

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>26 APRIL 2016</b>
<b>TITLE OF REPORT:</b>	<b>160613 - PROPOSED DEVELOPMENT OF 69 HOMES, LANDSCAPING, PUBLIC OPEN SPACE, NEW VEHICLE ACCESS AND ALL ASSOCIATED WORKS AT FORMER WHITECROSS SCHOOL, BAGGALLAY STREET, HEREFORD</b>  <b>For: Redrow Homes per Mr Ben Stephenson, Barton Willmore, Greyfriars House, Greyfriars Road, Cardiff, CF10 3AL</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=160613&amp;search=160613">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=160613&amp;search=160613</a>
<b>Reason Application submitted to Committee – Council owned land.</b>	

**Date Received: 2 March 2016**

**Ward: Widemarsh  
Whitecross (adj)  
Kings Acre (adj)**

**Grid Ref: 349837,240625**

**Expiry Date: 2 June 2016**

Local Members: Councillor PA Andrews (Ward Councillor)  
Councillors MN Mansell and SM Michael (Adjoining wards)

## **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 was formerly the site of the Whitecross High School and is considered to be previously developed land. The school buildings were 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 2.1ha (including the stream corridor). The former school playing fields to the eastern and southern boundaries do not form part of the application site. The southern boundary is formed by the gardens and dwellings that front Gruneison Street and Baggallay Street. Yazor Brook stream corridor and public open space lie on the boundary to the north. The site is accessed via Baggallay Street at the point of the former school access.
- 1.2 The proposed development comprises 69 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 and 2 bed apartments to 2, 3 and 4 bed dwellings that include a mix of designs and palette materials including brick and render to the main facades with a mix of slate effect and flat roof tiles of differing colours. The designs include consistent detailing in the form of simple brick or reconstructed heads and cills to openings and projected elements, such as projected end gables to add interest to the street scenes.

1.3 The proposed housing mix is as follows:

. House type	Bed no.	Style	No.
<b>Open market</b>			
York	4 bed	Semi-detached - 2 ½ storey dwellings	8
Shaftesbury	4 bed	Detached – 2 storey	5
Marlow	4 bed	Detached – 2 storey	6
Warwick	3 bed	Detached – 2 storey	3
Amberley	3 bed	Detached – 2 storey	3
Letchworth	3 bed	Semi-detached – 2 storey	10
Cambridge	4 bed	Detached – 2 storey	12
			<b>47</b>
<b>Affordable Housing</b>			
Stour	3 bed	Semi-detached – 2 storey	2
Avon	2 bed	Terrace – 2 storey	8
Dart	3 bed	End Terrace – 2 storey	2
Apartments	6 x 1 bed 3 x 2 bed	Three Storey block	9
Bungalow	4 bed	Single storey	1
			<b>22</b>

1.4 The density of the development is approximately 33 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 to the east a street would serve 10 dwellings, that would front the open space to the south. To the north of this a further roadway serves a variety of dwellings with their rear gardens backing onto the public open space that encompass the brook/stream bank and corridor. 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, in particular the apartments, having parking within designated parking courts.

1.5 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) accompanies the application and formed the basis of the design work that was undertaken as part of the previous application (withdrawn). 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. The works proposed are identical to those previously proposed and agreed as part of application 132226. 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 boundary of the site.

1.6 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. 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 west.

- 1.7 The application is supported by detailed plans including site layout, plans of dwellings proposed, landscape plan, and surface water drainage design. Detailed reports also accompany the application including the written scheme of investigation (Archaeology), Ecological assessment, Flood risk assessment, Geo-Environmental assessment and a Transport Statement along with the Design and Access Statement and Planning Statement.

## **2. Policies**

### **2.1 National Planning Policy Framework**

Introduction - Achieving Sustainable Development  
Section 4 - Promoting Sustainable Communities  
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  
Section 12 - Conserving and Enhancing the Historic Environment

### **2.2 Herefordshire Local Plan - 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  
HD1 - Hereford  
H1 - Affordable Housing – Thresholds and Targets  
H3 - Ensuring an Appropriate Range and Mix of Housing  
OS1 - Requirement for Open Space, Sports and Recreation Facilities  
OS2 - Meeting Open Space, Sports and Recreation Needs  
MT1 - Traffic Management, Highway Safety and Promoting Active Travel  
LD1 - Landscape and Townscape  
LD2 - Biodiversity and Geodiversity  
LD3 - Green Infrastructure  
SD1 - Sustainable Design and Energy Efficiency  
SD3 - Sustainable Water Management and Water Resources  
SD4 - Wastewater Treatment and River Water Quality  
ID1 - Infrastructure Delivery

- 2.3 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

## **3. Planning History**

- 3.1 132226 – Development for 65 new dwellings with public open space and associated infrastructure and a temporary sales office – Committee resolution to grant planning permission but application withdrawn before this was issued.
- 3.2 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 Consultations

- 4.1 Welsh Water raise no objections and recommend conditions be imposed on any planning permission.
- 4.2 The Environment Agency has made the following comments:

*We have no objection to the proposed development and would recommend the following comments and conditions be applied to any permission granted.*

*Flood Risk: As previously discussed 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). The Environment Agency have previously provided a conditioned response to the redevelopment of this site and the latest scheme is broadly in line with previous proposals. Flood Risk Assessment (FRA): A Flood Risk Assessment has been undertaken by WSP/Parsons Brinckerhoff dated February 2016 which includes modelled Yazor Brook data obtained from Herefordshire Council. The FRA also contains minutes (Appendix D) from a pre-planning meeting held with the Environment Agency in December 2015 when the scoping of the FRA was discussed. As highlighted in the minutes, it was agreed that the finished floor levels of the properties should be based on undefended flood levels at the site. This is a precautionary approach and ignores the presence of the upstream Yazor Brook flood alleviation scheme where directs some of the flow directly to the River Wye avoiding the town centre and this site. It was also agreed that there should be no structures such as fencing in the flood storage areas adjacent to the Yazor Brook which would be Public Open Space, which was larger than in the previous application*

*Existing flooding in the northern part of the site, based on Herefordshire Council's modelled information, is shown in Figure 4. However, post development, the development will be on a raised platform, supported by a gabion retaining structure, and be located in Flood Zone 1 (Low Probability) and the loss of flood storage will be compensated for by lowering land immediately adjacent to the watercourse. This is a suitable approach for an allocated, brownfield site such as this and was previously agreed for the 2014 application. Section 7 and Appendix E of the FRA outlines the flood storage compensation scheme. 1218m<sup>3</sup> of existing flood storage will be lost but will be compensated for by 1394m<sup>3</sup> post development providing a gain of 176m<sup>3</sup> post development. A table has not been provided confirming the losses/gains within each flood band and that the compensation scheme is on a volume for volume, level for level basis but is it acknowledged that there are gains and that these gains are greater than the previous application for the site and we are satisfied a condition can be applied to obtain further information at a later date. As agreed, there are no structures proposed in the floodplain which could affect flows or reduce flood storage capacity. The FRA confirms that a private management company will be responsible for maintaining the flood mitigation area and we presume the watercourse itself and also the gabion retaining structure.*

*Conditions are recommended (see recommendations at end of this report)*

*Foul Drainage: We would have no objection to the connection of foul water to the mains foul sewer, as proposed. The LPA must ensure that the existing public mains sewerage system has adequate capacity to accommodate this proposal, in consultation with the relevant Sewerage Utility Company.*

*Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities.*

*Pollution prevention guidance can be viewed at:*

*<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>*

*Export & Import of wastes at site: Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.*

## **Internal Council Consultations**

4.3 The Transportation Manager has made the following comments;

The application is for 69 houses on a site previously occupied by the secondary school which generated a significant number of trips including cars, service vehicles, cycle and footway.

The site has been subject to previous applications and transport assessments/statements.

The site is accessed onto Baggallay Street which is of sufficient width as per the councils design guide. Whitecross Road is busy during peak time, the previous applications have demonstrated the network within the vicinity is capable of accommodating the proposed development.

The site is within the city urban area and within easy reach of schools, employment, retail accessible by sustainable transport such buses, cycle and foot.

The only issues are related to access to the public footpath north of the brook, the existing will need to be upgraded to accommodate a 3m wide footway cycle link as part of the development. The footway cycle link to the road needs to be better aligned to reflect the desired route to the highway. This can be detailed at the S38 detailed design stage.

There is also a need for a crossing NW of the site accessed by parking spaces 55 and 46. There needs to be a footway cycle way to the boundary and provided as part of the development. The crossing and link to the cycle footway north of the brook will need to be added to the S106 agreement.

The cycle route from the site to Holmer Road needs to be improved for cycle access and will also need to be added to the S106 agreement, these 2 items should take priority in the list of schemes.

The parking is acceptable, garages are used as parking and as such will need to be 6m x 3m and permitted development rights removed to secure the parking.

The access road to the playing field needs to be adopted to secure access for maintenance of the field.

The access road alignment and introduction of raised tables is acceptable and will be suitable to be adopted, the extents being plots 6, 27, 33, 46, 56 and the cycle footway links to the North of the brook.

The access onto Baggallay Street will be controlled and calmed by the raised table and the internal visibility splays will be secured by the footpaths.

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

*The development site is essentially a brownfield site and the proposal therefore represents an opportunity for regeneration the principle for which is supported. Pre-application advice has been sought (P153220/CE) in which the following recommendations were made:*

- *The proposal requires significant works along the Yazor Brook watercourse*
- *Method statements should be supplied with details of future management of all proposals*
- *A hard and landscaping plan supplying details of boundary treatments is required*
- *Details to ensure the protection of the existing trees during the construction phase should be supplied.*

*I have read the submitted landscape plan (Feb 2016) and I am satisfied that the proposed planting in the form of trees, shrubs, marginal and wildflower grass mix the length of Yazor Brook will result in the realisation of an attractive area of public open space which will serve both local residents as well as encouraging biodiversity and providing an appropriate landscape buffer.*

*The tree survey report unfortunately does not appear to have attached the tree constraints plan which accompanies it. However I note in the report there are a number of category U trees proposed for removal, category C are identified as potentially not significant constraints and A and B recommended for retention. The plan would serve to illustrate where removal is envisaged, RPA's for protection as well as indicating whether further tree planting is to be required to match what is to be removed.*

*Details of all future management over a 5 year period of all planting proposals will be required which can be satisfied via a condition.*

*With regard to the boundary treatments it is noted that a proposed hedgerow is shown to the eastern and southern boundaries, however no further information is supplied in terms of species and height and it is unclear why there are gaps within this boundary treatment. Unless a specific reason is identified for this I would expect to see a substantial unbroken hedge in order to provide an appropriate backdrop to the existing areas of open space.*

4.5 Conservation Manager (Ecology) has made the following comments:

*Thank you for consulting me again on this site's development. The updated survey from Ecology Services finds no biodiversity or protected species issues over and above previous reports from 2013. Given the lack of change, I am happy to accept the original findings upon which to base the following conditions*

*Habitats Regulations compliance*

*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 a non-standard condition.*

4.6 The Conservation Manager (Archaeology) has made the following comments:

*No objections, subject to the attachment of a suitable archaeological condition (E01/C47). On this basis the application is compliant both with section 12 of the NPPF and with Policy LD4 of the Core Strategy.*

4.7 The Parks and Countryside Manager has made the following comments:

*Core Strategy Policies OS1: Requirement for open space, sport and recreation facilities and OS2: Meeting open space and recreation needs.*

*In accordance with Core Strategy OS1 and OS2, open space provision will be sought from all new residential development and considered on a site by site basis in accordance with all applicable set standards of quantity, quality and accessibility which in this instance are set out below. In this instance on site provision is required using the following standards of provision:*

- *Local Evidence: Herefordshire Open Space Study 2006: data for amenity public open space has not changed significantly and it is still considered to be accurate. This recommends POS should be at a rate of 0.4ha per 1000 population.*
- *Local Evidence: Herefordshire Play Facilities Study and Investment Plan 2012 and National Evidence: Fields in Trust Guidance: These recommend children's play at a rate of 0.8ha per 1000 population. Of this 0.25ha should be formal equipped play.*

*\*Please note this information will form the basis of a separate SPD on POS standards currently being prepared.*

*For 69 houses and at a population rate of 2.3 per house (158.7 persons) the developer should provide as a minimum the following on site provision supported by evidence bases findings.*

#### *On-site provision - Children's Play and POS*

- *POS:*
  - *@ 0.4ha per 1000 population equates to 0.06ha (600sq m)*
- *Children's play area:*
  - *@ 0.8ha per 1000 population equates to 0.12ha (1200sq m) of which 0.04ha (400sqm) should be formal equipped play*

*It is noted that open space and play are provided on site and as a minimum they should meet these standards. It is noted that there is no landscape plan or detail of the on-site play area at this stage to confirm this. As previously agreed given the indicative housing numbers and using the SPD on Planning Obligations development costs only a play area to the value of approximately £57,000 would be expected and it is noted that this is referenced in the planning statement.*

*Future Maintenance: The maintenance of any on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the city council and/or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.*

*With the changing legal issues/revising national guidance around SuDS following recent Govt consultations, at this time we are unable to advise a definitive answer on adoption and maintenance of any SuDS areas. Any adoption or maintenance agreements and associated*

*commuted sums/management charges with any eligible body are subject to the powers, acts and national guidance that is live and relevant at the time of adoption.*

4.8 The Public Rights of Way Manager comments as follows:

*The development would not appear to affect public footpath HER5 which is just the other side of the site boundary.*

4.9 The Housing Manager has made the following comments:

The Housing team in principal support the application on the former Whitecross School for 69 dwellings of which 32% are to be delivered as affordable housing. The reduction in affordable housing percentage is due to discussions with the Developer, they have agreed to build out a specialist disabled 4 bed bungalow for a specific family on the waiting list which is taking the equivalent footprint of a couple of dwellings.

The tenure split is for 10 dwellings as intermediate tenure and 12 dwellings as social rent. The affordable housing are to be allocated through homepoint to those with a local connection to Hereford in the first instance.

4.10 The Land Drainage Engineer has made the following comments;

The Applicant's proposals are for the development of 69 homes on a 2.22 ha brownfield/greenfield site that has been disused since the demolition of a former school. The proposals also involve the creation of a public open space, landscaping, vehicle access and other associated works.

#### Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that parts of the site are located within the high risk Flood Zone 3, with other parts in Flood Zones 1 and 2. Flood Zone 1 comprises land assessed as having less than a 1 in 1,000 annual probability of river flooding. Flood Zone 2 comprises land assessed as having between 1 in 100 and 1 in 1000 annual probability of flooding from rivers. Flood Zone 3 comprises land having a 1 in 100 or greater annual probability of flooding from rivers. The source of this flood risk is fluvial (river) flooding.

The Applicant has purchased flood mapping data and flood level data from Herefordshire Council. We confirm that this data is acceptable for the purpose of this planning application.

In accordance with Environment Agency standing advice, the planning application is supported by a Flood Risk Assessment (FRA). The FRA clarifies the extent and depth of fluvial flood risk within the site boundary. It considers the potential effects of climate change when assessing Flood Zones. This has been done using modelled flood data, provided by Herefordshire Council. The FRA proposes that fill is deposited on parts of the site to ensure that all areas used for housing are in Flood Zone 1. Finished floor levels for all houses are proposed to be at least 0.6m above the predicted 1 in 100 year flood level (allowing for the potential effects of climate change). We approve of this approach.

A volumetric comparison of pre- and post-development flood storage volume is included on drawings 3583-15-02-500 P2 and 3583-15-02-503 P1 (in the Appendix of the FRA). This shows the flood storage volume within the site boundary has increased post-development. It does not show the 'level for level' volumes at each depth band as would usually be expected. However, the EA make reference to this in their response to this planning application, dated 23 March 2016, stating that '*This is a suitable approach for an allocated, brownfield site such as this and was previously agreed for the 2014 application.*' They also acknowledge that '*there are gains [in*



storage volume] and that these gains are greater than the previous application for the site and we are satisfied a condition can be applied to obtain further information at a later date.'

Based on this response we do not object to the approach the Applicant has used to calculate flood volume compensation.

The Planning Practice Guidance to NPPF identifies five classifications of flood risk vulnerability and provides recommendations on the compatibility of each vulnerability classification within each of the Flood Zones, as shown in Table 2.

*Table 2: Flood risk vulnerability and flood zone compatibility*

EA Flood Zone	Essential Infrastructure	Water Compatible	Highly Vulnerable	More vulnerable	Less vulnerable
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	✓	Exception test required	✓	✓
Zone 3a	Exception test required	✓	✗	Exception test required	✓
Zone 3b	Exception test required	✓	✗	✗	✗

✓ Development considered acceptable  
 ✗ Development considered unacceptable

The Planning Practice Guidance states that residential developments (along with their associated parking areas) are to be considered as 'more vulnerable' development. The Planning Practice Guidance states that areas for nature conservation (such as the proposed wildlife corridors) are 'water compatible' development. The Flood Risk Assessment additionally states Local Areas Equipped for Play are water compatible developments. We agree with this assessment.

With reference to Table 2, 'more vulnerable' development would be considered appropriate in Flood Zones 1 and 2, while 'water compatible' development would be considered appropriate in all flood zones. The Applicant proposes that all houses are kept within the post-development Flood Zone 1. However, no mapping has been provided which overlays the proposed development with the proposed Flood Zones. The Applicant should submit a drawing showing proposed development and the proposed Flood Zones.

In accordance with NPPF, new development should be steered away from areas at flood risk through the application of the Sequential Test. NPPF states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. We therefore recommend that the Council ensure that they are satisfied that the development meets the requirements of the Sequential Test as set out within NPPF.

If, following application of the Sequential Test, it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied. For the Exception Test to be passed, the Applicant must demonstrate:

- It is not possible for the development to be located on land with a lower probability of flooding;
- The development provides wider sustainability benefits to the community that outweigh flood risk, and;

- The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The Council must be satisfied that the development meets the first two points stated above. With regard to the third point, we believe that the submitted FRA demonstrates that the development will be safe for its lifetime without increasing flood risk elsewhere.

This guidance is in accordance with requirements of the NPPF and Policy SD3 of the Core Strategy. Guidance on the required scope of the FRA is available on the GOV-UK website at <https://www.gov.uk/planning-applications-assessing-flood-risk>.

### Other Considerations and Sources of Flood Risk

The FRA gives consideration to the risk of flooding on site from all sources, including surface water, groundwater, sewers, reservoirs and canals.

The EA's Risk of Flooding from Surface Water map indicates that part of the site is at a 'low risk' of flooding from surface water. Most of this area is adjacent to the Yazor Brook and is therefore likely to be associated with flooding from the brook, which is discussed above as part of the fluvial flood risks at this site. Other areas within the site boundary that are indicated to be at risk of flooding from surface water are small and likely to be associated with a local low spot. It is considered reasonable that this will be easily addressed during the development of the site.

Bedrock and superficial geology are classified as Secondary A aquifers. Though this may increase the risk of groundwater flooding, the site has a history of use as a school and the FRA has not identified any historic records of groundwater flooding at the site. The FRA therefore characterises the risk of groundwater flooding as low to medium. We agree with this assessment.

The FRA states the risk of sewer flooding at the site is considered to be low, and that the risk of flooding from canals and reservoirs is negligible. We agree with this assessment.

### Surface Water Drainage

In accordance with the NPPF, Non-Statutory Technical Standards for Sustainable Drainage Systems and Policy SD3 of the Core Strategy, infiltration features should be used in the first instance for the disposal of site-generated surface water runoff. If drainage cannot be achieved solely through infiltration due to site conditions (eg low infiltration potential or high water table), the preferred option is a controlled discharge to a local watercourse.

The Applicant has submitted a surface water drainage strategy that incorporates the use of Sustainable Drainage (SUDS) in the form of permeable paving and geocellular storage crates. The Applicant has assumed that no infiltration will be possible for the purposes of their storage calculations, with a controlled discharge to the Yazor Brook following attenuation. Whilst we agree with the proposed approach if infiltration is found to be inappropriate, we recommend that the Council requests infiltration testing to be undertaken prior to construction and that the drainage strategy is amended to incorporate infiltration systems should ground conditions permit. We also promote the use of combined attenuation and infiltration systems (for example the use of unlined attenuation features) that maximise infiltration during smaller rainfall events.

The Applicant states that the proposed development will lead to a 1 ha reduction in impermeable area when compared to the previous site usage. However, the Applicant proposes to maintain post-development runoff rates to rates comparable with existing discharge

rates. This proposal is not considered to be fully in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems that states:

“For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event”.

We recommend that the Applicant strives to provide betterment over existing conditions given the size of the development and urban location within Hereford. We recommend that, at minimum, a 20% betterment is achieved, although a lower rate that is more comparable to greenfield rates should be promoted as far as practicable.

The Applicant has provided a surface water drainage strategy, with supporting calculations, showing how surface water from the proposed development will be managed. We have no objection with the overall strategy but there are some points we would like to raise regarding the supporting calculations:

- The existing site calculations calculate runoff using a 2 hour storm event with 44.2mm rainfall:
  - The Applicant should explain why this storm has been selected;
  - The Applicant should explain how the 44.2mm rainfall has been calculated.
- The existing site calculations state the total site area = 22,236m<sup>2</sup>, made up of:
  - 14,529m<sup>2</sup> impermeable;
  - 4,228m<sup>2</sup> grassed areas;

These numbers do not add up and the Applicant should clarify the existing permeable and impermeable areas

- A FSR rainfall model has been used for the proposed site:
  - This is acceptable for the planning application, but FEH should be used for information requested as part of the discharge of conditions.
- The Applicant has used a 0.75 runoff coefficient for all proposed site runoff calculations:
  - If this relates to impermeable area, it would appear to be a low estimate and the Applicant should explain how this coefficient has been derived.
- The area used in the proposed site calculations does not match that used for the existing site:
  - 9,220m<sup>2</sup> has been used for the area contributing to the geocellular crates;
  - 1,250m<sup>2</sup> has been used for the area contributing to the permeable paving;
  - This sums to 10,470m<sup>2</sup> which is roughly equal to the proposed impermeable area;
  - Including the permeable area in the existing site calculations, but not in the proposed development site calculations, is likely over-estimate the allowable runoff.
- The water level in the receiving brook seems to rise above the level of the proposed outfall:
  - Lowest Outfall IL = 55.7m AOD;
  - 'High Water Level' = 55.9m AOD;

- '1 in 100 Year +30% Flood Level' = 56.8m AOD.
- The Applicant has modelled this effect:
  - For the 55.7m AOD outfall, they have used the 1 in 100 year flood levels for all storms except the 60 minute duration, where they have used the 'High Water Level';
  - For the 56.3m outfall, they have only tested the 60 minute duration storm;
  - For both the outfalls, the Applicant should ensure that the critical storm duration has been tested with the 1 in 100 year flood levels;
  - The Applicant is yet to demonstrate the critical storm is not shorter than 60 minutes.
- The Applicant states that:
  - *Storage required for the worst case 100yr+30% storm event during the 100yr+30% brook flood surcharging event requires a storage volume of 305m<sup>3</sup>*;
  - No storage has been included in the calculations submitted for review and none of the sheets submitted for review show any flooding;
  - The Applicant should provide further explanation of how their storage volume has been calculated.
- The invert level of the storage crates is 55.88m, lower than the 'High Water Level' in the brook:
  - The Applicant should explain how they intend to deal with this issue;
  - The Applicant should ensure that any flood control structures required for this are included in the microdrainage model.
- The Applicant proposes that the required surface water storage is provided using a cellular storage system below an attenuation basin, but this is not shown on any of the submitted drainage drawings.

The FRA states that maintenance 'will be managed by a private management company'.

The submitted Flood Flow Paths drawing (3583-15-02-502 P2) illustrates the proposed overland flow routes in the event of exceedance/blockage of the surface water drainage system. The drawing shows a surface water flow route running between plots 4 and 5, and then between plots 20 and 21. All other flow routes follow the roads or public open spaces before discharging to Yazor Brook. The proposals are acceptable in principle, although we recommend that the Applicant looks to avoid providing an overland flow route that passes between development plots, with preference given to the routing of flows within roads and public open space. We also highlight that overland flow routes that direct runoff to the Yazor Brook should only become 'operational' during events greater than the 1 in 100 year event or following a system blockage. Although the drainage system may be designed to cater for the 1 in 100 year event, it is likely that features such as gullies will not have sufficient capacity for these events and local flooding will be experienced. Flooding during these events should be maintained within the site boundary and should not result in overland flow towards the Yazor Brook.

Consideration should be given to the potential pollution of groundwater or surface water features from wash down, vehicles and other potentially contaminating sources. Evidence of adequate separation and/or treatment of polluted water should be provided to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas. SUDS treatment of surface water is considered preferential for a development of this nature but 'Pollution Prevention Guidance: Use and design of oil separators in surface water drainage systems: PPG 3' provides guidance on the necessity and application of oil separators should one be required.

## Foul Water Drainage

The FRA describes an existing combined sewer which crosses the site, stating that *'Prior to demolition, the site discharged both foul and surface water to a combined system along with a separate surface water system direct to the Yazor Brook.'* The FRA also states that *'To reduce the loadings within the combined sewer and ensure that there is sufficient capacity to accommodate the increase in foul flows, it is proposed to only discharge foul flows to the sewer.'*

The combined sewer to which the Applicant refers is assumed to be the Welsh Water sewer located to the south-east of the site as illustrated on submitted Welsh Water Statutory Public Sewer Record. Correspondence received from Welsh Water appears to accept the proposal to discharge foul flows from the development. The EA also make reference to the foul drainage proposals in their response to this planning application, dated 23 March 2016, stating that they *'would have no objection to the connection of foul water to the mains foul sewer, as proposed.'* We therefore have no objections to the proposals to discharge foul water from the development to this existing sewerage network.

We do, however, recommend that the Applicant submits a Foul Drainage Layout drawing showing how foul drainage will be managed within the site and how it will connect to the public foul drainage network.

## Overall Comment

Our review of the surface water drainage strategy has raised a number of issues regarding the methods of calculation. However, we are confident that these issues can be adequately addressed during the detailed design of the drainage system as part of suitably worded planning conditions.

As discussed above, we also recommend that betterment over existing surface water discharge rates is achieved and promote the use of infiltration features prior to the discharge of surface water runoff to the adjacent Yazor Brook. We therefore recommend that the Applicant explores available opportunities during the detailed design of the scheme.

Overall, we have no objections to the proposed development on flood risk and drainage grounds, but recommend that the following information is requested as part of suitably worded planning conditions:

- A drawing clearly showing the location proposed development with the mapped Flood Zones, including the influence of the proposed earthworks on the mapped Flood Zones;
- A detailed surface water drainage strategy with supporting calculations that address the comments raised within this response. The drainage strategy and supporting calculations should demonstrate that opportunities for the use of SUDS features have been maximised where possible, and that there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Results of infiltration testing undertaken in accordance with BRE365;
- Confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
- Evidence that the Applicant has sought and agreed permissions to discharge foul and surface water runoff from the site with the relevant authorities (including allowable discharge rates);

- Further detail regarding the management events that exceed the capacity of the drainage system and further detail of the proposed overland flow routes;
- Demonstration that appropriate pollution control measures are in place prior to discharge.
- Details of any proposed outfall structures and any flood control structures (including, but not necessarily limited to storage, flow control, non-return valves);
- A detailed foul water drainage strategy with supporting calculations;

## 5. Representations

5.1 Hereford City Council raises no objection.

5.2 West Mercia Police have made 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 the nationally accredited 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 in anti social behaviour.

5.3 22 letters of representation have been received that raise the following issues:

- Concern about additional traffic movements along Whitecross Road and at the junctions of Baggallay Street, Meyrick Street and Ingestre Street.
- 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 causing restricted access. Parking is already difficult along these streets.
- Other transport / access routes should be explored properly as the proposed access is not acceptable;
- Potential impact on ability to access Care Home, especially for emergency access;
- Concern about sewerage / drainage capacity in the area
- Some general support for the development itself, but not fusing this access.

5.4 The consultation responses can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=160613&search=160613>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

## 6. Officer's Appraisal

6.1 The key issues for consideration are:

1. Principle of Development
2. Highways, Access and Connectivity
3. Design and Layout
4. Affordable Housing Provision
5. Flood Risk and Mitigation
6. Landscaping and Biodiversity

### **Principle of Development**

6.2 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

*“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*

6.3 The two-stage process set out at S38 (6) above requires, for the purpose of any determination, assessment of material considerations. In this instance, and in the context of the housing land supply deficit, the NPPF is the most significant material consideration for the purpose of decision-taking. NPPF Paragraph 215 has the effect of superseding Herefordshire Local Plan - Core Strategy UDP policies with the NPPF where there is inconsistency in approach and objectives.

6.4 The NPPF requires at paragraph 47 that Councils maintain a 5 year supply of housing land, which in Herefordshire Council's case must be supplemented by a 20% buffer for under supply. Recent appeal decisions at Leintwardine and Ledbury have confirmed that the Council does not benefit from an NPPF compliant supply of housing and as such Core Strategy policies relevant to the supply of housing should not be considered up to date as prescribed by paragraph 49 of the NPPF.

6.5 As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence over the Core Strategy housing supply policies and the presumption in favour of approval as set out at NPPF paragraph 14 is engaged *if* development can be shown to be *sustainable*. This requirement is mirrored in policy SS1 of the Core Strategy.

6.6 NPPF Paragraph 14 states that for decision making, the presumption in favour of sustainable development means:-

- *“Approving development proposals that accord with the development plan without delay; &*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:-*
  - *any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.*

6.7 Policy HD1 of the Core Strategy states that Hereford will accommodate a minimum of 6,500 new homes within the plan period. This proposed development would contribute to this required growth and as such, the proposal would comply with the aims of this housing supply policy and weight can continue to be attributed to this.

6.8 Although not expressly defined, the NPPF refers to the three dimensions of sustainable development as being the economic, environmental and social dimensions. The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land, which is further reinforced in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years' worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10 and 11-15. Paragraph 49 states:

*“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 supply of deliverable housing sites.”*

- 6.9 Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity. The relevant environmental policies of the Core Strategy that support this role are SS6, LD1, LD2, LD3 and LD4 of the Herefordshire Local Plan – Core Strategy. All of these policies are compliant with the NPPF and can continue to be given weight in the decision making process.
- 6.10 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role and significant weight must be attributed to this. Likewise S106 contributions and the new homes bonus should also be regarded as material considerations.
- 6.11 The social role is reflected in the provision of a greater supply of housing and breadth of choice, including affordable housing. In this instance, enhancements to footway and pedestrian facilities locally, and increase in population locally that would support local facilities and services can also be considered as support to the social role of sustainable development and can be afforded significant weight in the decision making process.

#### **Highways, Access and Connectivity**

- 6.12 The application site is well related to the city centre, with excellent pedestrian links to the local services, facilities and employment as well as to public transport routes. Occupants of the proposed dwellings would support these services and facilities and improve their economic growth. The site’s location is considered to be sustainable, and offers good opportunity to improve pedestrian connectivity in the locality as well and as such would comply with the aims of policy SS4 of the Core Strategy.
- 6.13 Policy MT1 of the Core Strategy requires that it is demonstrated that the strategic and local highway network can absorb traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network and encourage and positively contribute to the integration of sustainable modes of transport (walking, cycling and public transport).
- 6.14 One of the key issues arising through the public consultations for this, and previous applications, 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 is accompanied by a Transport Statement that refers to the Transport Assessment (TA) undertaken on the most recent application. The capacity issues at the junctions with Whitecross Road were addressed as part of this assessment, with a base year of 2012 and forecast year of 2022. It is concluded that the junction experienced minimal delays and queuing during peak periods and that the junction operates well within the capacity and pressures of committed development and development traffic. The Transportation Manager has carefully considered the data submitted and concludes that the traffic generation from this site would not adversely impact upon the local network in terms of traffic movement. It is also considered that there is sufficient parking provision for the dwellings within their curtilage or parking areas to ensure that parking does not ‘spill out’ onto the neighbouring roads. As some rely on the garaging (3m x 6m in footprint) a condition requiring garages to be retained for the parking of vehicles is proposed. As such it would comply with the requirements of policy MT1 of the Core Strategy.
- 6.15 It is apparent that one of the key concerns of local residents relates to the construction traffic and the movement of vehicles along Baggallay Street and neighbouring streets (Gruniesen Street, Meyrick Street and Ingestre Street). Prior to submission of the application, a public consultation meeting was held locally by the applicants and these issues were raised by local



residents at this time. Acknowledging the challenges of the site during this phase, the applicant (Redrow Homes) will operate a considerate constructor's programme and have confirmed that they will ensure that deliveries will be timed to avoid peak traffic levels on the local network and a central point of contact on site will be provided to local residents. The details of the construction management program can be agreed with the council as part of a suitably worded planning condition as suggested in the recommendations section of this report.

- 6.16 It is noted that there is a desire, locally, to find an alternative access to the site either via Yazor Road (approximately 350m to the north west) or Harrow Road / Plough Lane that lies 90m to the east of the site. Whilst local residents express this as a preference, these options do not form part of this application and these options cross land outside of the control of the applicant. Some discussion has been had in respect of these options, but it is understood that alternative accesses to the site were not possible due to ownership and financial viability constraints and that as such; the construction phases would have to be carefully managed by the applicant to ensure minimal disruption and impact.
- 6.17 This site offers 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) through the re-opening of the bridge. This provides 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 Core Strategy and the wider emphasis of sustainable development contained within the NPPF.

### ***Design and Layout***

- 6.18 Policy SD1 of the Core Strategy acknowledges that good design embraces more than simply the aesthetics of new development and includes how buildings are used, accessed and constructed. The application site is constrained by its shape, by the provision of the highway to the south to access the playing field, the flood zone to the north and ecological protection and mitigation measures required. The proposed layout is considered to reflect the local character, with the design detailing described as being 'Traditional style housing 'inspired by the 1930's Arts and Crafts era' providing the site with 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. 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 in accordance with the requirements of policy HD3 of the Core Strategy, but at the same time complement each other when viewed as a composite.
- 6.19 The design and layout of the proposed development also ensures that suitable back to back distances and relationships between homes within the site and those adjoining the site on Baggallay Street and Gruneison Street are respected. Details of boundary treatments are sought to ensure privacy is maintained.
- 6.20 Turning to the sustainability, the applicants confirm their commitment to carbon reduction, using materials with a low environmental impact that are sourced sustainably, employing a sustainable approach to water management and maximising energy efficiency and carbon reduction by minimising the demand for energy through a range of measures that are fully detailed in the design and access statement.
- 6.21 Landscaping and ecology, have formed a significant part of the overall approach to this site due to the unfortunate requirement to remove the majority of trees in the area to provide the flood mitigation works that are discussed in more detail below. New trees, hedging and shrub planting are proposed, together with new perimeter landscaping, central public space and open space along the brook corridor. The communal area has been designed at the heart of the site, and in

a location that interfaces naturally with the Yazor Brook providing natural surveillance to the new footpath / cycleway link that uses the existing bridge. In terms of the overall success of the sites design, the successful integration into the wider townscape and area will have particular emphasis on the provision of this landscaping.

- 6.22 Having regard to the above, the proposed development would comply with the requirements of policy SD1 of the Core Strategy and with the aims, in terms of design, of the National Planning Policy Framework.

### ***Affordable Housing Provision***

- 6.23 Policy H1 (affordable Housing) seeks the provision of 35% affordable homes on sites within and adjoining Hereford City. Following consultation with the Housing Manager the applicants agreed to the construction of a specialist large four bedroom bungalow to meet a specific need within the County. Acknowledging the impact of doing this (large plot requirement) it was agreed to lower the level of affordable housing to 32%. This will provide 22 affordable homes that will be secured through the Section 106 agreement, with local connection (occupation) to Hereford, in perpetuity (see Heads of Terms below)

### ***Flood Risk, Mitigation and Drainage***

- 6.24 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. Policy SD3 of the Core Strategy and guidance contained within the National Planning Policy Framework (chapter 10) seeks to steer vulnerable uses away from areas at risk of flooding (zone3) and lower areas (zone 1 and 2), subject to the application of exception tests.
- 6.25 The majority of the site does lie within flood zone 1, with the exception of the northern edge alongside the brook. No housing is proposed within flood zone 3 (a or b). Prior to the last application (132226) being withdrawn, an agreement was reached with the Environment Agency as to the provision of a suitable mitigation scheme that addressed the concerns about the residual flood risk. In order to do this, it is proposed to re-profile Yazor Brook bank and provide suitable flood protection in the area whilst also providing additional flood storage capacity. Additionally, the floor levels of the proposed homes will be set at a level that is 600mm above 1:100 year flood levels plus an allowance for climate change. This was the approach agreed by the previous applicants (withdrawn application) with the Environment Agency. The Environment Agency has confirmed that they raise no objections to this, subject to the imposition of appropriate conditions to ensure that the proposed scheme continues to protect future residents and dwellings. As such, the proposal, with the appropriate mitigation measure and safeguarding conditions would comply with the requirements of policy SD3 of the Core Strategy and with the guidance contained within the National Planning Policy Framework.
- 6.26 Welsh Water have been consulted and raise no objection, subject to the imposition of a condition. The Council's land drainage engineer has also been consulted and the detailed consultation response is provided in full above. They conclude that their review of the surface water drainage strategy has raised a number of issues regarding the methods of calculation. However, they confirm confidence that these issues can be adequately addressed during the detailed design of the drainage system as part of a suitably worded planning condition. An informative informing the applicant of the advice is suggested and they have also been made aware of this. Taking the specialist advice of the land drainage engineer, welsh water and the Environment Agency, officers are satisfied that the requirements of policies SD3 and SD4 can be met and can be controlled via suitable conditions as suggested below.

## ***Landscaping and Biodiversity***

- 6.27 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 fully considered as part of the application submission as is reflected in the comments from the Conservation Manager (Landscape and Ecology). In addition to the important landscape role in the design and layout of the site discussed above, the proposed the proposed planting and mitigation do offer sufficient compensation for this loss and disturbance required during construction with planting and enhancement measures proposed with potential to enhance green infrastructure and improve the site as a whole over time. Detailed method statements would be required by way of a condition, along with ongoing maintenance and management of the areas. Subject to the relevant conditions, the proposal would comply with the requirements of policies SD1, LD1, LD2 and LD3 of the Core Strategy and the guidance contained within the National Planning Policy Framework.

## ***Public Open Space***

- 6.28 The Parks and Countryside Officer has confirmed in their comments above that the proposed development would comply with the requirements and standards of Core Strategy policies OS1 and OS2. It is noted that there is no landscape plan or detail of the on-site play area at this stage to confirm this but officers are working with the applicant to finalise these in line with the requirement of the attached draft heads of terms (play equipment / area to the value of approximately £57,000) and requirements of the Environment Agency as well. Officers are confident that a satisfactory outcome can be achieved in accordance with these policies and would recommend a condition be imposed to finalise details of this as well as the timing of delivery of the play space and future maintenance. It is likely that the future maintenance will be undertaken by a management company. Onward maintenance will be secured via the section 106 agreement in perpetuity. This will relate to the entire open space area, which will also act as a flood storage area at time of extreme flood events.

## ***Section 106***

- 6.29 In line with the requirements of policy ID1 of the Core Strategy and the Council's SPD – Planning Obligations a detailed heads of terms was submitted with the planning application and is attached to the report. CIL regulation compliant contributions have been identified to the applicant at the pre-application stage and will secure contributions towards education (Whitecross High School and Lord Scudamore School), Sustainable Transport, Play facilities and Waste Management. In addition, the S106 agreement will secure 32% affordable housing as per the specified mix and plan including both social rent and intermediate tenure. However, as the land is still in the ownership of the Council, the procedure differs slightly from the norm. The applicants will need to enter into an agreement with the vendor (The Council) called a Section 111 Agreement before the planning permission is issued. This requires them to sign the Section 106 agreement upon completion of the sale of the land and within a specified time period (expected to be simultaneous). This is reflected in the recommendation to the Committee below. A condition is also suggested that means that no works can be commenced on site without the completion of the Section 106 agreement.

## ***The Planning Balance and Conclusions***

- 6.30 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing supply policies (in this instance SS2 and SS3) of the Core Strategy are therefore considered to be out of-date and the full weight of the NPPF is applicable. The remaining Core Strategy policies may be attributed weight according to their consistency with the NPPF; the greater the consistency, the greater the weight that may be accorded. As detailed above, Policy HD1, that seeks to encourage residential development in Hereford is considered to be

consistent with the aims of the NPPF to encourage growth in sustainable locations and can be attributed significant weight. This proposal would support this objective.

- 6.31 The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development; the economic, social and environmental roles. Policy SS1 of the Core Strategy acknowledges this and mirrors the guidance at paragraph 14 of the National Planning Policy Framework.
- 6.32 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that the presumption in favour of approval is engaged.
- 6.33 This brownfield site lies in a central location with excellent opportunities to encourage sustainable patterns of movement for its occupants and for the wider area and as such would comply with the strategic aim of the Core Strategy set out in policy SS4. This policy is clearly consistent with the guidance contained within the National Planning Policy Framework and can therefore be attributed significant weight in the decision making process. The improved pedestrian connectivity provided by the development of this site is also considered a benefit in terms of the social role of sustainability and can be attributed weight.
- 6.34 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role and should be attributed significant weight. Likewise S106 contributions and the new homes bonus should also be regarded as material considerations.
- 6.35 In providing a greater supply of housing and breadth of choice, including 32% affordable and in offering enhancements to footway and pedestrian facilities locally (on site and off site through Section 106 contributions), officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development
- 6.36 There is harm identified in the loss of trees and habitats in order to provide the required flood mitigation to develop the site. The application has carefully considered this impact and proposes to mitigate and enhance the biodiversity, green infrastructure and immediate landscape in accordance with the relevant Core Strategy policies and guidance contained within the National Planning Policy Framework. In this respect, the harm cannot be considered to be significant and demonstrable such that this would warrant the refusal of the application when considered in light of the requirements of paragraph 14 of the National Planning Policy Framework and policy SS1 of the Core Strategy. In terms of the environmental role, there are some benefits that can be attributed to the development of the site in the long term, including biodiversity and green infrastructure enhancement, and replacement of a disused brownfield site and creation of a well designed and attractive development that contributes to the built form of the area.
- 6.37 Technical matters in respect of flood risk and drainage have been considered and are found to be acceptable and in accordance with the requirements of the relevant policies of the Core Strategy. The key concern locally relating to highways capacity (and construction phases) has also been considered carefully, and whilst acknowledging the constraints and concerns, the application has successfully demonstrated that the additional traffic can be accommodated within the local and strategic highway network in accordance with policy MT1 of the Core Strategy and in accordance with the requirements of paragraph 32 of the National Planning Policy Framework. Conditions are recommended to address and manage the construction phase of development.
- 6.38 Officers conclude that the proposed development accords with the relevant policies of the Core Strategy and that there are no adverse impacts of granting planning permission that would significantly or demonstrably outweigh the benefits when assessed against the policies of the National Planning Policy Framework taken as a whole. It is therefore concluded that the

presumption in favour of sustainable development should be engaged and that planning permission should be granted subject to the completion of a legal undertaking and planning conditions detailed below.

## **RECOMMENDATION**

**Subject to the completion of a Section 111 agreement under the Local Government Act 1972 and Section 1 of the Localism Act 2011 requiring the applicant to complete, under section 106 of the Town & Country Planning Act 1990 an obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary.**

- 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. G18 Provision of play area/amenity area**
- 9. H18 On site roads - submission of details**
- 10. H11 Parking - estate development (more than one house)**
- 11. H20 Road completion in 2 years**
- 12. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.**

**Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with the requirements of policy SD4 of the Herefordshire local plan - Core Strategy**

- 13. The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located marked out on site before works commence and no operational development shall be carried out within 6 metres either side of the centreline of the public sewer.**

**Reason: To protect the integrity of the public sewer and avoid damage thereto**

protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

14. 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 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

15. 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 are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

16. I16 Construction Management Plan to include:

- Hours of working during construction
- site compound location
- parking for site operatives
- parking for visitors
- turning area / parking area for delivery lorries
- Hours for deliveries
- Delivery management strategy
- details of considerate constructors (contact details for local residents)
- routing of delivery vehicles during consultation phase

17. I51 Details of slab levels

18. B07 Section 106 Agreement - as per attached heads of terms

19. Finished floor levels shall be set no lower than 600mm above the undefended 1% plus climate change flood level shown in Appendix C (Modelled Watercourse Table) and Drawing Number 3583-15-02-503/P1 (Appendix E) unless otherwise agreed in writing by the LPA.

Reason: To protect the proposed dwellings from flood risk for the lifetime of the

development in accordance with the requirements of policy SD3 of the Herefordshire Local Plan - Core Strategy and guidance contained within the National Planning Policy Framework.

20. Flood storage compensation, shall be carried out, in accordance with the details submitted, including Section 7 of the FRA dated February 2016, including Drawing Numbers 3583-15-02-500/P2 and 3583-15-02- 503/P1 (Appendix E) unless otherwise agreed in writing by the LPA, in consultation with the Environment Agency.

Reason: To minimise flood risk and enhance the flood regime of the local area having regard to the requirements of policy SD3 of the Herefordshire Local Plan - Core Strategy and guidance contained within the National Planning Policy Framework.

21. There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within the flood storage compensation area highlighted in blue on Drawing Numbers 3583-15-02-500/P2 and 3583-15-02-503/P1 (Appendix E).

Reason: To ensure the flood storage area works efficiently over the lifetime of the development having regard to the requirements of policy SD3 of the Herefordshire Local Plan - Core Strategy and guidance contained within the National Planning Policy Framework.

22. A maintenance scheme must be in place for the watercourse, flood mitigation area and gabion retaining wall.

Reason: To ensure the flood storage area continues to operate effectively over the lifetime of the development having regard to the requirements of policy SD3 of the Herefordshire Local Plan - Core Strategy and guidance contained within the National Planning Policy Framework.

23. M17 Water Efficiency - Residential

24. H29 Secure Covered cycle parking provision

25. F08 – No conversion to garage to habitable accommodation

#### **INFORMATIVES:**

1. HN10 No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

2. HN08 Section 38 Agreement & Drainage details

3. HN28 Highways Design Guide and Specification

4. HN05 Works within the highway

5. HN01 Mud on highway

6. N11A Wildlife and Countryside Act 1981 (as amended) - Birds

- 7. **N11C General**
- 8. **W01 Welsh Water Connection to PSS**
- 9. **N14 Party Wall Act 1996**
- 10. **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.**

Decision: .....

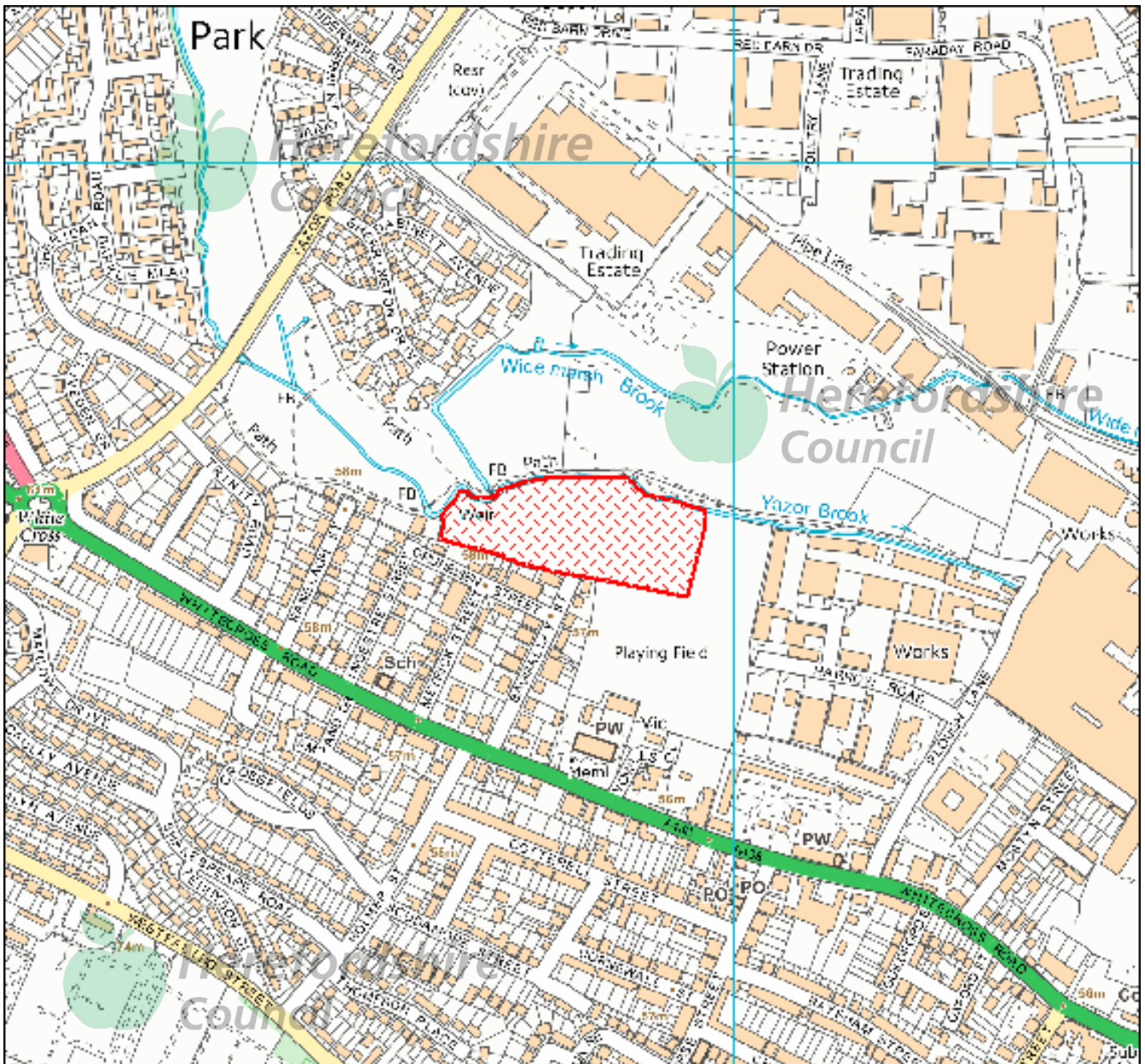
Notes: .....

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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** 160613

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

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# HEADS OF TERMS

## Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990

Application: 160613

Site address: **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, and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). All contributions in respect of the residential development are assessed against open market units (31 x 4 bed units and 16 x 3 bed units) only except for item 3 which applies to all new dwellings.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£282,071.00** (index linked) to provide enhanced educational infrastructure at Lord Scudamore Primary School and Whitecross High School, 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 sum of **£147,920.00** (index linked) 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:

There needs to be a footway cycle way to the boundary and provided as part of the development. The crossing and link to the cycle footway north of the brook will need to be added to the S106 agreement.

- a) Improvements to the cycle route from the site to Holmer Road
- b) Provision of a crossing and link to the cycle / footway north of the brook (NW of site)
- c) Widening of the existing footpath from Plough Lane to Yazor Road to provide a shared cycleway/footpath
- d) Pedestrian improvements at the Grimmer Road/Whitecross Road signalised junction

*NOTE: A Sec278 agreement may also be required and/or used in lieu of the above contributions depending on the advice from the local Highways Authority*

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£5,520.00 (index linked)** per dwelling. The contribution will be used to provide 1x waste and 1x recycling bin for each residential property. The sum shall be paid on or before the commencement of the development.
4. The maintenance of any on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council and/or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

*NOTE: Any flood mitigation/defence scheme, attenuation basin and/or SUDS which may be*

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

*transferred to the Council will require a commuted sum calculated in accordance with the Council's tariffs over a 60 year period*

5. The developer covenants with Herefordshire Council to provide an on-site play area, to cater for toddlers and older children, to the value of around £57,000.
6. The on-site play area shall be completed and made available for use in accordance with a phasing programme to be agreed in writing with Herefordshire Council
7. The developer covenants with Herefordshire Council that 32% (22) of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H1 of the Herefordshire Local Plan – Core Strategy or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.

Affordable dwelling shall be provided as set out in drawing number: 3583.15.02.105 Rev A (Affordable Housing Plan) with the tenures as follows:

- 10 x Intermediate Tenure
- 12 x Social rent

8. All the affordable housing units shall be completed and made available for occupation in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
9. 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:-:

9.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and

9.2. satisfy the requirements of paragraphs 9 & 10 of this schedule

10. 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:-

10.1. a local connection with the Hereford

10.2. in the event of there being no person with a local connection to Hereford 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 9.1 above.

11. For the purposes of sub-paragraph 9.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:

11.1. is or in the past was normally resident there; or

11.2. is employed there; or

- 11.3. has a family association there; or
- 11.4. a proven need to give support to or receive support from family members; or
- 11.5. because of special circumstances;
12. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2 and 3 above, for the purposes specified in the agreement within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
13. The sums referred to in paragraphs 1, 2, 3 and 5 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.
14. If the developer wishes to negotiate staged and/or phased trigger points upon which one or more of the covenants referred to above shall be payable/delivered, then the developer shall pay a contribution towards Herefordshire Council's cost of monitoring and enforcing the Section 106 Agreement. Depending on the complexity of the deferred payment/delivery schedule the contribution will be no more than 2% of the total sum detailed in this Heads of Terms. The contribution shall be paid on or before the commencement of the development.
15. 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.