

MEETING:	PLANNING COMMITTEE
DATE:	19 FEBRUARY 2014
TITLE OF REPORT:	132321/F - ERECTION OF 12 NEW DWELLINGS. (6 OF WHICH ARE AFFORDABLE HOUSING) AT THE FIELD ADJOINING BROOKMILL CLOSE, COLWALL, HEREFORDSHIRE For: Colwall Properties Ltd per Jamieson Associates, 30 Eign Gate, Hereford, HR4 0AB
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132321

Date Received: 21 August 2013

Ward: Hope End

Grid Ref: 375243,242062

Expiry Date: 9 December 2013

Local Members: Councillors CNH Attwood and AW Johnson

1. Site Description and Proposal

- 1.1 The site is located at the south-western end of Brookmill Close at Colwall. The site has an area of some 0.679 hectare. The area includes the land opposite numbers 15 – 21 Brookmill Close north-west of the railway line and part of a field further to the south-west. Beyond the south-western boundary of the site is the remaining part of the field. Through this field runs an important public footpath linking Colwall with the Malvern Hills. To the north-west of the site, in the Brook House complex are three listed buildings, two Grade 2* and one Grade 2.
- 1.2 A brook, known as Evendine Brook, runs through the site.
- 1.3 The proposal is to erect twelve houses, six of which would be affordable.
- 1.4 The affordable housing would be sited on the south-eastern side of Brookmill Close (opposite numbers 15 – 21 Brookmill Close). There would be two blocks of houses. There would be a gap of 7.5 metres between the blocks. There would be two one bedroomed flats, two two-bedroomed houses and two three-bedroomed houses. In total these six dwellinghouses would have ten parking spaces. The buildings would be two storeys high with gable ends and front projecting gables. The buildings would be brick built with concrete tiled roofs. Four of the dwellings would be for social rent and two would be intermediate tenure/shared ownership.
- 1.5 Brookmill Close would be extended in a south-westerly direction with a bridge constructed over the brook and six four bedroomed two storey detached houses built on the other side. These houses would be spaciouly arranged with their ridge lines at ninety degrees to the road. These buildings would be a combination of render and larch timber with interlocking slates. These six houses would have a total of eighteen car parking spaces (six being accommodated within garages).
- 1.6 The important trees besides the brook would be retained.

Further information on the subject of this report is available from Mr R Close on 01432 261803

1.7 Draft Heads of Terms in relation to a Section 106 Agreement have been deposited that would secure:-

- a) £13,314 towards off site playing facilities;
- b) £4,908 towards sporting facilities;
- c) £23,601 towards sustainable transport contributions;
- d) £53,208 towards educational infrastructure;
- e) £30,000 towards flood alleviation for Brookmill Close;
- f) £720 towards the waste & recycling facilities;
- g) The affordable housing; and
- h) The requisite 2% monitoring charge.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

Strategy

S1 – Sustainable Development

Development Requirements

- S2 - Development Requirements
- DR1 – Design
- DR2 - Land use and activity
- DR3 – Movement
- DR4 – Environment
- DR5 – Planning Obligations
- DR7 – Flood Risk
- DR13 – Noise

Housing

- S3 – Housing
- H4 – Main Villages – Settlement Boundaries
- H7 – Housing in the countryside outside settlements
- H9 – Affordable Housing
- H10 – Rural exception housing
- H13 – Sustainable residential design
- H15 – Density

Natural and Historic Heritage

- S7 – Natural and Historic Heritage
- HBA4 – Setting of Listed Buildings
- LA1 – Area of Outstanding Natural Beauty
- LA5 – Protection of trees and hedgerows
- LA6 – Landscaping Scheme

2.2 Emerging Core Strategy

- SS1 – Presumption in favour of sustainable development
- SS6 – Addressing Climate Change
- SD1 – Sustainable Design & Energy Efficiency
- ID1 – Infrastructure Delivery

- SS2 – Delivering New Homes
- SS3 – Releasing land for residential development
- RA2 – Herefordshire Villages
- RA3 – Herefordshire’s Countryside
- H1 – Affordable Housing
- H2 – Rural exception sites
- H3 – Ensuring an appropriate range and mix of housing
- OS1 – Requirements for open space, sports and recreational facilities
- OS2 – Meeting open space, sports and recreation needs
- LD1 – Local distinctiveness
- LD2 – Landscape and townscape
- LD3 – Biodiversity and geodiversity
- LD4 – Historic environment and heritage assets

Minimal weight is attached to the Core Strategy policies as it is at an early stage in the process towards full adoption.

2.3 National Planning Policy Framework (NPPF)

2.4 The Unitary Development Plan 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 N122556/F – Erection of 14 no. dwellings including 8 no. affordable homes – Withdrawn.

4. Consultation Summary

Statutory Consultees

4.1 Severn Trent Water – No objection.

Internal Consultees

4.2 Education: The financial contributions are acceptable.

4.3 Strategic Housing: Support the application. There remains a demonstrated need for affordable housing in Colwall.

4.4 Parks and Countryside: No Objection.

4.5 Transportation Manager: No Objection.

4.6 Conservation Manager: (Landscape): No Objection.

4.7 Conservation Manager (Planning Ecologist): No Objection.

4.8 Conservation Manager: (Historic Buildings): No Objection.

4.9 Environmental Health Manager: No Objection.

5. Representations

5.1 Colwall Parish Council object on the following summarised grounds:

Further information on the subject of this report is available from Mr R Close on 01432 261803

- a) The proposed development provides more than 35% affordable housing and as such is in conflict with Policy H9 of the UDP;
- b) The open market homes are all four bedroomed;
- c) The proposed development lies outside the settlement boundary and would harm the Area of Outstanding Natural Beauty contrary to policies H4 and LA1 of the UDP;
- d) The open market housing are of an inappropriate design contrary to policy DR1 of the UDP;
- e) Concerns with regard flooding. The proposal conflicts with policy DR7 of the UDP;
- f) Concerns as to the inadequate width of Brookmill Close;
- g) The layout suggests that there could be further development at a future date.

5.2 Twelve local residents (occupiers of 4, 8, 19, 23, 26, 27, 29, 31, 32 Brookmill Close, 'Matchings' Redland Drive, 'Oaklands', Walwyn Road, 1 Station Cottages) object to the proposed development on the following summarised grounds:-

- The site lies outside of the defined settlement boundary;
- The proposal would exacerbate flooding at Brookmill Close;
- The proposal would prevent the corrective action needed to resolve the flooding in Brookmill Close;
- Detrimental to important view out of village;
- Brookmill Close as a road is inadequate to serve the proposed development;
- Until the Neighbourhood Plan is completed all new development should remain in the current settlement boundary;
- The proposed dwellings may suffer from flooding (especially Plots 7 and 12); and
- The two flats are out of character

5.3 Six letters of support have been received (Flat 3 58 Wyche Road, 48 Wyche Road, 'Chevenham'. 46 The Crescent, 1A Rothwell Road, Malvern, 'Dewhurst Cottage' Walwyn Road) on the following summarised grounds:-

- The proposal would provide much needed social and open market housing;
- The field does not flood and will never flood

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

Principle of the Development

6.1 Colwall is defined in the Herefordshire Unitary Development Plan as a main settlement. Whilst the application site lies outside of the defined settlement boundary it physically adjoins it.

6.2 In terms of the affordable housing element of the proposal there is a demonstrated need for such housing. The site adjoins the settlement boundary and it is considered that it could reasonably be regarded as a "rural exception site" under the auspices of policy H10 of the Herefordshire Unitary Development Plan 2007. The land upon which the affordable housing would be sited is of no real landscape merit and it is logical to develop housing on this parcel of land between those at opposite numbers 15 – 21 Brookmill Close and the railway line.

6.3 With regard the proposed open market housing, policies in the Herefordshire Unitary Development Plan 2007 do not support such housing development. However, the Local Planning Authority does not have a five year housing land supply. This is evident from the Council's most recent annual monitoring report and also the recent appeal decision relating to "Home Farm", Belmont, Hereford (Ref: S122747/O). The Central Government Guidance on this matter is clear. In paragraph 49 of the National Planning Policy Framework (NPPF) it states that:-

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five year housing land supply"

6.4 Since it became evident that the Local Planning Authority has a shortfall in its housing land supply the Council has adopted a position of looking favourably upon appropriate sites outside but adjacent to Hereford, the market towns and the main settlements (i.e. those listed in policy H4 of the Herefordshire Unitary Development Plan 2007). Colwall is one of those main settlements listed in policy H4.

6.5 In this case it is considered that the proposed site of the open market housing is appropriate as significantly it would not encroach further onto the field than the existing south-western boundary line of Brook House. It is considered that further encroachment into this open undeveloped area would not have been acceptable as it is an important strategic gap between the two distinct elements of Colwall and provides an important undeveloped space when walking along public footpath CW29 from Walwyn Road to the Malvern Hills.

6.6 As a consequence, it is considered that there is no objection to the proposed development. Nevertheless, the detail needs to be appropriate.

Landscape

6.7 The site is located within the Malvern Hills Area of Outstanding Beauty. However, as stated above the site in question is not considered to be of such landscape significance that it should be kept clear of built development.

6.8 The proposal ensures the retention of the trees on-site that are considered to be worthy and capable of retention. In addition, a native hedgerow is proposed to be planted along the south-western boundary adjacent to the retained field. The planting of a hedgerow in that location is welcomed as it would create a natural boundary separating the development from the retained important undeveloped land. It would also create an important new wildlife corridor.

Design

6.9 The proposed affordable housing exhibits a traditional character with brick detailing that lifts the appearance. The simple but bold form and detailing would create a strong character. In many respects the design of this affordable housing is considered to be better than the existing housing opposite at numbers 15-21 Brookmill Close.

6.10 The six open market houses take a contemporary character. As this cluster would form the end of the cul-de-sac it is considered appropriate that it has a different appearance. These dwellings are low in density with generous gaps between buildings.

Setting of Listed Buildings

6.11 Given the existing housing along Brookmill Close and the mature trees and vegetation which line the boundaries of these listed buildings, it is not considered that the proposed development would detrimentally affect the setting of the listed buildings.

Railway Noise

- 6.12 The site is bounded by the railway to the south-east. The railway hereabouts is on a raised embankment. As a consequence the impact of railway noise has been professionally assessed. That assessment reveals that the future occupiers of the proposed dwellinghouses would not suffer an undue level of noise.

Ecology

- 6.13 The existence of Great Crested Newts has been established. The Planning Ecologist is satisfied that the proposal would not have an adverse impact. Furthermore the Planning Ecologist is satisfied with the proposed mitigation and bio-diversity enhancement measures for the site.

Transportation / Sustainability

- 6.14 The site is located close to the village within reasonable walking distance of a range of shops, services and the railway station. The existence of the railway station effectively makes Colwall the most sustainable village in Herefordshire.
- 6.15 The access of Brookmill Close on Walwyn Road is considered to be satisfactory in terms of visibility splays. The design / width of Brookmill Close itself is considered to be satisfactory. The proposed design of the extended road together with the car parking provision accords with the requisite standards. As such, there are no transportation objections to the proposed development/

Flooding

- 6.16 The final matter to be addressed is that of flooding which is the matter that has attracted most comment locally. Prior to assessing this matter in detail, a few facts need to be established:-

- a) Despite a watercourse passing through the application site, the application site is not identified on the Environment Agency indicative flood risk maps as being subject to flooding; and
- b) That section of Brookmill Close that progresses in a south-easterly direction from Walwyn Road to number 10 Brookmill Close is the subject of "flash flooding". The water flows down to Walwyn Road. Walwyn Road also floods on occasions.

In other words the application site does not flood but the road leading to it (i.e. Brookmill Close) does on occasions flood as does Walwyn Road.

- 6.17 Crucially it should be noted that the application site does not contribute towards the surface water flooding of Brookmill Close. An analysis of the area reveals that flows come through the access bridge in the Network Rail embankment east of number 10 Brookmill Close (not the application site). The flows have historically emanated from:-

- a) the Evendine Brook coming out of bank on the other side of the railway line (south-eastern side) and flowing directly to the access bridge; and
- b) A culvert under the Network Rail embankment which was blocked and hence high flow levels in the Linden Brook cannot be diverted before reaching the Network Rail access bridge. *Network Rail has now cleared this upstream culvert that comes out at Chevenham Close. The reinstated flow brought down debris that was blocking the culvert at Chevenham Corner. This culvert has now been cleared.*

- 6.18 With regard the proposed development itself, a Flood Risk Assessment has been prepared and submitted to demonstrate due consideration to the possible flood extents associated with

the Evendine Brook and to investigate recorded flood incidents. The submitted Flood Risk Assessment is supported by hydraulic modelling of the brook. The modelling includes an appropriate allowance for climate change of 20% peak river flow.

- 6.19 Modelling indicates that the development is located outside of the mapped flood extents of the 1 in 100 year event and, predominantly the 1 in 1000 year event. Further detail is required of the precise design of the proposed road bridge across the brook to ensure that the bridge would not impede river or flood flows during an extreme event and that it will provide safe access and egress during the 1 in 100 year plus climate change event, a condition is recommended ensuring that the soffit of the bridge be at a minimum of 118.3 m AOD.
- 6.20 In terms of surface water drainage it is proposed that a Sustainable Urban Drainage Strategy be adopted whereby in a 1 in 100 year event no more than 5 litres per second would enter Evendine Brook from either side. This is considered to be satisfactory and would not create an undue flood risk.
- 6.21 Despite all of the above demonstrating that the application site does not contribute to the existing flooding events in Brookmill Close and that the proposed development would not exacerbate the existing problem, it is accepted that in the event of floods the future residents of the proposed houses would be affected by the pre-existing problem (flooding of the road that leads to the proposed development). To help rectify that matter the applicant is offering £30,000 towards alleviation of this problem. Such an amount would assist in addressing the issue and should certainly assist in obtaining additional monies from the Environment Agency as funding for such flood alleviation schemes is on the basis of a benefit ratio cost assessment. .

Conclusions

- 6.22 Given the above, it is concluded that the proposed affordable housing is acceptable in policy terms and the proposed open market housing is acceptable given the shortfall in the Council's five year housing land supply and the sustainability of the location. It is considered that the proposal would not harm the landscape or bio-diversity. The design is considered to be of a high standard. The matter of flooding is satisfactorily addressed.

RECOMMENDATION

Subject to the prior completion of a Section 106 legal agreement in accordance with the Draft Heads of Terms Full Planning Permission BE GRANTED subject to the following conditions:-

- 1. A01 Time limit for commencement (full permission)**
- 2. Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning authority for their written approval:**
 - **A full written schedule and samples of all external materials.**
 - **Written details of all surfacing materials in relation to the vehicular means of access, driveways, vehicle turning / manoeuvring areas vehicle parking areas and pedestrian pathways.**

The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in full accordance with the approved details and thereafter maintained as such.

Reason: To ensure a satisfactory appearance to the development in accordance with policies DR1 and H13 of the Herefordshire Unitary Development Plan 2007.

3. **B01 Development in accordance with the approved plans**
4. **Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:**
- **Full details of the precise bridge design over the Evendine Brook ensuring that the soffit of the bridge is at a minimum of 118.3 m AOD (above ordnance datum)**
 - **A detailed surface water management strategy that demonstrates consideration of the use of a Sustainable Urban Drainage Strategy (SUDS) for both infiltration and attenuation of post development flows. Such a strategy must be informed by an assessment of groundwater levels and likely groundwater movements together with on- site infiltration testing. The detailed surface water management strategy must demonstrate attenuation of post-development surface water run-off via a SUDS management train such that no more than 5 litres per second shall enter Evendine Brook from either side**

The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in full accordance with the approved details and thereafter maintained as such.

Reason: To ensure compliance with policy DR7 of the Herefordshire Unitary Development Plan 2007.

5. **All of the recommendations set out in Sections 4, 5, 6, 7 and 8 of Appendix 3: Working Statement and Summary Recommendations of the ecologist's report dated 13th March 2013 shall be followed in relation to the identified reptiles and amphibians. In addition, all recommendations specified in Appendix 3; Target notes (for the landscaping scheme) for biodiversity enhancement shall be followed in full.**

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 amendment 2012) and policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

To comply with policies NC8 and NC9 of the Herefordshire Unitary Development Plan 1990 in relation to Nature conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

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

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 amendment 2012) and policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

To comply with policies NC8 and NC9 of the Herefordshire Unitary Development Plan 1990 in relation to Nature conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

7. **Prior to commencement of the development hereby permitted all existing trees shown to be retained upon the approved drawings shall be protected by fencing of in accordance with the advice contained within BS5837:2012. Once these protective measures have been erected but prior to commencement of the development a suitably qualified arboricultural consultant appointed by the developer shall inspect the site and write to the Local Planning Authority to confirm that the protective measures are in-situ. Upon confirmation of receipt of that letter by the Local**

Planning Authority the development may commence but the tree protection measures must remain in-situ until completion of the development.

Reason: To safeguard the trees upon the site that are of amenity value in accordance with Policy LA5 of the Herefordshire Unitary Development Plan 2007.

- 8. All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting season following completion of the development or the first occupation of the entire development (whichever is the sooner). Any trees or plants which within a period of five years of their planting die are removed or become seriously damaged or diseased shall be replaced in the next plantings season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.**

Reason: To ensure that the development is satisfactorily integrated into the locality in accordance with Policy LA6 of the Herefordshire Unitary Development Plan 2007.

- 9. Prior to commencement of the development hereby permitted full written details of all proposed boundary treatments (i.e. fences, gates, walls or other means of enclosure) for each of the twelve plots shall be submitted to the Local Planning Authority for their written approval. The approved boundary treatments for each dwelling shall be fully implemented prior to the first occupation of the dwelling upon that plot and thereafter maintained as such. Notwithstanding the provisions of Class A of Part2 of Schedule 2 of Article3 of the General Permitted Development Order 1995, no other boundary treatments shall be erected without the express consent of the Local Planning Authority.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies DRI, HI3 and LA1of the Herefordshire Unitary Development Plan 2007.

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. The attention of the applicant is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended). This gives statutory protection to a number of species and their habitats including nesting birds. Other animals are also protected under their own legislation. Should any protected species or their habitat be identified during the course of the development then work should cease immediately and Natural England should be informed. They can be contacted at: Block B, Government Buildings, Whittington Road, Worcester, WR5 2LQ. Tel: 0300 060 6000.**
- 3. The attention of the applicant is also drawn to the provisions of the Conservation of Habitats and Species Regulations 2010. In particular, European protected animal species and their breeding sites or resting places are protected under Regulation 40. It is an offence for anyone to deliberately capture, injure or kill any such animal. It is also an offence to damage or destroy a breeding or resting place of such an animal.**
- 4. HN05 Works within the highway**

Further information on the subject of this report is available from Mr R Close on 01432 261803

5. HN04 Private apparatus within highway

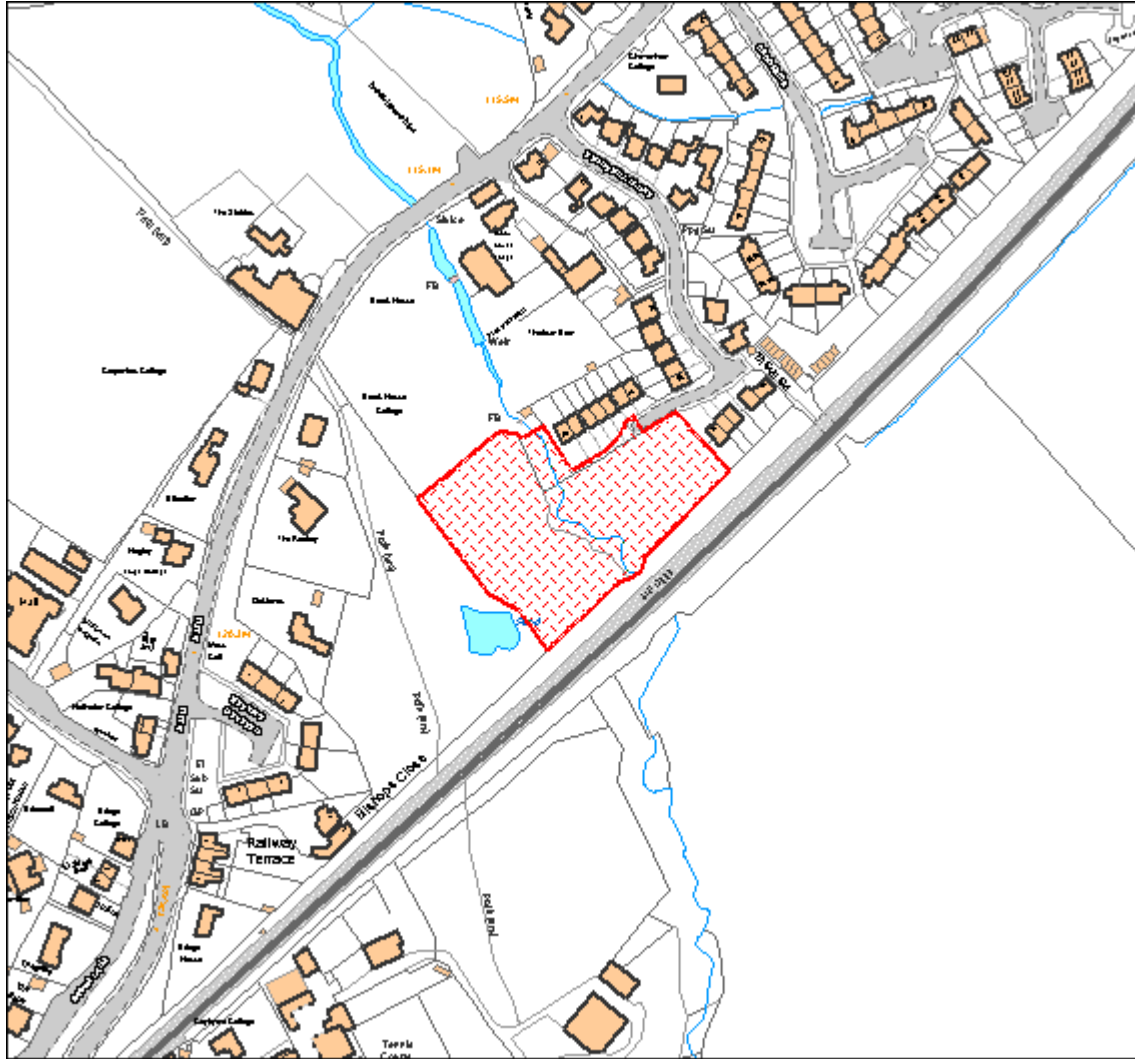
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 132321/F

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