	-	Planning and the Historic Environment
PPG25	-	Planning and Flood Risk

2.2 Herefordshire Unitary Development Plan 2007:

DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR5	-	Planning Obligations
DR7	-	Flood Risk
H4	-	Main Villages: Settlement Boundaries
H9	-	Affordable Housing
H15	-	Density
H16	-	Car Parking
H19	-	Open Space Requirements
T11	-	Parking Provision
HBA4	-	Setting of Listed Buildings
HBA6	-	New Development Within Conservation Areas
HBA7	-	Demolition of Unlisted Buildings Within Conservation Areas
CF5	-	New Community Facilities
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA6	-	Landscaping Schemes

2.3 SPD - Planning Obligations

3. Planning History

- 3.1 DCCW2008/1246/F Residential development of 20 houses comprising 13 open market houses and 7 affordable houses. Withdrawn 30/06/2008.

Adjoining Land:

- 3.2 CW2002/0209/F Change of use of agricultural land to provide playing field extension. Approved 21/03/2002.
- 3.3 DCCW2003/3019/F Change of use of agricultural land to provide a playing field extension. Approved 01/12/2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: Object due to overloading of the public sewerage system. (Since this objection the agent has amended the application to provide for a private treatment works). A trunk water main runs along the northern roadside boundary.
- 4.2 English Heritage: The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

- 4.3 River Lugg Internal Drainage Board: Regarding the disposal of surface waters - it is noted that these are to be disposed of via soakaways and in this instance will not directly affect the Board's operational interests and we therefore offer no land drainage objection to the proposals.

I would therefore advise consultation with the following at the appropriate time regarding the results of the Site Percolation Test, should the planning application be approved with conditions.

- 1) The Environment Agency Regulations Officer.
- 2) The Building Control Officer in PCC's Building Regulations Department.

- 4.4 Environment Agency: Observations awaited.

Internal Council Advice

- 4.5 Traffic Manager: I confirm that the revised proposals address my concerns. I would suggest that the footway along the road frontage be widened to 2 metres from the access road to the school, and this land be dedicated as highway as part of the Section 38 works.

- 4.6 Conservation Manager (Historic Buildings): The site is presently occupied by several modern steel framed farm buildings. It occupies a prominent location on the eastern approach to Wellington and sits within the conservation area. There are several listed buildings nearby including the Grade I Church of St. Margaret, Grade II* Bridge Farmhouse, Grade II Church Farmhouse and barns and Grade II Cave House.

Wellington is a predominantly linear village with some lanes leading off the main street at right angles. The village has suffered in recent years from inappropriate suburban style development which has introduced alien elements such as cul de sacs to the streetscape. The orientation of buildings to the street varies, with some facing the street and others with gables towards it.

In principle the replacement of the existing buildings on the site with residential development is acceptable provided that the development is designed to take into account the position of the site on the principal approach to the village, within the conservation area and adjacent to several listed buildings.

On balance the approach of orientating the corner buildings to the main road rather than turning the corner is an appropriate form of development echoing earlier elements elsewhere in the village.

The frontage to the main road is acceptable; the orientation of the houses towards the road and the strong boundary treatments will provide a sense of enclosure appropriate to this point in the village. The internal layout will provide a reasonable sense of enclosure.

The design of the houses is broadly acceptable. However I would suggest that the small windows to the left of the porches on house type D be removed as they give a somewhat cluttered appearance to the elevation. I would suggest a mock Flemish Bond to the brickwork in order to enable the development to sit successfully with the surrounding buildings. Details of design and finish of external joinery and samples of all external materials including rainwater goods will be required. Meter boxes should be internal where possible and elsewhere should be flush with external walls and painted to match.

No objection subject to amendments outlined above but request details of boundary treatment for plot 10, details of boundary wall, usual conditions on materials and finishes.

- 4.7 Conservation Manager (Landscape): In principle, this addresses some of my earlier concerns and gives a reasonable indication of basic structure planting. Opportunities for further landscape details could possibly be sought at a later date. Specific details of landscaping (turfing, seeding, paving and fencing materials etc) and implementation of landscaping proposals would still need to be the subject of a condition of planning permission.
- 4.8 Conservation Manager (Archaeology): The archaeological sensitivity of the proposed development site is great. Church House Farm is located within the medieval layout of Wellington, close to the church, in a position where below ground archaeological deposits may be present. Given the nature and scale of the extensive ground disturbance under the proposal, the development impact will probably be severe. There are likely to be significant archaeological issues in this case.

However, it is also my view that it should be possible to acceptably mitigate any damaging effects of the development by means of an archaeological investigation prior to / during development works on site. Accordingly I have no objection to the above proposal, subject to the attachment of a suitable archaeological condition to any permission granted.

- 4.9 Strategic Housing: Strategic Housing fully supports the application to provide 20 houses of which 7 are to be affordable dwellings equating to 35% of the overall development. These dwellings are to build to Housing Corporation Design & Quality Standards, Joseph Rowntree Lifetime Homes and are to achieve a minimum of code level 3 for sustainable homes.
- 4.10 CYPD (Open Space/Recreation and Community Services): All identify an impact and therefore request contributions in accordance with the Supplementary Planning Document Planning Obligations.

5. Representations

- 5.1 Wellington Parish Council: The Parish Council support the amended access and wish to add the following points from the UDP
1. (page 65 5.4.52, Church Farm, Wellington) The housing scheme will be expected to contribute to the provision of recreation facilities including the provision of a children's play area properly equipped and fenced on adjoining land which is allocated within policy RST5. Future housing schemes which are developed within the village will also need to give consideration to contributing to this facility.
 2. (page 83 – Policy H19) Schemes of 10 – 30 family dwellings: to be provided with small children's / infants' play area, properly equipped and fenced.
 3. (page 190 the re access to playing fields) Development proposals that would result in the loss of public or private open spaces with recreational value, or facilities that help meet the recreational needs of the community.
 4. (pages 193 – 4) sites have been identified on the proposals map at the location listed below to provide new public recreational, amenity and open space uses and facilities - Wellington (is listed).

- 5.2. Wellington Community Association: We continue to be concerned about the issue of right of way access at the eastern side of the car park and on to the driveway going to the playing fields. On this current application the access is still very limited and the access is too narrow for coaches. We again state that the Wellington Community Association maintains the need for this right of way to be widened to allow access to a proposed new parking area. This would enable the coaches of visiting teams to park nearer to the sports facilities. At present football supporters are obliged to park in the present car park, thus creating difficulties for the users of the Community Room for which this car park is also intended.

While we have some verbal assurances from members of the Williams family that this access will not be a problem and will be widened we insist that unless this access is drawn on to the plans, there will be no legal need for the developers to adhere to this verbal statement.

The Wellington Playing Fields and Sports Clubs are a vital part of our rural community and we therefore want to ensure that every attempt to improve their standing is made. We are obliged to improve parking facilities within the playing fields area; therefore access needs to be suitable for the entry of all types of vehicles. To that end, we would like to refer you to the Planning for Real Concept presented by James Spreckley in 2003, where the Church Farm developer put forward plans that clearly state "The development of this site affords the opportunity to improve vehicular parking and access to the Community Playing Fields, including the Football Club, the Cricket Club, the Bowls Club and other facilities."

We still feel that the current plans do not adhere to this plan adequately as we have also stated to you in our letter of December 19 2008. We are disappointed that comments previously made regarding this access have not been taken on board in this present amended plan.

- 5.3 Governors of Wellington Primary School: The Governing Body of Wellington Primary School met to discuss the above application and would like to submit the following comments.

1. It is heartening to see that the resubmitted plans have taken into account our comments made in respect of the original planning application.
2. The Governing Body would like to advise you most strongly that the views expressed by Mr. P. McKay regarding this application are his individual views and are in no way a reflection of the views of the Governing Body, or any other Parish organisation (as far as we are aware).
3. The Governing Body would like to support this application, especially the affordable housing element, as any new building within the Parish can only have a beneficial effect on the school roll.

The Governing Body would wish to see the retention of the boundary hedges.

- 5.4 Eleven letters of objection have been received from:

Mr. P. McKay (7 letters), 30 Vicarage Street, Leominster, Herefordshire.
Mrs. C. Fletcher, 4 Derside Close, Wellington.
Mr. B. Cobbett, Meadow View Cottage, Bridge Lane, Wellington.
Mr. J. Roberts (e-mail).
Mr. D. Williams, Causeway House, Wellington.

The main points raised taken from submission on the amended scheme are:-

1. The density is too great.
2. The proposal fails to comply with UDP Policy RST5 which clearly states that "development proposals that would prevent or prejudice the future use of areas proposed or currently used for recreational, amenity and open space purposes will not be permitted."
3. The plans do not allow for improved access to proposed car park for the recreation area.
4. The development does not bring forward the additional recreation area as identified by RST5.
5. Pleased that entrance has been moved away from the school but no improvements are shown to the school entrance and Community Association car park.
6. Additional car parking for school will be dangerous.

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 This proposal seeks to bring forward an identified residential development site allocated within the Herefordshire Unitary Development Plan on the eastern side of the village of Wellington.
- 6.2 The main issues in the consideration of the planning application are:
 1. Principle of Development
 2. Landscape Impact and Setting of Listed Buildings and Conservation Area
 3. Highway Safety
 4. Recreation Land
 5. Planning Obligations
 6. Conclusion

Principle of Development

- 6.3 The site is allocated within the Herefordshire Unitary Development Plan under Policy H4 for the development of approximately 20 dwellings. Therefore the proposal complies with the main thrust of that policy and is compliant in terms of density. The design and layout have been heavily influenced during negotiations. Dwellings front onto the main road to continue this distinctive character along the village road. The house designs have been drawn from the character assessment of the village and provide for gabled porches and dormers together with chimneys.

Landscape Impact and Setting of Listed Buildings and Conservation Area

- 6.4 Policy H4 requires that due to the location of the site as a gateway to the village a comprehensive landscaping scheme is required which will also protect the long distance views to the village from the A49 trunk road. In this respect a number of the dwellings have been moved to provide views in and through the site to the church behind. In addition, the south eastern boundary, which now has a mature hedge helps form a soft landscaped edge to the development which will be further enhanced with additional tree planting. Members

will note that the Conservation Manager is now satisfied that the scheme addresses previous concerns and provides the basic structure planting.

- 6.5 The site's position opposite listed buildings and within the Conservation Area has been fully assessed by the Conservation Manager and again Members will note that the amended scheme is considered acceptable subject to a minor modification to house type D. It should also be noted that the proposal will remove several steel framed farm buildings which will therefore enhance this part of the Conservation Area.
- 6.6 The proposal in landscape, Conservation Area and listed building terms is considered to be acceptable.

Highway Safety

- 6.7 The access to the development has been moved to the eastern end of the site which affords good visibility in both directions. A substantial grass verge will be created to the west to provide for the visibility and a footpath will be created on the line of this visibility splay. All dwellings have their own private parking areas with the dwellings fronting the main village road having parking to the rear. The concerns of local residents and Community Association are noted regarding improvements to the access and have been taken up with the agent, however it should be noted that the proposal does not prevent access to the car parking areas and therefore does not conflict with Policy RST5. Finally, additional parking for the school is a requirement of the UDP and has been included which is also supported by the school and not considered a danger.

Recreation Land

- 6.8 The allocation of this site for housing also identifies that it will be expected to contribute to the provision of recreation facilities including the RST5 land. It is also a requirement that other developments will contribute to the new recreation land. Accordingly this proposal is not inhibiting the RST5 land but will assist in bring forward this land with contributions in line with the SPD Planning Obligations. In addition a condition will be attached requiring the provision of RST5 land prior to occupation of ten number of units. This is possible as the land is within the ownership of the applicants.
- 6.9 Policy H19 requires that development of 10-30 family dwellings will provide a small children's and infants play area properly equipped and fenced. However the Council does not support these small play areas as they offer little in play value and are costly to maintain. In this particular case there is adjoining recreation land and an identified play area under RST5. Accordingly an enhanced off-site contribution has been negotiated and reflected in the Heads of Terms.

Planning Obligations

- 6.10 In accordance with the Council's Supplementary Planning Document the impact of the development has been assessed and contributions have been agreed for Recreation, Highways, Community Services and Children's Services. The Draft Heads of Terms are appended to this report.

Conclusion

- 6.11 This is an allocated site within the Herefordshire Unitary Development Plan and provides for 13 open market dwellings together with 7 affordable dwellings helping to meet the identified need for Wellington.
- 6.12 The layout, design and form of the dwellings complements the character of the area and enhances the setting of the Conservation Area together with adjacent listed buildings. The development will bring forward the RST5 recreation area with the enhanced access which has now been submitted. Finally, additional parking for the school is provided. It is therefore considered that the proposal meets the aspirations and requirements of the Herefordshire Unitary Development Plan.

RECOMMENDATION

1. **The Legal Practice Manager 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 that he considers appropriate.**
2. **Upon completion of the aforementioned Planning Obligation the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further 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. **B03 (Amended plans).**

Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

3. **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.

4. **D05 (Details of external joinery finishes).**

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policies HBA1 and HBA3 of Herefordshire Unitary Development Plan.

5. **D10 (Specification of guttering and downpipes).**

Reason: To ensure that the rainwater goods are of an appropriate form in the interests of the safeguarding of the special architectural or historical interest of the building and

to comply with the requirements of Policies HBA1 and HBA3 of Herefordshire Unitary Development Plan.

6. E01 (Site investigation – archaeology).

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

7. F02 (Restriction on hours of delivery).

Reason: To safeguard the amenities of the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

8. G02 (Retention of trees and hedgerows).

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.

9. 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.

10. 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.

11. G11 (Landscaping scheme – implementation).

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

12. Prior to occupation of the 6th open market dwelling the recreation area to the south as identified in Policy RST5 of the Herefordshire Unitary Development Plan shall be brought forward for development.

Reason: In accordance with Policy RST5 of the Herefordshire Unitary Development Plan.

13. H05 (Access gates).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

14. H06 (Vehicular access construction).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

15. H09 (Driveway gradient).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

16. 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.

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

Reason: To ensure the safe and free flow of traffic on the highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

18. 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.

19. Notwithstanding the submitted drawings the footpath to the front of the site shall be completed to a minimum width of 2 metres.

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

20. I16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

21. I17 (Scheme of foul drainage disposal).

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

22. I21 (Scheme of surface water regulation).

Reason: To prevent the increased risk of flooding and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

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

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

24. I51 (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 so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

Informatives:

1. **HN01 - Mud on highway.**
2. **HN05 - Works within the highway.**
3. **HN07 - Section 278 Agreement.**
4. **HN21 - Extraordinary maintenance.**
5. **N19 - Avoidance of doubt - Approved Plans.**
6. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

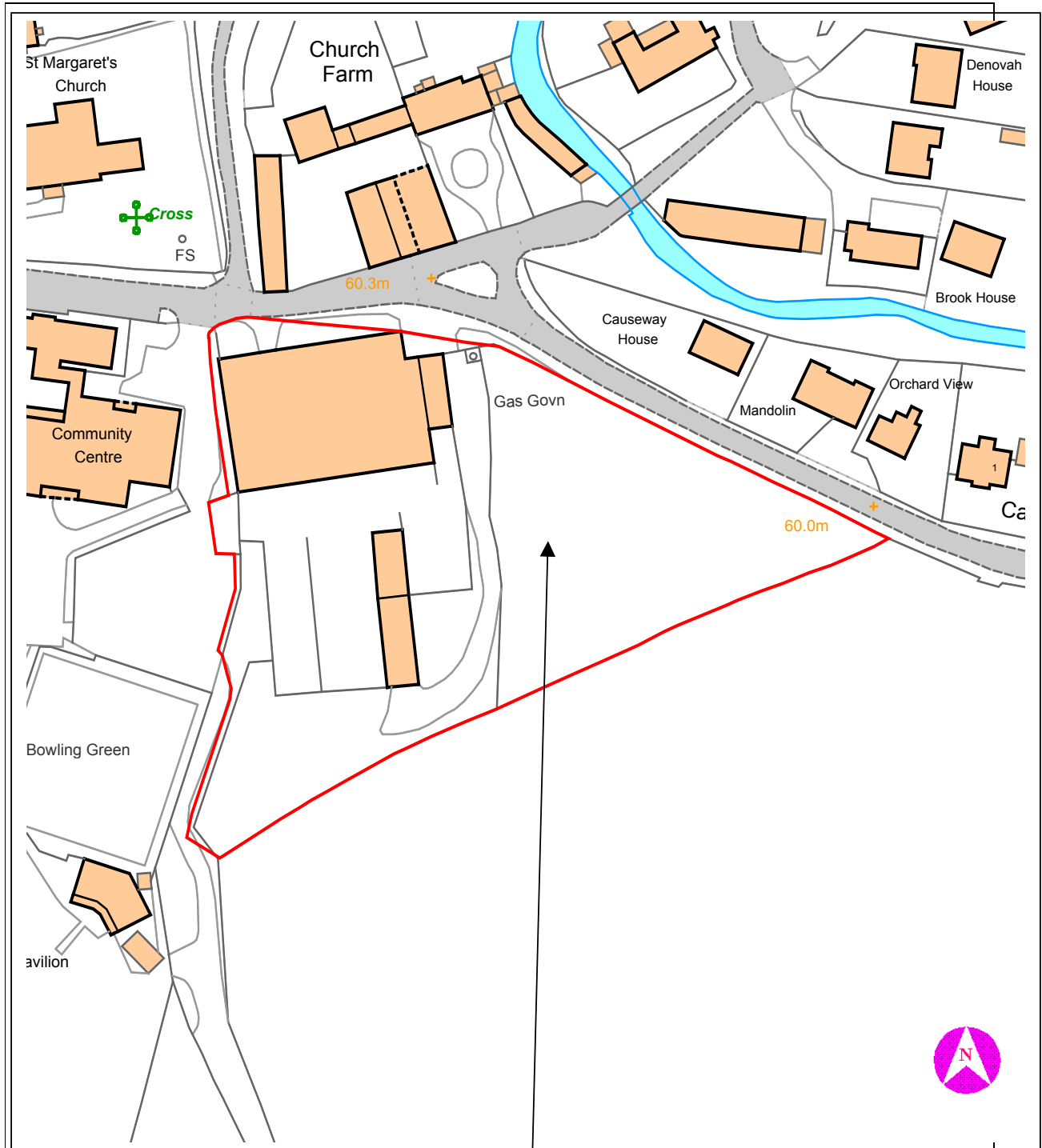
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/2946/F

SCALE : 1 : 1250

SITE ADDRESS : Church House Farm, Wellington, Hereford, Herefordshire, HR4 8AZ

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This document has been prepared against the criteria set out in the Supplementary Planning Document on 'Planning Obligations' which was adopted in April 2008.

HEADS OF TERMS

Proposed Planning Obligation Agreement

Section 106 Town and Country Planning Act 1990

Planning Application: DCCW2008/2946/F

Proposal: Residential development of 20 houses comprising 13 open market houses and 7 affordable houses.

Site: Land at Church House Farm, Wellington, Hereford. HR4 8AZ

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £22,366 to provide enhanced educational infrastructure. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £43,000 to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

- Traffic calming and improved signage
 - Localised highway improvements
 - Hereford Park and Ride
 - Contribution to improved bus service
 - Contribution to Safe Routes for Schools
 - Improved bus shelters/stops in the locality of the application site
 - Initiatives to promote sustainable transport
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £45,755 to provide enhanced formal or informal recreational or public open space. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
 4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £3,133 towards the provision of enhanced Library facilities. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
 5. In the event that Herefordshire Council does not for any reason use the sums referred to in paragraphs above, 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.

6. The sums referred to in paragraphs 1, 2, 3 and 4 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.
7. The developer shall provide 7 affordable housing units, which meets the criteria set out in Section 5.5 of the Unitary Development Plan for Herefordshire and related policy H9 or any statutory replacement of those criteria and that policy. The affordable units shall be made available for rent to people with a local connection to Wellington in the first instance and then cascading out to adjoining parishes. None of the Affordable Housing shall be occupied unless the 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.
8. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
9. 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.
10. The developer shall complete the Agreement by (a date to be agreed) otherwise, the application will be registered as deemed refused.

Kevin Bishop
10 July 2009