

MEETING:	PLANNING COMMITTEE
DATE:	18 SEPTEMBER 2013
TITLE OF REPORT:	<p>131391/F - PROPOSED DEMOLITION AND REGENERATION TO INCLUDE 259 NEW BUILD FLATS/HOUSES, EXTERNAL REFURBISHMENT WORKS TO THE EXISTING FLATS ABOVE THE OVAL SHOPS, LANDSCAPING AND ASSOCIATED WORKS AT THE OVAL, HEREFORD</p> <p>131390/O – NEW COMMUNITY HUB AT THE OVAL, HEREFORD</p> <p>For: Keepmoat Homes/Herefordshire Housing per BM3 Architecture Ltd, 28 Pickford Street, Digbeth, Birmingham, West Midlands B5 5QH</p>
WEBSITE LINK:	http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=131391&NoSearch=True

Date Received: 21 May 2013

Ward: Belmont

Grid Ref: 349911,238496

Expiry Date: 19 September 2013

Local Members: Councillors PJ Edwards, GA Vaughan-Powell and R Preece

1. Site Description and Proposal

- 1.1 The application site comprises a 6.69 hectare site that lies to the south west of Hereford in the residential area known as Newton Farm. The majority of the site lies to the east of the Belmont Road (A465) with the site encompassing the land to the west of Goodrich Grove, north of Kilvert Road (Broxash Drive, The Oval). The Great Western Way forms the boundary to the east. There is also a smaller parcel of land that lies to the north of Belmont Road, adjacent to Beattie Avenue.
- 1.2 The majority of the area off Kilvert Road and Broxash Drive is characterised by three storey blocks of two bed apartments that are set amongst green shared spaces and areas. To the north of the site, fronting Belmont Road, lies a parade of shops at ground floor with residential units above.

The proposal is formed by two applications:

131391/F

- 1.3 Application 131391/F is a full planning application for the redevelopment of the Oval within which Herefordshire Housing (HHL) propose to demolish three storey blocks on Kilvert Road, Broxash Drive, Belmont Road and Beattie Avenue and the area regenerated. The key objective of this regeneration is to create a sustainable community within the Oval

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

Regeneration Area. The proposal includes the provision of 259 new properties. 50 % of these would be let by HHL and 50% would be sold on the open market by Keepmoat. The total uplift in the numbers of dwellings will be 49.

- 1.4 The properties to be let by HHL will include 1 bed bungalows, 1 and 2 bed flats and 2, 3 and 4 bed houses. The units above the shops would be refurbished to allow them to remain open throughout the entire project. The open market properties would be a mix of 2, 3 and 4 bed dwellings. The HHL and Keepmoat properties would be interspersed throughout the site and would be "tenure blind".
- 1.5 The layout of the proposed development is based upon the existing road layout, utilising a more traditional approach of primarily two storey dwellings with parking to the front and rear gardens that are, in the main, back to back with other gardens. The exceptions to this are the two and a half and three storey 4 bed properties that front Belmont Road and a small cluster of properties that would front Broxash Road and Kilvert Road. 14 one bed bungalows are sited to the east of the site around a shared surface driveway. The dwellings are a mix of designs, but utilise a buff coloured brick, with blue detailing and render. Box bay detailing and large windows at first floor are also prevalent through the dwellings types and design.
- 1.6 There are also two blocks of apartments. The first lies in a corner position at Belmont Road and Goodrich Grove. This will be a flat roofed, three storey block designed with a curved floor plan and façade and utilising a mix of blue grey bricks, ivory render and grey aluminium box bay windows. The parking court associated with this would be sited to the rear of the property accessed from Broxash Drive.
- 1.7 The second apartment block is located to the north of Belmont Road and fronting Beattie Avenue. This element would be partially four storey with a flat roof. The building will have a mix of materials, again including a buff brick ivory render, grey panelling to the fourth floor and grey aluminium box bay window detailing. The parking court associated with the property would be sited to the rear of the building, accessed off Beattie Avenue.
- 1.8 The proposal also includes the retention of the local shopping area and retail units. In order to ensure that these would remain operational during development it is proposed that these three blocks / units, and their apartments would be refurbished utilising a panel system in a mix of materials to match the rest of the development.
- 1.9 The application submission confirms that the developers are committed to reducing carbon emissions and achieving Code for Sustainable Homes Level 4 through the use of highly insulated external envelopes, greater waste efficiency and constructed to an air tightness of 5.0m³.hr/m² thus reducing the heat loss significantly. It has recently been clarified by the applicant that they will now be unable to deliver a biomass CHP solution at The Oval, so the regeneration will utilise conventional sources of heat and power.

131390/O

- 1.10 The second associated application is for the construction of a community hub. This application is in outline form, and the application site is located to the north of the site to the west of the retail units. The proposal is for an 800 m² building with the remaining area being used for landscaping and car parking. The proposed building would be three storey and would accommodate a reception area, restaurant/café, offices and public facilities.

2. Policies

- 2.1 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development and this is defined as encompassing an economic, environmental and social dimension which are mutually dependent.

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
T6	-	Walking
T7	-	Cycling
T11	-	Parking Provision
T12	-	Existing Parking Areas
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development

- NC8 - Habitat Creation, Restoration and Enhancement
- NC9 - Management of Features for the Landscape Important for Fauna & Flora
- W11 - Development and Waste Implications
- RST4 - Safeguarding existing recreational space
- 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

2.5 Other Material Considerations:

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

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 None relevant

4. Consultation Summary

Statutory Consultees

- 4.1 Welsh Water has no objection to the proposal and recommend conditions be attached to any permission.

Internal Consultations:

- 4.2 The Transportation Manager has made the following comments on the original submission:

General Highways Comments

The proposed development covers a large area with an established road network. It is noted from the Design and Access Statement that it is proposed to leave the existing road network unchanged, with enhancements in the form of additional roads. Whilst the existing geometric layout itself may be retained, the extent of changes to footways in the form of multiple vehicle crossings, changes to street lighting column positions, statutory undertakers' works and general deterioration due to the construction works/traffic on a development of this size is likely to result in the need for substantial work to the roads and footways. A jointly organised full condition survey would be required prior to commencement, and re-design of street lighting will be required at the developer's expense.

Whilst it is cited as a re-development scheme, large areas of the proposed development include areas that are currently public highway, and which will need to be extinguished under Section 247 of the Town and Country Planning Act. Areas involved are the substantial parts of Plots 153 to 161, 182 to 187, 188, 189, 199 to 208, 226, 227 together with the biomass plants by plots 153, 173, and part of the frontage of Plots 105/140. The achievability of the scheme as proposed is dependent upon obtaining such orders. I would add that these areas may also contain Statutory Undertakers Equipment. A plan should be submitted prior to determination identifying all highway areas requiring extinguishment.

A Section 38/278 agreement will be required in respect of the new and existing roads within the development.

There are concerns with the location of a number of proposed parking spaces which will involve cars reversing within junction areas, but with the density of development and frontage parking, this is inevitable. Also a large number of vehicle access points onto Goodrich Grove have been introduced but with no speed reduction measures.

Access arrangements for fuel deliveries to the Biomass heating units needs to be clarified.

Street lighting needs to be reviewed at the applicant's expense and in consultation with our highways partner.

Comments on Design and Access Statement

Under the Design and Access Statement Section 4c - Movement Network, the application states that the area does not have adequate cycle links and proposes better linkages, however little is actually proposed.

"Cycle - The Oval currently does not have adequate cycle links. The new development aims to improve the existing cycle and pedestrian links. There will be better street linkage and shared surface areas where surface treatment will be designed to incorporate the use

of cycles throughout the development. There will also be a separate cycle route off the oval towards the western boundary”.

Indeed wider footways through the open areas of highway mentioned in the earlier comments and which could serve as cycle routes are to be removed and highway extinguished to make way for narrower paths alongside the roads. Similarly, links to Great Western Way have not been addressed or improved. It is very disappointing that such a large development has not made more effort in this respect, and I consider that the proposals for cycling facilities and links should be urgently reviewed.

Section 4c mentions a link from The Oval to the western boundary and if this is the dotted line shown on the Drawing 52276-D01 as an on road link, this will be compromised by on street parking on the one way section which will effectively render the available width inadequate for traffic and a cycle lane, particularly if a contraflow is intended. The drawing also appears to indicate a zebra type crossing at Goodrich Grove. I would add that, as none have taken place to date, discussions should be urgently arranged with our Sustainable Transport Team to discuss sustainable proposals to ensure that these conform with the objectives of the Belmont / South Wye Transport Package.

Under Section 4e Open Space, the D&A refers:-

“Generally the layout has been designed with central new roads, which will be offered for adoption and also shared surface areas have been designed to create a community living environment. The character of the Shared Surface will consist of block paving, rumble strips and robust street planting to provide a distinctive environment whilst also limiting traffic speeds.”

As such, only two new roads are proposed – Homezone (Shared Surface 3?) and Shared Surface 4, with Shared Surface 5 being an extension of an existing substandard width cul de sac. These will all need to be a minimum of 4.5m wide throughout. Shared Surfaces 1, 2 are basically little more than a private shared drive, so would be unlikely to be adopted.

The remainder of the road network remains as is with little proposed enhancement or traffic calming.

I would add that the Homezone may also be viewed as a shorter route to the Oval for cars than Kilvert Drive, and will therefore be used as a shortcut which will work against the Homezone principles intended.

Section 4f refers to lighting and that the ALO will inspect the exterior lighting plans prior to design completion. The proposed alterations to accesses and layout generally will require alterations to highway street lighting and the applicant should discuss the street lighting with our highway partner as soon as possible for both the existing and new roads.

Section 4g states:-

“Pedestrian Routes”

As part of the new infrastructure 2m wide footpaths have been designed throughout the new developments which connect onto the existing footpaths & New Shared surface areas creating better street links to encourage walking”

The majority of footways on the development are 2m wide or more at present, so there is little enhancement proposed. Also wider divorced footways through the larger open space areas are now replaced by 2m footways alongside roads, and the amount of Shared

Surface proposed is small in relation to the infrastructure of the overall re-development area.

I would also raise concern over the lack of footway provision along Broxash Drive fronting the play area.

Similarly links to the crossing of Belmont Road from the Oval shops need to be enhanced and widened. Mention of enhancement of the Oval shops area at pre application stage, seems to have dwindled with only brief mention under Belmont Road in the Landscape Statement.

Section 4 g also states:-

“Cycle Routes”

Generally the cyclist can use the pedestrian routes within the development and all the existing paths from the existing estates have been linked in with the proposed to create not only a better pedestrian movement but also a better cycle movement network.”

With all proposed footways now alongside roads with multiple vehicle crossings and of 2m width, I do not consider this to be the case. My comments in relation to Section 4c also apply

Comments on Transport Assessment

The Transport Assessment submitted in respect of the proposed re-development of the Oval assesses the likely increase in vehicular traffic and the resultant impact upon the various junctions with A465 Belmont Road.

In Paragraph 2.7, the document states that higher flows are encountered on Belmont Road between 0700 and 0800hrs, with less between 0800 and 0900 hours, and states this indicates spare capacity on Belmont Road. The flows of traffic may however be lower because queuing is occurring between 0800 and 0900, and at other times through the day and therefore vehicle speeds are low/stationary and consequently throughput is reduced, whereas at the earlier time traffic is free flowing.

Paragraph 2.7 refers to the most recent three years of accident records, however the years 2009 to 2011 are included. This information should be updated.

In Paragraphs 4.3.4 and 4.3.5, the document mentions a possible one way system from A465 into The Oval, removing the right turn out, but concludes this option would render the Goodrich Grove junction over capacity and therefore has not been pursued. I would agree with this decision.

Paragraph 4.3 6 indicates a one way system running east to west along the front of The Oval shops and states that the pedestrian environment will be improved. Little evidence of the proposed enhancement is provided in the application. Such one way working will require a Traffic Regulation Order, the application for which will need to be at the applicant's expense and which may attract objections and therefore cannot be guaranteed. The proposed cycle contraflow lane would need to be extended through this area. I would add that if a one way system is introduced, herringbone parking may be more appropriate along that length.

Paragraph 4.3.7 relates to the proposed relocation of the bus stop near The Oval to allow more parking to be provided for the shops and also the Community Hub, which is the subject of a separate planning application. However, no discussions have taken place with

public transport relating to the possibility of relocation, and I have reservations about the proposed new location.

Paragraph 5.3.1 assesses the impact on the junction of Beattie Road/Belmont Road junction as a result of that part of the development north of Belmont Road which is minimal and is therefore considered acceptable.

Paragraphs 5.5.1 to 5.5.3 assess the impact on the junction of Goodrich Grove and Belmont Road, where the impact is slightly greater, but is within the capacity of the junction and is therefore considered acceptable.

Paragraphs 5.6.1 to 5.6.2 assess the impact on The Oval/Belmont Road junction. This is the worst affected by the proposals, and whilst the increase in overall junction delay per vehicle shown in Table 9 is small at around 0.06 minutes, the Arcady outputs in Appendix I indicate that vehicles exiting The Oval to Belmont Road will suffer an increase in delay of around 30-40 seconds at the worst times in the morning and evening peak as this leg of the junction would also be over capacity at these times. However, a significant amount of traffic uses the residential roads from Tesco roundabout to The Oval and Goodrich Grove as a "rat run" to avoid the queuing on Belmont Road and increased delays for traffic exiting at these junctions may effectively reduce the amount of traffic doing so. Therefore the amount of the additional delay envisaged may be reduced.

The Transport Assessment does not include assessment of the A49 Asda junction or the impact that the additional traffic will have on that junction, and the resultant increase in queuing on Belmont Road.

Sustainable Transport Officer's comments

The council is currently engaged in an intensive campaign to encourage modal shift from personal car travel. Hereford's size means that cycling is an ideal transport option and we are actively engaged in developing the cycle network throughout the city to encourage the already healthy levels of cycling. This development could embrace this strategy and help take some of the predicted car ownership out of the city's congestion.

Existing cycle network

The Great Western Way is the north-south artery of the city's cycle network and serves the area around the Oval as well as the Oval itself. Access is via the eastern ends of the Belmont Road service road and Kilvert Road. There is a further access to the north of the site via Beattie Avenue / Blackmarston Road and Belmont Road north service road.

The Kilvert Avenue access also offers continuity to the eastern side of the Great Western Way via Escley Drive to the Redhill area – a valuable alternative to negotiating Belmont Road east of the Great Western Way.

As well as the main Belmont Road, There are two strategic radial cycle network routes that pass through the area:

- Great Western Way – Belmont Road south service road – Oval / Kilvert Road – Goodrich Grove
- Great Western Way – Kilvert Road – Waterfield Road

Upgrading the existing pedestrian crossing over Belmont Road near Beattie Avenue would offer an additional north south cycle route and would also improve access to the shopping centre at the Oval. This would also require a shared use link between the crossing and Beattie Avenue to be used in both directions.

It's difficult to ascertain from the plans the proposed cycle lanes. We would need to see a detailed plan before commenting further.

One way working

The existing one way system at the Oval is a recognised barrier to cyclists and we would expect to see a contraflow established for cyclists between the shops and Goodrich Grove and indeed any other one way streets proposed. A scheme is shown on the layout, but in insufficient detail to assess acceptability and to account for the proposed one-way past the shops. Care must be taken that there is no conflict with the car parking (both existing and proposed).

Shared use paths (Walking and Cycling)

Hereford already has many shared use paths for pedestrians and cyclists, however, we aim to provide 3.5m widths for such use with a minimum width of 3m. Short stretches of 2.5m are acceptable if this ensures continuity of routes. The scheme proposes 2m width paths be used for shared use - this is not sufficient width here.

Cycle Parking

If we are to make any headroom in effecting modal shift away from personal motor vehicle transport, secure cycle parking needs to be included especially at the hub, play areas and the shops. Our guidance is set out on pages 33-34 (types of cycle parking) and 38-46 (levels of provision) in our Highways Design Guide for New Developments. This area of the city is one of the best served as far as cycle infrastructure is concerned. The residential cycle parking where indicated appears to be well below our prescribed standards, some of them are too remote from some of the dwellings they are presumably intended to encourage use and I am concerned their location may also make them susceptible to vandalism and break-ins.

- 4.3 Following the receipt of amended plans to address the issues raised the Council's Transportation Manager makes the following comments:

The Shared surface only 5 and Plot access only 4 are still shown inadequate width – 4.5m required. Shared surfaces would normally have service strips.

A proposed cycle route is now included from Goodrich Grove and along widened footway on the north side of Kilvert Road and round to the Oval shops. It is doubtful this will be used in preference to Broxash drive or the Homezone route as these are shorter. The link is also shown crossing Kilvert Road to access the steps to Great Western Way by plot 170, which seems a strange proposal, particularly when there is a ramp by plot 209.

There are insufficient details of the cycle contraflow from Oval westwards, and the crossing of Goodrich Grove. The Sustainable Transport officer's view is that this would be better off-road until the shared surface then due to conflict with parking on road past the shops. Such details need to be discussed rather than plans being submitted without prior discussion. There are still no details of improvements to the link from shops to crossing of A465 and upgrade of crossing.

All cycle proposals and road proposals will need a Stage 1 Road Safety Audit and NMU audit prior to their acceptance and this should be submitted and accepted before the grant of any planning approval.

Very little cycle parking has been included in the proposals.

As regards S106 contributions, the use for South Wye Transport Package should include possible improvements to A465 approach to Asda roundabout to increase capacity/mitigate impact of the development.

4.4 The Conservation Manager (Landscape) makes the following comments:

The site is within the urban area of Hereford and the redevelopment of brownfield sites is acceptable in landscape terms. Use of the existing road infrastructure is a welcomed consideration for sustainable development (rather than creating new roads). The proposals have been considered at the pre-application stage, the site has been visited and the application documents reviewed.

Green infrastructure (GI)

The site is adjacent to a strategic corridor (HerLSC11), as identified in the Herefordshire Green Infrastructure Strategy. In particular this covers the Great Western Way, also a designated site of interest for nature conservation (SINC_48). The current tree cover, hedgerows and grass verge are a good resource, as is the public open space and the links onto the Great Western Way. The Landscape Strategy included with the application is welcome; however it does not go very far in providing any significant enhancement over the existing conditions. In particular, I agree with the comments of the Principal Leisure and Countryside Recreation Officer that the proposed pocket spaces do not improve the existing play opportunities and that this is a missed opportunity for the city. The GI will change from communal areas around flats and highway verges to individual private gardens. While the front gardens will have some amenity value, the backs will be restricted by fences. The proposed biomass containers across the site will become significant within the street scene of the new development and yet their design does not appear to have been given much consideration.

Existing Trees

The tree survey is welcome and in accordance with recommended standards. Table 1 provides a summary of the tree quality; only three require immediate attention to be felled. Most of the highest quality trees are being retained. Many of the medium quality trees are to be removed, but they are fairly small, short-lived varieties. We would advocate replacement of these trees within the scheme, with good quality, longer lived species, in-keeping with the original nature of the site, such as oak. The trees to be removed are currently in public amenity spaces and highway verges, creating a green streetscene and framework to the area. This will be lost.

The root protection radius for all the trees has been provided in table in the survey, but is not shown on the plans. This means the trees that are shown for retention will still undergo significant pressure during the demolition, construction and in the long term, through the close proximity of new buildings and changes in surfacing, particularly the introduction of drives and parking areas. This is not a good example of protecting trees for the long term.

Landscape scheme

The boundary treatments have been specified and are as expected for suburban housing estates. No effort appears to have been made to integration the proposals with

surroundings, for example there is no new boundary treatment shown along the west boundary and no proposals are shown for enhancement of the Great Western Way.

The planting proposals have been outlined, shown by the key on the four drawings and a separate specification sheet. This does not represent a full landscape scheme. Only six new tree species have been proposed and these will all be located in private gardens. The species selected are suitable for urban locations; however they are not direct replacements for the amenity trees that will be lost. Some small sections of hedgerow have been proposed for retention, but it is unlikely that these will survive the demolition and construction phases.

PRE-COMMENCEMENT CONDITIONS

- Demolition and Construction phase tree protection drawing and specification in accordance with BS5837:2012.
- Construction method statement required for retained trees where there will be works within the rpa. (Note: The proposals as shown will likely require careful hand digging around the roots of all trees shown for retention.)
- Detailed hard and soft landscape scheme. This should ideally build on and improve the existing outline proposals.
- Overall long term landscape and ecological management plan (min. 10 years, clearly identify responsibility areas eg. Adopted by Herefordshire Council, private management company, conveyed to property owners).

Conclusion

There is no objection to this proposal. The above conditions are required in accordance with UDP Policy LA2, LA5 and LA6, because the development proposal will have such a large change to the visual amenity and townscape character of the centre of Hereford, because the existing trees need to be retained and protected as far as possible and because a landscape scheme is necessary to implement the green infrastructure.

Following the receipt of amended layout plans and additional comments on landscape issues the Conservation Manager (landscape) makes the following comments:

In terms of phasing, I would want to approve a landscape scheme prior to the commencement of each phase. Ideally implementation of landscape should be prior to occupation of each phase (although planting is always 'or first available planting season').

The management plan will need to differentiate between areas maintained by the housing association, areas conveyed to private occupiers, areas adopted by highways / parks – and the various 'principles' for each landscape feature, particularly existing mature trees, newly planted trees, hedges, shrubs

4.5 The Parks and Countryside Manager makes the following comments:

Parks and Countryside Services are not in support of this application as it stands as there is a negative impact on existing POS/play and recreation provision with little evidence in support of mitigation measures as proposed by the applicant.

Existing POS Provision

Currently there are 214 x 2 bed flats in the development which @1.7 persons per flat equates to 363.8 person.

- Existing formal play provision: approx. 545 sq m

- Existing amenity POS and informal kick about area: approx.3035 sq m
- Total area: approx. 3580 sq m.

These areas provide a small formal play provision for infants and juniors and although it does not cater for teenagers which would be expected from a development of this size using current standards, the large amenity area provides opportunities for informal recreation and play (kick-about) as well as other use by the community such as dog walking, community functions etc.

The existing provision is considered inadequate for a development of this size, with no formal equipment for teenagers, a deficit which is recognised in this area. For example, using current standards of provision (UDP Policy RST3 and NPFA standards @ 0.8 ha per 1000 for play and 0.4 ha per 1000 for POS and 383.8 persons) a development of this size should provide:

- An area of approx. 2900 sq. m of formal play for infants, juniors and teenagers to include kick-about areas and MUGAs
- and an area of approx. 1450 sq. m of POS
- Total 4350 sq. m

(note: this development was built before the current UDP so these figures can only act as a guide).

The loss of existing space would be seen as an additional loss and would have to satisfy criteria in UDP Policy RST 4 based on robust evidence of need in accordance the NPPF.

Required POS Provision: UDP Policy Requirements RST3 and H19

Proposed development:

- Market Housing: 35 x 2 bed (1.7 persons per dwelling), 70 x 3 bed (2.3 persons per dwelling) 24 x 4+ bed (2.8 persons per dwelling) (129 in total): 287.7 persons in total
- Affordable Housing: 42 x 1 bed (1.4 persons per dwelling), 66 x 2 bed (1.7 persons per dwelling), 16 x 3 bed (2.3 persons per dwelling), 6 x 4+ bed (2.8 persons per dwelling) (130 in total): 224.6 persons in total.
- Total persons: 512.3

Based on this total, in accordance with UDP Policies H19 and RST3 using NPFA standards @ 0.8 ha per 1000 population for play and 0.4 ha per 1000 population for POS this site requires:

- Play: 4000 sq m approx. This should include formal play equipment for infants, juniors and teenagers and informal recreational space e.g for kick-about etc.
- POS: 2000 sq m approx.

Proposed POS Provision:

The Landscape Strategy: identifies a number of areas as open space, acknowledging that the “existing open spaces do not currently fulfil their potential”.

In particular, the strategy states that the landscape proposals will be designed in consideration of the following UDP policies including: RST3: Standards for outdoor playing, RST4: Safeguarding existing recreational open space and H19: Open space requirements.

However the strategy gives no indication of standards of provision or the total amount of usable POS. All figures used below to calculate how much is being offered in accordance with RST 3 are based on our estimates using GIS.

The strategy indicates that “whilst it is accepted that the majority of open spaces are relatively small, when combined they have the potential to make a positive contribution (both in terms of function and aesthetic). There is little indication of any connectivity between these areas, for either people or wildlife. Sites considered for aesthetic value should not be considered to be POS and are not included in the typology provided by PPG 17 Companion Guide as such. In more detail the following areas are proposed of which should not all be considered suitable as POS:

- Belmont Road open space: 970sq m approx “is considered as a gateway”
- Open Space 1: 510 sq m approx. “creates a transition between the adjacent parking (which serves the shops) and a “semi private” pathway which links to a number of properties this is a gateway space rather than a stopping point
- Open space 2: 381 sq m approx. “The open space’s prominent position, central location makes it somewhere likely to attract short stay use, for example a place to have a sandwich or stop for a rest”
- Open Space 3: 400 sq m approx.: “similar to open space 2... its location is quieter, away from the bustle of the shops and well linked to both the new development and adjacent existing housing.... this space can achieve an attractive garden character providing a longer stay space to sit and relax”
- Open Space 4: 360 sq m approx.: “ this space acts as a pedestrian gateway into the development from Goodrich Grove”
- Proposed Play ground: 804sq m approx. “the strategy is to increase the size and improve the setting and play offer” in particular the proposals should look to provide an improved offer and ownership for older children and teens. The eventual approach is likely to be a mix of retaining the best existing equipment and supplementing this with new where required” The overall strategy for play meets with the Play Facilities Study requirements in providing opportunities for natural play and formal play for all ages to be well integrated. However, although recently repainted the equipment is approximately 15 years old and nearing the end of its life span, so should be considered for full replacement. More detail is required as to how this will be achieved, on a space which potentially will provide no opportunity for a kick about or a MUGA given its reduced size.
- The hub community garden: 200 sq m approx. provides an opportunity for a multi use, flexible Community Garden, to be resolved later in consultation with the local community.

Total usable POS and Play Provision.

- Total on site POS provision (Open Space 2 and 3, and Hub Garden): 981 sq m approx
- Total on site Play Provision (Play Ground): 804 sq m approx.

Total unusable POS and Play Provision

- Total Gateway provision (Belmont Rd, Open Space 1 and 4): 1840 sq m approx

This does not meet the standards required of UDP Policies RST 3 and H19.

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

Applicant Rational for Proposed on site POS and mitigation for loss of POS in accordance with UPP Policy RST4:

- The Design and Access Statement: public open space:
- Planning Statement: PRP Consultants: Loss of Safeguarded Open Space and Allotments (off Goodrich Road): UDP Policy RST4

Both documents make similar references to there being a strong presence of amenity space on the existing estate which currently is either not well looked after or it seems to be within pockets of building not easily accessible or desirable” And “the whole balance between amenity space and the existing buildings is incorrect”.

Whilst there is no doubt that the existing provision is run down as identified in the Play Facilities Study, Action Plans and emerging Investment Plan, no evidence is provided to substantiate the latter statements to suggest that the “ balance is incorrect”. Evidence is required in support of loss of open space in accordance with UDP Policy RST 4. Mitigation appears to be based on enhancing the formal play facilities, reducing the informal recreation space and provision of a community hall/hub with the provision of little in supporting evidence to show how this can be achieved.

In accordance with the National Planning Policy Framework provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need. The POS requirements for this site (both on and off site) should therefore be determined in accordance with the Open Space Study undertaken for PPG17 (2006) and the Play Facilities Study and Action Plans and the Playing Pitch Assessment for the Hereford Area (2012), all of which can be viewed on the Herefordshire Council's website.

PRP consultants are of the opinion that the proposal satisfies both exceptions listed in UDP Policy RST 4 and as such has identified that:

- there is a clear excess of outdoor playing space provision and /or open spaces within the area”.

They conclude that:

- there are a number of outdoor play spaces and open spaces in the immediate area surrounding the application site in the south western part of Hereford, which are well within what is considered in planning terms to be a reasonable distance.

The 3 play areas referred to are / at:

- Ross Road (Walnut Tree Avenue)
- Haylease Crescent (Blackmarston Road)
- Mayberry Avenue (Honddu Close)

Based on robust evidence taken from the Play Facilities Study, Action Plans and emerging Investment Plan, it is our opinion that these areas could not accommodate additional usage in their current condition and are not accessible for younger children and are not suitable for teenagers:

- **Accessibility:** The 3 play areas identified above are within accepted NPFA standard thresholds for access for teenagers (9 – 16 year olds) 10 – 15 minute access time

walking or cycling but outside accepted thresholds for (0 – 8 year olds) 5 minute walk time.

- **Quantity:** These play areas are identified in the Play Facilities Study as Local play areas catering for Infants and juniors only. They do not cater for teenagers and are outside the threshold for access of the age group they are aimed at. They serve the immediate residential areas and were provided as part of the housing development. There is an identified deficit in provision for teenagers in this area.
- **Quality:** All 3 play areas are owned and maintained by Herefordshire Housing. The Play Facilities Study and Action Plans and recent work in preparation of an Investment Plan has shown all facilities to require immediate investment (subject to the funding) to replace equipment which is now beyond its useful life expectancy and is old and outdated and could fail future ROSPA inspections thus requiring removal.

Estates in South Wye are seen as quite “territorial”, experience of working with other neighbourhood communities in the area to improve the local play and recreation offer reinforce this attitude and it would be difficult for those seen as “outsiders” to use these facilities in any case. These areas have a high proportion of children living in income deprived households, which provides further challenges to ensure that they lead safe and healthy lives, so the provision and access to good quality play areas and recreational spaces becomes even more important in such places.

PRP consultants have also indicated that their proposal satisfies the exception that:

- alternative provision of at least equivalent community benefit is provided in a convenient and accessible location

They state that:

- the scheme has been designed to improve the quality and diversity of open space to be retained as well as providing a new community facility to help to mitigate the loss of open space on site.
- the open space to be built upon does not provide any formal use and the community engagement undertaken revealed that the local community does not particularly value such empty open space, with a much stronger preference for a community hub.
- This is reinforced by the fact that there is a strong but under-utilised presence of green infrastructure on the current estate,which has been substituted for pockets of well-designed landscaping, to provide variety of open spaces including seating and picnic areas, for all age groups”.

The applicant has not clearly demonstrated how these small pocket spaces will contribute in a positive way to improve the existing offer.

The existing play area and amenity space is owned and maintained by Herefordshire Housing and is in need of total refurbishment. Its value to the community and existing usage is determined by its quality and its under use should not be seen as a reason for its removal or it not being needed. Poor quality facilities can be seen as uninviting and unsafe areas by local communities (Play Facilities Study 2012). Access to high quality open spaces and opportunities for recreation can make an important contribution to the health and well-being of communities as identified in the National Planning Policy Framework in support of the promotion of healthy communities. Good design is therefore a key aspect of sustainable development and should positively make places better for people and new development should create and sustain an appropriate mix of uses including incorporation

of green spaces. Good quality outdoor spaces for play should stimulate imagination, be well designed and allow children to play freely, safely push at the boundaries, learn and experiment. Small spaces are considered to be costly to maintain, offer little in play value or indeed offer little to the wider community in terms of recreation and are considered to be little more than sites left over after planning. Larger, multi functional sites provide greater opportunities for places to be where different generations can meet, binding the community together creating a local neighbourhood facility where families can share leisure time. (Play Facilities Study 2012).

Evidence is required which demonstrates the local community's acceptance at losing the existing amenity space and more information should be supplied particularly from the community consultation undertaken by PRP consultants. For example, who was consulted, what age groups, what were they asked etc, to understand what the community preference is particularly in respect of providing a community hub to meet the play and recreation opportunities required for this development.

The re-development of this area provides a perfect opportunity to meet some of the identified deficits in the area for teenagers through the retention of this space or equivalent provision elsewhere on the site. For example, this re-development could provide a much needed opportunity to create a central space linked to the community hub where the whole community can be brought together and this would be our preferred option.

On and off site contributions: s.106 heads of terms

It is noted that there are no heads of terms on line as they are with the Planning Officer currently, therefore we are unable to comment other than state what is required in policy terms.

On site Play Provision Required:

The loss of open space has not been mitigated for using robust evidence. Therefore play provision is required to meet policy requirements RST 3 and H 19 on a development of this size and this would be a play area to accommodate for all ages.

Using the SPD on planning obligations (development costs only) and based on market housing only (discounting the first bedroom) we would expect a play area to the value of £90 – 95,000. This should include total replacement of the existing provision in accordance with the Play Facilities Study, Action Plans and emerging Investment Plan.

Off-site contributions:

If this cannot all be accommodated on site, we would expect an off site contribution on a pro rata basis using the SPD on Planning Obligations to calculate the off site amount. This would be used on identified priorities in the Play Facilities Study, Action plans and emerging Investment Plan on priorities identified at the time, including towards improvement at Newton Farm Skate Park for teenagers.

We are aware that all proposed sites for investment are in the ownership of Herefordshire Housing, and as such any off site contribution would be returned to Herefordshire Housing, but for the specific purpose of improving its play provision in the district.

Sport England Contribution on net gain (over 10 dwellings)

In accordance with the SPD on Planning Obligations a Sport England contribution is asked for from all residential development of over 10. This is in response to the pressure the

increased population arising from the development will bring to an aging stock of sports facilities.

In accordance with the SPD on Planning Obligations, the off-site contribution is calculated on the market housing only and would be on the “net gain” only. Using Sport England’s facilities calculator methodology, we would require the following:

- 1 bed - £408
- 2 bed - £496
- 3 bed - £672
- 4 bed - £818

This would be used on priorities identified in the Indoor Sports Facilities Strategy and Playing Pitch Assessment for Hereford on provision in Hereford including the Leisure Centre, and swimming pool and in accordance with priorities at the time.

If more details of the community hub are provided in respect of the indoor sports offer, this could mitigate for or reduce this requirement.

Future adoption

It is unlikely that any of the proposed sites would be considered for adoption by the Council.

4.6 The Conservation Manager (Ecology) makes the following comments:

I have previously visited the site and have received the following ecological reports:

- Ecological appraisal by Brooks Ecological dated December 2012
- Bat emergence survey by James Johnston Ecology dated 17th June 2013

I note that no evidence of bat roosting was found in the buildings that are to be demolished although the presence of pipistrelles foraging and commuting across the area was noted during the activity surveys. Much of the site is amenity grassland with scattered trees and no other evidence of protected species was noted.

The National Planning Policy Framework 2012 states that “*The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible*”. It goes on to state that “*when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity*” and “*opportunities to incorporate biodiversity in and around developments should be encouraged*”.

There will be opportunities for native tree and shrub planting as part of the landscaping scheme that will contribute to Green Infrastructure in this part of the city. There is a Local Wildlife Site along the Great Western Way and any planting should enhance this feature. Bat tubes and bricks should be accommodated in the new buildings as well as provision for nesting birds, particularly swifts, house martins and house sparrows.

If this application is to be approved, I recommend the inclusion of the following non-standard conditions:

The recommendations set out in the ecologists’ reports dated December 2012 and 17th June 2013 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and

enhancement scheme with particular focus on Herefordshire Biodiversity Action Plan Priority Habitats and Species should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

4.7 The Strategic Planning Manager makes the following comments:

It is estimated that approximately 220 dwellings will be removed and replaced by 259 dwellings, which would result in a net increase of approximately 40 dwellings on the site and a change of tenure type from flats to larger dwellings with contained gardens. As a result of the increase of approximately 40 dwellings there is a reduction in open space provision from 3,500Sqm to 550Sqm as well as a large amount of amenity space between the blocks of apartments.

The site currently contains The Oval Neighbourhood Centre, as well as approximately 220 dwellings and associated open space which includes an informal kick-a-bout area and Locally Equipped Area of Play (LEAP).

Community Consultation

In planning for local neighbourhoods it is important to gain an insight of local input and opinion of the scheme. A Statement of community consultation supports the application, however in the submitted form does not provide a sufficient or robust evidence base to base judgement or decision making on. There are no details as to who was interviewed, how many interviews were obtained as well as what the actual questions which were asked and how these have been formulated into the proposal. The report does not carry through to the application as the consultation statement says that *"The playing facilities here will be enhanced and extended to mitigate the overall reduction of POS in this location."* Although the supporting planning statement supports this, there is no detail as to how this will occur and what facilities will be provided.

Principle of housing development.

The site is located within the main built up area of Hereford on an existing brownfield site and as such is a suitable location in principle for residential development, subject to compliance with other relevant policies of the Unitary Development Plan (UDP). Taking this into account, the principle of housing development in this location is in accordance with Policy H1 of the UDP which directs development to sites within the built up area of Hereford. I disagree that the housing component should be awarded "substantial weight" in relation to Hereford's lack of 5-year housing supply, given the net increase is circa 40 dwellings and there are other key policy issues such as the loss of open space which is important to the health and well-being of these residents in such a deprived neighbourhood as supported by Paragraph 73 of the National

Planning Policy Framework (NPPF). Taking this into account, the open space should also be given equal weight to that of the housing.

Regeneration of the Oval Neighbourhood Centre

It is proposed that improvement works will take place to the Neighbourhood Centre known as the Oval. The Oval Neighbourhood Centre is safeguarded under Policy TCR13, however the proposal does not result in the loss of any retail facilities. Taking this into account, the proposal is consistent with Policy TCR13 of the UDP.

Loss of open space.

The planning statement refers to allotment gardens being lost, however this is believed to be written in error as no allotment gardens exist in this area. The safeguarded open space is an informal kick-a-bout area and a LEAP. Although the kick-a-bout area is informal, it enables a vast range of uses, is readily accessible and should not be disregarded because it is not a formal space. Open space includes all spaces defined by the Companion Guide to PPG17, private and public which are of public value. The public may value the space more if the site was indeed incorporated into the design of the estate and made more formal, however this is difficult to ascertain as the consultation statement does not provide this level of detail. Although a community hub is provided which may have some indoor sports facilities, this is not comparing like-for-like and there are no details as to what these sports facilities are. Given the amount of other uses that the community hub provides, there does not appear to be a strong focus on sports provision which would be seen as a suitable replacement. Policy RST4 makes it clear that alternative provision should be of “at least equivalent community benefit” which is in a ‘convenient and accessible location.’ The current open space is accessible to anyone, how will the community have access to play sports or carry out any of the uses in this community hub, are there any costs involved or arrangements which would impinge or cause a greater burden to accessibility, which is a requirement in accessing accessibility in the Companion Guide to PPG17?

It should also be noted that a needs assessment has not been submitted with this planning application which would indicate that the site was surplus to requirements or support the loss of this open space which is supported by Paragraph 73 of the NPPF. Without this evidence base it is difficult to weigh up the benefits of the community hub or the loss of open space, particularly with the consultation statement lacking sufficient detail. As the supporting planning statement identifies, the site lies within quite a deprived area, an area which could be considered to be in more need for open space facilities. The fact that an additional 40 dwellings are being constructed, which are larger and will likely contain more people, compounds the need to increase open space provision rather than to lose a 3000Sqm area and not have any contributions to the improvement of existing infrastructure caused by the impacts of the new development.

It should be noted that the 3 play areas (walnut tree avenue, Haylease Crescent, Mayberry Avenue) are not suitable to be considered under RST4 as sites which could cater for the loss of play area, considering that these sites do not cater for teenagers and are outside of the threshold for this age group. The facilities on these sites are also in immediate need of improvement and investment and as a result would not be able to cater for any increased use without some financial contribution which would be in accordance with Policy H19 of the UDP.

Given the creation of a ‘community hub’ it is questionable why open space provision to the equivalent of what is proposed to be lost wasn’t factored into the regeneration

of the oval area and community hub. In undertaking a weighting exercise as described by the planning statement the decision should be based upon a clear and robust evidence base, so it is difficult to ascertain how this was done considering that there is no evidence that supports the site to be surplus to requirements and the lack of information in the Consultation Statement.

New Community Hub

Policy CF5 of the UDP encourages proposals for the location of new community facilities where they are based upon community needs. The location of a new community hub is considered appropriate, and in accordance with Policy CF5, however there is no information to support a need for such a community facility in this location.

Conclusion

Although the proposal for housing is in a suitable location, it is considered that the loss of open space and lack of open space provision or contributions as a result of the new development are not in accordance with Policy H19 of the UDP. The application is not supported by a robust evidence base or needs assessment and is therefore contrary to the UDP and NPPF.

4.8 The Environmental Health Manager makes the following comments:

I have no objection to the development but recommend the following conditions

1. Road traffic noise and a scheme to protect new dwellings from road noise

I therefore recommend the following condition:

An evaluation of the impact of road traffic noise on the proposed development must be made. This must include noise contours and the identification of noise sensitive locations. 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.

The development shall not begin until any scheme for protecting the proposed dwellings from noise and from the road including detailed construction methods for noise mitigation has been submitted to and approved by the local planning authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings 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.

2. Restrictions during demolition and construction

A detailed Construction Method Statement (CMS) shall be supplied and approved prior to the demolition and commencement of development to minimise noise and nuisance to neighbours:

The CMS shall contain the following:

The methods and materials to be used to ensure that the generation of noise is minimised;
Choice of plant and equipment to be used;
The use of prefabricated materials wherever possible;

Regarding optimum site layout, noise generating activities to be located away from sensitive receptors; and
Good housekeeping and management, to include:

- a) Review of plant and activities to ensure noise minimisation measures are in place and operating;
- b) Public relations, e.g. provision of telephone numbers for complaints, pre-warning of noisy activities including activities that might generate perceptible vibration, sensitive working hours;
- c) Controlling of site traffic and setting up of access routes away from sensitive receptors; and
- d) Provision of noise monitoring during activities likely to affect sensitive receptors;

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

3. Construction working hours

4. External lighting - A scheme for the external to be installed upon the site

4.9 The Strategic Housing Manager makes the following comments:

The Housing Needs and Development team fully support the application for the regeneration of the Oval estate which is one of the key priorities in the Council's Local Investment Plan. The regeneration potential has also been recognised by the Homes and Communities Agency and an element of grant has been provided by them to enable the first phase of development.

The Oval estate is one of the most deprived areas in Herefordshire and is amongst the top 10% of neighbourhoods in England when measured against the index of multiple deprivation. The current homes can only be described as in fair condition, however, none of the properties currently meet the requirements of the current Building Regulations or the Housing, Health and Safety Rating Scheme.

The new development will provide much needed high quality affordable accommodation through a mixed tenure redevelopment, a limited number of open market accommodation and assist in the regeneration of the neighbourhood, improvement of the environment and the economy within the South Wye area. Overall the regeneration will significantly improve the prospects and environment for the Oval and wider community.

Herefordshire Housing Limited have worked and consulted with the community for a number of years to understand what they want and need from the new development and have incorporated their ideas into the proposed plans, the community hub being a major factor. A Steering Group also exists consisting of Herefordshire Housing staff, Herefordshire Council employees and Councillors and tenants from the estate.

The properties will be developed to Lifetime Homes, DQS and a minimum of Code Level 3 for Sustainable Homes and will be occupied by tenants already living in the estate through a decanting process.

5. Representations

5.1 Hereford City Council

131391/F - Although we are happy to see regeneration of the area, we regret the loss of social housing units already existing on site.

131390/O - We support this application. However, we notice that this is a three storey building and we can't see a lift on the attached plans. We sincerely hope that there is a provision of disabled access to the upper floors.

5.2 One letter of representation has been received from Mr and Mrs Crow, 28 Waterfield Road which makes the following comments:

- Concern about loss of trees next to property
- Concern about the length and width of the alleyway between their property and new houses. Potential for anti-social behaviour
- Concern about all the Housing Association houses being on the Vortex whilst the 'church site' is all private.
- Concern about devaluation of property
- Concern about building / construction noise.

5.3 West Mercia Police make the following comments:

I do not wish to formally object to the proposals at this time. However there are opportunities to design out crime and/or the fear of crime and to promote community safety. I note that this application makes reference to Secured by Design scheme within the Design & Access Statement and I would wish to endorse this. The principles and standards of the initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. The scheme has a proven track record in crime prevention and reduction. The principles and standards of the initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures

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

6. Officer's Appraisal

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

- 1) The Principle of development and Housing Land Supply
- 2) Regeneration and Community Engagement
- 3) Access, Traffic and Transportation
- 4) Design, Appearance and layout
- 5) Open Space
- 6) Landscape and Biodiversity
- 7) Drainage
- 8) Section 106 Agreement
- 9) Conclusion

The Principle of Development and Housing Land Supply

6.2 The application site lies within the urban settlement boundary of Hereford City as identified by policy H1 of the Unitary Development Plan. Within this area, the principle of residential

development is considered to be acceptable subject to compliance with other policies of the Unitary Development Plan discussed later in this report.

- 6.3 Furthermore 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 published housing land availability data identifies a shortfall of 649 units which equates to a 4.17 year supply.
- 6.4 In view of this, there is a requirement to release further suitable land for housing that is deliverable within the next five years. The additional units proposed as part of this regeneration proposal would make a contribution to this requirement. The requirements of paragraphs 7, 8 and 14 of the NPPF make clear that the economic, social and environmental roles of sustainable development must be considered as a whole and therefore there is greater emphasis on assessing the relative merits of a sustainable form of development, and weigh these against any policy conflicts and this process is now commonly being described as 'The Planning Balance'.
- 6.5 The proposal involves the demolition of 214 units of accommodation (248 bedrooms) that are all 'affordable'. These would be replaced with 259 dwellings comprising 129 private dwellings (376 bedrooms) and 130 affordable units (246 bedrooms). Whilst there is a loss of affordable housing across the site, there is no significant change in bedroom numbers.
- 6.6 There are, of course, significant benefits associated with this regeneration project which is aimed at transforming the neighbourhood, both physically and in terms of the life chances of its residents. This is identified as a significant benefit of the proposal.
- 6.7 The Council's Strategic Housing Manager identifies the importance of the proposals and fully supports the approach. As does the Homes and Communities Agency, and an element of grant has also been secured to enable the first phase of development which, if approved, should be completed by the middle of next year.

Regeneration and Community Engagement

- 6.8 The application is submitted following lengthy pre-submission consultation with the local community in respect of the regeneration of The Oval that has been proactively progressed with the Steering Group. This led to the creation of the community plan. As a result of door to door consultation, 86% of residents said that they wanted the estate to be demolished and re-developed, with only 14% wanting the existing properties to be refurbished.
- 6.9 The community plan identified a desire to see a mix of high quality house types with the aim of transformational change aspired to. This was characterised by the following aims:
- To provide a range of accommodation with a prevalence of family housing incorporating secure private gardens
 - Enable those with a preference to remain on the redeveloped estate to do so
 - Provide a community hub close to the Oval Shops
 - Remove stigma attached to the estate, by establishing a positive gateway to the City that:

Encourages people to stay in the area and attracts households from a wider range of backgrounds

Increases the success of The Oval businesses by undoing negative perception of the area

Delivers more energy efficient homes, reducing carbon footprint of the area and addressing fuel poverty (the inclusion of a CHP solution is proposed, initially for the redevelopment but with longer term potential to be extended to the wider area)

- 6.10 Two public consultations relating specifically to the detail of the planning application and the “decant offer” helped to shape the proposals before submission and it is understood that these were well attended and the proposals were subsequently amended to reflect these requests and comments. The application has not attracted any significant objections from local residents (one letter of representation only).
- 6.11 It is clearly evident that this proposal has strong local support and that its conception and evolution has been led with the principles of localism in mind and as such its development is in line with the thrust of national guidance on regeneration and planning.

Access, Traffic and Transportation

- 6.12 As detailed in section 4.2 above, there are a range of concerns raised by the Transportation Manager about the functionality of the proposed layout, as well as some of the legal issues surrounding the use of the highway land as part of the build. These comments were communicated to the applicants and whilst fundamental changes have not been made to the proposals, there have been alterations designed to address these concerns. The majority of these have been to clarify or improve cycle access throughout the site. The applicants have confirmed that as the use of the existing road network is fixed, it was difficult to design a cycle link from The Oval towards the western boundary due to major electric and gas services within the grass verge next to the proposed cycle lane and also due to trees within the verge (root protection required). Therefore the eventual design as proposed is a 4m one-way road with a 1.1m wide cycle lane. The length of the cycle lane further towards the eastern boundary has also been extended providing a continuous link from East to West. A further cycle lane has also been introduced in the amended scheme. This has been achieved by increasing the footpath width from 2m to 3m providing better cycle linkages from Goodrich Grove to Kilvert Road and from Kilvert Road to The Oval as well as linking to the access points to the Great Western Way now identified on the layout. As such, whilst the constraints of the road network have meant that there was not scope to provide a significant enhancement, the revised proposals have gone some way to addressing the concerns raised and provide enhanced links that would comply with the NPPF guidance in terms of promoting sustainable transportation and improving access to a range of transport modes.
- 6.13 In addition to these cycleway improvements, the proposals also enhance the crossing points from the Oval shops onto Belmont Close. A further cycle park has also been provided near the Oval shops area. The applicant has also confirmed that the bus stop relocation will be subject to discussion with the bus operator but a new location has been identified on the layout in close proximity to the existing one.
- 6.14 Therefore, in accordance with NPPF guidance the opportunities for sustainable transport modes have been improved. The site’s location and retention of retail facilities ensures that access to a range of local goods and services, schools and other facilities are within walking distance. The proposed uplift in housing numbers may give rise to additional traffic movements but the road network is capable of accommodating these and residual cumulative impacts would not be severe (as per the test in the NPPF). As such, whilst there

are deficiencies in what has been proposed, they are considered, on balance to comply with the relevant policies and guidance.

- 6.15 The specific concerns identified by the Transportation Manager in respect of the capacity of the Asda roundabout are noted but in this particular case, it is considered that the proposal would entail only a relatively small uplift in the number of dwellings together with the promotion of more sustainable modes of transport. In this context it is not considered that there would be any significant implications for the effective operation of the roundabout that would warrant the refusal of planning permission.

Design, Appearance and layout

- 6.16 The Government attaches great importance to the design of the built environment, recognising good design is a key aspect of sustainable development and is indivisible from good planning. New development should contribute positively to making places better for people. Paragraph 58 of the NPPF sets out the design requirements of developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- are visually attractive as a result of good architecture and appropriate

- 6.17 The NPPF also states it is proper to seek to promote or reinforce local distinctiveness. Paragraph 64 makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The proposed development and its design will offer a comprehensive redevelopment of the area, utilising a modern and coherent approach across the area that will 'stand alone' but also blend in size, scale and form with the character of the area. The proposals will establish a strong sense of place, and create an attractive and comfortable place to live and work.

- 6.18 The three storey elements will front Belmont Road and are considered appropriate context. The block of apartments is modern in design and located in prominent positions that are considered to be gateways to the area, but also allow cohesion between the developments to either side of Belmont Road. These are considered to be acceptable in design and siting providing a strong street frontage.

- 6.19 The mix of dwellings has been carefully considered by the applicants and the steering group, with changes made throughout the process. The broad range of dwellings is welcomed and accords with HUDP policies and NPPF guidance. The applicant's confirmation that the redevelopment will conform with Code for Sustainable Homes level 4 is welcomed and the NPPF identifies that significant weight can be attributed to such 'sustainable development' features when considering the development as a whole.

- 6.20 One letter of representation has been received that raises concern about the alleyway between the proposed development on the 'Vortex' site and Waterfield Field. The plans do not show details of this alleyway, its width or boundary treatment but as this is outside of the application site, this cannot be physically altered. Details of the boundary treatment

would be required by way of a condition and this could serve to minimise the risk of anti social behaviour and furthermore, West Mercia Police have not raised any specific concern about this issue in their response.

- 6.21 The proposed development offers a comprehensive redevelopment opportunity that in design terms will help establish a sense of place that uses streetscapes and buildings to create an attractive and comfortable sense of place to live, work and visit. The proposal will optimise the development potential of the site; create and continue to ensure community cohesion and be visually attractive as a result of good architecture. As such, the proposals would comply with the requirements of policies DR1 and H13 of the HUDP and the NPPF.
- 6.22 The siting of the community hub has been led by the local consultation and steering group who were keen that this formed part of, and was associated with, the wider retail area. There are no objections in principle and siting, design, access and parking issues can be resolved at the reserved matter stage.

Open Space Provision

- 6.23 Part of the application site is designated as land protected by policy RST4 (Safeguarding existing recreational open space). This development would lead to a loss of this land. Development proposals that would result in a loss of what is considered to have recreational value should not be permitted unless there is a clear excess of outdoor playing space provision in the area, taking into account the wider recreational value of such provision or alternative provision of at least the equivalent community benefit is provided in a convenient and accessible location (with reducing the developer obligation to provide new open space within the development).
- 6.24 A detailed analysis of this loss of provision has been provided by the Parks and Countryside Manager at paragraph 4.5 of this report. This identifies what has been offered and concludes that there is conflict with this policy requirement. This policy is consistent with the requirements of paragraph 74 of the National Planning Policy Framework.
- 6.25 The applicant has confirmed their intention to improve the existing play area that lies within The Oval regeneration area and the details of this can be controlled by way of a condition, include timing of provision. There are also smaller areas of open space within the site that are of benefit to the development as a whole.
- 6.26 One of the key requirements of the development that has been communicated from the 'steering group' and through the community consultation events has been the provision of private gardens. All dwellings will have private gardens, something that none of the current flats benefit from. The gardens are considered large in comparison to many of the larger housing developments of recent years and will, in themselves, offer opportunities for play for the residents in a safe environment. This has played an important role in the design approach, and the provision of a 'traditional' housing layout rather than the replacement of apartments with apartments.
- 6.27 The application submission also notes that there are a number of outdoor play spaces in the immediate area that are considered to be within a reasonable walking distance, some of which are in the control and ownership of the applicants.
- 6.28 The provision of the 'community hub' that also forms part of this proposal has been strongly advocated by the applicants and steering group as a necessity for the successful redevelopment of the area. The community consultation events highlighted aspiration, identified proposed services, income stream and activities from the hub, to include:
- Hall with Stage (for sports activities, functions and productions)

- Community Café with training kitchen and community garden
- Activity Clubs (knit, stitch and natter / mum and tots / arts etc)
- IT suite and meeting rooms (training courses etc, job clubs)
- Information / signposting and counselling services
- Credit Union point
- Church Services

- 6.29 It is the opinion of the applicants that the delivery of such a community facility goes beyond the compensatory requirements of policy RST4 and H19 and whilst it will not offer open space, per se, its benefit in terms of contributing to the community and leisure provision, is far in excess of anything offered by the safeguarded open space off Goodrich Grove.
- 6.30 It is also noted that in the applicant's opinion, the implication for providing open space would be the reduction in the number of dwellings to be provided, and less residents would be given the opportunity to remain on the estate following the decant process, which could potentially have a negative impact upon the community as a whole. As it stands the quantum and mix of affordable housing has primarily been driven by a desire to maximise the number of households who can move into one of the dwellings, if this is their preference, of those affected by the demolition programme.
- 6.31 The apparent conflict with the requirements of policies H19, RST4 and RST13 of the UDP and paragraph 74 of the NPPF has been identified above, along with the clear benefits that this development can achieve in terms of community provision and open and private recreation space offers. Whilst it is difficult to argue that the provision on offer would comply in totality with these requirements, this proposal has had a significant amount of local input and has been led by its intended occupants. The conflict, in this instance, must be weighed against the wider benefits that the development will provide and on this basis, it is not considered that a reason for refusal could be sustained in respect of loss of protected open space when balanced with the benefits of the scheme as a whole.

Landscape and Biodiversity

- 6.32 The Council's Senior Landscape Officer has provided a detailed analysis of the development proposals in the context of the impact of the development and has concluded that the proposal would be acceptable as long as conditions were imposed to ensure that the protection of those trees to be retained and to ensure the implementation of the landscaping plans. As the proposal is to be phased, a phased landscape implementation would also be required, with emphasis being on landscaping being completed with each phase, rather than once the whole scheme was complete. As such, the proposal is considered to comply with the requirements of policies LA2, LA5 and LA6 of the Unitary Development Plan.
- 6.33 The one letter of representation identifies concern about the loss of a tree adjacent to the Vortex site. This tree is to be retained as part of the proposals and will need to be protected during construction.
- 6.34 The Council's Ecologist has considered the proposals in the relation to the survey reports submitted and biodiversity constraints and has concluded that subject to the imposition of conditions, the proposal would comply with the requirements of policies NC1, NC6 and NC7 of the Unitary Development Plan and NPPF.

Drainage

- 6.35 The application submission is accompanied by a Flood Risk Assessment (due to the size of the site) that recommends a SuDS system be utilised on the site. Welsh Water raises no objection to the proposed development. As a detailed drainage strategy has not been

submitted, conditions are recommended to ensure that a satisfactory scheme is utilised for surface water on this site and to ensure that flood risk from surface water run-off is managed in accordance with policy DR4 of the UDP and guidance contained within the NPPF.

Section 106

- 6.36 Having regard to policy DR5 of the Unitary Development Plan the application would be subject to financial contributions in relation to the uplift in bedroom numbers across the site. The applicants have, at this stage, registered their concern about the viability of the site and have submitted a viability report which is currently being considered by the Council's Planning Obligations Manager. It is intended that the outcome of this will be reported to Committee in the Schedule of Updates and that this will be finalised by officers in conjunction with the local members. The Section 106 Agreement would also need to secure the affordable housing in relation to housing tenure and the provision of the community hub within an agreed timescale (assuming its provision means that the residential element of the scheme cannot provide the required contributions). It is also considered that the Agreement is the appropriate mechanism for securing the applicant's commitment meeting Code Level 4 of the Code for Sustainable Homes.

Conclusion

- 6.37 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.
- 6.38 The principle of development is acceptable and in accordance with policy H1 of the Unitary Development Plan and the thrust of NPPF policy that supports sustainably located forms of development that have good access to services and facilities. It is acknowledged that the uplift in the number of dwellings will contribute towards the Council's deficit of Housing Land Supply and that the Council is under significant pressure in this respect.
- 6.39 The proposed redevelopment and regeneration project will deliver a balanced housing mix of one bedroom bungalows to large family housing contributing to the social vitality of the area and meeting the needs that have been expressly identified for this regeneration area. New employment opportunities both directly through the construction and support of the retail units and this development will undoubtedly meet the economic and social roles of sustainable development.
- 6.40 The proposals do contain deficiencies in respect of access, highways, parking and transport links. In accordance with NPPF guidance the opportunities for sustainable transport modes have been improved over the current situation. The site's location and retention of retail facilities ensures access to local goods and services, schools and other facilities are within walking distance. The proposed uplift in housing numbers may give rise to additional traffic movements but the road network is considered capable of accommodating these and residual cumulative impacts would not be severe (as per the test in the NPPF). As such, whilst there are deficiencies in what has been proposed, they are considered, on balance to comply with the requirements of relevant UDP policies and the guidance contained within the National Planning Policy Framework.
- 6.41 The proposed development would, through its carefully considered design approach, use of materials, traditional layout and commitment to achieving Code for Sustainable Home Level

4 provide a sustainable form of development that will meet not only the needs of this generation but those of the future. The proposal has had a significant input from its current and intended residents and this is reflected in the design, layout, mix of housing and significant support for a community hub. The proposal in terms of size, scale, layout, density and design is considered to comply with the requirements of policies DR1 and H13 of the Unitary Development Plan and with the guidance within the National Planning Policy Framework that seeks to create sustainable, inclusive and mixed communities with a strong sense of place, that are visually attractive and are comfortable places to live, work and visit.

- 6.42 The managed landscape and biodiversity impacts and benefits that can be secured through conditions that protect, enhance and maintain the natural environment and green infrastructure are considered to comply with the requirements of policies LA2, LA5, LA6, NC1, NC6 and NC8 of the Unitary Development Plan and the guidance contained within the National Planning Policy Framework. The key issue lies with the loss of the protected open space and the conflict with policies RST4 and H19 of the Unitary Development Plan. The applicants have, through their submission gone some way to addressing and justifying the conflict with this policy, but nonetheless it cannot be stated that this proposal complies with the requirements of these policies. The National Planning Policy Framework puts significant emphasis on Local Planning Authorities to support growth and boost significantly the supply of housing and states that planning permission should be granted unless there are any adverse impacts that would so significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework, taken as a whole. It is your officers' opinion that the wider benefits of this scheme would outweigh the harm that the loss of this space may have.
- 6.43 The development is considered to be economically, environmentally and socially sustainable and compliant, when assessed as a whole with the NPPF and the relevant Unitary Development Plan Policies. Applying the National Planning Policy Framework test of the presumption in favour of sustainable development, the application is recommended for approval subject to the satisfactory resolution of the viability issues in respect of the Section 106 Agreement.
- 6.44 The two application are recommended for approval with the conditions listed below:

RECOMMENDATIONS

131391/F

That subject to final clarification in relation to the acceptability of the proposed S106 Obligation terms, Officers named in the Scheme of Delegation to Officers be authorised to grant planning permission subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. B07 Section 106 Agreement**
- 4. C01 Samples of external materials**
- 5. K4 Nature Conservation - Implementation**
- 6. G11 Landscaping scheme - implementation**
- 7. G15 Landscape maintenance arrangements**
- 8. G03 – Retention of existing trees (construction)**
- 9. G04 – Protection of trees / Hedgerows**
- 10. G09 – Details of Boundary Treatments**
- 11. G18 – Provision of play area / amenity area**
- 12. G19 – Details of play equipment**
- 13. I55 Site Waste Management**

14. I51 Details of slab levels
15. L01 Foul/surface water drainage
16. L02 No surface water to connect to public system
17. L03 No drainage run-off to public system
18. L04 Comprehensive & Integrated draining of site
19. I16 Restriction of hours during construction
20. H18 – On Site Roads – Submission of details
21. H13 – Access, turning and parking
22. H29 – Covered and secure cycle parking
23. H27 Parking for site operatives
24. H26 Access location
25. The development shall not begin until any scheme for protecting the proposed dwellings from noise and from the road including detailed construction methods for noise mitigation has been submitted to and approved by the local planning authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings 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.

26. Restrictions during demolition and construction

A detailed Construction Method Statement (CMS) shall be supplied and approved prior to the demolition and commencement of development to minimise noise and nuisance to neighbours:

The CMS shall contain the following:

The methods and materials to be used to ensure that the generation of noise is minimised;

- Choice of plant and equipment to be used;
- The use of prefabricated materials wherever possible;
- Regarding optimum site layout, noise generating activities to be located away from sensitive receptors; and
- Good housekeeping and management, to include:
 - a) Review of plant and activities to ensure noise minimisation measures are in place and operating;
 - b) Public relations, e.g. provision of telephone numbers for complaints, pre-warning of noisy activities including activities that might generate perceptible vibration, sensitive working hours;
 - c) Controlling of site traffic and setting up of access routes away from sensitive receptors; and
 - d) Provision of noise monitoring during activities likely to affect sensitive receptors;

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

27. I33 - External lighting

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. HN10 No drainage discharge to highway
3. HN08 Section 38 Agreement and Drainage details
4. HN07 Section 278 Agreement
5. HN04 Private Apparatus within the highway
6. HN1 Mud on the highway
7. HN28 Highways design guide

131390/O

That planning permission be granted subject to the following conditions:

1. A02 – Time limit for the submission of reserved matters
2. A03 – Time limit for commencement
3. C04 – Approval of Reserved Matters
4. C05 – Plans and Particulars of Reserved Matters
5. I16 – Restriction on hours during construction
6. L01 – Foul/ Surface water drainage
7. L02 - No Surface water to connect to the public system
8. L03 – No drainage run-off to public System
9. F06 – Restriction on use

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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Please note that as the proposal includes the use of the premises for the production and/or sale of food and drink, in accordance with Article 6 EU Regulation 852:2004 on the Hygiene of Foodstuffs, the business will be required to be registered as a food with business with the Commercial team in Environmental Health and Trading Standards
3. Please note that the development will require a licence for the sale of alcohol

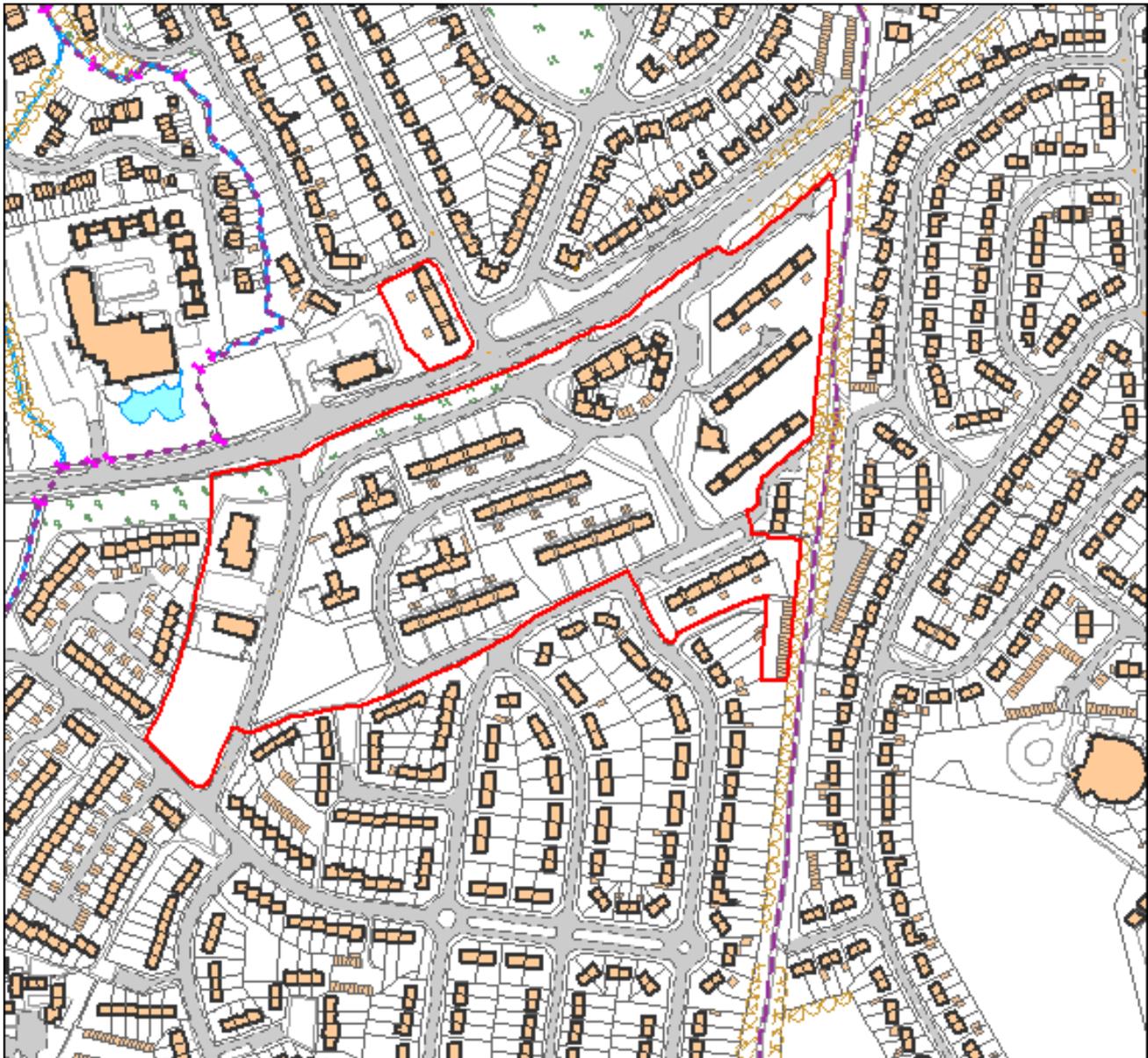
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 131391/F

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Further information on the subject of this report is available from Ms K Gibbons on 01432 261781