

5 DCCW2004/3085/F - 32 DWELLINGS AND ASSOCIATED WORKS AT LAND AT ATTWOOD LANE, HOLMER PARK, HEREFORD**For: Persimmon Homes (South Midlands) Ltd. per Hunter Page Planning Ltd., Thornbury House, 18 High Street, Cheltenham, GL50 1DZ****Date Received: 9th September 2004****Ward: Burghill,
Holmer & Lyde****Grid Ref: 51083, 42401****Expiry Date: 4th November 2004**

Local Member: Councillor Mrs. S.J. Robertson

Introduction

The determination of this application was deferred at the meeting of the Central Area Planning Sub-Committee on 12th January 2005 in order for further information from internal consultees to be incorporated into the report. Members will recall that a site inspection took place on 4th January 2005.

The attached report has been updated to take account of the additional information and matters raised during the site meeting.

1. Site Description and Proposal

- 1.1 The application site lies to the north of Attwood Lane, Holmer between Holmer Nursing Home and Attwood Court.
- 1.2 Planning permission is sought to construct 32 dwellings, 10 of which will be affordable together with a small on-site play area. The application also includes works to Attwood Lane in the form of traffic calming measures. It would involve the demolition and removal of all existing buildings and structures relating to the existing commercial uses on the site.
- 1.3 The 10 affordable dwellings will be 2 x 2 bed low cost dwellings, 4 x 3 bed for rent, 2 x 3 bed for shared ownership and 2 x 4 bed for rent. The open market housing comprises 8 x 3 bed and 14 x 4 bed. Five dwellings are 2½ storey in height. Foul drainage is proposed via the main sewer.
- 1.4 The layout which comprises a mix of dwellings from detached, semi-detached and terraced, provides for frontage development onto Attwood Lane with the main access coming into the site near Holmer Court Nursing Home. A T-junction would be created at this point with traffic having to stop on Attwood Lane before either entering the housing site or continuing down to Roman Road. The existing conifer forming part of the site's frontage with Attwood Lane would be removed and a series of driveways associated with the road facing dwellings including one serving a communal parking area would be provided.

- 1.5 Open fields abut the north and west of the site with Holmer Nursing Home to the south together with Wentworth Park housing estate. Attwood Court abuts the eastern side.
- 1.6 This 0.98 hectare site comprises previously developed land with the current uses comprising a gravel distribution company, a car storage use and a scaffolding firm.
- 1.7 The application is accompanied by a Planning and Highways Supporting Statement.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG3	-	Housing
PPG4	-	Industrial and Commercial Development and Small Firms
PPG13	-	Transport

2.2 South Herefordshire District Local Plan:

Policy SH1	-	Housing Land Study
Policy SH4	-	Housing Land Adjacent to Hereford City
Policy SH12	-	Cross Subsidisation Schemes
Policy ED4	-	Safeguarding Existing Employment Premises
Policy GD1	-	General Development Criteria
Policy C1	-	Development within the Open Countryside
Policy C40	-	Provision of Essential Services
Policy C43	-	Foul Sewerage
Policy C45	-	Drainage
Policy R3A	-	Development and Open Space Targets for 10 Dwellings and Over
Policy R3D	-	Commuted Payments
Policy R3E	-	Provision and Maintenance of Public Open Space and Play Areas
Policy R5	-	Improvements to Existing Recreation Land and Public Open Space
Policy CF1	-	Retention and Provision of New Community Facilities
Policy T3	-	Highway Safety Requirements
Policy T4	-	Highway and Car Parking Standards
Policy T5	-	Traffic Management

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S8	-	Recreation, Sport and Tourism
Policy S11	-	Community Facilities and Services
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential areas
Policy H2	-	Hereford and the Market Towns: Housing Land Allocation

Policy H3	-	Managing the Release of Housing Land
Policy H9	-	Affordable Housing
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Development Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy H19	-	Open space Requirement
Policy E5	-	Safeguarding Employment Land and Buildings
Policy RST1	-	Criteria for Recreation, Sport and Tourism Development
Policy CF2	-	Foul Drainage
Policy CF5	-	New Community Facilities

3. Planning History

- 3.1 CW2002/1738/F Change of use to storage yard for retail use (retrospective application). Withdrawn 31st July 2002.
- 3.2 DCCW2004/182/F Construction of 32 dwellings and associated works. Withdrawn 9th September 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water - recommend approval subject to appropriate conditions ensuring connection to the main sewer for foul drainage and separate surface water drainage system.

Internal Council Advice

- 4.2 The Traffic Manager recommends permission subject to appropriate conditions and contribution towards traffic calming measures.
- 4.3 Director of Education - the provided schools for this site are Broadlands Primary and Aylestone High Schools. Both schools are close to capacity and any additional children entering the area would prevent us from removing temporary classrooms that we may otherwise be able to do, or put us into a situation where we have to create permanent builds.

The Education Directorate would therefore be looking for a contribution to be made towards education in the area.

- 4.4 Forward Planning Manager comments that the site lies outside the settlement boundary of Hereford City as defined by the South Herefordshire District Local Plan and reliance on this document would lead to an objection in principle to residential development on this site. It is advised that the emerging Unitary Development Plan policies do carry weight and should be taken into account when assessing planning applications. With regard to the Herefordshire Unitary Development Plan (Revised Deposit Draft) the whole of the site would lie within the settlement boundary with the western half forming part of the Established Residential Area and the eastern half allocated as safeguarded employment land. It is advised that the loss of employment land for housing will generally be resisted. The emerging Policy E5 recognises that certain uses do not conform with the predominant land use and in such cases the

removal of the business use would need to be weighed against the benefits of its retention. It would be relevant to consider the potential for mitigating against the impact of such use in order to secure its retention but if it is accepted that acceptable mitigation would not be possible every effort should be made to find a satisfactory site for the relocation of the existing businesses.

- 4.5 It is advised that a Council review of employment land indicates a requirement for an additional 11 hectares up to 2011 and whilst there is a large supply in Hereford (69 hectares), the majority is not available. The removal of the employment land allocation north of Roman Road means that there are no real alternatives north of the river and as such the need to retain existing employment land is established.
- 4.6 In summary it is stated that the application runs contrary to current adopted Local Plan policy. When assessed against emerging UDP policies, the western part of the site is acceptable for residential development in principle. However, such development would not necessarily be acceptable on the eastern side unless the Case Officer considered there is a justification for the exceptional loss of employment land. Only limited weight should be afforded to UDP policies and the application should be determined primarily against existing adopted policies.
- 4.7 Head of Community and Economic Development comments:-

It is noted that the site is allocated and used for employment use. There is currently a very limited supply of employment land available for development in Hereford. This situation is likely to remain for the foreseeable future with highway and flooding constraints limiting the release of land at Rotherwas Industrial Estate. In addition, proposals for additional employment land north of Roman Road have been deleted from the draft UDP.

From an economic development perspective the site should be retained and safeguarded for employment use.

- 4.8 Head of Strategic Housing Services comments that the 10 affordable houses should be 2 x 4 bed houses for rent, 4 x 3 bed houses for rent, 2 x 3 bed houses for shared ownership and 2 x 2 bed houses for shared ownership. Low cost market housing is not considered appropriate.

5. Representations

- 5.1 Holmer Parish Council - the Parish object on the following grounds:-

1. At present three Companies who employ in excess of 35 people occupy the site. It is not vacant and is used for employment. Under the UDP the land is set aside for employment (Policy E5) and therefore should not be considered for residential. Bearing in mind employment land has already been deleted from the UDP - Roman Road (Policy E4) the north side of Hereford cannot afford to lose any more employment land. It is indicated in the applicant's Planning Statement 5.3 "shape new development patterns in a way which minimises the needs to travel" loss of employment land would involve nearby residents travelling to other employment land.

The Parish would expect the Forward Planning Dept., to recommend refusal for this application as it contradicts the UDP which they have prepared.

2. There is no nearby infrastructure to take foul drainage or storm water and there is no mention in the Planning Statement as to how the developer intends to circumvent this problem.
 3. At present there is a substantial line of tree planting which is down for removal, although it is indicated in the planning application form that no trees are to be removed. These trees create a barrier to the site and maintain the street vista when driving along Attwood Lane.
 4. It is appreciated that the "rat run" along Attwood Lane needs to be addressed, but providing raised platforms and footways would change a rural situation into an urban estate. It is indicated on the layout drawing that a footpath would be provided adjacent to Holmer Court Rest Home and we would query whether this is permissible in terms of ownership as no Certificate B has been issued on Holmer Court.
 5. The introduction of street lighting on this ridge line would ruin the rural feel in this area.
 6. The layout drawings indicates that Plots 1-6 are shown fronting Attwood Lane some two metres back from the carriage way, which would not be very appropriate for a rural street scene. The layout drawing also shows an easement for an off-site pumping station measuring 6 metres wide and extending into the adjacent land to the north. Is this a provision for further development?
- 5.2 Holmer and District Residents' Association together with 15 letters of objection have been received. The main points raised are:
1. The proposed density of 32 dwellings per hectare is considerably greater than the adjoining residential development.
 2. The development is on the edge of high quality countryside where density should be decreased. The developers have imposed a uniform density with the tallest houses to the rear.
 3. Some of the dwellings rise to 3 storeys and these would be out of keeping with the predominantly one and two storey housing.
 4. Areas of the site have been filled making land levels higher.
 5. There are footpaths nearby which will give views of the site yet no screening is proposed.
 6. The insertion of 32 dwellings adjacent to low density development would not provide a transition zone.
 7. There is limited open space provision on-site with older children likely to use surrounding fields to the detriment of a site of archaeological importance located nearby.
 8. It is possible that contaminated material will need to be removed from the site, but no reference is made only that clay and soil will be removed.

9. Drainage both foul and surface water could be a problem. Foul drainage is a major issue in the area and if drainage into the brook to the rear occurs this adversely floods in times of heavy rainfall.
 10. Residents shall be given the opportunity to choose external materials.
 11. It is considered that the scale and density would destroy the character of the area and set a precedent for treating other sites in the vicinity.
 12. Attwood Lane is heavily trafficked and used as a "rat run" and although business traffic will be reduced 32 houses will increase the traffic situation.
 13. This area dictates executive housing not Housing Association dwellings.
- 5.3 Holmer Court Nursing Home - in principle supports the development but are concerned regarding the traffic implications and impact on the ramped access to their property.
- 5.4 A letter of objection has been received from A.R. Hirst, Company Director of W & J Scaffolding Ltd. The following concerns are raised:-
- contrary to the aims of protecting safeguarded employment land in the UDP and to provision of the current South Herefordshire District Local Plan.
 - site currently employs a total of 41 people which will be lost emphasising the importance of this site for employment purposes.
 - alternative site to relocate to have not met requirements. Potential of finding a similar site are very slim jeopardising the success of an important local business.
- 5.5 Two letters of support have been received from Pegasus Juniors Football Club and Paul Keetch, M.P. expressing the importance of the financial contribution proposed to improve the Old School Lane site.
- 5.6 The agents have also submitted an extensive planning and highways supporting statement which has been further enhanced by submission of a design statement. Additional plans relating to the details of traffic calming measures and confirmation has been received that the mix of affordable housing proposed by the Head of Strategic Housing Services is acceptable.
- 5.7 The applicant has provided further information in relation to the three businesses currently occupying the site. It is advised that Hereford Garages who use the western part of the site for car storage do not actually employ anyone on the site. Tristan Jones Sand and Gravel Distribution occupy the central portion of the site and employ a total of three people on a casual basis. W. & J. Scaffolding occupies the eastern portion of the site with a maximum on site workforce of five persons with the remainder floating as they are required at locations where scaffolding will be erected. The business has other depots in Shrewsbury and Telford and is currently considering relocating to Leominster.
- 5.8 The following environmental/community benefits are cited:-
- improvement of existing highway alignment along Attwood Lane;

- removal of existing commercial traffic using Attwood Lane;
- additional traffic calming measures;
- introduction of footpath to improve pedestrian safety;
- removal of noise generating commercial distribution businesses;
- removal of existing utilitarian structures from the sites.

5.9 A further letter of correspondence was received from the agent for this proposal confirming Persimmon Homes are happy that their proposed contribution of £20,000 (previously set aside specifically for Pegasus Football Club) can be utilised by the Council for general sporting facilities in the vicinity of the development site.

5.10 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The main issues in considering this application are:

1. The Principle of Development
2. Density, Design, Scale and Affordable Dwellings
3. Foul and Surface Water Drainage
4. Highway Safety
5. Other Material Considerations

The Principle of Development

6.2 In order to assess the acceptability of the proposed development it is important that the proposal is consistent with all tiers of planning policy including local and national planning policy. The weight accorded to each of the tiers is fundamental to the consideration of this proposal.

6.3 PPG1 promotes a planning framework which seeks to shape new development patterns in a way that minimises the need to travel. In this respect the site is located within the urban fringe of Hereford with accessibility to existing infrastructure, public transport and employment areas. Therefore development of the site would minimise the need to travel and accord with broader sustainability objectives although the existing commercial uses would also satisfy this approach.

6.4 PPG3 promotes and gives priority to the re-use of previously developed land (Brownfield sites) particularly where they accord with the guidance contained in PPG1.

6.5 In addition PPG3 emphasises the importance of designing residential development that will improve the quality and attractiveness of a residential area. The development has been designed with a "Home Zone" concept which places the needs of pedestrians and residents before ease of traffic movement thereby creating a residential environment that is not dominated by the demands of the car.

- 6.6 Proposed changes to PPG3 have been out to consultation which expired in October 2004. Although only in draft they can be regarded as a material consideration. The draft further emphasises the need to allow development of brownfield sites.
- 6.7 PPG13 further supports the redevelopment of the site as it is located within a sustainable location ideally placed to take advantage of the existing infrastructure.
- 6.8 The Herefordshire UDP has passed through its initial consultation processes and is heading towards a Public Inquiry in 2005. Policies within the Plan are relevant to this site and need to be considered.
- 6.9 Firstly, it should be noted that the site is within the defined settlement boundary for Hereford and is identified as being part residential and part safeguarded employment land. Employment Policy 5 seeks to safeguard employment land and buildings unless there are substantial benefits to residential or other amenity in allowing alternative forms of development. The removal of the employment use of the site would bring a benefit to the surrounding residential development by removing what are considered to be non-conforming uses or the potential use as an authorised employment site. In addition the development of the site will enable works to be undertaken on Attwood Lane to reduce its attractiveness as a "rat run" between the A49 and A4103 roads. Also the introduction of mains drainage could provide an alternative means of foul drainage disposal to other dwellings in Attwood Lane. Additional benefits will be the removal of commercial vehicles from Attwood Lane, improved footway network and the removal of unsightly commercial buildings and structures.
- 6.10 In line with national policies the UDP Policy S3 supports maximising the use of Brownfield sites and that these sites are developed prior to greenfield land (Policy H3). Policy ED4 of the South Herefordshire District Local Plan further supports the development of the site. It is therefore considered that these are tangible benefits which could be derived from confirming that the principle of developing the site complies with existing and emerging planning policy. The inclusion of the whole site within the settlement boundary for Hereford City and part of its allocation for housing would leave only 0.5 hectares of employment uses adjacent to residential development. A piecemeal approach could deliver a poor layout and limited benefits. This proposal would provide a comprehensive approach to the development of the site. The employment land loss is considered minimal (0.5 hectares) in relation to the potential availability of employment sites in the wider area.

Density, Design, Scale and Affordable Housing

- 6.11 In seeking to establish the principle of a wholly residential development of the site it is acknowledged that the benefits and disbenefits are finely balanced. However emphasis has been given to the improvements that would accrue based upon the current adopted policy framework and when this is set against the emerging policies that extends the settlement boundary and includes part of the site within the Established residential Area, it is considered that there is a satisfactory case for residential use.
- 6.12 PPG3 advises that new development should be built to a density of 30-50 to the hectare. The UDP further emphasises that within Hereford the level should be at least 50 dwellings per hectare in the town centre and other sites at least 30 dwellings per hectare. The development site equates to 32 dwellings per hectare and clearly sits at the lower end of the density criteria. In this respect the lower density development that

surrounds the site justifies this reduced level of provision together with the impact on highway safety if a greater density was proposed.

- 6.13 The design and layout reflects the character of the houses in the area. Five 2½-storey houses are located within the 32 dwellings proposed, the remainder being 2 storey. The layout reflects the home zone approach with an integral open space and play area which is overlooked by dwellings to provide supervision and security. The layout also provides for frontage development along Attwood Lane and the change of priority along Attwood Lane ensures that approaches to the development provide a focal point to the entrance. Another key feature is the prominence of the dwellings within the street scene with car parking spaces and garages located to the rear and sides of the plots further emphasising the home zone approach where the dominance of the car is reduced.
- 6.14 The layout includes the provision of 10 affordable dwellings which are catered for in a mix of low cost, rent-shared equity and range from 2 to 4 bed dwellings. The design, layout, scale and affordable provision is therefore considered to comply with national planning policy, the South Herefordshire District Local Plan and the emerging policy in the Unitary Development Plan.

Foul and Surface Water

- 6.15 There is presently no mains drainage on the site, however there is the potential to achieve a connection. Welsh Water have confirmed that they are agreeable to a condition preventing development of the site until such time as mains drainage is available. The adjoining Wentworth Park development has an unadopted sewer. The applicant has shown their willingness to requisition a sewer and undertake necessary improvement works under sections 98 and 101 of the Water Industry Act 1991. These works will be paid for by the developer once they have obtained planning consent. An appropriate "Grampian" condition preventing development as recommended by Welsh Water will safeguard mains drainage to the site. This would alleviate the drainage problems in the area and could possibly provide mains drainage to other dwellings in Attwood Lane.

Highway Safety

- 6.16 Attwood Lane is used as a "rat run" between Roman Road and the A49 Hereford-Leominster road. This development seeks to change the priority of Attwood Lane together with other traffic calming measures located more remotely from the site. The precise design, specification and position of these off site works is not yet established but the financial contribution of £8,000 towards the implementation of appropriate measures is regarded as acceptable by the Traffic Manager. It is considered that this will provide tangible benefits to the residents and reduce its use as a "rat run".

Other Material Considerations

- 6.17 In addition to the £8,000 offered for off-site highway improvements the developers have also agreed to provide £1,000 per dwelling (£32,000) to cover educational needs and £20,000 towards enhancing recreational provision. There are a number of options available and whilst the geographical location of the Old School Lane Playing Field has its benefits it is considered that the contribution would be better directed towards the developments at Aylestone Park. This contribution links the concerns raised in the consultation process of provision of sporting facilities for the older children.

6.18 During the site inspection reference was made to potential implications for the medieval settlement remains to the north and east of the application site. Further discussion with the Council's Archaeological Advisor has indicated that there would be no direct impact on any archaeological remains of interest and as such no objection is raised to the proposal in respect of this policy. The historic value of the brick built building on the western boundary is limited and its demolition would not require approval from the Local Planning Authority. Its retention is not therefore a matter that can be given any weight.

Summary

6.19 The development of this site located within the settlement boundary as identified in the Unitary Development Plan will provide tangible benefits to the locality by providing a conforming land use, highway benefit, educational support and enhanced recreational provision. The loss of 0.5 hectares of employment land is considered modest in respect of these benefits. The proposal will provide a comprehensive development approach with benefits to highway safety, residential amenity and recreational provision.

RECOMMENDATION

That

1) The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning act 1990 to

- (1) Affordable housing**
- (2) Contribution to education (£32,000)**
- (3) Contribution to highway improvements (£8,000)**
- (4) Contribution to development of Aylestone Park or other suitably identified facilities in the locality (£20,000)**

and any additional matters and terms as she considers appropriate.

2) Upon completion of the aforementioned planning obligation that the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:

1. A01 (Time limit for commencement (full permission)).

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. A06 (Development in accordance with approved plans).

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. B01 (Samples of external materials).

Reason: To ensure that the materials harmonise with the surroundings.

4. No development shall commence on site until mains drainage is available on site.

Reason: To ensure an appropriate means of foul drainage.

5. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

6. F20 (Scheme of surface water drainage).

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

7. F22 (No surface water to public sewer).

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

8. F44 (Investigation of contaminated land).

Reason: To ensure that potential contamination of the site is satisfactorily assessed.

9. F46 (Implementation of measures to deal with contaminated land).

Reason: To ensure contamination of the site is removed or contained.

10. F48 (Details of slab levels).

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

11. G01 (Details of boundary treatments).

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

12. G02 (Landscaping scheme (housing development)).

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

13. G03 (Landscaping scheme (housing development) – implementation).

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

14. G05 (Implementation of landscaping scheme (general)).

Reason: In order to protect the visual amenities of the area.

15. G30 (Provision of play area/amenity area).

Reason: To ensure a reasonable standard of amenity for future occupants of the development.

16. G31 (Details of play equipment).

Reason: To ensure the play area is suitably equipped.

17. G32 (Landscaping to include amenity land).

Reason: To ensure a reasonable standard of amenity for future occupants of the development.

18. G33 (Details of walls/fences (outline permission)).

Reason: In the interests of residential and visual amenity.

19. No dwellings shall be occupied until the traffic calming measures for Attwood Lane have been implemented in their entirety.

Reason: In the interest of highway safety.

20. H11 (Parking - estate development (more than one house)).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

21. H13 (Access, turning area and parking).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

22. H18 (On site roads - submission of details).

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

23. H19 (On site roads – phasing).

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

24. H21 (Wheel washing).

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

25. H27 (Parking for site operatives).

Reason: To prevent indiscriminate parking in the interests of highway safety.

26. Prior to work commencing on site details of site workers accommodation and offices shall be submitted for approval in writing by the local planning authority. The units shall be positioned in accordance with those details.

Reason: In order to protect the residential amenity of residential properties.

Informatives:

- 1. HN01 - Mud on highway.**
- 2. HN04 - Private apparatus within highway.**
- 3. HN05 - Works within the highway.**
- 4. HN07 - Section 278 Agreement**
- 5. HN10 - No drainage to discharge to highway.**
- 6. N15 - Reason(s) for the Grant of PP.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies