

DELEGATED DECISION REPORT

APPLICATION NUMBER

204601

Land between St James's Road & Harold Street, Hereford, HR1 2QU

CASE OFFICER: Mrs G Webster
DATE OF SITE VISIT: January 2021

Relevant Development Plan Policies: Herefordshire Local Plan – Core Strategy
Policies: H1, LD1, LD2, SD1, SD3, SD4, MT1

Hereford Area Plan - currently being drafted

NPPF

Relevant Site History: P181073/PA7 – Prior notification of proposed demolition – Prior approval not required
DCCE2007/0609/F – Proposed bungalow - approved

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
City Council	X	X			
Transportation	X		X		
Ecologist	X		X		
Natural England	X		X		
Welsh Water	X		X		
Press/ Site Notice	X	X			
Local Member	X			X	

PLANNING OFFICER'S APPRAISAL:

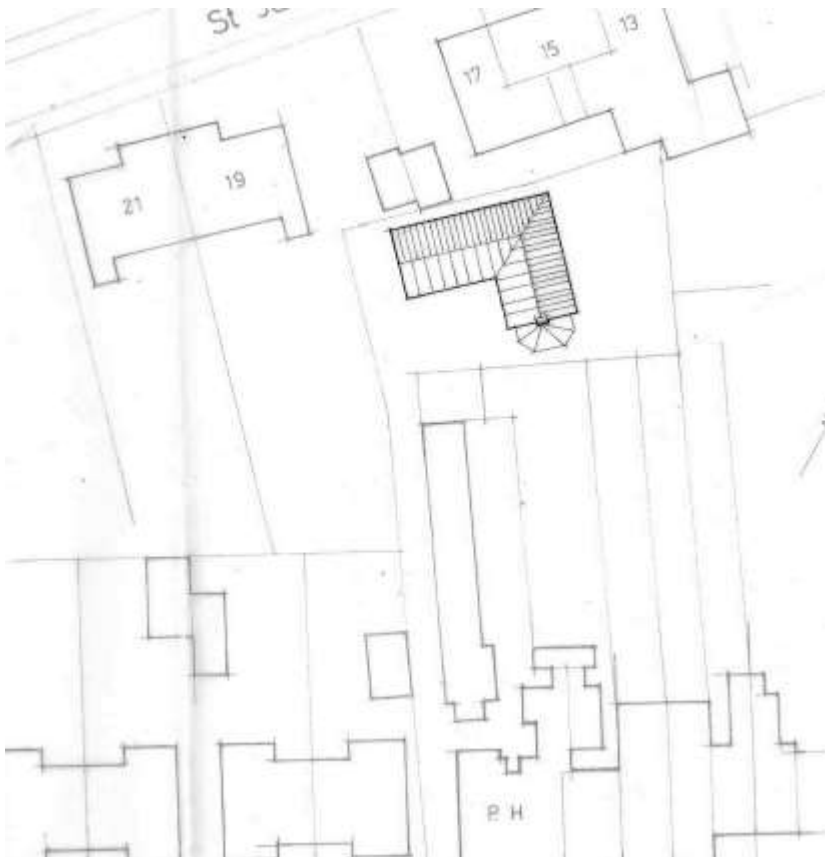
Site description and proposal:

This application relates to a small parcel of land in the residential area known as St James's and the land has been occupied by 16 number lock up garages. Recently the roofs of the garages have been removed.

Vehicular and pedestrian access is off Harold Street and this drive also provides access to the rear gardens of the adjoining properties.

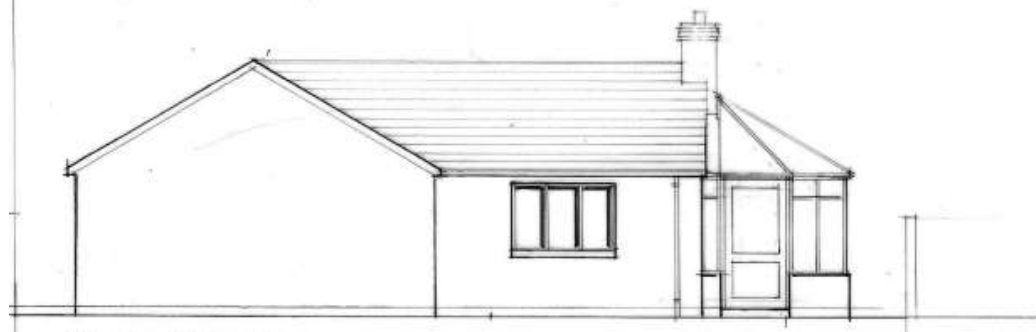
The proposal is for a new three bedroom dwelling, with brick elevations under a tiled roof.

Parking and turning area is provided at the front of the property, with private garden space to the rear. Existing boundary walls will be retained where practicable and or replaced, repaired and improved.

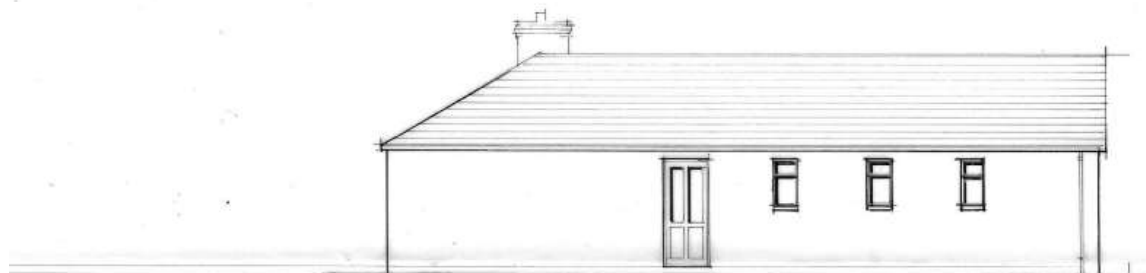




South Elevation



West Elevation



North Elevation



East Elevation

Representations:

Highways - The access to the site is narrow with poor visibility at the junction with Harold Street. However, the extant use of the site as 16 garages means that even though the garages may not be used to store vehicles they would be used to store other items which would result in people driving to and from them to pick up and drop off. It is likely that this extant use is generating, or has the potential to generate, more vehicles trips along the access road than the proposed single dwelling so it can be considered that the proposals offer nil detriment. Having said that, one area which should be explored further with Building Control is the issue of fire tender access. According to Manual for Streets a fire tender requires an access width of 3.7m which can be reduced to 2.75m over a short distance and the appliance must be able to get to within 45m of a dwelling. Clearly the access to this site could present challenges in this respect so whilst the local highway authority offers no objection from a highways perspective, fire tender access from a Building Regulations perspective should be explored in more detail.

The local highway authority has no objection subject to the below conditions which include the provision of cycle storage.

CAD, CAI, CB2

All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:

www.herefordshire.gov.uk/directory_record/1992/street_works_licence
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

Ecology - The site is within the catchment of the River Wye SAC and a Habitat Regulations Assessment process is triggered by this application and the required appropriate assessment completed by the LPA must be subject to a formal 'no objection' response from Natural England prior to grant of any planning consent.

The following notes are made in respect of the HRA process.

River Wye SAC

- No surface water will be discharged to the local main sewer system and the applicant advises that all surface water can be managed on-site through appropriate Infiltration systems.
- All foul water is proposed to be managed through connection to the local mains sewer network.
- At this location the mains sewer system is processed by DCWW's Hereford (Eign) waste water treatment works (wwtw).
- The Hereford (Eign) wwtw discharges final outfall in to the 'English' – Middle section of the River Wye SAC
- DCWW have confirmed they are satisfied that the local mains sewer system can accommodate the additional flows from this development.
- At the this time LPA Ecology have not been notified by Natural England that the English section of River Wye is failing its conservation status
- The additional phosphate pathways can currently be accommodated within the phosphate headroom accepted as part of the council's Core Strategy (2015)

- The agreed foul water and surface water management schemes can be secured by condition on any planning consent granted.

Other ecology comments

From information supplied and images available there are no immediate ecology related concerns with this proposal. There are no ecological records of important or Protected Species immediately on or adjacent to the site. The applicant and their contractors have their own legal duty of care towards wildlife protection under UK Legislation that applies throughout any demolition and construction process. Any breach of this legal Duty of Care would be a criminal offence. In this instance this LPA has no reasonable cause to require further information as part of the planning application or include a specific ecology protection condition. However a relevant information note is requested

As identified in supporting information and as identified in the NPPF, council's core strategy policies and ethos of the soon to be enacted Environment Bill all development should clearly demonstrate how it will deliver a secured, net gain in local biodiversity potential. A detailed plan showing locations and detailing the specification of all biodiversity net gain features including but not limited to enhancing Bird nesting and Insect populations should be secured through condition

Natural England - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Welsh Water - We have reviewed the information submitted as part of this application and note that the intention is to drain foul water to the public sewer and surface water to a soakaway to which we offer no objection in principle. Therefore, if you are minded to grant planning permission we request that the Conditions and Advisory Notes are included within any subsequent consent

Local Member - The application is as DCCE2007/0609/F which was approved but not started. The earlier application has therefore lapsed.

The site was developed in the 1950s for 16 lock-up motor garages built at a time when motor cars were generally much smaller than they are today. It is understood that for this reason their use for keeping cars ceased many years ago and the garages became derelict.

The site is something of an eyesore and it would be a benefit to have it redeveloped and in principle this is an application which could be supported.

The main difficulty with the site is the width of the access lane which averages just 2.40m, narrowing to 2.32m by the pub. The pub keeps its big wheely bins here and while it is perfectly possible for cyclists and pedestrians to get by, the bins narrow the gap to just 2.10m or thereabouts, far too narrow for most modern vehicles. The exit onto Harold Street is limited in visibility and there is potential conflict with the outdoor seating area for the pub.

I would be interested in the view of highway officers on the matter of the narrow lane and its junction with Harold Street. I should point out that there is pedestrian right of use of the lane both to the side entrance to the pub and (privately) to the rear of 19 St James Road.

Further comments following Officer email

There is no basis for calling the application to Planning Committee and it is therefore left to be determined using officer delegated authority.

Officer note – Cllr Milln requested a condition in relation to the Emergency vehicle access for building control, however due to separate legislation the LA are unable to condition it, however an informative note for the applicant will be included on the Decision Notice.

Pre-application discussion:

N/A

Constraints:
SSSI impact zone

Appraisal:

Policy context and Principle of Development

Section 38 (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.”

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). It is also noted that the site falls within the Hereford Area Plan, which is currently being drafted. The National Planning Policy Framework 2019, which itself is a significant material consideration

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

Policy SS1 enforces what is at the heart of the Governments National Planning Policy Framework (NPPF) in its ‘presumption in favour of sustainable development’.

Policies SS2 (Delivering new homes) and SS3 (Releasing land for residential development) of the CS clearly set out the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the CS the Council will need to continue to support housing growth by granting planning permissions where the developments meet with the policies of the CS, (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans). Policy SS2 states that a supply of deliverable and developable land will be identified to secure the delivery of a minimum of 16,500 homes in Herefordshire between 2011 and 2031 to meet market and affordable housing need. 6,500 of these will be in Hereford, where it is recognised that there is a wide range of services and consequently it is the main focus for development.

The CS confirms in the preamble to policy HD1 (at paragraph 4.2.7) that *'Within the context of the wider Plan in general, and Policies HD1 to HD6 in particular "Hereford" should be regarded in policy terms as the area to be identified within the Hereford Area Plan (HAP). The policies reflect its capacity to accommodate additional development without significant harm to local communities and in sustainable locations. Concentrating the largest portion of the county's development in Hereford will help to develop and support the regeneration of the city in the long term, by capitalising on existing services and other infrastructure and providing greater opportunities for improving and increasing them'*. As the HAP is in the early stages of preparation it cannot be relied on for defining the settlement boundary at this time, but nonetheless, the site is clearly in the main built up area of Hereford.

The site lies within an established residential area close to Hereford City. It has good access to the city, the facilities and services therein and the wider locality, by means other than the motorised vehicle. There are also nearby neighbourhood facilities including a public house, primary school, nursery and shops. The occupiers of the proposed dwelling would have a real choice of how to travel. Consequently the site is considered to be in a sustainable location. In terms of supporting the transition to a low carbon future the site's location, with good access to facilities etc. weighs positively. The proposed dwelling would have to meet current Building Regulations and water efficiency standards set out in CS policy SD3.

The proposal would provide an additional dwelling, in the context of a shortfall, and a three bedroom unit to contribute to the range of dwelling types. The scheme would contribute to the provision of housing, in accordance with CS policy HD1.

Design and setting

CS policies LD1 and SD1, require development to demonstrate that the townscape has positively influenced site selection, design and scale and maintains local distinctiveness by respecting scale, height, proportions and massing whilst making a positive contribution to the architectural diversity and character of the area. The NPPF promotes the achievement of well-designed places in Chapter 12. It states that developments should ensure that they are sympathetic to the local character and history and maintain a strong sense of place. Paragraph 124 outlines the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 aims to ensure planning decisions function well and add to the overall quality of the area, are visually attractive as a result of good architecture and layout, and sympathetic to local character and history. In cases of poor design, Paragraph 130 of the NPPF makes clear that planning permission should be refused.

The design is a fairly simple bungalow with conservatory on the southern elevation to make use of the sunlight. There are no rooflights proposed, with standard openings. The materials of facing brick under a tiled roof are acceptable for the area, where there is a large variant of dwelling sizes and designs, however a condition will be added to agree the external materials to ensure cohesion with the character of the area.

Accordingly, it is considered the proposal would not have an adverse impact on the character of the area and would integrate successfully into the built environment. As such, the development represents a good quality design and layout, maximising the use of the space, which is in accordance with Core Strategy Policies SD1, LD1 and SS6.

Residential Amenity

Policy SD1 of the CS and the NPPF require proposals to safeguard and provide a good standard of residential amenity for existing and proposed residents.

With regards overlooking, this scheme seeks to ensure there would be no reduction in the existing levels of privacy the adjacent properties, with the single storey nature of the development and the maintaining and improvement of the boundary treatments, with some increasing in height to 1.8metres. The protection of residential amenity can be controlled in the future through the removal of the relevant permitted development rights for new openings and roof extensions.

Therefore, although it is acknowledged there could be some disruption to the area during the period of construction the proposal overall would not cause harm to the residential amenity of the adjacent properties. To help with residential amenity during the construction phase a condition will be added to restrict the working hours.

Highways

Policy MT1 of the CS and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 103 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 108 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.'(NPPF para. 109).

The proposed access joins the highway at the rear edge of a footway, where the visibility is poor onto Harold Street. However, the extant use of the site as 16 garages means that even though the garages may not be used to store vehicles they would be used to store other items which would result in people driving to and from them to pick up and drop off. It is likely that this extant use is generating, or has the potential to generate, more vehicles trips along the access road than the proposed single dwelling so it can be considered that the proposals offer nil detriment.

The parking provided to the front of the proposal is for 2 spaces measuring at least 2.4m x 4.8m per space. This element of the proposal is acceptable. There is no cycle parking indicated on the plans and therefore this will be conditioned.

With regard to the impacts on the road and the associated traffic as a result of a one dwelling scheme, this is not found to amount to a 'severe' level. This is reinforced through the lack of objection to the proposal from the Council's Highways Officer.

However, due to the narrow access from Harold Street to the site, the fire tender access for Building Regulations will need to be explored prior to development of the site, whilst not a planning reason for refusal, it may cause challenges in respect of Building Control.

Overall the proposal complies with CS policy MT1.

Ecology

Policies LD2 and LD3 of the Core Strategy are applicable in relation to ecology and the impact on trees. These state that development proposals should conserve, restore and enhance the biodiversity

and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.

From the information supplied, and images available there are no immediate ecology related concerns with this proposal. There are no ecological records of important or Protected Species immediately on or adjacent to the site. The applicant and their contractors have their own legal duty of care towards wildlife protection under UK Legislation that applies throughout any demolition and construction process. Any breach of this legal Duty of Care would be a criminal offence. In this instance this LPA has no reasonable cause to require further information as part of the planning application or include a specific ecology protection condition.

With the foregoing in mind, subject to recommended conditions being attached to any approval the proposal is found to be compliant with policies LD2 and LD3.

Drainage

Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).

The application form accompanying the submission states that foul water will be disposed of via the local mains sewer network, with surface water utilising soakaways on site, with Welsh Water confirming the acceptability of this scheme. With these methods aligning with the aims of policies SD3 and SD4, they are acceptable.

Therefore the proposal complies with CS Policies SD3 and SD4.

Conclusion

Both CS policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously.

The application is for housing and in the light of the housing land supply deficit must be considered against the test prescribed at NPPF paragraph 11 and CS Policy SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF when considered as a whole.

In assessing the location and proximity of the site within an established residential area, the siting of the proposed dwelling provides a transition between the various types of properties in the area. The design is acceptable and makes good use of the site that is currently underutilised and in need of improvement. The design has also taken into consideration the adjacent properties to ensure that there is no over shadowing nor overlooking thereby maintaining the residential amenity. The parking

and access is acceptable and will not cause a severe impact upon the local road network. I am content that the site accords with the policies of the Core Strategy.

While the comments within the representations are noted, having assessed the application against the relevant technical policies it is found to be compliant and acceptable.

RECOMMENDATION: **PERMIT** ☒ **REFUSE** ☐

CONDITION(S) & REASON(S):

(please note any variations to standard conditions)

1. C01
2. C06- 20770-1; 20770-3; 20770-2
3. CBK
4. CE6
5. C13
6. Prior to first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed installation within the site boundary or on other land under the applicant's control of 'permanent' bird nesting, hedgehog 'highway' movement corridors through any solid boundary features and pollinating insect breeding enhancements, should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.
Reason: Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.
7. All foul water shall discharge through a connection to the local Mains Sewer network (Hereford (Eign) WWTW) and surface water shall be managed through a soakaway system within the development boundary; unless otherwise agreed in writing by the Local Planning Authority
Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4
8. CAD (5m),
9. CAI (2 vehicles),
10. CB2
11. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network 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
12. Prior to the first occupation of the residential development hereby permitted a scheme to enable the charging of plug in and other ultra low emission vehicles (e.g provision of cabling and outside sockets) to serve the occupants of the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority.

Reason: To address the requirements policies in relation to climate change SS7 and SD1 of the Herefordshire Local Plan Core Strategy and the guidance contained within the National Planning Policy Framework.

Informatives

1. IP1

2. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special "protected species" such as Great Crested Newts, all Bat species, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained. No external or 'transmitted' lighting should illuminate any 'natural' boundary feature or increase night time sky illumination (DEFRA/NPPF Dark Skies Guidance 2019/2013).

3. The Applicants attention is drawn to Regulation B5 of the Building Regulations 2010 which provides the details for Fire Tender access to new dwellings and which will need to be met irrespective of the granting of planning permission.

Signed: *Gemma Webster* Dated: ...24/06/2021.....

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT ☒

REFUSE ☐

Signed:  Dated: 28 June 2021.....

Is any redaction required before publication? No