

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>30 OCTOBER 2013</b>
<b>TITLE OF REPORT:</b>	<p><b>132226/F - DEVELOPMENT FOR 65 NEW DWELLINGS WITH PUBLIC OPEN SPACE &amp; ASSOCIATED INFRASTRUCTURE AND A TEMPORARY SALES OFFICE AT FORMER WHITECROSS HIGH SCHOOL, BAGGALLAY STREET, HEREFORD</b></p> <p><b>For: Miller Homes Ltd West Midlands per 6060 Knights Court, Solihull Parkway, Birmingham Business Park, Solihull, B37 7WY</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132226">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132226</a>

**Date Received: 13 August 2013**

**Ward: Three Elms**

**Grid Ref: 349836,240627**

**Expiry Date: 22 November 2013**

Local Members: Councillors PA Andrews, EMK Chave and C Nicholls

## **1. Site Description and Proposal**

- 1.1 The application site lies approximately 1.2m to the west of Hereford City Centre, and to the north of Whitecross Road. The site is a brownfield site that is allocated for residential development in the Unitary Development Plan and is the site of the former Whitecross High School. The school buildings were subsequently demolished several years ago to prevent them falling into further disrepair. The application site does not include the playing fields that were associated with the school. The site covers approximately 1.6ha, with the former school playing fields to the eastern and south east boundaries, the gardens and dwellings that front Gruneison Street to the south, Yazor Brook stream corridor and public open space to the north. The site is accessed via Baggallay Street, that accesses onto Whitecross Road.
- 1.2 The proposed development comprises 65 dwellings (22 of which would be affordable) associated infrastructure and public open space. The development will comprise a range of housing types varying from 1 bed apartments to 2 / 3 bed semi-detached terraces and 3 – 4 bed detached dwellings. The net density of the development is approximately 40 dwellings per hectare. The entrance to the site is at the northern end of Baggallay Street, with a key vista to the north towards the proposed open space. To the west, a single street would serve a variety of dwellings and the apartments, and the east, a street to the south of the site would serve 9 dwellings, that would front the open space to the south. The remainder of the site would be served from a more minor road, with raised paving and small private drives. The dwellings would, in the main, have private parking within each plot, with the remainder having parking within designated parking courts.
- 1.3 The dwellings would be predominantly two-storey in height, with a number of landmark buildings located around the development and will utilise a mix of brick and render. Sustainable

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

building construction measures will also be used comprising improved energy efficiency through siting, design and orientation water conservation measure construction site recycling and use of recyclable materials..

- 1.4 The application site has several constraints that have been considered and addressed in the formation of the proposed development. The first is the existence of the flood zone associated with the Yazor Brook to the north of the site. A detailed Flood Risk Assessment (FRA) accompanied the application and formed the basis of the design work. In order to address this issue, works are proposed to re-grade the southern bank of the brook to prevent flooding. These works have been designed with the biodiversity interests and designation (SINC) of the Yazor Brook in mind and in conjunction with detailed ecological and tree reports. Upon completion the area will be laid to open space, with planting and ecological enhancement measures being included in this design work. The remainder of the site would be landscaped accordingly, with existing trees retained wherever possible, in particular along the southern boundaries.
- 1.5 In a central position to the north of the site, a large area of public open space is proposed including a younger children's play area with some informal play opportunities along the brook corridor. The site also reintroduces the pedestrian / cycle crossing across the brook with links into the existing pedestrian / cycle route that runs along the northern side of the brook, with onward connections towards the schools and facilities to the east and north.

## **2. Policies**

### **2.1 National Planning Policy Framework (NPPF)**

The following sections are of particular relevance:

Introduction - Achieving sustainable development  
Section 6 - Delivering a wide choice of high quality homes  
Section 7 - Requiring Good Design  
Section 8 - Promoting healthy communities  
Section 11 - Conserving and enhancing the natural environment

### **2.2 Herefordshire Unitary Development Plan (UDP)**

S1	Sustainable Development
S2	Development Requirements
S3	Housing
S6	Transport
S7	Natural and Historic Heritage
S8	Recreation, sport and Tourism
DR1	Design
DR2	Land Use and activity
DR3	Movement
DR4	Environment
DR5	Planning Obligations
DR9	Air Quality
DR13	Noise
H1	Hereford and the Market Towns
H2	Hereford and market Towns: Housing Land Allocations
H9	Affordable Housing
H13	Sustainable Residential Design
H15	Density
H16	Car Parking

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H19	Open Space Requirements
LA2	Landscape Character
LA5	Protection of Tree, Woodlands and Hedgerows
LA6	Landscaping Schemes
NC1	Biodiversity and Developments
NC8	Habitat Creation, Restoration and Enhancement
T6	Walking
T11	Parking Provision
RST4	Standards for Outdoor Playing and Public Open Space

### 2.3 Emerging Core Strategy Policy

SS1	Presumption in favour of sustainable development
SS2	Delivering new homes
SS4	Movement and transportation
H1	Affordable Housing – Thresholds and Targets
H3	Ensuring an appropriate range and mix of housing
OS1	Requirement for open space, sports and recreation facilities
MT1	Traffic management, highway safety and promoting active travel
LD1	Landscape and townscape
LD2	Biodiversity and geo-diversity
LD3	Green Infrastructure
SD1	Sustainable design and energy efficiency

- 2.4 The Unitary Development Plan policies and Emerging 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.aspx>

## 3. Planning History

- 3.1 DCCW2008/0182/F - Proposed erection of 71 no. 2, 2.5 and 3 storey, 2-6 bed houses and flats, garages, 97 parking places, access roads and associated works plus temporary Haul Road from Harrow Road, for the duration of construction works – Withdrawn 16/6/2008

## 4. Consultation Summary

### Statutory Consultees

- 4.1 Welsh Water raise no objections and recommend conditions be imposed on any planning permission.
- 4.2 The Environment Agency object to the proposed development and request additional information as detailed below:

**Flood Risk:** This site is partially located in Flood Zone 3, which is the high risk zone and is defined for mapping purposes by the Agency's Flood Zone Map. Flood Zone 3 refers to land where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year). A large portion of the site is located in Flood Zone 1, the low risk Zone, where all built development should be situated.

**Sequential Test:** Paragraph 101 of the National Planning Policy Framework (NPPF) requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'. It states that 'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'.

Further detail is provided in the Technical Guidance to the NPPF. This states that 'Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required (see Paragraph 102 of the NPPF).

In this instance, subject to a suitably robust FRA, we would expect the built development to be located within Flood Zone 1, the low risk Zone. Therefore if the LPA are satisfied with this site sequentially then we would raise no issues with regard to the sequential test.

**Flood Risk Assessment (FRA):** It is stated in the submitted FRA (WSP Ref: 50400668-FR01-02, 23/04/13) that the Capita Symonds flood model for the Yazor Brook used in assessing the flood risk to this development site, was obtained from us in December 2010. The flood data was taken from the Yazor, Widemarsh, and Eign Brook ISIS-TUFLOW 1D/2D hydraulic model, which was part of the Hereford Critical Ordinary Watercourse (COWs) Strategic Flood Risk Management (SFRM) study, dated August 2007.

Whilst we did commission this initial flood modelling of the Yazor Brook, the modelling has now been superseded and extended by Capita Symonds on behalf of Herefordshire Council as part of the re-development of Hereford City. The current modelling work includes the Yazor Flood Alleviation Scheme (FAS) at Credenhill, which was designed and constructed to reduce the extent of flooding from the Yazor and Widemarsh Brooks within Hereford.

There are detailed Flood Maps, flood levels and an up to date flood model available for this site which Capita Symonds have been working on for a number of years. This work shows both the un-defended and defended flood extents and flood levels for the Yazor Brook.

The FRA for this development site should be based upon the most up to date flood modelling information for the Yazor Brook. This data is available from Herefordshire Council and the applicant is advised to contact the Project Manager Ms Mairead Lane on: [mlane@herefordshire.gov.uk](mailto:mlane@herefordshire.gov.uk) for further information and to request the correct data.

Using the abovementioned flood data; the scope of the FRA must include the following information:

1. Existing and proposed site layout plans including the area of the existing and proposed built footprint and change in impermeable area.
2. Topographic survey of site including levels along the access route to land outside the floodplain. Levels must be related to metres Above Ordnance Datum (mAOD).
3. Flood levels for the "watercourses" for the 1 in 20 year, 1 in 100 year, 1 in 100 year 20% and 1 in 1000 year flood events for both the un-defended and defended scenarios.
4. Blockage analysis on the culvert downstream of the site and an assessment of the increase in flood risk to the proposed development. Flood levels and extents for a number of different blockage scenarios must be provided.
5. Proposed finished floor levels (FFL) for the dwellings, parking areas, access roads and landscaped areas. We normally recommend that the FFL for dwellings be set at least 600mm above the un-defended 1 in 100 year 20% flood level and all other areas such as car parking, access roads be left at existing ground levels to minimise the loss of floodplain storage volume.
6. Demonstrate that a safe access is available from all units during the defended 1 in 100 year plus climate change flood event, in accordance with the Defra Flood Hazard Ratings.
7. A number of cross sections through the site relating it to the Yazor and Widemarsh Brook showing existing and proposed levels.
8. Proposed flood storage compensation and/or channel re-profiling for any loss in floodplain storage as a result of the development should be based on the 100 year defended plus climate change. Calculations and modelled flood extents showing the effects of any re-profiling of the watercourse channel and/or modifications to the floodplain must also be provided.

**Surface Water:** As the Lead Local Flood Authority (LLFA), Herefordshire Council are responsible for checking proposed surface water attenuation schemes for new developments to ensure that surface water is adequately attenuated and does not increase flood risk. You are advised to discuss your proposals with Martin Jackson, the Drainage Engineer for Herefordshire Council who will be able to provide advice regarding allowable discharge rates to the Yazor Brook, along with any other requirements affecting the brook, e.g. maintenance access, bridge crossings etc. His contact details are: [Martin.Jackson@bblivingplaces.com](mailto:Martin.Jackson@bblivingplaces.com)

The drainage strategy will need to provide details on maintenance and adoption of the proposed drainage systems. A maintenance plan will need to be in place to ensure that the systems remain efficient over the lifetime of the proposed development. There must be provision within the site layout so that when the design capacity of the system is exceeded then excess surface water can be safely stored on, or conveyed from, the site without adverse impacts elsewhere.

An updated FRA is being prepared following discussion with the Environment Agency and the result of this will be reported to Committee.

Internal Consultees

#### 4.3 The Transportation Manager makes the following comments:

The development is a brownfield site, previously occupied by Whitecross High School, a secondary school of around 900 pupils.

The junction assessments included in the Transport Assessment indicate that the junction of Baggallay Street/Whitecross Road operates within capacity for the proposed development in both the AM and PM peaks.

The Transport Assessment, using trip generation derived from the industry accepted TRICS database, indicates that the proposed residential development is likely to give rise to a much lower trip generation than the former use in the AM peak, with a reduction of 144 2 way trips and a slight increase in the PM peak of 28 2 way trips on Baggallay Street. It is also noted that other route options exist between the site and Whitecross Road and that all the traffic may not use the main length of Baggallay Street, as was the case with the school traffic.

The site is well served by public transport on Whitecross Road, and by pedestrian links to schools, facilities and employment. The upgrade to a footpath/cycleway of the pedestrian route to the north of Yazor Brook is proposed by way of Section 106 contribution, which will further enhance connectivity by sustainable modes.

Therefore in terms of traffic generation and sustainable transport I consider the development acceptable.

In terms of construction traffic for the development, the main site clearance in terms of the removal of the buildings has already taken place. I would suggest that construction traffic is, where possible, arranged to avoid the peak hours.

The proposed S106 Heads of Terms are acceptable.

The internal layout however does not reflect comments made at pre-application regarding the following:-

1. Removal of the chicane outside plot 64/65 and replacement with a raised junction as an extension to the shared surface by plots 61-62
2. Provision of 20m forward visibility (centreline to centreline) for the bend by plot 55

3. Need to review suitability of existing bridge over Yazor Brook for use as cycleway in terms of structure, visual, and railings/safety. I would add that the cycleway route shown seems unnecessarily curved.

Otherwise the internal layout and parking provision is considered acceptable

An updated plan was received to address points 1 and 2 above and the transportation manager has subsequently confirmed the acceptability of these.

#### 4.4 The Conservation Manager (landscape) has made the following comments:

This is a brownfield site within the urban area of Hereford. Redevelopment for residential use is consistent with the landscape character. The landscape consideration for this scheme will come through good urban design, inclusion of green infrastructure, retention / protection of existing trees and a suitable, high quality landscape and management scheme.

Trees – I disagree with several of the classifications provided in the tree survey by Marlow Consulting Ltd and am surprised at the number of low category trees. A majority of the trees do need to be removed for the flood alleviation works, however, so this is irrelevant. I note the following concerns,

- A group of 5 apple trees (1482 – 1486) to the west boundary are mature and in good condition. They could have been retained as a landscape feature, with some new planting to supplement the longevity, particularly as a good communal garden area for the block of flats.
- Two trees are proposed for retention within the POS (1498 & 1497), however these are only category C and not particularly long lived species (an ornamental cherry and ornamental thorn). The thorn is unlikely to survive the close proximity of construction work for the new road. The new tree planting proposed in this area should be designed to replace these in the long term.

Landscape and townscape design – It is a shame that no hard and soft landscape scheme have been provided, as this would help to create a sense of place and high quality environment. A few new trees are shown, but only as indicative symbols and this will not replace the vegetation cover lost along the Yazor Brook corridor. It is a shame that sections of this important Green Infrastructure corridor will be bound by 1.8m high blank close board fence, although the hedgerow will help to soften this. It is noted that the applicants have provided two plots as frontage (38 & 39), with two plots side on (29 & 30) to this corridor. The provision of lower bow top railings at some locations will help to break up the residential boundary.

Conditions – If the application is to be approved then the following conditions should be added:

- Plan showing location of temporary tree protection fencing during construction and type of fence.
- Hard and soft detailed landscape scheme and specification.
- Landscape and ecological management plan.

#### 4.5 The Conservation Manager (Ecology) makes the following comments

I would accept the survey findings although I would point out that the south bank of the Yazor Brook seems likely to undergo re-profiling for flood prevention works in contradiction of the ecological report understanding in Section 6.3.8 that it will remain unaffected. I would add that the condition of the bank in this area is sub-optimal for nesting kingfisher in any case.

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".

If this application is to be approved, I recommend the inclusion of the following non-standard conditions (see recommendation)

Commensurate with the scoping opinion issued I agree that the site is unlikely to have a significant likely effect upon the R. Wye SAC. In line with the scoping opinion, to ensure construction impact is contained, protection of the surrounding environment is assured (including upon the R. Wye SAC) and the effects upon the adjacent SINC is minimised I would require the following non-standard condition

#### 4.6 The Conservation Manager (Archaeology) makes the following comments:

The proposed development would clearly involve extensive ground-works. However, it is well understood that much of the site area has already been subject to a considerable amount of prior disturbance. Accordingly, the impact of the development is likely to be comparatively low and there is no need for further specialist reports to be submitted prior to the determination of this application. In principle, the proposal is supported.

On the other hand it is noted that the Yazor Brook, which passes just to the north of the principal area of works, has some potential for buried archaeological remains dating from prehistory onwards. Some of the proposed landscaping / channel works in particular may impact on these. Accordingly, it has been agreed that some limited mitigation recording would be appropriate in parts of the site.

Having regard to relevant policy and best practice (in particular but not limited to Para. 141 of the National Planning Policy Framework 2012 [NPPF]) and 'saved' Policy ARCH6 of the Herefordshire Unitary Development Plan 2007, I would therefore advise the following:

The site is likely to include some at risk heritage assets with archaeological interest; although it is considered that harm to these will be limited and *can be mitigated*.

Accordingly, the developers should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make their evidence (and any archive generated) publicly accessible. This requirement would be by means of an appropriate archaeological recording project, secured by planning condition attached to any permission granted.

In this case I would advise Herefordshire Council's standard archaeological condition E01/ C47. This is likely here to lead to a combination archaeological project comprising both trenching and precautionary watching brief (as indeed is indicated in the submitted planning statement)

#### 4.7 The Parks and Countryside Manager comments:

On Site Play Area:

At pre-application discussions we agreed that the play area location is acceptable, although it will flood, and even with the bund area it allows for a 400sq m area to be developed for formal play, meeting UDP policy requirements and will include a pathway across the site as shown in the layout plans. Sites with slopes potentially allow for an imaginative design making use of the contours. It is noted that the design for the play area is still to be finalised and we would expect to be consulted and agree the final design.

## On site POS/Flood Modelling Works and Ancillary Features:

Details for landscaping /POS /flood modelling works and wildlife corridor have been discussed at a pre-application stage and a landscaping/planting scheme will need to be agreed and appropriate management plans drawn up to include details of POS, any boundary treatments, pathways and connectivity etc. throughout this area.

## Future Adoption:

The council has agreed to consider the future adoption of the play area and POS on the understanding that the final designs meet with our approval.

It has previously been agreed that the bund will have a fairly low profile with no steep slopes and it is noted that a 1in 4 slope is now proposed on the layout plans. For future use of maintenance machinery it should not be any steeper.

Boundary treatment needs careful consideration in view of landscape/ biodiversity and maintenance issues. These issues have been discussed at a pre-application stage. From a maintenance point of view the proposed hedge boundary on top of a 1in 4 slope is not acceptable unless there is an agreed flat area wide enough to allow machinery onto it. If it remains as proposed it would be unlikely that the council would adopt it. A standard fence boundary would be acceptable as long as there were no gates (to avoid future fly-tipping etc.).

The commuted sums towards 15 years future maintenance of the on-site play area and public open space would be calculated in accordance with our latest tariffs and on the final landscaping design. However it is also understood that the applicant may pursue the option of undertaking the necessary arrangements for taking on a management company for the future maintenance. If this is the case we would still require a play area and usable open space to meet the above standards and policy requirements and assurance that it would be maintained in perpetuity through a maintenance plan.

## Draft Heads of Terms:

It is noted that the indicative s.106 heads of terms identify:

On Site Play Space contribution  
Indoor Sports Facilities contribution

4.8 The EHO recommends a condition in respect of noise during construction phases.

4.9 The Land Drainage Manager makes the following comments:

The proposals are for a development for 65 new dwellings with public open space and associated infrastructure and a temporary sales office. The total area of the site is 2.22ha of brownfield and greenfield composition. The Yazor Brook forms the northern boundary of the site and is an ordinary watercourse under the authority of Herefordshire Council.

### Fluvial Flood Risk

The site is partially located in Flood Zone 2, Flood Zone 3a and Flood Zone 3b. Flood mitigation proposals are set out within the FRA to reclassify the developable area of the site as Flood Zone 1 by regrading the channel of the Yazor Brook and raising adjacent land.

The flood mitigation proposals have been informed by 1D-2D hydraulic modelling of the Yazor Brook.



Modelling of the post-mitigation scenario demonstrates that the proposed residential development, roads and drives will be located in Flood Zone 1 which satisfies the requirements of the sequential test as outlined in the NPPF. An 8m wildlife corridor will be maintained from top of bank of the Yazor Brook with no development proposed within this zone, with the exception of the proposed surface water outfalls to Yazor Brook.

Implications on flood risk both upstream and downstream have been considered in the FRA which states that "any increases in water level are in the order of 10mm, which is far less than the model's level of accuracy and there is a clear improvement in flood risk downstream of the site on the Yazor Brook." Table 4 in the FRA shows that the levels in Widemarsh Brook increase but the FRA concludes that these increases are "not significant", being "between 2 and 5mm and therefore are unlikely to be realistic". Assuming the EA agrees that the modelling has been undertaken adequately, there seems to be no increase in flood risk elsewhere due to the proposed flood mitigation works.

#### Surface Water Flood Risk

The uFMfSW (updated flood maps for surface water) and FRA indicate that there is no significant risk of surface water flooding to the site up to and including the 1 in 100 yr event.

#### Other Sources of Flood Risk

The FRA considers flood risk from tidal sources, drainage and infrastructure, groundwater, reservoirs, canals and other artificial sources and concludes that the risk to the site is mostly negligible. The risk from groundwater is considered low as the site will be raised locally above the elevation of the surrounding land adjacent to the Yazor Brook.

#### Surface Water Drainage

The proposed drainage strategy for this site is to discharge surface water to the Yazor Brook at equivalent greenfield rates up to the 1 in 100 year event, and allowing for a 30% increase in rainfall intensity due to climate change effects. Surface water will be attenuated in box culverts and crate storage units prior to discharge via hydrobrakes.

The FRA states that the soils are understood to be relatively free draining. However, no consideration has been given to the use of infiltration techniques to dispose of surface water. The SUDS management train, which gives priority to infiltration before attenuated discharge to a watercourse, does not appear to have been followed. The requirement of Policy DR4 of the Strategic Flood Risk Assessment to "utilise sustainable drainage techniques in respect of surface water wherever possible, with alternatives being considered only where sustainable techniques cannot be demonstrably be provided" has therefore not been met fully.

It is recommended that Herefordshire Council request the developer to demonstrate that use of infiltration techniques has been considered prior to agreeing to the discharge of surface water runoff to Yazor Brook.

No indication regarding the proposed maintenance of the surface water drainage system and associated outfalls has been provided. It is recommended that Herefordshire Council request the developer to identify any proposed adoption and maintenance arrangements prior to construction.

#### Overall Comment

Whilst we agree to the development proposals in principle, we advise Herefordshire Council to request the following prior to granting planning approval:

- Evidence that the use of infiltration techniques has been considered.

By reference to the response from the EA we advise Herefordshire Council confirm the following (and where this is not the case for this information to be provided by the developer to allow Herefordshire Council to satisfy itself of the proposals):

- Evidence that the Environment Agency has reviewed and approved of the 1D-2D hydraulic modelling, proposed mitigation measures and residual flood risks.
- Evidence that the Environment Agency has been consulted regarding the proposed surface water drainage strategy and outfalls to the Yazor Brook.
- Detailed drainage design and outfall drawings/construction details.

## 5. Representations

5.1 Hereford City Council support the provision of local housing but we would like to see some provision of bungalows designed to suit needs of elderly within this development. We are also concerned over the single access to this site and what implications the newly generated traffic will have on the already extremely busy Whitecross Road. We suggest that further effort should be made to assess whether additional access could be secured off the other side of estate.

5.2 11 Letters of representation have been received that raise the following issues and concerns:

- Concern about additional traffic movements along Whitecross Road and at the junctions
- Will cause additional traffic queuing on Whitecross Road
- Particular concern about construction traffic impact
- Baggallay Street, Meyrick Street and Ingestre Street are narrow with cars parked along them. This will add to the congestion.
- Other transport / access routes should be explored.
- Potential impact on ability to access Care Home, especially for emergency access
- Significant impact to wildlife, environment and mature trees
- The orchard should be retained
- The site should be all affordable housing
- Concern about sewerage / drainage capacity in the area
- Support cycle path provision

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

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

## 6. Officer's Appraisal

6.1 The key issues for consideration are:

1. Principle of development
2. Highways and Access
3. Design and Layout
4. Affordable Housing Provision
5. Flood Risk and Mitigation
6. Landscaping and Biodiversity
7. Public Open Space
8. Impact on amenities and neighbouring properties
9. Section 106

*Principle of development*

- 6.2 The application site is allocated in the Herefordshire Unitary Development Plan (policy H2) as suitable for a development of approximately 60 dwellings. A development brief (Supplementary Planning Document) was subsequently prepared in June 2006 that outlined the requirements and constraints of the site. The development brief and allocation identified an estimated capacity of 60 dwellings. The proposed layout is for 65 units, which includes some 1bedapartments, and is considered to accord with this guidance. The site is located in a sustainable location with good cycle and pedestrian links to services and employment and to a range of transport modes. The development of brownfield land is also supported in policy. As such, the proposal is considered to be acceptable in principle.

#### *Highways and Access*

- 6.3 One of the key issues arising through the public consultations relating to this proposed development is the impact that the development may have on the local road network, in particular during the construction phase. The application was accompanied by a detailed transport assessment and this acknowledges the capacity issues at the junctions with Whitecross Road. However, in the assessment of this application, consideration must be given to the former use of the site as a High School and the Council's Transportation Manager has carefully considered the data submitted and concludes that the traffic generation from this site would be acceptable. There is sufficient parking provision for the dwellings within their curtilage or parking courts to ensure that parking does not 'spill out' onto the neighbouring roads.
- 6.4 This must also be considered having regard to the location of the site and the excellent opportunities for walking and cycling to key services and transport links. The proposal includes upgrades and links through the site onwards towards the west (Trinity Primary School, Whitecross High School). This site also offers opportunities to improve the links for residents of the city who wish to travel from Whitecross Road to the West or North of the city and improve sustainability for a wider area. As such, the proposed development would comply with the sustainable development policies of the Unitary Development Plan and with the wider emphasis of sustainable development
- 6.5 The key concern of local residents relates to the construction traffic. A meeting was recently held with the ward members and applicants to discuss, in more detail, the issues and concerns in relation to the construction phase of development. It was confirmed that alternative accesses to the site were not possible due to ownership and financial viability constraints and that as such, the construction phases would be carefully managed by the applicant to ensure minimal disruption and to avoid, wherever possible peak hours in terms of deliveries. The demolition of the school has already been undertaken using Baggallay Street. The applicants have undertaken to meet with the local residents, provide contact details and meeting with the site manager prior to the commencement. The developers operate a scheme called 'Miller Respect' that improves interface and communication with the public (including customers, neighbours and other bodies affected by activities) and supports Miller Homes policy on Corporate Responsibility. A construction management condition is also recommended that will ensure that the construction phase is undertaken in a considerate way and minimise disruption. Ensuring space within the site is provided for parking, turning and deliveries is also a key aspect of this condition.

#### *Design and Layout*

- 6.6 The application site is constrained by its shape, by the provision of the highway to the south to access the playing field, flood zone to the north and ecological protection and mitigation measure required. The proposed layout is considered to reflect the local character, creating new features within the development to give the site its own sense of place and identity. The units that front the open space areas provide natural surveillance. The different street types also help to improve legibility, connections and permeability.

- 6.7 The proposed buildings are predominantly 2 storey, and are of a size and scale that reflects the scale of the local area. Landmark buildings have been located around the development and provide a focus, especially on the approach to the site. The appearance of the site has been designed having regard to the local vernacular and incorporate a co-ordinated range of materials and detailing. The built form has been developed having regard to amenity space, proximity to neighbouring property and relationships to the highways. The proposal includes a range of buildings that are considered to offer a variety of dwellings, but at the same time complement each other when viewed as a composite.
- 6.8 The design and layout of the proposed development is considered to be acceptable and in accordance with the requirements of policies DR1 and H13 of the Unitary Development Plan and with the guidance contained within the National Planning Policy Framework.

#### *Affordable Housing Provision*

- 6.9 The affordable housing provision is offered following significant discussion with the Council's Housing Needs and Development Team who support the provision of 22 dwellings. Discussions related to tenures and positioning reflect these discussions. The dwellings will also be developed to Lifetime Homes, DQS and a minimum of Code level 3 for Sustainable Homes. All of the affordable dwellings are to be allocated to applicants in housing need from the Home Point register. The proposal would comply with the requirements of policy H9 of the Unitary Development Plan and the Councils Supplementary Planning Guidance – Affordable Housing.

#### *Flood Risk and Mitigation*

- 6.10 This site is partially located in Flood Zone 3, which is the high risk zone and is defined for mapping purposes by the Agency's Flood Zone Map. Flood Zone 3 refers to land where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year). A large portion of the site is located in Flood Zone 1; the low risk Zone, where all built development should be situated. Prior to the submission of the application, it was established that in order to develop the site in any meaningful way and in order to protect future residents and dwellings, a flood mitigation proposal was required.
- 6.11 The Environment Agency has objected and requested further information be submitted. This is being undertaken following discussion with the relevant parties and should be submitted shortly. The updated Flood Risk Assessment is expected to address the concerns raised and this objection. Members will be updated on this position, but this appears to be a technical issue in respect of the information included in the FRA and considered to be resolvable. The recommendation to approve this application, subject to overcoming the Environment Agency objection reflects this.

#### *Landscaping and Biodiversity*

- 6.12 In order to develop the site and address the issues of flooding, the proposal requires a significant amount of works along the stream corridor. This has an impact upon the biodiversity and landscape qualities of this area and these issues have been subject of a significant amount of pre-application discussion and work. As reflected in the comments from the Landscape Officer and Ecologist, the proposed planting and mitigation do offer sufficient compensation for this loss and disturbance with planting and enhancement measures proposed. Detailed method statements would be required by way of a condition, along with on going maintenance and management of the areas. Subject to the relevant conditions, the proposal would comply with the requirements of policies LA5, NC1, NC7, NC8 and the guidance contained within the NPPF that seeks to protect biodiversity.

- 6.13 Following the comments from the Landscape Officer, a detailed hard and soft landscaping plan, including details of boundary treatments is also required to ensure that the proposed works are compliant with policy LA6. Likewise, conditions are recommended to ensure protection of trees to be retained during the construction phase and a long term maintenance, management plan is also required to ensure compliance with policies LA5 and LA6 of the Unitary Development Plan and with the guidance contained within the NPPF that seeks to ensure attractive places to live.

#### *Public Open Space*

- 6.14 The proposed play area is considered to be acceptable and would allow for a 400sq m area to be developed for formal play, meeting UDP policy requirements and will include a pathway across the site as shown in the layout plans. Sites with slopes potentially allow for an imaginative design making use of the contours. It is noted that the design for the play area is still to be finalised and as such a condition is recommended.
- 6.15 The Council has agreed to consider the future adoption of the Public Open Space, but there is also a possibility that future maintenance may be undertaken by a management company. Securing onward maintenance either through adoption or Management Company will be secure through a section 106 agreement in perpetuity.

#### *Impact on amenities and neighbouring properties*

- 6.16 The proposed layout has taken into account the proximity of the properties to the south of the application site. There is considered to be sufficient back to back distance between the properties, and existing landscaping and trees are to be retained where possible offering further separation. As such, the proposal is considered to comply with the requirements of policy DR2 and H13 of the UDP.

#### *Section 106 agreement*

- 6.17 In line with the requirements of policy DR5 and the Councils SPD – Planning Obligations a detailed heads of terms was submitted with the planning application and is attached to the report. The applicant has considered the requirements and is in agreement with these requirements and a Section 106 agreement is being prepared.

#### *Conclusion*

- 6.18 The proposed development is considered to be an acceptable form of development that would secure the development of a sustainable and allocated site that would support the NPPF agenda (paragraph 47) to promote significantly the supply of housing. The concerns in respect for traffic generation and management have been carefully considered, and whilst the restricted nature of the surrounding residential highway network is acknowledged, the former use of the site is a material consideration in the assessment of this application and no objection is raised by the Council's Transportation Manager. A detailed construction management plan is proposed to address concerns raised in accordance with the policies DR2 and DR3 of the Unitary Development Plan. The detailed layout and design of the proposed development, including play space provision, is considered to be an acceptable form, that would address the requirements of the on and off site play provision and relationship with neighbouring dwellings. It would therefore comply with the requirements of policies DR1 and H13 of the Unitary Development Plan and would establish a sense of place and visually attractive area to live in accordance with the NPPF guidance. The conflicts with the biodiversity and landscape interests of the site, have been carefully weighed against the need to protect the development from flooding and the need to boost the County's supply of housing and a solution that includes significant mitigation measures has been tabled and is supported by the Conservation Manager. Subject to the resolution of the outstanding issues with the Environment Agency the application is recommended for approval with the following conditions:

## RECOMMENDATION

That following the resolution of the outstanding issues raised by the Environment Agency planning permission be granted subject to the following conditions, and any other conditions deemed necessary following consultation with the Environment Agency:

1. A01 Time limit for commencement (full permission)
2. B01 Development in accordance with the approved plans
3. C01 Samples of external materials
4. E01 Site investigation - archaeology
5. G10 Landscaping scheme
6. G11 Landscaping scheme - implementation
7. G04 Protection of trees/hedgerows that are to be retained
8. G17 Provision of open space and play areas (outline permissions)
9. H11 Parking - estate development (more than one house)
10. H18 On site roads - submission of details
11. H20 Road completion in 2 years
12. K4 Nature Conservation - Implementation
13. K5 Habitat Enhancement Scheme
14. L01 Foul/surface water drainage
15. L02 No surface water to connect to public system
16. L03 No drainage run-off to public system
17. L04 Comprehensive & Integrated draining of site
18. *"The recommendations set out in Section 6.3.10 and 6.3.11 of the ecologist's preliminary report dated January 2013 should be followed unless otherwise agreed in writing by the local planning authority. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to carry out further survey work to establish the presence or otherwise of reptiles and protected species of mammal, and 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 & NC7 of Herefordshire Unitary Development Plan.

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

**NERC Act 2006.**

19. *Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved."*

**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 Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

20. *"Prior to commencement of development, a Construction Environmental Management Plan shall be submitted for approval in writing by the local planning authority and shall include timing of the works, details of storage of materials and measures to minimise the extent of dust, odour, noise, vibration and potential siltation/run-off arising from and construction process. The Plan shall be implemented as approved."*

**Reasons:** To ensure that all species and sites 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's Unitary Development Plan.

To comply with policies NC8 and NC9 within Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

21. I 16 Construction Management Plan
22. I51 – Details of Slab Levels
22. B07 - Section 106 agreement (attached Heads of Terms)

**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. N11A - Wildlife and Countryside Act 1981 (as amended) - Birds
3. N11C – General

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



# HEADS OF TERMS

## PROPOSED PLANNING OBLIGATION AGREEMENT

### Section 106 Town and Country Planning Act 1990

#### Application Number: 132226/F

Proposal: Development for 65 new dwellings with public open space and associated infrastructure and a temporary sales office on the former Whitecross School Site, Baggally Street, Hereford

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1<sup>st</sup> April 2008. All contributions in respect of the residential development are assessed against on general market units only.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of (per open market unit):
  - £3566.00 (index linked) for a 2 bedroom apartment open market unit
  - £5504.00 (index linked) for a 2/3 bedroom open market unit
  - £9315.00 (index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at North Hereford City Early Years, Lord Scudamore Primary School, St Francis Xavier R.C Primary School and Hereford City Youth with 1% allocated for Special Education Needs. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of (per open market unit):
  - £1720.00 (index linked) for a 2 bedroom open market unit
  - £2580.00 (index linked) for a 3 bedroom open market unit
  - £3440.00 (index linked) for a 4+ bedroom open market unit

to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

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

- 2.1. Widening of the existing footpath from Plough Lane to Yazor Road to provide a shared cycleway/footpath
- 2.2. The provision of a cycleway from Plough Lane to Great Western Way along the south side of Whitecross Road
- 2.3. Pedestrian improvements at the Grimmer Road/Whitecross Road signalised junction
3. The developer covenants with Herefordshire Council to provide an on-site play area, to cater for toddlers and older children, to the value of approximately £57,000. The developer covenants with Herefordshire Council to pay Herefordshire Council an Open Space Commuted Sum towards 15 years future maintenance of the on-site play area calculated in accordance with the Council's tariff for calculation of commuted sums 2013 (or any successor tariff) unless an alternative method of on-going maintenance is agreed in detail and in perpetuity.
4. The developer covenants with Herefordshire Council to pay the sum of:
  - £408.00 (index linked) for a 1 bedroom open market unit

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

£496.00	(index linked) for a 2 bedroom open market unit
£672.00	(index linked) for a 3 bedroom open market unit
£818.00	(index linked) for a 4+ bedroom open market unit

for sports (contribution based around the requirements of policy H19 and RST4 of the UDP and Sport England Sports Facilities Calculator). The money shall be used by Herefordshire Council to provide enhanced indoor sports facilities in Hereford City.

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:
 

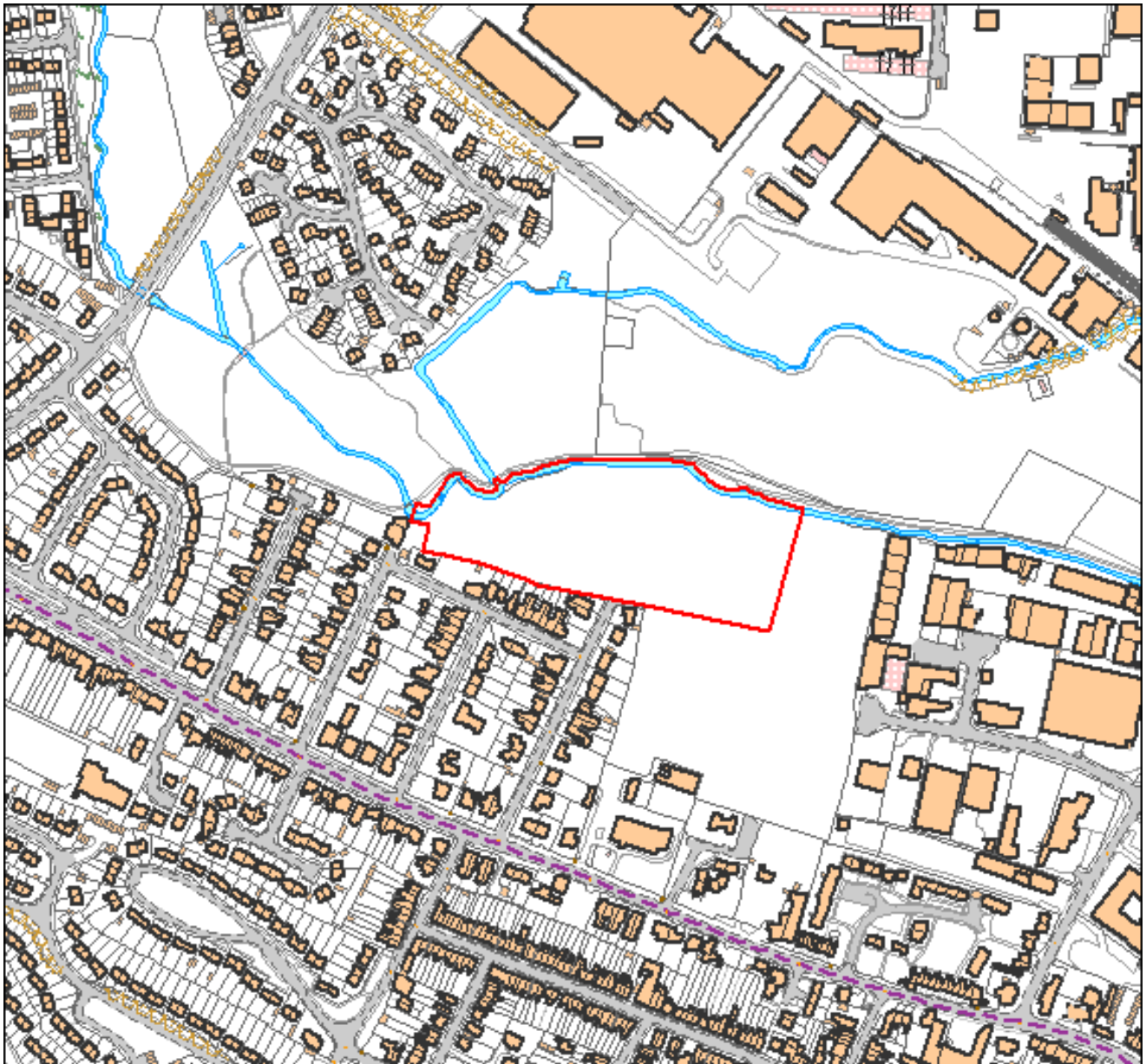
£120.00	(index linked) for a 1 bedroom open market unit
£146.00	(index linked) for a 2 bedroom open market unit
£198.00	(index linked) for a 3 bedroom open market unit
£241.00	(index linked) for a 4+ bedroom open market unit

The contributions will provide for enhanced Library facilities in Hereford. The sum shall be paid on or before the occupation of the 1<sup>st</sup> open market dwelling, and may be pooled with other contributions if appropriate.

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £120.00 (index linked) per open market dwelling. The contribution will provide for waste reduction and recycling in Hereford. The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwelling, and may be pooled with other contributions if appropriate.
7. The developer covenants with Herefordshire Council to pay Herefordshire Council 1% of the build costs of the development to provide public art. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
8. The developer covenants with Herefordshire Council that 35% (22 units) of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
9. Of those Affordable Housing units, at least 80% shall be made available for social rent with the remainder being available for intermediate tenure occupation.
10. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
11. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-
  - 11.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
  - 11.2. satisfy the requirements of paragraphs 11 & 12 of this schedule
12. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
  - 12.1. a local connection with the parish of Hereford City

- 12.2. in the event of there being no person with a local connection to Hereford City any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 12.1 above.
13. For the purposes of sub-paragraph 13.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
  - 13.1. is or in the past was normally resident there; or
  - 13.2. is employed there; or
  - 13.3. has a family association there; or
  - 13.4. a proven need to give support to or receive support from family members; or
  - 13.5. because of special circumstances;
14. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to such subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
15. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 3 of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
16. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4, 5 and 6 above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
17. The sums referred to in paragraphs 1, 2, 3, 4, 5 and 6 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
18. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
19. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

**October 2013**



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**APPLICATION NO:** 132226/F

**SITE ADDRESS :** FORMER WHITECROSS HIGH SCHOOL, BAGGALLAY STREET, HEREFORD

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