

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>7 AUGUST 2013</b>
<b>TITLE OF REPORT:</b>	<p><b>130888/O - REDEVELOPMENT OF SITE, INCLUDING DEMOLITION WORKS TO PROVIDE RESIDENTIAL DEVELOPMENT COMPRISING UP TO 192 UNITS INCLUDING A 60 BED EXTRA CARE HOME AND ANCILLARY USES, NEW PUBLIC REALM AND LANDSCAPING AT LAND AT MERTON MEADOW, EDGAR STREET, HEREFORD, HR4 9JU</b></p> <p><b>For: Sanctuary Group per Mr Craig O'Brien, Embassy House, Queens Avenue, Bristol, BS8 1SB</b></p>
<b>WEBSITE LINK:</b>	<a href="http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=130888&amp;NoSearch=True">http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=130888&amp;NoSearch=True</a>

**Date Received: 28 March 2013**

**Ward: Central**

**Grid Ref: 350986,240677**

**Expiry Date: 27 June 2013**

Local Member: Councillor MAF Hubbard

## **1.0 Site Description**

- 1.1 The site comprises three parcels of brownfield land, extending to 3.24 hectares located immediately north of Hereford United Football Club (HUFC) and Wickes DIY store and bounded by Edgar Street to the west and Widemarsh Street to the east. The land forms part of the wider Edgar Street Grid regeneration area which consists of 43 hectares of predominantly brownfield land between Edgar Street, Commercial Road and the city centre identified within the Herefordshire Unitary Development Plan and the ESG masterplan for re-development. The first element of which being the new retail and leisure facilities which are currently under construction on the former livestock market.
- 1.2 The majority of the site comprises of the Council owned Merton Meadow surface level car park but also includes several existing businesses. Along Edgar Street is CRW carpets, BP petrol station, Arrow Plant and Tool Hire, Bubbles car wash and a Bathroom retailer, a triangular area of land to the rear of the Merton stand at HUFC is included and along Widemarsh St, Hobbs glass, Bethell Motors, HI Q Tyres and Pineapple Place currently occupied by various businesses including Unipart Automotive and City Plumbing also fall within the site area.
- 1.3 The northern development area is predominantly surrounded by terrace and semi-detached dwellings whose gardens back on to the site, the only exception being Addisson Court where the dwellings about the north west corner of the site and the former public house, know occupied by Signature Interiors to the north east. Running centrally through this area is Widemarsh Brook which is designated a Site of Importance for Nature Conservation and is a tributary of the River Wye Special Area of Conservation and Site of Special Scientific Interest. The development does not propose to change the path of this watercourse. Either side of the brook are a row of willow tress, the majority of which have been pollarded. Adjoining the south east corner is the grade II listed Oxford Arms public house with the remaining development

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Further information on the subject of this report is available from Mr R Pryce on 01432 260288

areas are adjoining existing or proposed highways. Edgar Street to the west is designated an Air Quality Management Area. A large proportion of the site also falls within land proposed to form part of the ESG link road Compulsory Purchase Order.

## **The Proposal**

- 1.4 The application is in outline form with all matters reserved for future consideration except access and represents the first phase of the ESG urban village which when complete, will total around 800 dwellings. The site is split into three development areas by the permitted ESG link road which will run from Edgar Street to Commercial Road also connecting with Blackfriars Street to the south. The land required for the link road is excluded from this application. The planning permission for this road includes vehicular access to serve each development area and this application does not propose any changes to the already permitted access points or designs. The proposal includes the demolition of several business units although permission already exists for the demolition of the majority associated with the link road scheme.
- 1.5 Two masterplans have been submitted that illustrate a scheme for the construction of 173 dwellings and a higher density scheme of 192 dwellings. The application therefore seeks permission for the construction of between 173 and 192 dwellings on the site comprising a mixture of 2 to 4 bedroom dwellings predominantly in the form of terrace and semi detached and 1 and 2 bedroom apartments. 60 of the total dwellings will also comprise an extra care unit likely to take the form of one and two bedroom apartments. The term 'extra' in extra care refers to ancillary facilities that are often provided with such units for the benefit of the residents such as a gym, café and hair and beauty salon. The dwellings will be predominantly two and three storey except the extra care which may rise to four storeys. Parking is predominantly in the form of parking courts at an average ratio of around 1.5 spaces per dwelling. All dwellings will have private garden space. Land either side of Widemarsh Brook in the northern sector will be safeguarded as informal public open space, biodiversity and for flood protection.
- 1.6 In addition to the two illustrative masterplans, the application is supported by the following technical reports as follows:
- Design and Access Statement,
  - Planning Statement,
  - Flood Risk Assessment,
  - Outline Drainage Strategy,
  - Arboricultural Report,
  - Ecology Survey,
  - Transport Assessment,
  - Statement of Community Involvement
  - Archaeological Assessment,
  - Noise and Vibration Impact Assessment,
  - Air Quality Assessment
  - Green Infrastructure Statement
- 1.7 The development was also screened against the Environmental Impact Assessment (EIA) Regulations on 14<sup>th</sup> January 2013. It is concluded that the proposal is not an EIA development.

## **2. Policies**

- 2.1 National Planning Policy Framework (NPPF):

At the heart of the NPPF is a presumption in favour of sustainable development and this is defined as encompassing an economic, environmental and social dimension which are mutually dependant.

Paragraph 14 states that where the relevant development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole: or specific policies in the NPPF indicate development should be restricted. Relevant sections are as follows:

Section 4 Promoting Sustainable Transport  
Section 6 Delivering a wide choice of high quality homes  
Section 7 Requiring good design  
Section 8 Promoting healthy communities  
Section 10 Meeting the challenge of climate change, flooding and coastal change  
Section 11 Conserving and enhancing the natural environment  
Section 12 Conserving and enhancing the historic environment

## 2.2 Herefordshire Unitary Development Plan (UDP):

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S4	-	Employment
S6	-	Transport
S7	-	Natural and Historic Heritage
S8	-	Recreation, Sport and Tourism
S10	-	Waste
S11	-	Community Facilities and Services
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
DR9	-	Air Quality
DR13	-	Noise
H1	-	Hereford and the Market Towns: Settlement boundaries and established residential areas
H9	-	Affordable Housing
H13	-	Sustainable Residential Design
H14	-	Re-using Previously Developed Land and Buildings
H15	-	Density
H16	-	Car parking
H19	-	Open Space Requirements
E5	-	Safeguarding Employment Land and Buildings
TCR2	-	Vitality and Viability
TCR22	-	Hereford United Football Club/Merton Meadow
T1	-	Public Transport Facilities
T6	-	Walking
T7	-	Cycling
T8	-	Road Hierarchy
T10	-	Safeguarding of Road Schemes
T11	-	Parking Provision
T12	-	Existing Parking Areas

LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC3	-	Sites of National Importance
NC4	-	Sites of Local Importance
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features for the Landscape Important for Fauna and Flora
ARCH 1	-	Archaeological Assessment and Field Evaluations
ARCH6	-	Recording of archaeological remains
HBA4	-	Setting of Listed Buildings
RST1	-	Criteria for Recreation, Sport and Tourism Development
RST3	-	Standards for Outdoor Playing and Public Open Space
W11	-	Development and Waste Implications
CF2	-	Foul Drainage
CF5	-	New Community Facilities
CF7	-	Residential Nursing and Care Homes

### 2.3 Herefordshire Local Plan Draft Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
HD1	-	Hereford
HD2	-	Hereford City Centre
HD3	-	Hereford Movement
H1	-	Affordable Housing
H3	-	Ensuring an appropriate range and mix of housing
OS1	-	Requirements for open space, sports and recreation facilities
MT1	-	Traffic Management, highway safety and promoting active travel
E2	-	Re-development of existing employment land and buildings
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure Delivery

### 2.4 Other Guidance:

Supplementary Planning Documents:

Landscape Character, Planning Obligations, Biodiversity, Design, Green Infrastructure  
 Strategy Archaeology and ESG Design Framework  
 Local Transport Plan 3

### 2.5 Other Material Considerations:

Annual Monitoring Report,  
 Strategic Housing Land Availability Assessment  
 Local Housing Market Assessment (2013)

## ESG Masterplan

- 2.6 The Unitary Development Plan and draft Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

### 3. Planning History

- 3.1 CE092576/F – Demolition of existing buildings and construction of a new highway, cycleway, drainage, landscaping and associated works between A49 Edgar Street and A465 Commercial Road along with a new link road to Blackfriars Street and Canal Street. Approved 30<sup>th</sup> March 2010.
- 3.2 S/130789/AM – Non-material amendment to CE092576/F (road levels, cycle provision and north south feeder road). Approved 23<sup>rd</sup> April 2013
- 3.3 In addition, various planning history apply to existing business units within and adjoining the site but none is directly relevant to the consideration of this application.

### 4. Consultation Summary

#### Statutory Consultees

#### 4.1 Highways Agency

The Traffic Assessment does not provide a comprehensive basis of the impact of the development on the A49 as it is difficult to separate this application from the wider ESG development. In addition, the removal of the car park is unlikely to result in any significant traffic reductions as traffic is simply likely to be displaced elsewhere.

On balance, it is considered unlikely that the development will result in a severe impact on the A49 particularly as the link road, from which the development will gain primary access from the A49 has already been approved. Travel plan measures should be implemented for the new development

On this basis the Highways Agency have no objection to the development.

#### 4.2 Environment Agency

This site is located in Flood Zone 3 where the indicative annual probability of flooding is 1 in 100 years or less from river sources. Parts of the site area may also be classed as functional floodplain where an annual flooding probability of 1 in 20 year applies and where 'more vulnerable' uses, such as residential, should not be permitted. We note that there is no development proposed within this area.

Sequentially, we accept that the principle of development on the site has been established over a number of years.

The submitted FRA builds upon previous work undertaken by Capita Symonds in developing the Yazor Brook FAS. We note that the FRA, whilst focusing on the Merton Meadows development, does contain a strategic viewpoint of the wider ESG area which may in the

future offer further flood risk betterment through additional mitigation measures such as the canal basin. We consider that all of the methodology and modelling employed in the flood risk assessment is both appropriate and fit for purpose and accurately identifies and assesses the flood risk associated with the site.

During pre-application discussion, the EA defined the flood risk parameters of the development which are as follows:

- no built development be located in Flood Zone 3b (functional floodplain);
- that all buildings be flood free in the 1 in 100 year (plus climate change) event and;
- in conjunction with the FAS there is no impact on third parties post development.

In-order to facilitate development of this site there will be ground raising to ensure that no dwellings are located in the 1 in 100 plus climate change event. In combination with the operational Yazor Brook Flood Alleviation Scheme (FAS) the proposals will ensure no increased flood risk to third parties post development. The effective operation of the Yazor Brook FAS is fundamental to the proposed development and in the event of the FAS failing to operate (blockages etc) there may be increased flood risk to both the site and third parties although the risk of this is considered low. Additional telemetry and maintenance may be required to ensure it is operating efficiently.

Flood free access to the northern part of the site must be provided, the full details of which should be submitted at the detailed design stage. The Environment Agency recommends that in areas at risk of flooding, consideration also be given to the incorporation into the design and construction of the development of flood proofing measures. Trash screens on the entrances to culverts may also be required.

We also would expect a flood management and evacuation plan to be prepared in consultation with the Council's emergency planning team, a flood warning system and notices to be installed and encourage residents to sign up to the EA's flood warning service in order to manage flood risk.

We would have no objection to the proposed foul drainage arrangements. Pollution prevention measures should be incorporated to protect ground and surface water. Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation.

Subject to conditions requiring the development to be carried out in accordance with the FRA and the provision of a safe flood free pedestrian access to the northern area, the Environment Agency has no objections to the development.

#### 4.3 Welsh Water

No objection subject to conditions requiring a full drainage design to be submitted and that foul and surface flows are separated.

No problems are envisaged with the capacity of the waste water treatment works

#### 4.4 West Mercia Police

We recommend the development is considered for Secure by Design accreditation which will ensure residents are afforded a secure environment in which to live. Parking should be clear and overlooked, public and private areas clearly defined and appropriate lighting provided.

## Internal Council Advice

### 4.5 Transportation Manager

The means of access is proposed to be from the new link road, which has the benefit of planning permission. Once constructed, this will provide suitable access and therefore any consent should be conditional upon provision of those roads.

It is proposed to construct the 60 bed extra care facility in advance of the provision of the link road. Access for elderly pedestrians and mobility impaired through a public car park area is far from ideal, and therefore clarification should be requested as to the interim access arrangements to be provided.

The Transport Assessment indicates that the replacement of the car park with residential units will reduce the overall traffic flows in the area and this is accepted. There will be a re-distribution of the car park traffic to other car parks in the City, but the pattern of re-distribution is difficult to predict. The TA indicates that there will be adequate parking to meet demand with a 10% buffer (with the proposed car park at Station Approach).

The proposed provision of 174 spaces for the 132 residential dwellings proposed, which equates to just less than 1.5 per dwelling and is in accordance with our maximum standards and a further 17 for the extra care home which again accords with standards. Adequate room for cycle parking will also need to be accommodated either within oversized garages or elsewhere on plot.

Due to the proximity to the city centre, Traffic Regulation Orders are likely to be required to regulate parking for the roads themselves and any spaces indicated "on street" on adoptable areas within the development

It is noted that no Residential Travel Plan has been included, but mention of the overarching STIS (Sustainable Transport Implementation Strategy) is made in the Transport Assessment and production of a Travel Plan can be conditioned on any consent granted.

The extent of roads to be adopted on the illustrative masterplan will need clarification as additional turning heads may be required in some areas. Delivery access to the care home also needs to be considered. Minor changes may also be required to tie the masterplan in with the approved link road permission and define the function of the north south feeder road.

As the trip generation for the proposed use will be less than the current car park usage, a Section 106 contribution is not applicable.

Subject to the above points, I would have no objections to the proposals and would recommend approval subject to conditions.

### 4.6 Conservation Manager (Landscape and Trees)

Redevelopment of this brownfield site is welcomed to enhance the townscape and provide improved green infrastructure within the city.

The Green Infrastructure Statement is an essential component of the scheme and broadly covers the main points on maintaining and enhancing existing wildlife corridors along Widemarsh Brook; creating informal recreational open spaces, incorporate tree and shrub planting along streetscapes and include sustainable urban drainage systems. It is not clear how the layout works with the tree lined boulevard and planting scheme that is already agreed as part of the link road design. There also appears to be a missed opportunity at the central

crossroads to create some larger, landmark buildings that would enclose the highway space and create a new central feature providing a heart and local identity to the development.

I suggest that a fully detailed landscape scheme be provided at reserved matters stage. This should include a landscape masterplan covering the brook corridor, northern area of public open space, streetscape and relationship with the link road and plot design covering areas such as parking, gardens and boundaries. A tree removal/retention and full details of materials and lighting should also be provided.

Subject to this detail being provided at the detailed design stage, there is no objection to this proposal.

#### 4.7 Conservation Manager (Ecology)

Widemarsh Brook flows through the northern part of the site and has a non-statutory designation as a Local Wildlife Site (formerly known as a Site of Importance for Nature Conservation). It is also a tributary of the River Wye SSSI and SAC.

The ecological surveys have established the following:

- Slow worms are present in the vegetation along the stream corridor,
- No current evidence of otter or water vole was found although previous surveys in 2008 did find evidence of regular use by otter.
- There is low diversity in the number of aquatic invertebrates and no evidence of white-clawed crayfish recorded in the stream indicating poor water quality, although the water looks reasonably clear.
- Bat activity surveys in September 2012 and May 2013 recorded noctule, common and soprano pipistrelle bats, but in low numbers; there was no evidence of roosting.
- Breeding bird surveys identified a number of species present including house sparrow and starling, both on the red list of Birds of Conservation Concern.

I welcome the retention of the stream corridor in its existing location as part of the proposals although I am concerned that the flood works will probably result in the removal of some of the pollarded willows in the north east corner. The detailed proposals should include significant and detailed biodiversity and green infrastructure provision given the context of the site lying in the centre of Hereford and identified in the Council's Green Infrastructure Strategy (2010) as a Local Enhancement Zone. The future management of the brook and green infrastructure will also be vital to their success as wildlife features.

If this application is to be approved, conditions are required covering habitat protection and enhancement, a reptile mitigation strategy and a Construction and Environmental Management Plan, particularly in relation to works adjacent to the stream corridor and the protection of water quality. If more than 12 months elapses before submission of Reserved Matters, update ecology surveys will be required.

#### 4.8 Economic Development Manager

No comments received

#### 4.9 Conservation Manager (Archaeology)

Extensive areas of the site have been truncated and/or in-filled, and are of low sensitivity archaeologically.



There are some other areas (principally the Widemarsh Street frontage and the lowest topographical areas of the car park) of higher sensitivity. In these areas, archaeological mitigation, either by design or by recording, will be required but it is not anticipated that any of it would need to be particularly extensive or would require an unusual level of resource. Such mitigation would be secured by planning condition.

In summary, there are no over-riding archaeological issues on the site that might lead to any major concerns or objections.

#### 4.10 Environmental Health Manager (Contamination)

No objection subject to a condition requiring the submission of a ground investigation report considering the risks associated with any contamination including the presence of any asbestos.

#### 4.11 Environmental Health Manager (Air Quality)

An air quality assessment has been carried out to assess both construction and operational impacts of the proposed development.

During the construction of the development there is a risk of dust effects occurring at residential receptors within 100 m of the site boundary and at the two schools located to the south-east of the site. However through the implementation of best practice mitigation measures the risks of the effects will be reduced to negligible.

An ADMS dispersion model has been used to assess the operational impacts associated with the proposed development. The assessment has shown that the predicted nitrogen dioxide ( NO<sub>2</sub> ) and particulate ( PM<sub>10</sub> ) concentrations are below the national Air Quality objective levels for both pollutants at all the proposed residential receptors across the development site and therefore no mitigation is considered necessary.

On the basis of the above I have no objection to the development with reference to air quality. I recommend that a condition is imposed to ensure that best practice mitigation measures are applied to minimise the potential adverse effects from dust during the construction phase.

#### 4.12 Environmental Health Manager (Noise)

I have no objection to the development subject to a condition requiring an evaluation of the impact of road traffic noise (Edgar Street and the link road) on the insides of the dwellings. Suitable noise attenuation measures where dwellings are found to be in Noise Exposure Category B or higher (PPG 24) must be agreed in writing before the commencement of works.

A condition is also recommended requiring the submission of a detailed Construction Method Statement (CMS) to minimise noise and nuisance to neighbours during construction. This should cover matters such as working hours, construction site layout and public relations.

#### 4.13 Parking Manager

This development will result in the loss of the largest car park in Hereford serving as the main commuter car park. Current and predicted supply and demand indicates that the loss of Merton Meadow as a car park will result in a shortfall in supply. This can be met through the provision of replacement car parking and several sites have been identified for this. On the assumption that replacement parking is deliverable no adverse impact is anticipated.

#### 4.14 Drainage Engineer

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Further information on the subject of this report is available from Mr K Bishop on 01432 260756

The site is mostly within the Zone 3 flood area with other parts in Zone 2. It is proposed that the site be raised to be above the 100 year + CC level. The EA has agreed that compensation storage will not be possible and is not required

The drainage report and the FRA are thorough and acceptable and it appears that the flood risk is reduced. The project is acceptable in principle.

We will need to have another look when it goes from an outline to a full application to evaluate the detailed proposals for SuDS, including storage areas and volumes, confirmed ground floor levels for the residential development and for the care home and an evacuation strategy for severe flood events.

#### 4.15 Planning Policy Manager

This is a brownfield site within the settlement boundary of Hereford, and forms part of the wider Edgar St Regeneration Area. The Herefordshire Unitary Development Plan supports the National Planning Policy Framework by encouraging development on brownfield sites, as well as development which is sustainably located and has good access to services and facilities of Hereford. Taking this into account, it is considered that in principle the proposal is in accordance with Policy H1 of the UDP and is sustainable development as defined by the NPPF. The need and principle of care accommodation in Hereford City Centre is also supported by the Older People's Survey 2012, and as such, the development of the extra care facility with good accessibility to the city centre is in accordance with Policy H9 of the Herefordshire UDP.

It should also be noted that the draft Core Strategy is currently at pre-submission stage, having been approved by Full Council on the 19<sup>th</sup> July 2013 as representing the preferred strategic planning document of Herefordshire for the next 20 years ending 2031. Although the Core Strategy has not proceeded to the final 'soundness stage' before examination, policies within the Core Strategy can begin to be accorded weight dependent on contestation of the policies in the determination of planning applications. The regeneration of the Edgar St Area is supported by Core Strategy Policies, in particular Policies HD1 and HD2 which seek the delivery of 800 dwellings in the Hereford City Centre and the strategic objectives which favour sustainable development. Taking this into account, the proposal is considered to be in accordance with the strategic direction of the Hereford City Centre.

Taking in account the above, Planning Policy has no objections to this application.

#### 4.16 Strategic Housing Manager

The Housing Needs and Development team in principle support the application. Lengthy negotiations have taken place with Sanctuary Housing Group and support has been given with regards to the Extra Care facility for the affordable housing element. The location is considered suitable for older persons as all daily facilities such as the train station, the town centre, theatre etc. are all within a reasonable walking distance.

The single development of an Extra Care facility fits well with the findings within the Peter Fletcher report: A study of the Housing and Support needs of Older People in Herefordshire. Herefordshire is identified as having a significant ageing population, and recommendations were made within the report for independent living and Extra Care facilities to address the housing needs of this client group.

The Herefordshire Local Investment Plan (LIP) developed by Herefordshire Council in partnership with the Homes and Communities Agency identifies key priorities for the County. Supporting independent living for vulnerable households through the provision of an extra care facility for older persons is one of the identified priorities.

The development will be a mixture of 1 and 2 bed units that will be allocated to eligible households with a local connection to Hereford in the first instance.

#### 4.17 Parks and Countryside Manager

Having regard to the size of development, the housing mix and the requirements of policies H19, RST3 and the SPD, 0.3 ha of usable POS including 0.1ha for children's play for all ages (infants, juniors and teenagers) at an approximate value of £70,000 is required.

The only usable POS for recreation is to be provided in the northern part of the site which is to include a play trail. The situation of the POS and play is not ideal as it is bisected by the road but it is understood that this is the only option therefore pedestrian access and crossing points will need to be provided.

The open space will also act as a temporary flood store in extreme flood events and further clarification is required as to the exact area of usable POS to also inform future management Areas deemed unsuitable as POS and informal recreation will not be considered for adoption.

It is questionable that the POS can accommodate play provision for all ages given its semi natural nature and requirement to act as flood storage. We therefore request a contribution towards off-site provision on a pro rata basis to enhance facilities at King George V playing fields. In accordance with the Planning Obligations SPD, a contribution for the enhancement of off site indoor and outdoor sport facilities is to the value of £239,168 is also required.

#### 4.18 Hereford Nature Trust

No comments received

#### 4.19 Waste Operations Manager

No comments received

#### 4.20 Libraries Manager

No comments received

#### 4.21 Education Manager

The educational facilities provided for this development site are North Hereford City Early Years, St Thomas Cantilupe Primary School, St Francis Xavier Primary School, Aylestone High School and Youth.

2 year groups were over capacity at St Thomas Cantilupe and 4 year groups were over capacity at St Francis. Capacity exists at Aylestone High School. The Childcare Sufficiency Assessment highlight that within the North Hereford City area, 8% of parents are unable to take a better job due to childcare issues. The youth service within Hereford City is looking to expand the work that it provides within Hereford City by providing more specialised work with the youth communities that require it the most. Approximately 1% of the population are affected by special educational needs and as such the Children and Young People's Directorate will allocate a proportion of the monies for Primary, Secondary and Post 16 education to schools within the special educational needs sector.

In accordance with the SPD the Children & Young People's Directorate would therefore be looking for a contribution of up to £350,636 to be made that would go towards the inclusion of all additional children generated by this development.

## **5. Representations**

### **5.1 Hereford City Council**

No objection. However, we hope that business displaced as a result of the development will be supported by Herefordshire Council in finding alternative premises.

### **5.2 Two letters of support/comment have been received. The main points raised are:**

- The application will deliver much needed development of an under utilised city centre site providing residential development in the heart of the city that will complement the redevelopment of the livestock market
- The development will support and enhance Hereford's role as a sub-regional shopping destination
- The development will assist in fulfilling the strategic and policy aims of the regeneration area.
- The Merton Meadow stand is scheduled for re-development to include residential and the application area should be increased to encompass this area to enable a comprehensive development of the area and achieve best value
- A condition must be placed on the permission requiring the access road to the north of the club to be a public highway in order to access the stand and bring in new services.

### **5.3 Seven letters and e-mails of objection have been received. The main points raised are:**

- Many people rely on the car to get to work or shop in Hereford, the loss of cheap long stay parking will make people shop and work elsewhere
- We are concerned that our private drive will be used to accommodate other residents
- The development will conflict with the lawful existing uses of business on the site
- Implementation of the permission would result in the closure of a number of businesses along Edgar Street resulting in the loss of around 21 jobs
- The development is an old fashioned and crass approach to urban planning in 2013
- There is no attempt to create an urban village or a sense of place
- The extra care should not be included as part of the affordable housing
- There site contains 18 different landowners. There is a risk the development will become urban sprawl.

### **5.4 The consultation responses can be viewed on the Council's website by using the following link:- <http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>**

Internet access is available at the Council's Customer Service Centres:-  
[www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage](http://www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage)

## **6. Officer's Appraisal**

### **6.1 The issues relevant to the consideration of this application are as follows:**

- 1) The Principle and Housing Land Supply
- 2) Flood Risk
- 3) Drainage
- 4) Access, Traffic and Transportation
- 5) The Masterplan
- 6) Biodiversity

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Further information on the subject of this report is available from Mr K Bishop on 01432 260756

- 7) Amenity
- 8) Affordable Housing
- 9) Section 106
- 10) Heritage Assets
- 11) Conclusion

### The Principle

- 6.2 The site falls within the Edgar Street Grid Regeneration Area and the development will form the first phase of the urban housing village which totals around 800 dwellings. Policy TCR 22 of the Herefordshire Unitary Development Plan (UDP) relates to the application site and identifies the acceptable land uses and requirements to be met in developing the area. Whilst the policy does refer to other uses as being acceptable including residential, the policy centres around leisure uses including the re-location and re-orientation of the football club and construction of a multiplex cinema. Therefore, the proposed development being entirely residential is considered to be a partial departure from the requirements of policy TCR22.
- 6.3 Parts of this policy are now superseded by both the Stanhope development on the former livestock market which includes the cinema and football club no longer have plans to re-locate the stadium. The UDP policies relating to ESG also had less residential focus than is now the case. This is illustrated in both the ESG masterplan and policy HD1 of the draft Core Strategy which states that the urban village will comprise a mixed use residential led development of around 800 dwellings. This emerging policy has now been agreed by the Council and therefore can be given greater weight in the consideration of the application.
- 6.4 Parts of the site also falls within floodzone 3. Flood risk considerations are considered further at 6.8 but in sequential terms, the site has already been considered acceptable for development through the UDP proposals and the emerging policy. A number of existing business would need to relocate as a result of the development although planning permission already exists through the link road development for the demolition of the majority of the existing businesses forming part of this application. A business re-location strategy has been prepared in conjunction with the link road compulsory purchase order to assist existing business with their re-location needs.
- 6.5 Based on demand and supply analysis carried out in 2007 and 2012, adequate parking is available and will become available over the next twelve months to offset the loss of public car parking on this site. Other sites such as Moreton Business Park have been identified for alternative lorry parking. The council's longer term parking strategy as set out in the Local Transport Plan 3 is also to reduce the level of long stay commuter parking within the city which this development would support.

### The NPPF and Housing Land Supply

- 6.6 The National Planning Policy Framework (NPPF) came into force in March 2012. At the heart of the NPPF is a general presumption in favour of sustainable development and applications for housing should be considered in this context. The NPPF requires the Council to identify a rolling five year supply of deliverable housing land to ensure choice and competition in the market. Additionally, the NPPF requires an additional buffer of 5% (increased to 20% if a planning authority has persistently under delivered housing land). On the basis of the evidence available to date, it is considered the requirement for a 5% buffer is applicable to Herefordshire. The latest housing land availability data identifies a shortfall of 649 units which equates to a 4.17 year supply.
- 6.7 In view of this, there is a requirement to release further suitable land for housing that is deliverable within the next five years. Therefore, if the proposed housing development is

sustainable and acceptable in all other respects, the partial conflict with UDP policy TCR22 is not a reason for refusal of the application that could be sustained on appeal. Following clear policy guidance within the NPPF and relevant UDP policies in so far as they are up to date and consistent with the NPPF, the principle of the development is considered acceptable.

### Flood Risk

- 6.8 A large part of the site is located in floodzone 3a which has a 1 in 100 year flood risk probability with part nearest the brook also being identified as falling within floodzone 3b which is a 1 in 20 year flood risk probability. Floodzone 3b is also described in the NPPF as areas where water has to flow or be stored at times of flood in order to prevent increased flood risk elsewhere. The flood risk technical guide that accompanies the NPPF states that residential development can be permitted in floodzone 3a providing there is a need to locate the development in an area of higher flood risk (the sequential test) and the 'Exception Test' is satisfied. This requires that the development deliver wider sustainability benefits that outweigh the flood risk and that the development will be safe in flood risk terms.
- 6.9 The site has been earmarked for re-development for approximately ten years when the initial ESG concept was formulated and has been specifically allocated for development in the UDP since 2007. The Core Strategy further supports the sites suitability for housing to create a new urban village. The UDP Inspector in particular, in considering the sites suitability for development, considered the flood risk implications which included the need to apply the sequential test albeit that this was primarily for a less vulnerable category of development.
- 6.10 The site is an important part of the wider regeneration of the area and the Council's strategy to deliver new housing including affordable housing in a sustainable city location. The brownfield status of the site is also an important consideration in assessing the sites suitability. The site is therefore considered to be an appropriate location for new housing and the sustainability benefits of the development are considered to outweigh the sites floodplain classification in this instance.
- 6.11 The final test to be satisfied is therefore whether the development can be made safe and not result in any unacceptable increased flood risk elsewhere. To inform this, a detailed flood risk assessment has been provided which has modelled different flood scenarios primarily associated with flooding from Widemarsh Brook and Ayles Brook locally and Yazor Brook upstream. This has built upon the flood risk assessment undertaken to support the Yazor Brook Flood Alleviation Scheme (FAS). This was completed in March 2012 and diverts flood waters at Credenhill that would otherwise travel through the ESG area directly into the River Wye. This both reduces the flooding on the site and minimises the flood risk of new development on flooding to third parties through the loss of functional floodplain. It represents the first stage of a two part flood alleviation strategy, this being the off site works.
- 6.12 In terms of residual (post FAS) flood impacts within and around the site, the FRA considers two scenarios. The first is post completion of this development and the link road and the second is post completion of the entire urban village and associated canal works. Within these parameters, several other scenarios have been modelled such as variations in the hydrological catchment areas and the failure of the FAS. The modelling reveals that without further mitigation, flood depths of 300-500mm would occur across the site in a 1 in 100 year flood event.
- 6.13 To address the residual flood impacts that the modelling identifies, levels are to be raised by an average of 700mm across most of the site to ensure that the ground levels of plots are all above the 1 in 100 year (+ climate change) flood level thus removing all dwellings out of the floodzone 3 area. Floor levels could be raised further to ensure dwellings are flood free 1 in a 1000 year (+CC) event although the full impact of this particularly in relation to neighbouring properties requires further investigation at the detailed design stage. Flood free access to the

northern development area will then be provided via a new raised pedestrian bridge across the brook.

- 6.14 To compensate for the raising of levels and minimise the impact on existing properties, a larger lower area is being created alongside the brook, the northern and north eastern boundaries to help convey flood flows through the site. Flooding in this area is likely to occur in a 1 in 20 year event. These works along with the raising of levels do marginally increase flood depths down stream of the site in a 1 in 100 year event but this is not considered to represent a flood hazard.
- 6.15 The impact of blockages in existing features such as FAS and Widemarsh Street culvert has also be examined. These would increase flood depths by as much as 400mm in a 1 in 100 year event therefore the future maintenance and management of these features will be important although the flood depths within properties, due to increased floor levels, is unlikely to represent a significant flood hazard.
- 6.16 The flood risk assessment has demonstrated that the development can be designed to be flood free in a 1 in 100 year (+ climate change) flood event without causing any adverse residual effects on third parties in the locality and downstream of the site. The Environment Agency raises no objection to the development subject to conditions which are accommodated in the recommendation. The flood risk considerations are considered acceptable in accordance with the requirements of UDP policy DR7 and Section 10 of the NPPF.

#### Drainage

- 6.17 The existing public drainage system in the area is a combined foul and surface water sewer. In order to improve the efficiency of the public sewerage system and minimise the risk of the sewers surcharging, opportunities have therefore been sought to decouple the foul and surface water flows.
- 6.18 Sample bore holes carried out as part of the ground investigation revealed that the made ground and underlying soils and geology are reasonably permeable but high groundwater levels are likely to limit opportunities for infiltration drainage.
- 6.19 The proposal is to achieve surface water discharge to the brook controlled via new surface water sewers with discharge controlled via a combination of underground tanks and attenuation ponds to achieve a discharge rate of 5 litres per second (l/s). This will include an allowance for a 30% increase in rainfall intensities as a result of climate change. Current surface drainage from buildings drains to the combined sewer whilst drainage from the car park discharges to the brook at a rate of around 32 l/s. Therefore, the drainage will not only ensure there is no increased flood risk but will achieve betterment on the existing situation. Additionally, the development will increase the area of permeable surface creating new opportunities for infiltration drainage in the raised areas.
- 6.20 The site drainage will be split with development north of the link road discharging directly to the brook but attenuated with tanks and/or attenuation ponds. Development south of the link will utilise the new drainage to be installed as part of the link road and attenuated with a new detention basin located on land owned by the Police with further on site attenuation as necessary. This will be subject to the link road CPO but notwithstanding this, the Police have agreed in principle to this solution. An interim drainage solution to enable the extra care component of the development to come forward in advance of the link may also be progressed. Additionally, pollution prevention measures will also be installed to prevent pollution of the watercourses or groundwater.
- 6.21 Foul drainage will discharge to existing public sewers in the locality and capacity exists in the waste water treatment works. Both Welsh Water and the Council's drainage engineer have no

objection to the proposed outline drainage arrangements and they meet the requirements of UDP policies DR4, CF2 and section 10 of the NPPF.

### Access, Traffic and Transportation

#### Access

- 6.22 Access to the three development areas is to be via the vehicular access points already permitted under the link road permission. This being a new 4 way junction along the section of the link road between Edgar Street and Widemarsh Street which serves the northern development area and a feeder road linking to Blackfriars Street which will provide access to the eastern and western development areas.
- 6.23 The Council is shortly to make the link road Compulsory Purchase Order in order to obtain the necessary land to facilitate its construction and release additional regeneration development plots. Work is scheduled to commence on the construction of the link road next year. By virtue of the approval of planning permission for this new road infrastructure, the design of the access points have already been considered acceptable and the junctions have capacity to accommodate the proposed development areas. Work is ongoing to review whether the parts of the link road including some of the junctions can be amended to achieve more of a shared space environment which if achieved, will further complement the residential development proposed under this application.
- 6.24 The current programme is likely to entail the early delivery of the extra care facility possibly in advance of the completion of the link road. In response to the Traffic Managers comments, the applicants have clarified that a new road with pavements would be created to serve this development to provide safe interim access through the car park, the detail of which will be submitted at the reserved matters stage.

#### Traffic

- 6.25 The Traffic Assessment which supports the application is based on the assessment carried out for the link road application. This examined the combined traffic impacts of the road and full urban village totalling around 800 dwellings. Subject to the completion of the link road, the local and wider traffic impacts of up to 192 units have therefore effectively already been accepted. Furthermore, the existing land uses on site are significant traffic generators and this development will result in an 80% net reduction in traffic volumes emanating to and from the site during peak times. The TA also identifies that there are no existing highway safety issues in the locality.
- 6.26 The TA also considers the traffic impacts of the early delivery of the extra care in advance of the link road. The nature of this facility means the traffic generation will be very modest (a maximum of 13 vehicle movements during peak hour), will be spread out throughout the day and can be accommodated on the existing network.

#### Transportation

- 6.27 The site is accessible by all forms of sustainable transport but with most essential day to day amenities being close by, will be particularly accessible by foot and bicycle. To support this, a condition is recommended to ensure secure covered bicycle storage is provided for each property. 191 parking spaces are proposed for the maximum 192 dwelling option, 16 of which would be dedicated to the extra care. Whilst the final parking ratio will be determined at the reserved matters stage, this provision should be considered as the maximum required in order to strike the right balance between the sustainable location of the site and the likely mix of dwelling sizes (with the majority being 2 and 3 bedroom). A condition is also recommended to require the delivery of electric vehicle charging points across the development in support of



the Council's wider drive to cater for electric vehicles in the future. A residential travel plan is also proposed which will link in with the wider ESG Sustainable Travel Implementation Strategy. This will include the creation of a steering group co-ordinate the sustainable transport initiatives and measures associated with each development. Little detail is provided of the actual measures that will be implemented but it is likely to include personalised travel planning. This can be secured by condition.

- 6.28 The site is readily accessible by all sustainable transport modes, will be served by suitable and safe access points and the traffic can be accommodated on the proposed network. The requirements of UDP policies DR3, T6, T7 and T8 and section 4 of the NPPF have been satisfied and both the Highways Agency and Council's Transportation Manager raise no objection to the application.

### The Masterplan

- 6.29 Two masterplans have been provided illustrating how the proposed housing range of between 173 and 192 units can be accommodated. Three development areas are created dissected by the proposed link road. South of the link road is proposed to be a higher density area with a larger number of apartments and terrace properties. The western area adjacent Edgar Street is likely to be the location of extra care unit where a larger mass of development can be accommodated to relate to the football club. There is also scope for a three and possibly four storey height in parts of this area to allow for future re-development of the Merton stand at Hereford United. Careful consideration will need to be given to the siting and window positions on the boundary with the football club to ensure acceptable levels of amenity can be achieved without compromising the future re-development of the club stand.
- 6.30 Predominantly three storey townhouses are proposed along the link road to achieve additional presence and enclosure which is considered necessary given the combined width of the road and approved tree planting. At the detailed design stage, opportunities will be sought to achieve a more continuous frontage to the road and greater enclosure of the principal junction than is currently proposed. The interface with the street trees along Edgar Street will also require further thought at the detailed design stage.
- 6.31 The developable area to the north is restricted by the floodzone area. These works will also require the removal of 6 pollarded semi mature willow trees along the edge of Widemarsh Brook. The arboricultural assessment categorises them as a mixture of category B and C trees. This is unfortunate but is the only option available to achieve a clear flood water conveyance path in the event of an extreme flood and allow some development in this northern area. The raising of levels in this area will not impact on the amenity of existing properties.
- 6.32 The northern area will also be available for informal recreation and is proposed to be equipped with a play trial. This is possible as the frequency and depth of flooding in this area will be relatively low. Whilst this is slightly smaller in area than is required by policies H19 and RST 4, it will nevertheless provide a beneficial green space for informal play and is considered acceptable in this instance given the location of the site and the opportunities that will arise for the creation of further public open space elsewhere within the urban village.
- 6.32 The housing will be a mixture of apartments, terrace, semi-detached and detached properties with the predominant size being 2 bed apartments and 3 bed houses. A slightly higher level of apartments may be required to achieve an acceptable layout for the 192 units. However, alongside the extra care apartments, a balanced housing mix catering for all housing needs will be achieved. Parking will predominantly be in the form of parking courts overlooked by perimeter blocks of housing that address the adjoining roads.

- 6.33 The Layout also accommodates future pedestrian/cycle connections to other parts of the urban village across Widemarsh Street to the east and linking with Great Western Way and the Courtyard to the west. No details of designs have been provided at this stage but a contemporary design solution will be encouraged if this outline application is approved. The development is to be constructed to level 3 of the code for sustainable homes. The applicants advise that higher sustainability standards cannot be achieved on viability grounds. This is disappointing as this development will set the sustainability benchmark for the remainder of the urban village and therefore should be achieving higher construction standards. However, in the absence of an adopted policy that prescribes a particular standard, this matter does not warrant refusal of the application. A requirement to achieve code level 5 or equivalent for water usage will however be imposed to align with the emerging water quality policies in the Core Strategy.
- 6.34 The masterplans are only illustrative but they satisfactorily demonstrate how the proposed number of units with the required parking, access, garden and public open space can be achieved on the site, addressing the requirements of UDP policies DR1, H13 and section 7 of the NPPF.

#### Biodiversity

- 6.35 Various ecology surveys including species specific surveys were carried out to support the link road application and these have provided the baseline position for refresher surveys. This has included an updated general ecology survey along with otter, bat, reptile, breeding bird, white-clawed crayfish and aquatic invertebrate surveys. The areas of ecological interest are largely confined to the Widemarsh Brook corridor, which is designated a Site of Importance for Nature Conservation (SINC) and is a tributary of the River Wye Special Area of Conservation and the buildings to be demolished and trees in terms of bat and bird activity.
- 6.36 The surveys revealed that there was no evidence of otter or water vole activity along the brook. The buildings to be demolished have been inspected and no bat roosts were found and furthermore, they are deemed to be unsuitable for bats due to the lack of suitable void space. The same conclusion applies to the existing trees. Bats were detected along the brook corridors during the nocturnal surveys predominantly foraging along the brook corridor but the level of activity was relatively low and infrequent. Whilst some birds on the amber and red Birds of Conservation Concern (BOCC) list were recorded, this was primarily along the northern boundary and likely to be associated with the existing garden habitat. No locally rare or threatened bird species were recorded. The aquatic vertebrate surveys revealed the species diversity in the brook is poor and is typical of watercourses with poorer water quality. A single slow worm was also recorded along the north bank of the brook.
- 6.37 Subject to the brook being retained along its existing alignment and conditions covering matters such as the timing of tree and vegetation clearance and habitat protection measures during construction, the development will have no direct adverse impact on any recorded species. The loss of some of the willow trees is regrettable but the biodiversity value of parts of the site can be enhanced with appropriate new planting and the creation of a larger habitat area along the brook. The development has also been assessed in terms of impact on the River Wye Special Area of Conservation. Welsh Water have confirmed that capacity exists in the treatment works and therefore subject to appropriate pollution control safeguards and measures to minimise water use, the will have no likely significant effect on the River Wye. The proposals accord with the requirements of UDP policies NC1, NC4, and NC8 and section 11 of the NPPF.

#### Amenity

- 6.38 The application is outline and therefore the arrangements of the proposed dwellings and juxtaposition with existing dwellings is yet to be finalised but the illustrative masterplan

demonstrates that acceptable standards of amenity in terms of privacy and light can be achieved for existing and proposed residents. The primary amenity considerations at this stage concern air quality and noise.

- 6.39 Part of the site adjoins the Edgar Street Air Quality Management Area which was established due to nitrogen dioxide levels emanating from traffic exceeding objectives set out in the governments Air Quality Strategy. An air quality dispersion model has been used to assess the current and future air quality conditions in the area and the likely impact on existing and proposed sensitive receptors once occupied and the link road is constructed. The analysis demonstrates that nitrogen dioxide levels in a post development scenario will be below the national objectives across the whole development area. This is because current exceedances of national objectives are marginal and with continuing improvements in vehicle emissions, the national objectives will be achieved.
- 6.40 Any air quality impacts arising from construction activities can be mitigated with conditions requiring measures such as watering down during dry conditions and monitoring meteorological conditions. The Environmental Health Officer raises no objection to the development on air quality grounds and as such, the requirements of UDP policy DR9 and section 11 of the NPPF have been satisfied.
- 6.41 The primary source of noise will emanate from existing and proposed traffic and the application is supported by a noise assessment to consider this. This predicts that with mitigation, internal noise levels in habitable rooms can be achieved within properties likely to be exposed to the highest levels of traffic noise, namely fronting Edgar Street and along the link road. The mitigation options can be considered through the detailed design stage and achieved by condition but are likely to include acoustic trickle ventilators in windows and triple glazing. Noise from the football club will also require further assessment as will any amenity impacts associated with retained business if not all are removed as part of the development. This further assessment can also be secured by condition.
- 6.42 Construction noise and vibration could also have an impact on existing residents and businesses but the analysis concludes that this impact will not be adverse, being below the recommended decibel levels for a city location where ambient noise levels are already higher. Vibration impacts primarily arising from piling will be perceptible but will not cause damage to nearby properties. Subject to a condition requiring the proposed noise mitigation measures to be submitted, the environmental health officer raises no objection on noise grounds. The requirements of UDP policy DR13 and section 11 of the NPPF have been met.

#### Affordable Housing

- 6.43 Either 35% or 60 (whichever is the greater) of the units will be affordable housing, the majority of which are to comprise the extra care accommodation. This is to comprise a mixture of affordable rent and intermediate tenure in the form of one and two bed apartments. The care provision is on site but generally remote and in the event of an emergency as the format of the accommodation is geared towards independent living. The mix of rental and owner occupied tenure will also assist in creating a more socially diverse community. The 'extra' part relates to ancillary facilities that may be provided on site such as such as a gym, café and hair and beauty salon. Occupation of the accommodation will be restricted through a Section 106 Agreement to over 55's thus catering for a different demographic. An older person study commission by the council indicates that there will be an increasing need for this type of accommodation in the future with a growing elderly population within the county. Given the higher density nature of the development, the provision of the affordable within this format of accommodation is considered acceptable and compliant with UDP policy H9 and section 6 of the NPPF.

#### Section 106

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Further information on the subject of this report is available from Mr K Bishop on 01432 260756

6.44 A Section 106 Agreement will be required to ensure the delivery of the affordable housing and that it remains affordable in perpetuity. Additionally, the S106 will require a maintenance contribution associated with the future adoption of the public open space. The adopted Planning Obligations Supplementary Planning Document would ordinarily also require contributions for the enhancement of localised community infrastructure within the education, sport, libraries and waste management sectors in place of direct provision on site. In this instance, however, all receipts from the future sale of Council land forming part of the application site will be recycled into new community infrastructure within the Edgar Street Grid. As such, no other Section 106 contributions are considered necessary. Furthermore, it is likely that future phases of the urban village will attract S106 contributions and/or Community Infrastructure Levy payments which can also be used to fund new community infrastructure in the locality. As the Council is the primary landowner and other land forming part of the application is not owned by the applicant, the mechanism for securing the Section 106 Agreement will be upon the sale of the Council land and a condition will be imposed to facilitate this.

#### Archaeology and other Heritage assets

6.45 A desk top survey of the area was initially prepared which then informed the need for focussed trial trenching on site. A final report has now been provided which identifies that there are no over-riding archaeological issues. Much of the site has been truncated as a result of the realignment of Widemarsh Street, other modern development and/or is filled in most areas by in excess of 1.4 metres. The area is therefore of low archaeological sensitivity. There are some small areas of higher potential for buried archaeological remains such as along the Widemarsh Street frontage but this can be mitigated by a condition requiring further archaeological evaluation and recording. Subject to this, the Council's archaeologist raises no objection to the application and the requirements of UDP policies ARCH 1 and 6 and section 12 of the NPPF have been met.

6.46 The development will have no impact on the Blackfriars Scheduled Ancient Monument due to the separation distance and intervening buildings. The Oxford Arms is a seventeenth century timber framed grade II listed building adjacent the south east corner of the site. New dwellings within close proximity will impact on the setting of this building but with careful siting, scale and landscaping, a scheme can be designed to preserve and possibly enhance the setting of this heritage asset. This is likely to require a review of the masterplan in this area through the detailed design stage to achieve this.

#### Conclusion

6.47 Paragraph 14 of the NPPF requires sustainable developments that accord with the development plan to be approved without delay and where a relevant development plan is absent, silent or relevant policies are out of date, planning permission should be granted:

- unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole;
- or specific policies in the NPPF indicate development should be restricted.

6.48 UDP Policy TCR22 which specifically applies to the site is now considered to be out of date as the cinema is now being delivered on the former livestock market and the football club no longer has plans to re-locate the ground. Both the ESG masterplan and emerging policy also shift the emphasis on this site to being primarily residential. The partial conflict with the requirements of policy TCR22 are therefore not considered to be a reason to prevent the development.

- 6.49 The housing will be located outside of the high risk floodplain and this can be achieved without increasing flood risk to third parties and a sustainable drainage solution is proposed. Safe access will be achieved via the link road and loss of parking can be absorbed within other existing car parks supplemented by new temporary parking proposals. The biodiversity of the site will be safeguard with opportunities for enhancement and a small new recreation space will be provided to serve the new residents. Other technical information has been submitted to demonstrate that the development will not generate any other adverse impacts that would warrant refusal of the application or outweigh the benefits.
- 6.50 The Council now has a significant shortfall in deliverable housing land with current calculations placing the deficit in excess of 600 units. The development will deliver new housing and much needed affordable housing on a brownfield site in a particularly sustainable location that is accessible by all modes of transport. Additionally, a balanced housing mix is proposed from one bedroom apartments to large family housing and housing for the elderly thus contributing to the social vitality of the city centre. New employment opportunities both directly through the construction and on-going associated with the extra care home will be created. Finally, it will be the first phase of a new sustainable mixed use community and will support the continuing regeneration of the area.
- 6.51 The development is considered to be economically, environmentally and socially sustainable and compliant with the NPPF, the relevant UDP policies that are consistent with the NPPF and/or up to date and the emerging Core Strategy policies, particularly HD1. Applying the NPPF test of a presumption in favour of sustainable development, the application is recommended for approval subject to completion of a satisfactory Section 106 Agreement.

## **RECOMMENDATION**

**That officers named in the scheme of delegation be authorised to issue planning permission subject to the conditions set out in this report and any varied or additional conditions considered necessary by officers:**

- 1. The details to be submitted with the first reserved matters application under the terms of condition 4 shall include a construction phasing plan. The submission of details required by the conditions accompanying this decision and the construction shall thereafter follow the agreed phasing plan unless otherwise agreed in writing by the local planning authority.**  
**Reason: To ensure the construction is phased with the delivery of the essential infrastructure and to comply with policy DR1 of the HUDP.**
- 2. A02 Time limit for submission of reserved matters (outline permission)**
- 3. A03 Time limit for commencement (outline permission)**
- 4. A04 Approval of reserved matters**
- 5. A05 Plans and particulars of reserved matters**
- 6. B01 Development in accordance with the approved plans**
- 7. C01 Samples of external materials**
- 8. E01 Site investigation - archaeology**

9. **F08 No conversion of garage to habitable accommodation**
10. **G04 Protection of trees/hedgerows that are to be retained**
11. **G09 Details of Boundary treatments**
12. **G10 Landscaping scheme (To include electric vehicle charging points)**
13. **G11 Landscaping scheme - implementation**
14. **G14 Landscape management plan**
15. **G19 Details of play equipment**
16. **H11 Parking - estate development (more than one house)**
17. **H29 Secure covered cycle parking provision**
18. **M07 Evacuation management plan**
19. **H30 Travel plans**
20. **L02 No surface water to connect to public system**
21. **L03 No drainage run-off to public system**
22. **L04 Comprehensive & Integrated draining of site**
23. **I56 Sustainable Homes Condition**
24. **I16 Restriction of hours during construction**
25. **I42 Scheme of refuse storage (residential)**
26. **I51 Details of slab levels**
27. **M09 Development on land affected by contamination**
28. **M10 Unsuspected contamination**
29. **I26 Interception of surface water run off**
30. **No development shall commence (including any works of demolition) within each geographical phase of development until a construction environmental method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:**
  - **Means of access for construction including vehicle routes to and from the site**
  - **Parking for site operatives and visitors**
  - **Loading and unloading of plant and materials**
  - **A scheme for recycling and disposing of waste arising from demolition and construction works**
  - **Wheel washing facilities**
  - **Site compound area(s) and area(s) for the storage of plant and materials**

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Further information on the subject of this report is available from Mr K Bishop on 01432 260756

- used in constructing the development
- The erection and maintenance of security hoarding including the external finish and colour.
- Measures to control the emission of noise, dust and dirt during construction
- Containment of silt/soil contaminated runoff
- Habitat and species protection measures

**Reason:** To safeguard water quality, the amenity of the area and the biodiversity interest of the site and to comply with HUDP policies DR2, DR3, DR4 and NC1.

31. Other than works associated with the construction of the of the extra care accommodation and unless otherwise agreed in writing with the local planning authority, no other dwellings shall be occupied until the development known as the link road approved under planning permission ref CE092576/F (as amended) has been completed in accordance with the details of that permission and any subsequent amendments.

**Reason:** To ensure the remainder of the development is served by appropriate vehicular, pedestrian and cycle access and drainage arrangements and to comply with HUDP policies DR4, CF2, T6, T7 and T8.

32. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment, dated 27/03/2013, produced by Capita Symonds.

**Reason:** To prevent the increased risk of flooding and to comply with policy DR7 of the Herefordshire Unitary Development Plan and the NPPF

33. Details of the means of achieving a safe, dry, pedestrian access and egress route, not adversely affecting the flood regime, on land outside the 1 in 100 year plus climate change event should be submitted to and approved in writing by the local planning authority prior to the commencement of the development within each phase. The agreed details shall be implemented as approved prior to the occupation of any dwellings within the phase of the development to which the proposals relate.

**Reason:** To provide safe access and egress during flood events to each part of the development and to comply with policy DR7 of the Herefordshire Unitary Development Plan and the NPPF

34. No development shall commence within each phase until a scheme for protecting the proposed dwellings from road traffic and football club noise including detailed construction methods for noise mitigation has been submitted to and approved by the local planning authority. All works which form part of the scheme shall be completed before any of the permitted dwellings within that phase are occupied.

**Reason:** To protect the residential amenities of the future occupiers of the properties and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

35. B07 – Section 106 Agreement

36. The development hereby permitted is for the construction of a maximum of 191 open market and affordable residential units.

**Reason:** To define the terms of the permission and comply with policy DR1 and H13

of the Herefordshire Unitary Development Plan.

- 37. Unless otherwise agreed in writing with the local planning authority, a minimum of 200 public parking spaces shall be retained within the site and be accessible for public usage until the new car park proposed under planning application ref S131240/CD has been completed and is available for public usage.

Reason: To ensure adequate supply of public parking remains available within the city and to comply with policy DR3 of the Herefordshire Unitary Development Plan.

**INFORMATIVES**

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2. N02 Section 106 Obligation
- 3. HN08 Section 38 Agreement and Drainage Details

Decision: .....

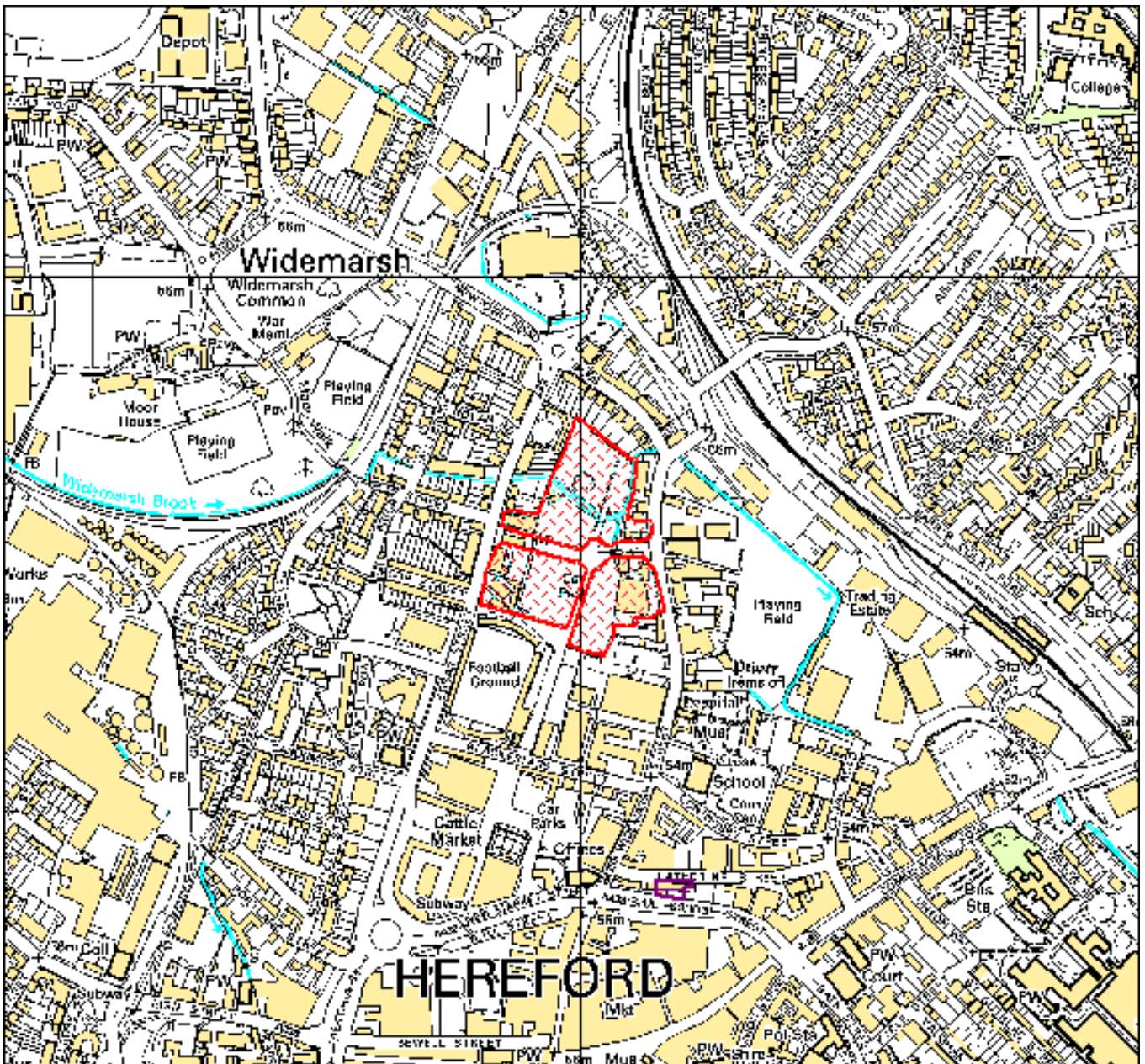
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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** 130888/O

**SITE ADDRESS :** LAND AT MERTON MEADOW, EDGAR STREET, HEREFORD, HR4 9JU

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